

15 Martha Eaton Way – Zoning By-law Amendment Application – Final Report

Date: August 20, 2020

To: Etobicoke York Community City Council

From: Director, Community Planning, Etobicoke York District

Ward: Ward 5 - York South-Weston

Planning Application Number: 17 278888 WET 12 OZ

SUMMARY

This application proposes to amend the relevant Zoning By-laws (former City of North York Zoning By-law No. 7625, as amended by Zoning By-law No. 30883, as well as City of Toronto Zoning By-law No. 569-2013), to permit an 11-storey (38.4 m in height, including mechanical penthouse) residential infill building containing 155 rental dwelling units while retaining the existing 23-storey apartment building containing 364 rental dwelling units. The proposed building would have a total gross floor area of 13,385 m², and when combined with the existing building's total gross floor area of 39,284 m², would result in an overall density of 3.46 times the area of the combined lots (52,669 m²). The proposed building would be located adjacent to Trethewey Drive, in an area that currently contains passive outdoor space, an outdoor pool and a small playground.

The proposal seeks to utilize the existing three-level underground parking garage, with 14 existing spaces being removed to facilitate the development. A resulting total of 416 below grade resident parking spaces are proposed for the site. An additional 8 surface visitor parking spaces would be added to the existing roadway loop, resulting in a total of 51 surface visitor parking spaces. In addition, 264 bicycle parking spaces would be located within the existing and proposed buildings.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with the Growth Plan for the Greater Golden Horseshoe (2019). The proposed development represents appropriate intensification that is massed to be compatible with the existing *Apartment Neighbourhoods* properties in the area. The proposal addresses the Official Plan Healthy Neighbourhoods, Built Form, Public Realm and Mixed-Use policies and the City's Avenues and Mid-Rise Buildings Study and Performance Standards.

This report reviews and recommends approval of the application to amend the Zoning By-laws subject to conditions before introducing the necessary Bills to City Council for enactment. Provided the conditions are fulfilled, staff are of the opinion the proposed development is appropriate in this location.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of North York Zoning By-law No. 7625, as amended by Zoning By-law No. 30883, for the lands at 15 Martha Eaton Way substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council amend City of Toronto Zoning By-law No. 569-2013 for the lands at 15 Martha Eaton Way 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* satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, such Agreement to be registered on title to the lands at 15 Martha Eaton Way, in a manner satisfactory to the City Solicitor to secure the following community benefits at the owner's expense:
 - a. A cash contribution of \$350,000.00 to be directed to "The Treasurer, City of Toronto" indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, for the following:
 - i. \$220,000.00 for improvements to North Park (located in Ward 5), including but not limited to a playground as well as improved park lighting and landscaping;
 - ii. \$100,000.00 for bicycle share stations, in close proximity to the subject site, as may be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
 - iii. \$30,000.00 towards capital improvements (including a commercial/teaching kitchen) to the Community Action Resource Centre (municipally known as 1652 Keele Street).
 - b. In the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
 - c. 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 continue to provide and maintain the existing 364 rental dwelling units at 15 Martha Eaton Way as rental housing, together with the new and retained associated facilities and amenities of the residential rental property, for a period of at least 20 years commencing from the date the Zoning By-law Amendments come into force and effect, with no applications for demolition or conversion from residential rental use during such 20-year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

ii. The owner shall provide tenants of the existing rental dwelling units on the lands with access to all indoor and outdoor amenities, within and adjacent to both the existing and proposed residential rental buildings, at no extra charge and with no pass-through of costs to the tenants, including by way of an application to the Landlord Tenant Board or any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario for the purpose of obtaining an increase in residential rent above the applicable guideline. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident on the subject lands.

iii. The owner shall provide, repair, operate and/or maintain, at its sole expense, improvements to the existing rental housing on the lands at 15 Martha Eaton Way, taking into account feedback obtained through the tenant survey, all to the satisfaction of the Chief Planner and Executive Director, City Planning. Such improvements shall include, but not be limited to, the following:

Prior to the first above-grade building permit:

a. Improvements to laundry facilities in the basement level of the existing residential rental building in accordance with the laundry room concept plans issued by Fay Soutanis Design Inc. on March 30, 2020. Any changes to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.

b. Improvements to security in the existing residential rental building and on the surrounding residential rental property, including:

i. Installation of 66 new security cameras within the stairwells of the existing residential rental building, as illustrated on the architectural plans edited by Justin Hawkings on July 6, 2020. Any changes to the number and/or location of the new security cameras shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;

ii. Installation of 42 new outdoor LED lamps in the existing parking lot and along the existing walkway surrounding the existing residential rental building, as illustrated in the outdoor lighting layout plans issued by All Professional Trades Inc. on August 23, 2019. Any changes to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning; and

iii. Improvements to the lobby area of the existing rental apartment building, including new lighting fixtures, new tile flooring and a new television monitor.

Prior to the occupancy of any new residential units:

c. A new programmed outdoor amenity area with new outdoor barbeque/cooking facilities and new outdoor seating, as illustrated in the landscape plans issued by STUDIO TLA Landscape Architects on July 5, 2019. Any changes to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.

d. An active outdoor recreational playground and aquatic splash pad, as illustrated in the landscape plans issued by STUDIO TLA Landscape Architects on July 5, 2019. Any changes to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.

e. The costs of the improvements to the existing residential rental building and associated spaces within and outside the building, as described above, shall not be passed on to the tenants of the building in any form, including by way of an application to the Landlord Tenant Board or any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario for the purposes of obtaining an increase in residential rent above the applicable guideline.

f. The owner shall develop a construction mitigation plan and tenant communications strategy so that all existing tenants would have limited impact from the proposed development on the site.

iv. The owner shall construct and maintain the development in accordance with Tier 2 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Management Committee, and as may be further amended by City Council from time to time.

v. The owner, at its own expense, to design and reconstruct a minimum 2.1 m wide sidewalk, and a secondary municipal sidewalk (a minimum 1.8 m wide) along the Trethewey Drive frontage.

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.

DECISION HISTORY

Decisions Pertaining to the Existing Apartment Building

The existing development was approved as a three apartment building complex by the former City of North York City Council on September 8, 1970 by way of site-specific Zoning By-law No. 23386 that amended the former City of North York Zoning By-law No. 7625.

Zoning By-law No. 23386 rezoned the entire development from One Family Detached Fourth Density Zone (R4) to the current RM6 zone, permitting the construction of three apartment buildings. The three apartment building sites have since been severed into separate parcels. Zoning By-law No. 27648 was enacted in January 1980 to allow for commercial uses (retail store, barber shop, beauty parlor and dry cleaning and laundry collecting establishment) in the recreation centre.

Zoning By-law No. 30883 repealed Zoning By-laws No. 23386 and No. 27648 in 1989 increasing the permitted number of units as well as rezoning the southern portion of the site from RM6 to C2. The permitted lot coverage was increased by Zoning By-law No. 30883, which was then amended by Zoning By-law No. 31219 (in May 1990) replacing Schedule 'A' and Schedule 'B' with more detailed Schedules outlining building (including yard) setbacks for the three apartment buildings.

Proceedings of the Subject Application

A pre-application meeting was held with the applicant in January 2017, to discuss complete application submission requirements and to identify issues with the proposal. One of the key issues identified was the sites' location within the 'Ravine and Natural Feature Protection By-law' area and the Toronto and Region Conservation Authority (TRCA) Regulation Limit. A subsequent meeting was arranged on February 14, 2017 with TRCA and Toronto Urban Forestry staff where it was confirmed that there would be no requirement for an Environmental Impact Study given the existing urbanized context of the site. Additional comments were provided related to the building height and mass and its relationship to the existing buildings on the lands.

The application was submitted on December 22, 2017. A notice of complete application was issued on January 22, 2018. A Preliminary Report on the application was adopted by Etobicoke York Community City Council on March 13, 2018 authorizing staff to conduct a community consultation meeting. A copy of the Preliminary Report can be found here:

<https://www.toronto.ca/legdocs/mmis/2018/ey/bgrd/backgroundfile-113173.pdf>.

PROPOSAL

This application seeks to amend the Zoning By-laws to permit a residential infill development on this 15,234 m² site (municipally known as 15 Martha Eaton Way) with an 11-storey (38.4 m in height, including mechanical penthouse) mid-rise apartment building having a total of 155 rental dwelling units, including grade-related units. This proposed building would have a total gross floor area of approximately 13,385 m², which would represent a Floor Space Index of 0.88 times the area of the lot.

The site currently contains a 23-storey 'tower in the park' style rental apartment building which is surrounded by landscaped open space and located near the centre of the property. This existing building has 364 rental dwelling units and a total gross floor area of approximately 39,284 m², which represents a Floor Space Index of 2.58 times the area of the lot. This existing building includes: 1 bachelor unit; 90 one-bedroom units (25%), 135 two-bedroom units (37%) and 138 three-bedroom units (38%).

Overall, the combined total gross floor area for the site would be 52,669 m², which would represent a Floor Space Index of 3.46 times the area of the lot.

The original proposal contemplated an 8-storey building (28.5 m in height, including mechanical penthouse). The revised proposal includes a 6 and 7-storey (20.36 m and 23.46 m in height, respectively) base building, stepping up to 11-storeys (32.85 m in height) on the west portion of the proposed building. This proposal would provide a total of 155 rental dwelling units including: 62 one-bedroom units (40%), 74 two-bedroom units (48%), and 19 three-bedroom units (12%). Combined with the existing 364 rental dwelling units on this site, a total of 519 rental dwelling units would be provided. It should be noted that of the 155 rental units, 9 grade-related units would be setback approximately 1.0 to 1.2 m from the secondary sidewalk (that would extend along the Trethewey Drive (south) property line).

The site is accessed via a private driveway from Trethewey Drive, which leads to the main pedestrian entrance and vehicular pick-up/drop-off area on the northwest corner of the existing building. Beyond the entrance, to the north, is an access path which leads to the surface visitor parking area (located at the rear of the building) as well as to a three-level underground parking garage accessed by a ramp. Garbage and loading areas are also located to the rear of this existing apartment building, adjacent to the surface parking area.

The proposed building would also have vehicular access directly from Trethewey Drive via the existing private driveway. A total of 467 vehicular parking spaces are proposed for the site. The proposal seeks to utilize the existing three-level underground parking garage, resulting in a total of 416 below grade vehicular parking spaces. An additional 8 surface visitor parking spaces would be added to the existing roadway loop, resulting in a total of 51 surface parking spaces. Further, of the 467 vehicular parking spaces, a total of 12 accessible parking spaces would be provided. In addition, one loading bay would be situated on the northwest corner of the proposed building and accessed from the existing driveway. There is currently no provision for bicycle parking on the site, however, 264 bicycle parking spaces are proposed, of which 63 spaces would be provided at-grade and the remaining 201 spaces would be provided on the first level of the underground parking garage. The vehicular and bicycle parking spaces would be shared by the existing and new tenants.

The proposed building would be located fronting Trethewey Drive and on an area of the site that currently contains passive outdoor amenity space, an outdoor pool and a small playground. The remaining outdoor amenity space would be reconfigured to include a new playground, communal BBQ area, patio, dog off-leash area, as well as passive outdoor amenity areas. The revised proposal includes 634 m² of indoor amenity space and 518 m² of outdoor amenity space, of which 218 m² would be located on the rooftop

terrace of the 8th level. The existing building contains 408 m² of indoor amenity space and 853 m² of outdoor space, which equates to a total of 1,261 m². Overall, a total of 2,414 m² of amenity space would be provided for the combined 364 rental dwelling units, which would be shared by the existing and new tenants.

See Attachment 1: Application Data Sheet; Attachment 7: Site Plan and Attachments 8-11: Elevations.

Site and Surrounding Area

The site is located 250 m northwest of the intersection of Trethewey Drive and Black Creek Drive and is an irregularly shaped lot with a total area of approximately 15,234 m² (see Attachment 2: Location Map). The site has a frontage of approximately 93 m along Trethewey Drive, with a depth of 170 m along the northern limits fronting Martha Eaton Way and a depth of 83 m along the southern limits which abuts a commercial plaza (municipally known as 500-510 Trethewey Drive).

The site currently contains a 23-storey apartment building which forms part of a complex of three similar 'Y-shaped' buildings that were constructed in the late 1970's. This existing building has a total of 364 rental dwelling units and is set back approximately 42 m from Trethewey Drive. Landscape open space, including an outdoor swimming pool, small play area and pedestrian walkways, currently exists between this building and Trethewey Drive. There is also a small stand of trees alongside a landscaped berm with shrubbery in this area.

The surrounding land uses include:

North: Two similar 23-storey apartment buildings (municipally known as 10 and 25 Martha Eaton Way) which formed part of the original apartment complex constructed in the late 1970's. These are currently under separate ownership.

South: A one-storey retail plaza (containing a variety of retail, restaurant and service commercial uses) with surface parking (municipally known as 500-510 Trethewey Drive).

East: Black Creek valley which contains Black Creek Drive and a large naturalized area that includes Trethewey Park East and the Westview Greenbelt.

West: The Weston Road/Junction Employment District, comprised of a mix of primarily light industrial and commercial uses.

APPLICATION BACKGROUND

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 is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 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".

The Growth Plan for the Greater Golden Horseshoe (2019)

The 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.

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.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its Official Plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

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

Toronto Official Plan and Official Plan Policies

The property is designated *Apartment Neighbourhoods* on Map 14 – Land Use Map in the Official Plan. Section 4.2 of the Official Plan contains the policies in relation to *Apartment Neighbourhoods*. Within Policy 4.2.1, it outlines that *Apartment*

Neighbourhoods are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents.

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

Chapter 2: Shaping the City
Chapter 3: Building a Successful City
Chapter 4: Land Use Designations

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

Chapter 2 - Shaping the City

Section 2.1 Building a More Liveable Urban Region:

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.

Section 2.3.1 Healthy Neighbourhoods:

Policy 2.3.1.2 states that *Apartment Neighbourhoods* are residential areas with taller buildings and higher density than *Neighbourhoods* and are considered to be physically stable. While *Apartment Neighbourhoods* are not areas of significant growth on a city-wide basis, there are sites containing one or more existing apartment building(s) where compatible infill development may take place. This compatible infill development may take place where there is sufficient space on a site to accommodate additional buildings or building additions while providing a good quality of life for both new and existing residents and improving site conditions by maintaining or substantially replacing and improving indoor and outdoor amenity space; improving landscaped open space; maintaining adequate sunlight and privacy for residential units; and adequately limiting shadowing on outdoor amenity space and landscaped open space.

Chapter 3 - Building a Successful City

This chapter contains principles to guide growth by integrating social, economic and environmental perspectives in decision making to create complete communities.

Section 3.1.1 The Public Realm:

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

Policy 3.1.1.6 states that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians.

Policy 3.1.1.14 states that design measures which promote pedestrian safety and security will be applied to streetscapes, parks, other public and private open spaces, and all new and renovated buildings.

Section 3.1.2 Built Form:

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

New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide ground floor uses that have views into and access from the streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

In addition to the policies identified above, new development will also be massed to define the edge of streets, parks and open spaces to ensure adequate access to sky views for the proposed and future uses. New development will provide public amenity, and enhance the public realm through improvements to adjacent boulevards and sidewalks through tree plantings. Policy 3.1.2.5 states that new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing:

- a) Improvements to adjacent boulevards and sidewalks respecting sustainable design elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities;
- b) Co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realms;
- c) Weather protection such as canopies and awnings;
- d) Landscaped open space within the development site;
- e) Landscaped edges of surface parking lots along streets, parks and open spaces to define the street edge and visually screen the parked auto; and
- f) Public art, where the developer agrees to provide this, to make the building and its open spaces more attractive and interesting.

Further, Policy 3.1.2.6 states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. Each resident of such development will have access to outdoor amenity

spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

Section 3.2.1 Housing:

The Official Plan states that current and future residents must be able to access and maintain adequate, affordable and appropriate housing. The City's quality of life, economic competitiveness, social cohesion, as well as its balance and diversity depend on it. Addressing many of the City's housing challenges will require working in partnership with the other levels of government as well as private and non-profit sectors. The City must be positioned to take advantage of key opportunities to encourage new affordable and social housing production.

Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents.

Policy 3.2.1.2 states that the existing stock of housing will be maintained, improved and replenished. The City will encourage the renovation and retrofitting of older residential apartment buildings. New housing supply will be encouraged through intensification and infill that is consistent with the Plan.

Policy 3.2.1.3 states that investment in new rental housing, particularly affordable rental housing, will be encouraged by a co-ordinated effort from all levels of government through implementation of a range of strategies.

Policy 3.2.1.5 states that significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development will secure:

- a) The existing rental housing units which have affordable rents and mid-range rents; and
- b) Any needed improvements and renovations to the existing rental housing, in accordance with and subject to Section 5.1.1 of the Plan, without pass-through of such costs in the rents to tenants.

Chapter 4 – Land Use Designations

The subject lands are designated *Apartment Neighbourhoods* on Map 14 of the Official Plan (see Attachment 3: Official Plan Land Use Map).

Policy 4.2.2 outlines the development criteria within *Apartment Neighbourhoods*, including the location and massing of new buildings, which should provide a transition between areas of different development intensity and scale, with adequate setbacks, and having minimal shadow impacts on properties in adjacent lower-scale *Neighbourhoods*. The Policy further outlines that new buildings should frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. There should be sufficient off-street motor vehicle and bicycle parking for residents and visitors as well as the provision of appropriate indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Policy 4.3.3 specifies that significant growth is generally not intended within developed *Apartment Neighbourhoods*. However, the Policy does state that compatible infill development may be permitted on a site containing an existing apartment building that has sufficient underutilized space to accommodate both developments. Infill development must meet the development criteria outlined in Policy 4.2.2 in addition to providing adequate levels of residential amenity and providing existing residents with access to community benefits. Any infill development is required to maintain adequate sunlight, privacy and landscaped open space and preserve or replace important landscape features or on-site recreational features. Adequate parking and loading should be provided and consolidated with the existing development.

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

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support City Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhoods* sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent City Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here: www.toronto.ca/OPreview/neighbourhoods.

In addition, OPA 320 adds new criteria to existing Healthy Neighbourhoods policy 2.3.1.2 in order to improve the compatibility of new developments located adjacent and close to *Neighbourhoods* and in *Mixed Use Areas*, *Apartment Neighbourhoods* and *Regeneration Areas*. The new criteria address aspects in new development such as amenity and service areas, lighting and parking.

The outcome of the analysis and review of relevant Official Plan policies is summarized in the Comments section of this report.

Zoning

The site is zoned Multiple Family Dwellings Sixth Density Zone (RM6) by former City of North York Zoning By-law No. 7625, as amended. This site is also subject to Site Specific Zoning By-law No. 30883. This by-law repealed both By-law No. 23386 and By-law No. 27648, permitting a maximum of 1,001 apartment house dwellings on the wider RM6 area, which includes the two adjacent apartment buildings. Furthermore, this By-law also requires landscaping equal to 80% of the lot area; lot coverage to a maximum

of 8.2%; a maximum building height of 23-storeys, and a maximum combined gross floor area of 11,750 m².

The site is zoned Residential Apartment Commercial (RAC f30.0; a1375 (x178)) under City-Wide Zoning By-law No. 569-2013, as amended (see Attachment 4: Existing Zoning By-law Map). Under this zoning category, apartment buildings are a permitted use. The site is subject to By-law Exception RAC 178 whereby it is governed by the prevailing former City of North York Site Specific Zoning By-law No. 30883. Buildings within the RAC zone would be limited to a maximum building height of 24 m.

Avenues and Mid-Rise Buildings Study and Performance Standards

City Council adopted the Avenues and Mid-Rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to *Neighbourhoods* and *Parks and Open Space Areas* and corner sites. The link to the Guidelines can be found 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 can be found 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>.

Growing Up: Planning for Children in New Vertical Communities

In July 2017, Toronto City Council adopted the 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. 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.

Site Plan Control

The proposed development is subject to Site Plan Control. An application in this regard has yet to be submitted.

Reasons for the Application

An amendment to City of Toronto Zoning By-law No. 569-2013, as amended, and the former City of North York Zoning By-law No. 7625, as amended (Site Specific By-law No. 30883), is required to permit the proposed increase in permitted height and density,

lot coverage, amenity space provision, and revise other development standards as necessary to reflect the development proposal.

Application Submission

A complete application was submitted on December 22, 2017. A Notification of Complete Application was issued on January 22, 2018.

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

Planning and Urban Design Rationale;
Functional Servicing and Stormwater Management Report;
Geotechnical Investigation;
Hydrogeological Assessment;
Guelph Permeameter (GP) Infiltration Testing;
Transportation Impact Study;
Tree Inventory and Preservation Plan Report;
Pedestrian Level Wind Study;
Shadow Study and Shadow Analysis; and
Toronto Green Development Standard Checklist and Statistics.

The above reports/studies can all be found here:

<http://app.toronto.ca/AIC/index.do?folderRsn=9Py3i1zXjviZVk9HpLghJQ%3D%3D>

Agency Circulation

The application, together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

Community Consultation

Planning staff, in consultation with the former Ward Councillor, hosted a community consultation meeting on May 1, 2018 at Brookhaven Public School to present/discuss the development application. Approximately 10 members of the public attended along with staff from the Councillor's office, the applicant, their consulting team and City staff. Planning staff presented the policy framework and an overview of the application. The applicant provided further details on the proposal and its planning rationale. The main issues raised at this meeting include:

- The type, size and mix of units within the proposed building, and the opportunity for more three-bedroom units as well as subsidized housing;
- Ensuring adequate underground ramp access, vehicular parking for visitors, and safety measures for the underground parking garage; and
- Ensuring adequate open space, outdoor amenity space and an off-leash dog area.

A tenant meeting was held on June 6, 2019 at 15 Martha Eaton Way (in the party room). City staff and the applicant's consulting team consulted with the tenants to identify any improvements and renovations to the existing building that could be secured through a legal agreement between the owner and the City. Online survey results were also received between June 6 and June 18, 2019. Due to low response rates, a second tenant survey was completed in-person. This survey was administered between January 6 and 16, 2020. City staff received the survey responses on January 24, 2020.

Planning staff, in consultation with the current Ward Councillor, hosted an additional tenant meeting on November 25, 2019 at 12 Division Police Station to present/discuss the revised development application. Approximately 20 members of the public attended along with staff from the Councillor's office, the applicant, their consulting team and City staff. The main issue raised at this meeting was the lack of improvements and renovations to individual dwelling units and common areas (particularly the laundry room and the party room) in the existing building.

An additional community consultation meeting was held on December 9, 2019 at the Greek Orthodox Church of Saints Constantine & Helen. Approximately 45 members of the public attended. The issues raised at this meeting were similar to the concerns raised at the previous meetings.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2019). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Application Background section of this report.

Policy documents including the PPS, the Growth Plan and the City's Official Plan must be read in their entirety and relevant policies must be applied to each situation. Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan.

Section 2 of the *Planning Act* requires municipalities to have regard for matters of provincial interest, including: (j) the adequate provision of a full range of housing, including affordable housing; (p) the appropriate location of growth and development; (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and (r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant. The proposed development does have regard to relevant matters of Provincial interest in Section 2 of the *Planning Act*.

The PPS (2020) requires provisions 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 effectively use land, resources, infrastructure and public services, and support the use of public transit.

Section 1.1 of the PPS, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, promotes healthy, liveable and safe communities by supporting efficient development and land use patterns, accommodating an appropriate range and mix of residential, employment and other uses to meet long-term needs, promoting cost-effective development patterns and standards to minimize land consumption and servicing costs and promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate. This proposal would result in a variety of residential unit types (ranging from one to three bedroom units) within a rental apartment building that uses existing services within an existing built-up area, and represents an efficient land use pattern that minimizes land consumption.

Policy 1.4.3 states planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market* area by: (a) establishing and implementing minimum targets for the provision of housing which is *affordable* to *low* and *moderate income households*. This proposal would result in retaining the existing 364 rental housing units as well as securing an additional 155 rental housing units.

Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation. The proposal is consistent with the PPS in this regard, as the proposed land use and density results in a built form that supports an efficient use of land and existing transit infrastructure.

The Growth Plan contains policies directing how land is to be developed, resources are to be managed and protected, and public dollars are to be invested. Sections 1.2.1 and 2.2.1 direct municipalities to support the creation of complete communities that provide: a diverse range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; to develop mixed use, transit-supportive, pedestrian-friendly urban environments; and to plan for more resilient, low carbon communities. The proposal conforms to the Growth Plan (2019) which states that population growth will be accommodated by directing new growth to built up areas of the community through intensification and making efficient use of land and existing services and infrastructure, including proximity to public and active transportation.

Land Use

This application has been reviewed against the Official Plan policies, including OPA 320, and planning studies and design guidelines described in the Application Background section of this report.

The subject lands are designated *Apartment Neighbourhoods* in the Official Plan. Planning staff are of the opinion that the development proposal conforms to this land use designation and the associated development criteria.

Density, Height and Massing

This application has been reviewed against the Official Plan policies and design guidelines described in the Application Background section of this report.

The proposed development would have a total gross floor area of 13,385 m². The proposed floor area represents a Floor Space Index of 0.88 times the area of the lot. The proposed built form and massing of the new building is designed to ensure the increase in density on the site would be deployed in a sensitive and appropriate manner. The proposed transition in heights, shallow building depths, generous setbacks and separation distances, achieves this purpose. It should be noted that Planning staff identified concerns with the original proposed built form with respect to scale, setbacks and stepbacks as well as separation distances between the existing building and the new building. These concerns were addressed throughout the current proposal.

The revised proposal would have a total building height of 38.4 m (including the mechanical penthouse) with a reduced floorplate on the 7th level and further reduced floorplates stepping from the 8th level to the 11th level.

The proposed building, particularly the grade-related units, would be setback approximately 1.0 to 1.2 m from the secondary sidewalk (that would extend along the Trethewey Drive (south) property line), resulting in an overall setback of 11.2 to 23.7 m between the proposed building and the curb of this public street (the Trethewey Drive right-of-way is irregularly shaped). The proposed building would be setback 19.8 m to 20.5 m from the east property line, in order to accommodate outdoor amenity space, and setback 15.8 m from the west property line, in order to accommodate the private driveway and pedestrian access. Further, the proposed building would have a separation distance of 17.9 m to 19.6 m from the existing building to the north. It should be noted that the original proposal included a separation distance of only 16 m and a setback of 10.7 m from the east property line.

Staff are of the opinion there is an opportunity for redevelopment of this site that would accommodate an appropriately scaled, modest built form that would enhance the existing neighbourhood. As such, staff are recommending the requested Zoning By-law Amendments be approved.

Sun, Shadow and Wind

Section 4.2, Policy 2.c) of the Official Plan states that development within *Apartment Neighbourhoods* should be located and massed 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.

The applicant submitted a Shadow Study prepared by Bousfields Inc. dated September 2018, as well as a Shadow Analysis prepared by Turner Fleischer Architects Inc. dated

September 6, 2019, illustrating the incremental shadow impacts on the site. Planning staff have assessed the proposed development in terms of the incremental shadow impacts resulting from the proposed 11-storey building and are of the opinion that it would adequately limit shadows on the site. The proposal would achieve 5 hours of continuous sunlight, within the at-grade outdoor amenity area, in June from 9:18 a.m. to 3:18 p.m. Overall, the projected shadow impacts would be acceptable.

The applicant also submitted a Pedestrian Level Wind Study prepared by Gradient Wind Engineering Inc. dated December 1, 2017 and one addendum dated June 19, 2019 to reflect revisions to the proposal. The following has been identified:

- Wind conditions along public sidewalks, walkways, landscaped areas, the surface parking lot, the residential lobby entrance as well as secondary access points and service entrances are expected to be suitable for the anticipated uses throughout the year, without the requirement for mitigation measures.
- At grade outdoor amenity areas and the off-leash dog area would be exposed to windier conditions, particularly along the north elevation of the new building and between the northeast side of the new building and the existing building. Dense coniferous plantings would be an appropriate mitigation measure in these areas.
- Elevated outdoor amenity areas (Level 8 and rooftop terrace) are expected to be suitable for the anticipated uses throughout the year. To ensure wind conditions are suitable for longer sitting activities on the rooftop terrace, it is recommended that the surrounding perimeter guard should be raised to 1.8 m above the walking surface.

Planning staff are satisfied with the wind conditions that would result from the proposed development, subject to further assessment during the site plan review process, should this application be approved.

Traffic Impact, Site Access, Circulation and Parking

The applicant submitted a Transportation Impact Study prepared by WSP Canada dated December 19, 2017 and two Transportation Response to Comments letters dated September 12, 2018 and September 6, 2019.

The site is currently served by a full movement driveway from Trethewey Drive. This driveway would accommodate: access to the existing surface parking lot; passenger pick-up and drop-off functions; an entrance to the proposed underground parking garage; and access to the loading spaces. It should be noted that no vehicular or pedestrian access would be provided to Martha Eaton Way.

This study concluded that the "site-generated" vehicular traffic from the 155 unit proposal would generate approximately 55 and 54 new two-way trips during the weekday morning and weekday afternoon peak hours. The site trips were calculated based on the existing inbound and outbound traffic from the apartment complex at 15 Marth Eaton Way. Transportation Services staff accept the methodology used to develop these trip rates and concur the proposal can be adequately accommodated on

the local area road network. It should be noted that no mitigation measures are required.

The proposal would provide a total of 155 rental dwelling units combined with the existing 364 rental dwelling units on this site, for a total of 519 rental dwelling units.

The proposed parking spaces should be provided at the following minimum ratios:

- 519 units at 0.86 vehicular parking spaces per rental unit for residents = 446
- 519 units at 0.10 vehicular parking spaces per rental unit for visitors = 52

However, the applicant is proposing a total of 468 parking spaces (416 spaces for residents and 52 for resident visitor) within a three-level underground parking garage and an at-grade parking lot, that would be shared between the existing and new residents. The applicant is proposing car share spaces for the shortfall in vehicular parking spaces (one car share parking space can replace four residential parking spaces for every 60 rental units). In addition, the applicant is proposing one Type 'G' loading space, to service the development, measuring a minimum of 13 m long, 4 m wide, and having a vertical clearance of 6.1 m.

Further, there is currently no provision for bicycle parking on the site, however, the Toronto Green Standard and City of Toronto Zoning By-law No. 569-2013 require bicycle parking, in accordance with the following, for the new building:

- Residential occupant parking (long-term) = 155 units at 0.9 spaces per unit = 140
- Residential visitor parking (short-term) = 155 units at 0.10 spaces per unit = 16
- Total bicycle parking required for the new building = 156 spaces

The information submitted by the applicant indicates a total of 264 bicycle parking spaces would be provided (201 spaces on the first level of the underground parking garage and 63 spaces at-grade). It should be noted these bicycle parking spaces would be shared between the existing and new tenants.

Overall, Transportation Services staff concur with the proposed vehicular/bicycle parking and loading supply. The Draft Zoning By-law Amendments, included as Attachments 5 and 6 to this report, incorporate these vehicular/bicycle parking and loading space requirements.

The final detailed review of the underground parking layout and the configuration of the loading spaces, as well as appropriate truck circulation supporting this configuration, would be secured through the site plan review process, should this application be approved.

Road Widening and Public Sidewalks

In order to satisfy the Official Plan requirement of a 33 m right-of-way for this segment of Trethewey Drive, a triangular road widening dedication (approximately 3.4 m wide by 35 m long) along a portion of the Trethewey Drive frontage of the subject site is required. It should be noted that the precise dimensions would be confirmed once a

land survey is completed. The applicant would be required to convey this triangular shaped conveyance (located at the southeast corner of the site) through the site plan review process, should this application be approved. The current proposal has been designed to reflect this future conveyance.

A municipal sidewalk currently extends along the Trethewey Drive frontage. The owner would be required to design and reconstruct, at their own expense, a new public sidewalk along the Trethewey Drive frontage measuring a minimum of 2.1 m wide. In addition, the owner would be required to design and construct a secondary public sidewalk along the Trethewey Drive frontage, that is proposed to serve the ground floor units. This secondary public sidewalk must measure a minimum of 1.8 m wide. It should be noted that any physical or landscaping features that may be proposed within the municipal right-of-way are subject to the requirements of Chapter 743 of the Toronto Municipal Code. Depending on the type of encroachment(s), as specified in Article IV of Chapter 743, an encroachment agreement with the City of Toronto as well as City Council approval, would be required.

It is recommended that City Council require the owner enter into a Section 37 Agreement as a legal convenience to secure the obligation to design and construct a 2.1 m wide public sidewalk and a secondary municipal sidewalk (a minimum 1.8 m wide) along the Trethewey Drive frontage. Further, the final design of these public sidewalks would be secured through the site plan review process, should this application be approved.

TTC

TTC staff have reviewed the revised plans and advise that TTC stop #3140 will be removed and consolidated with stop #3132. As a result, this stop will no longer be located fronting the subject site.

Servicing

Engineering and Construction Services staff reviewed a Functional Servicing and Stormwater Management Report prepared by Husson Engineering + Management dated December 2017 and one addendum dated September 2019, which was submitted in support of the revised application. Staff are now satisfied that the municipal water, sanitary and storm sewer systems can support the proposed development. The detailed Stormwater Management, Site Servicing and Grading Plans would be secured through the site plan review process, should this application be approved.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The application proposes a total gross floor area of 13,385 m² and 155 rental dwelling units on a site area of approximately 15,234 m². This proposal is subject to a cap of 15% parkland dedication. Parks, Forestry and Recreation staff recommend the owner be required to satisfy this parkland dedication requirement through cash-in-lieu. The value of the cash-in-lieu of parkland dedication would be appraised through Real Estate Services. The appraisal would be conducted upon the submission of an application for the first above grade building permit and would be valid for six (6) months. Payment would be required prior to the issuance of this above grade building permit.

It should be noted that in the event the owner acquires additional land which increases the total area of the development site, Parks, Forestry and Recreation staff reserve the right to modify the above requirements in order to request an on-site parkland dedication where such dedication would result in a functional public park.

Ravine Protection

The site is subject to the provisions of the City of Toronto Municipal Code Chapter 658 – Ravine & Natural Feature Protection. City staff have reviewed the application and subject to obtaining demolition permits and providing security deposits to secure plantings (at least 38 trees) and tree protection, staff have no objections to the approval of the proposed Zoning By-law Amendment.

In addition, the site is located within a Toronto and Region Conservation Authority (TRCA) Regulated Area of the Humber River watershed. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shoreline and Watercourse Regulation), a permit is required from the TRCA prior to any development occurring on the site. Further, the site is located within a valley corridor which was historically modified, however, the proposed building would not be located close to this natural heritage feature. TRCA staff have no objections to the approval of the proposed Zoning By-law Amendment. TRCA staff would review detailed design, including plantings and erosion and sediment controls, through the site plan review process, should this application be approved.

Landscape Open Space and Amenity Space

As noted previously, the proposed residential development would incorporate 634 m² of indoor amenity space and 519 m² of outdoor amenity space which is more than 2 m² of indoor and 2 m² of outdoor amenity space for each proposed rental dwelling unit. As well, the indoor and outdoor amenity areas would be located and designed to provide direct access between these areas as well as on rooftop terraces. In addition to this indoor and outdoor amenity space, rooftop green space would equal a total of 512 m² in area. It should be noted that the proposed amenity space would be shared between the existing and new tenants.

The residential amenity space is appropriate and the proposal exceeds the 4 m² per unit requirement (2 m² of indoor and 2 m² of outdoor amenity space for each proposed rental dwelling unit) is included in the proposed Draft Zoning By-law Amendments included as Attachments 5 and 6 to this report.

The final design of the indoor and outdoor amenity space would be secured through the site plan review process, should this application be approved.

Tree Preservation

City of Toronto By-laws provide for the protection of trees situated on both private and City property. Urban Forestry staff reviewed the application with respect to the City Street Tree By-law and the Private Tree By-law, Municipal Code Chapter 813, Trees, Articles II and III.

A Tree Inventory and Preservation Plan Report prepared by Kuntz Forestry Consulting Inc. dated September 8, 2017 and two addendums dated July 26, 2018 and August 27, 2018, was submitted in support of the revised application. This report indicates that the proposed development would preserve twelve (12) trees and would require removal of one (1) tree, all located on the Trethewey Drive road allowance. The owner has been advised that Urban Forestry staff will require a Tree Protection Security deposit (amount to be determined) to ensure protection for the trees throughout the construction period. In addition, Urban Forestry staff will require a Tree Removal/Injury Permit (issued by the General Manager of Parks, Forestry and Recreation) provided that building and/or demolition permits have been obtained and the permitted construction and/or demolition related activities associated with this proposal warrant the removal of or injury to this one (1) tree.

The Landscape Layout Plan shows fourteen (14) new trees proposed within the Trethewey Drive road allowance as well as thirty-five (35) new trees on the subject site. Urban Forestry staff confirm this plan is acceptable. Urban Forestry staff will require a Tree Planting Security (\$583 per tree) for the 14 new street trees, in order to ensure the planting and survival of these trees on the City road allowance.

The requirements listed above as well as the number and location of trees on-site, including the illustration of a sufficient number of proposed trees to meet the Toronto Green Standard (TGS) requirements, would be finalized through the site plan review process, should this application be approved.

Toronto Green Standard

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

The applicant is required to meet Tier 1 of the TGS. The applicant is volunteering to meet Tier 2 of the TGS. Performance measures for the Tier 2 development features have been secured through the Zoning By-law process by ensuring there is adequate vehicle parking and cycling infrastructure on the site alongside provision for the storage and collection of recycling and organic waste.

Other applicable TGS performance measures would be secured through the site plan review process, should this application be approved.

School Boards

Toronto District School Board (TDSB) staff advise there currently is sufficient space at the local schools to accommodate students that are anticipated from this development and others in the area. These local schools include Brookhaven Public School, Amesbury Middle School and Weston Collegiate Institute. The impact from this development is insufficient to require any warning clauses, which would normally be requested, however, the Board reserves the right to change this status at any time without further notice. If the status is to change, such measures could be secured through the site plan review process.

Toronto Catholic School Board (TCSB) staff have not provided comments regarding the proposed development.

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.

A Community Services and Facilities (CS&F) Study (Appendix C of the Planning Rationale) prepared by Bousfields dated December 2017, was submitted in support of the application and was reviewed by staff from the City's Community Policy Unit. With regards to CS&F priorities in the area, staff identified for consideration, financial contributions towards capital improvements (including a commercial/teaching kitchen) to the Community Action Resource Centre (municipally known as 1652 Keele Street), to be secured as part of a Section 37 Agreement.

Housing Issues

Policy 3.2.1.5 of the Toronto Official Plan states that "significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development:

a) Will secure a rental housing and the existing rental housing units which have affordable rent and mid-range rents; and

b) Should secure needed improvements and renovations to the existing rental housing to extend the life of the building(s) that are to remain and to improve amenities, without pass-through of costs to tenants. These improvements and renovations should be a City priority under Section 5.1.1 of this Plan where no alternative programs are in place to offer financial assistance for this work".

The proposal is consistent with the housing objectives of the Official Plan, as it will result in new purpose-built rental housing supply through appropriate residential intensification and infill, while retaining and improving the existing rental housing.

City Planning's Housing Policy staff reviewed a Housing Issues Report (Appendix B of the Planning Rationale) prepared by Bousfields dated December 2017 which confirms that all existing 364 rental dwelling units on the site have either affordable rents (251 units) or mid-range rents (113 units), and that all units would be maintained as rental housing for a period of at least 20 years in accordance with Policy 3.2.1.5.(a). This will be secured through the Section 37 Agreement as a legal convenience and as part as the Site Specific Zoning By-laws.

A tenant survey was conducted to identify needed improvements to the existing rental housing in order to satisfy Policy 3.2.1.5(b). Rental housing improvements should be capital in nature and extend beyond repairs which form part of regular building maintenance. The applicant proposes to undertake the following improvements, without pass-through of costs to tenants, as informed by the results of the tenant survey:

Prior to the first above-grade building permit for the new building:

- Completely renovated laundry facilities in the basement level of the existing rental building, including: 19 new washing machines; 9 sets of new stackable drying machines (total of 18 new drying machines); a new folding table with integrated seating and a new sink and counter; a new television monitor; new lighting fixtures and new floor, wall and ceiling tiling;
- Improvements to security in the existing rental building and on the surrounding property, including: installation of 66 new security cameras in the stairwells of the existing rental building as well as installation of 42 new outdoor LED lamps in the existing parking lot and along the existing walkway surrounding the existing rental building; and
- Improvements to the lobby area of the existing rental building, including new lighting fixtures, new floor tiling and a new television monitor.

Prior to the occupancy of any rental residential units in the new building:

- Provision of a new programmed outdoor amenity area with new outdoor barbeque/cooking facilities and new outdoor seating; and
- Construction of new active outdoor recreational playground and aquatic splash pad for children.

As part of the security improvements, the applicant has also proposed to replace the existing mobile patrol with on-site security (i.e. site supervisor/guard), seven nights per week (10:00 p.m. to 6:00 a.m.), although this improvement will be provided separately and not pursuant to Policy 3.2.1.5(b) as it is not a capital facility.

In addition, in order to satisfy Policy 3.2.1.5(b), the applicant proposes to provide tenants of the existing rental building with access to the new indoor and outdoor amenity space (including rooftop amenity space) as well as enhanced landscaping treatments on the site. The Housing Issues Report confirms that the costs associated to the proposed improvements would not be incurred by existing tenants through rent increases.

Further, the owner will be required to develop a construction mitigation plan and tenant communications strategy so that existing tenants will experience limited impact from the proposed development.

City staff will work with the applicant to ensure that the rental housing/security improvements, access to all indoor and outdoor amenities (within and adjacent to both the existing and proposed rental buildings for existing tenants), as well as the development of a construction mitigation plan and tenant communications strategy, are secured in an agreement pursuant to Section 37 of the *Planning Act* as a legal convenience.

City Council adopted Growing Up: Planning for Children in New Vertical Communities that provides guidance on the proportion and size of larger units recommended in multi-unit residential developments.

- Guideline 2.1 states that a residential building should provide a minimum of 25% large units (10% of the units should be three bedroom units and 15% of the units should be two bedroom units).
- Guideline 3.0 states that the appropriate unit size for large units, based on the sum of the unit elements, is 90 m² for two bedroom units and 106 m² for three bedroom units, with ranges of 87-90 m² and 100-106 m² representing a diversity of sizes for such bedroom types while maintaining the integrity of common spaces to ensure their functionality.

The revised proposal includes 155 new rental dwelling units: 62 (40%) one-bedroom units, 74 (48%) two-bedroom units, and 19 (12%) three-bedroom units. The proposed two-bedroom units would range from 68 m² to 93 m² in size (with an average unit size of 84 m²) and the proposed three bedroom units would all be between 100 m² and 108 m² in size. This proposal adequately supports both the unit mix and unit size objectives of the Growing Up Guidelines to accommodate a broad range of households, including families with children, within new multi-residential developments.

As the detailed design of the site progresses, the applicant would be required to provide additional information on the proposed unit mix, size and layouts through the site plan review process, should this application be approved.

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.

Policy 5.1.1.6 of the Official Plan states that Section 37 community benefits are capital facilities and/or cash contributions toward specific capital facilities, above and beyond those that would otherwise be provided under the provisions of the *Planning Act* or the *Development Charges Act* or other statute.

The provision of appropriate community benefits has been discussed with the Ward Councillor and the applicant has agreed to provide appropriate benefits.

Staff are recommending that before introducing the necessary Bills to City Council for enactment, that City Council require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, such Agreement to be registered on title to the lands at 15 Martha Eaton Way, in a manner satisfactory to the City Solicitor to secure the following community benefits at the owner's expense:

- a. A cash contribution of \$350,000.00 to be directed to "The Treasurer, City of Toronto" indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, for the following:
 - i. \$220,000.00 for improvements to North Park (located in Ward 5), including but not limited to a playground as well as improved park lighting and landscaping;
 - ii. \$100,000.00 for bicycle share stations, in close proximity to the subject site, as may be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
 - iii. \$30,000.00 towards capital improvements (including a commercial/teaching kitchen) to the Community Action Resource Centre (municipally known as 1652 Keele Street).
- b. In the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- c. 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 continue to provide and maintain the existing 364 rental dwelling units at 15 Martha Eaton Way as rental housing, together with the new and retained associated facilities and amenities of the residential rental property, for a period of at least 20 years commencing from the date the Zoning By-law Amendments come into force and effect, with no applications for demolition or conversion from residential rental use during such 20-year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

ii. The owner shall provide tenants of the existing rental dwelling units on the lands, with access to all indoor and outdoor amenities, within and adjacent to both the existing and proposed residential rental buildings, at no extra charge and with no pass-through of costs to the tenants, including by way of an application to the Landlord Tenant Board or any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario for the purpose of obtaining an increase in residential rent above the applicable guideline. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident on the subject lands.

iii. The owner shall provide, repair, operate and/or maintain, at its sole expense, improvements to the existing rental housing on the lands at 15 Martha Eaton Way, taking into account feedback obtained through the tenant survey, all to the satisfaction of the Chief Planner and Executive Director, City Planning. Such improvements shall include, but not be limited to, the following:

Prior to the first above-grade building permit:

a. Improvements to laundry facilities in the basement level of the existing residential rental building in accordance with the laundry room concept plans issued by Fay Soultanis Design Inc. on March 30, 2020. Any changes to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.

b. Improvements to security in the existing residential rental building and on the surrounding residential rental property, including:

i. Installation of 66 new security cameras within the stairwells of the existing residential rental building, as illustrated on the architectural plans edited by Justin Hawkings on July 6, 2020. Any changes to the number and/or location of the new security cameras shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;

ii. Installation of 42 new outdoor LED lamps in the existing parking lot and along the existing walkway surrounding the existing residential rental building, as illustrated in the outdoor lighting layout plans issued by All Professional Trades Inc. on August 23, 2019. Any changes to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning; and

iii. Improvements to the lobby area of the existing rental apartment building, including new lighting fixtures, new tile flooring and a new television monitor.

Prior to the occupancy of any new residential units:

c. A new programmed outdoor amenity area with new outdoor barbeque/cooking facilities and new outdoor seating, as illustrated in the landscape plans issued by STUDIO TLA Landscape Architects on July 5, 2019. Any changes to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.

d. An active outdoor recreational playground and aquatic splash pad, as illustrated in the landscape plans issued by STUDIO TLA Landscape Architects on July 5, 2019. Any changes to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.

e. The costs of the improvements to the existing residential rental building and associated spaces within and outside the building, as described above, shall not be passed on to the tenants of the building in any form, including by way of an application to the Landlord Tenant Board or any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario for the purposes of obtaining an increase in residential rent above the applicable guideline.

f. The owner shall develop a construction mitigation plan and tenant communications strategy so that all existing tenants would have limited impact from the proposed development on the site.

iv. The owner shall construct and maintain the development in accordance with Tier 2 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Management Committee, and as may be further amended by City Council from time to time; and

v. The owner, at its own expense, to design and reconstruct a minimum 2.1 m wide sidewalk, and a secondary municipal sidewalk (a minimum 1.8 m wide) along the Trethewey Drive frontage.

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 Healthy Neighbourhoods, *Apartment Neighbourhoods*,

Built Form and Public Realm policies. Staff worked with the applicant to address and resolve the following key concerns: orientation of the new building as it relates to massing and increased separation distance to the existing building, an increase in the number of affordable and accessible dwelling units as well as appropriate indoor and outdoor amenity space. Staff recommend that City Council approve the application, subject to the requirements of Recommendation 4 of this report.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment (Former City of North York Zoning By-law No. 7625, as amended by Zoning By-law No. 30883)
- Attachment 6: Draft Zoning By-law Amendment (City of Toronto Zoning By-law No. 569-2013)

Applicant Submitted Drawings

Attachment 7: Site Plan

Attachment 8: Elevation (South)

Attachment 9: Elevation (North)

Attachment 10: Elevation (West)

Attachment 11: Elevation (East)

Attachment 1: Application Data Sheet

Municipal Address: 15 MARTHA EATON WAY Date Received: December 22, 2017

Application Number: 17 278888 WET 12 OZ

Application Type: Zoning By-law Amendment

Project Description: Proposed infill development of an apartment building that would include a 6 to 7-storey base building, stepping up to 11-storeys on the west side, with 155 new rental residential dwelling units, while retaining the existing 23-storey (364 unit) rental apartment building.

Applicant	Agent	Architect	Owner
BOUSFIELD INC.		TURNER FLEISCHER	6965083 CANADA INC.

EXISTING PLANNING CONTROLS

Official Plan Designation:	<i>Apartment Neighbourhoods RM6</i>	Site Specific Provision:	
Zoning:	RAC f30.0; a1375 (x178)	Heritage Designation:	No
Height Limit (m):	23	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq m): 15,234 Frontage (m): 93 Depth (m): 170

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,777	1,777	1,243	3,020
Residential GFA (sq m):	39,284	39,284	13,385	52,669
Non-Residential GFA (sq m):				
Total GFA (sq m):	39,284	39,284	13,385	52,669

Height - Storeys:	23	23	11	11
Height - Metres:	69	69	33	33

Lot Coverage Ratio (%)	19.82	Floor Space Index:	3.46
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	52,669.2	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:		364	155	519
Freehold:				
Condominium:				
Other:				
Total Units:		364	155	519

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:			91	135	138
Proposed:			62	74	19
Total Units:			153	209	157

Parking and Loading

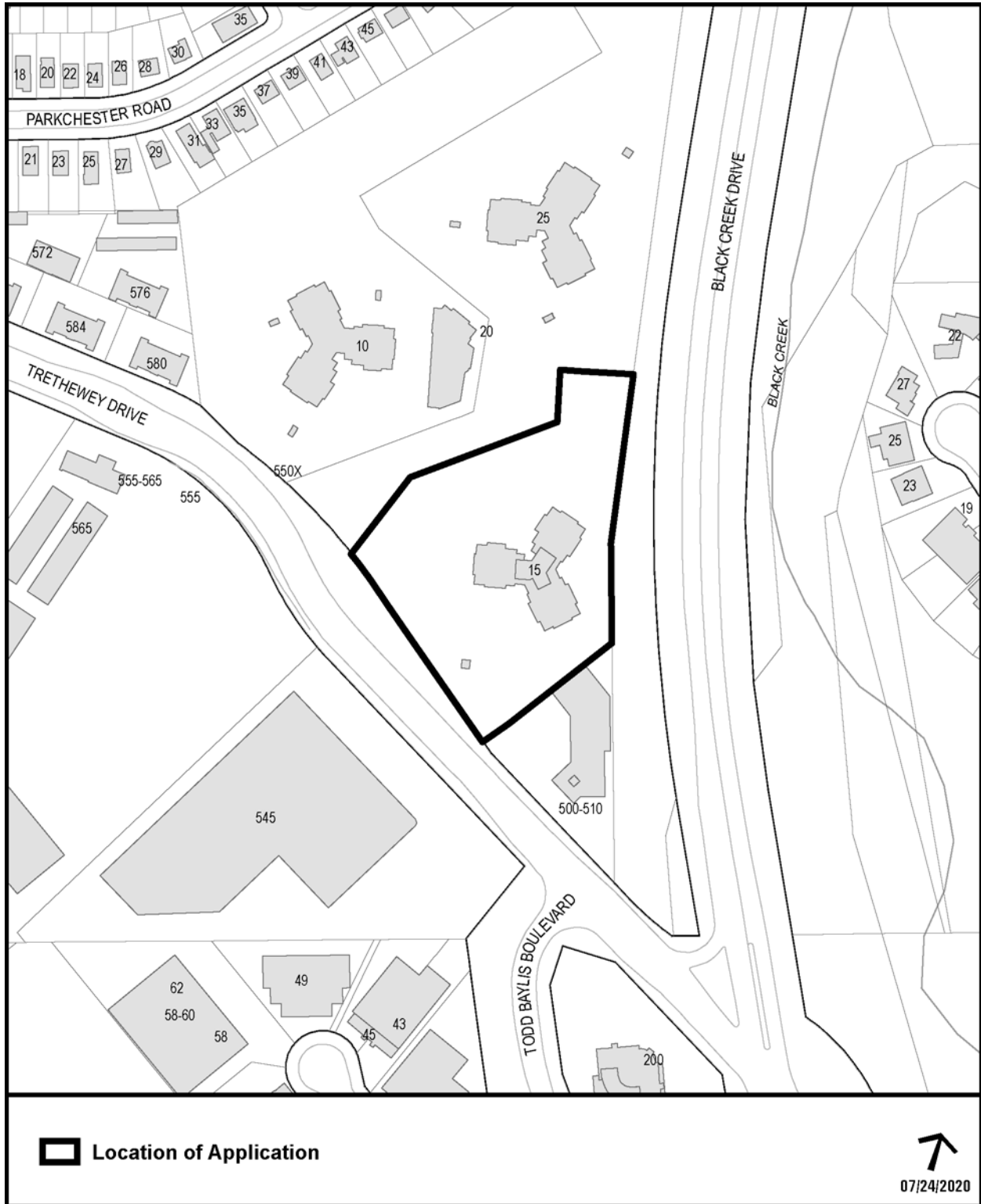
Parking Spaces:	467	Bicycle Parking Spaces:	264	Loading Docks:	1
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CONTACT:

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Rory.McNeil@toronto.ca

Sabrina Salatino, Senior Planner
(416) 394-8025
Sabrina.Salatino@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Extract from Official Plan

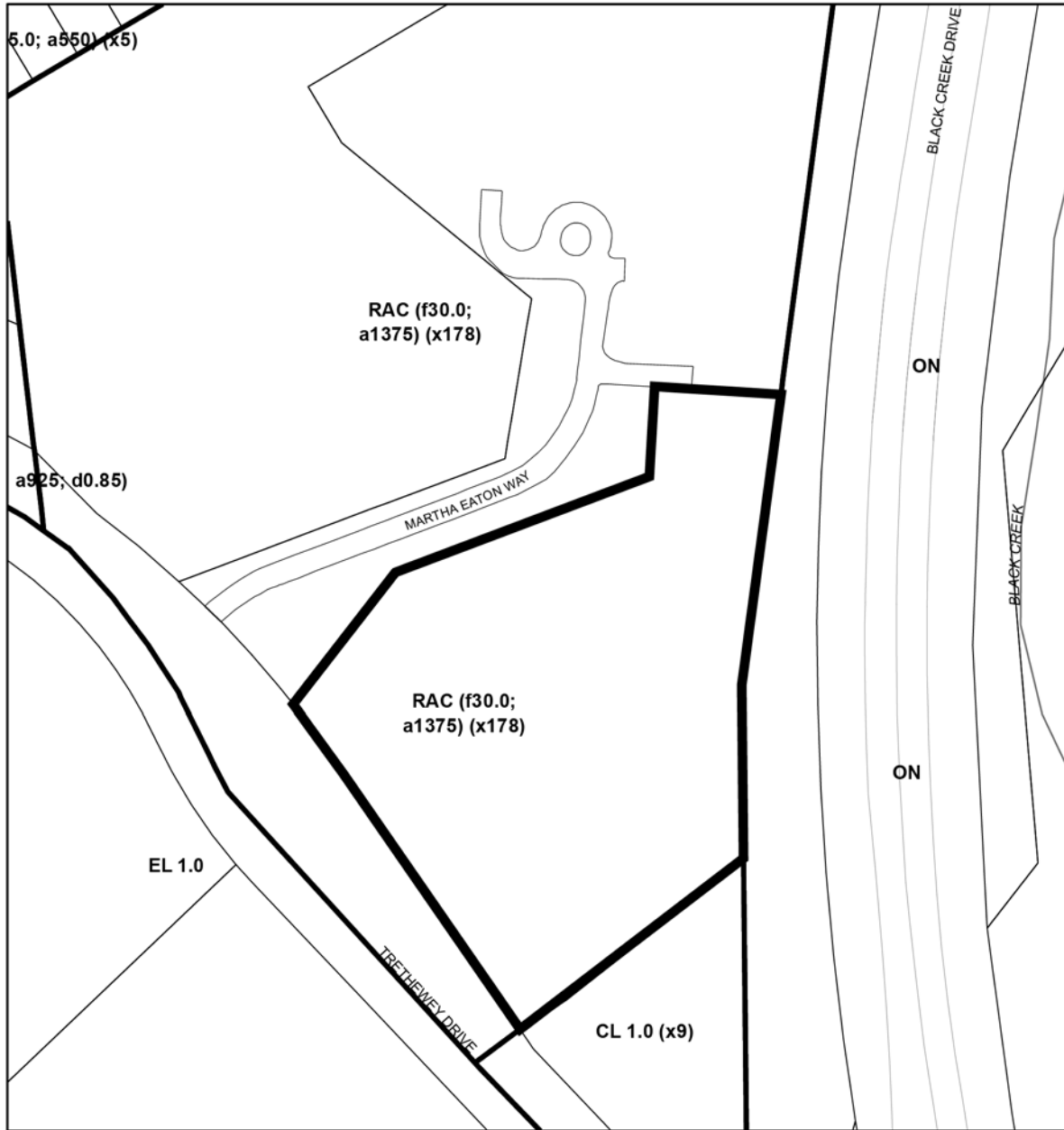
15 Martha Eaton Way

File # 17 278888 WET 12 0Z

- | | | |
|--|--|--|
|  Site Location |  Parks & Open Space Areas |  Employment Areas |
|  Neighbourhoods |  Natural Areas | |
|  Apartment Neighbourhoods | | |

↑
Not to Scale
02/06/2018


Attachment 4: Existing Zoning By-law Map



Zoning By-Law No. 569-2013

15 Martha Eaton Way

File # 17 278888 WET 12 0Z

 Location of Application

- | | |
|---|---------------------------------------|
| RD Residential Detached | CL Commercial Local |
| RM Residential Multiple | EL Employment Light Industrial |
| RAC Residential Apartment Commercial | ON Open Space Natural |



Not to Scale
Extracted: 02/06/2018

Attachment 5: Draft Zoning By-law Amendment (Former City of North York Zoning By-law No. 7625, as amended by Zoning By-law No. 30883)

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

Enacted by Council: ~, 20~

CITY OF TORONTO

BY-LAW No. --20~

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 15 Martha Eaton Way.

WHEREAS authority is given to the Council of a municipality by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass Zoning By-laws;

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

Whereas the Official Plan for the City of Toronto contains such 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 or 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 matter 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, a 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;

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 7625, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto; and,

WHEREAS Council of the City of Toronto, at its meeting on _____, 20XX, determined to amend the former City of North York Zoning By-law No. 7625 with respect to lands known municipally in the year 2020 as 15 Martha Eaton Way;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules “B” and “C” of By-law No. 7625 of the former City of North York, as amended, are amended in accordance with Schedule 1 attached to this By-law, attached to and forming part of this By-law.
2. None of the provisions of By-law No.7625, as amended, shall apply to prevent the erection of a building containing apartment house dwellings on the lands subject to this By-law, provided that the following provisions are complied with.
3. Within the lands shown in heavy outline on Schedule 1 attached to this By-law, no person shall use any land or erect or use and building or structure unless the following provisions are complied with.
4. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

“64.20-A (265) RM6(265) 1

APPLICATION

None of the provisions of By-law No.7625, as amended, shall apply to prevent the erection of a building containing apartment house dwellings on the lands subject to this exception, provided that the following provisions are complied with.

DEFINITIONS

- a. For the purpose of this exception, “Building A” means the building existing on the site known as 15 Martha Eaton Way as of (*insert date of the passing of this by-law*) and labelled as “Building A” on Schedule RM6(265) 1 and RM6(265) 2.
- b. For the purpose of this exception “Building B” shall mean the building above established grade labelled as “Building B” on Schedule RM6(265) 1 and RM6(265) 2.
- c. For the purpose of this exception, “established grade” shall mean 120.75 metres Canadian Geodetic Datum.
- d. For the purpose of this exception, “amenity space” means the indoor or outdoor space that is communal and available for use by the occupants of the “Building A” and the “Building B” for recreational or social activities.
- e. For the purpose of this exception “basement” shall mean means the portion of a building between the first floor and any floor below the level of the first floor.
- f. For the purpose of this exception, “gross floor area” shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level reduced by the area in the building used for the following:
 - (i) parking, loading and bicycle parking below established grade;
 - (ii) required loading spaces and required bicycle parking spaces at or above established grade;

- (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) indoor amenity space;
 - (v) elevator shafts;
 - (vi) garbage shafts;
 - (vii) mechanical penthouse; and
 - (viii) exit stairwells in the building;
- g. For the purposes of this exception, “tandem parking” means the configuration of parking spaces where it is intended that one motor vehicle may be parked behind one another and the only access for one parking space is through another parking space.
 - h. For the purposes of this exception “Temporary Sales Office” means a building, structure, facility or trailer on the Lands used for the purpose of the sale of dwelling units to be erected on the Lands.
 - i. For the purpose of this exception, “bicycle room” shall mean an indoor space that is designed and equipped for the purpose of parking and securing bicycles.
 - j. For the purpose of this exception, “bicycle parking space” shall mean:
 - (i) A bicycle parking space with a minimum vertical clearance of 1.9 metres and minimum horizontal dimensions of 0.6 metres by 1.8 metres for bicycles parking in a horizontal position or 0.6 metres by 1.2 metres for bicycles parking in vertical position; and/or
 - (ii) A stacked bicycle parking space that is a horizontal bicycle parking space position above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces with a minimum vertical dimension of at least 1.2 metres and minimum horizontal dimensions of at least 0.45 metres width and 1.8 metres length; and
 - (iii) “Bicycle parking space” does not include an area located within a dwelling unit, balcony or commercial suite.

PERMITTED USES

- (A) On the lands identified on Schedule RM6(265) 1 and RM6(265) 2, the only permitted uses shall be:

RESIDENTIAL:

Ancillary Uses
 Converted Dwelling
 Day Nursery
 Double Duplex Dwelling
 Duplex Dwelling
 Dwelling, Apartment House

Hospital
Multiple Attached Dwelling
Nursing Home
Single Family Dwellings
Religious Institution
Sanitarium
Semi-detached Dwelling
Temporary Sales Office

Any other use permitted in the R4 zone

ADDITIONAL UNDEFINED USES (As per 569-2013 RAC Zone – no conditions)

Ambulance Depot
Apartment Building
Fire Hall
Municipal Shelter
*Park (defined in 7625)
Police Station

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (B) The provisions of Section 20-A.2.5 shall not apply.
- (C) The total gross floor area of the Building B may not exceed 14,000 square metres.
- (D) The total gross floor area of the Building A, or any replacement thereof, must not exceed the greater of the gross floor area existing on the date of the passing of this by-law or 39,500 square metres.

LOT COVERAGE

- (E) The proposed lot coverage for Building A and Building B is 20.98% of the lot area.

BUILDING HEIGHT

- (F) The provisions of Section and 20-A.2.6 shall not apply.
- (G) The height of the Building B shall be measured from established grade to the highest point of the Building B, and must not exceed the height in metres as specified by the number following the symbol “H” as shown on Schedule RM6(265) 1 and RM6(265) 2, with the exception of the following which are permitted to a maximum projection as indicated :
 - i. Architectural elements, awnings, balconies, bollards, canopies, cornices, eaves, fences, green roof, guardrails, landscape and public art features, lighting fixtures, ornamental elements, parapets, planters, platforms, railings, retaining walls, screens, terraces, trellises, underground garage ramps and their associated structures, vents, walkways, wheel chair ramps, wind protection, window sills, and window washing equipment to a maximum projection of 2 m.; and,

- ii. Structures and equipment for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, chimneys, vents, and water supply facilities, and structures that enclose these elements to a maximum projection of 5 metres;
 - iii. Enclosures housing mechanical elements and ducts, elevators, elevator enclosures and associated structures to a maximum projection of 6.5 metres;
- (H) The height of the Building A, or replacement structure, must not exceed the greater of 23-storeys above grade, or the height existing as of the date of the passing of this by-law; exclusive of the items referenced in G(i), (ii) and (iii) above which may not exceed the height limitations referenced in G(i), (ii) and (ii) except to the extent that they do so as of the date of the passing of this by-law.

SETBACKS

- (I) Despite the provisions of Sections 6(9), 20-A.2.4, and 20-A2.4.1, no portion of the Building B above established grade shall be located other than within the area outlined by heavy lines as shown on Schedule RM6(265) 1 and RM6(265) 2, with the exception of the following, each of which are permitted to a maximum projection beyond the heavy lines of 2.0 metres:
- (i) Cornices, sills, eaves, window-washing equipment, railings, balustrades, awnings, canopies inclusive of supporting structures, balconies, privacy screens, planters, stairs, enclosed stairs, ramps to underground parking areas and associated enclosures, fencing, lighting, bollards, safety railings, trellises, guards, guardrails, retaining walls, access hatches, accessibility ramps, bicycle parking facilities, ornamental or architectural features, landscape features, art installations;
- (J) The Building A and any other existing structures, or any replacement thereof, shall be maintained as they existed on the date of the passing of this by-law; with the exception of the following;
- (i) Cornices, sills, eaves, window-washing equipment, railings, balustrades, awnings, canopies inclusive of supporting structures, balconies, privacy screens, planters, stairs, enclosed stairs, ramps to underground parking areas and associated enclosures, fencing, lighting, bollards, safety railings, trellises, guards, guardrails, retaining walls, access hatches, accessibility ramps, bicycle parking facilities, ornamental or architectural features, landscape features, art installations are permitted to a maximum projection of 2.0 metres; and

VEHICULAR PARKING

- (K) The provisions of Section 6A(1) and 6A(2) shall not apply.
- (L) Parking spaces must be provided and maintained on the lands for both the Building A and Building B, in accordance with the following:
 - (i) 0.86 parking spaces per dwelling unit for resident use, including a minimum of 12 accessible parking spaces; and
 - (ii) 0.1 parking spaces per dwelling unit for visitor use;
 - (iii) The minimum number of parking spaces required in L(i) may be reduced by 4 parking spaces for each car-share space provided on the lands; up to a maximum reduction of 8 car-share spaces.
- (M) The provisions of Section 6A(3), with respect to the minimum dimensions of parking spaces shall apply, except that:
 - (i) parking spaces may have the following minimum dimensions, notwithstanding that such parking spaces are obstructed or partially obstructed on one or two sides in accordance with Section 6A(3) (a)(iii):
 - A. Length – 5.6 metres;
 - B. Width – 2.6 metres;
 - C. Height – 2.0 metres.
 - (ii) Parking spaces may be provided in the form of tandem parking.
- (N) Bicycle parking spaces shall be provided and maintained on the lands subject to this exception for the Building B in accordance with the following:
 - (i) a minimum of 0.9 bicycle parking spaces per dwelling unit in the Building B for resident use;
 - (ii) a minimum of 0.1 bicycle parking spaces per dwelling unit in the Building B for visitors use;
- (O) No bicycle parking is required for units in the Building A.

LOADING

- (P) The provisions of Section 6A(16) shall not apply.
- (Q) Loading shall be provided as follows:
 - (i) a minimum of one (1) loading space shall be provided to serve the Building B, and shall have the following minimum dimensions:
 - A. Length – 13 metres;
 - B. Width – 4.0 metres;
 - C. Height clearance – 6.1 metres.
- (R) Notwithstanding any provision of this Exception or By-law 7625, as amended, parking spaces, loading spaces, drive aisles, driveway and ramps existing on the

lands subject to this exception as of the date of the passing of this by-law may be maintained.

DIVISION OF LANDS

- (S) Notwithstanding any future severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands subject to this exception as if no consent, severance, partition or division occurred.

SECTION 37 AGREEMENT

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 lot (as per (C) and (G) of this Exception) and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

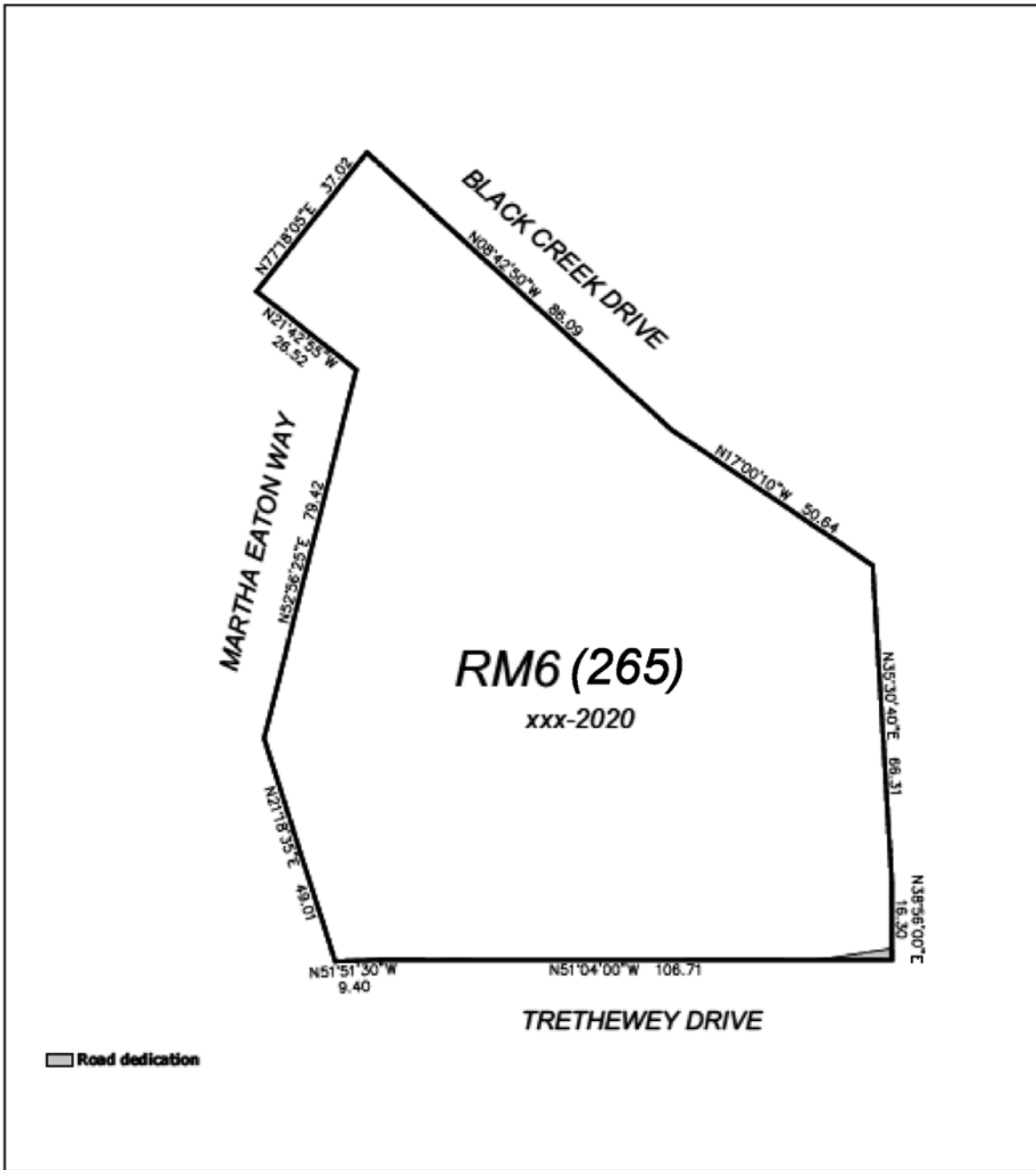
- i. A one time lump sum payment of \$220,000.00 to the City of Toronto for improvements to North Park (located in Ward 5), including but not limited to a playground as well as improved park lighting and landscaping;
- ii. A one time lump sum payment of \$100,000.00 to the City of Toronto for bicycle share stations, in close proximity to the subject site, as may be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
- iii. A one time lump sum payment of \$30,000.00 to the City of Toronto towards capital improvements (including a commercial/teaching kitchen) to the Community Action Resource Centre (municipally known as 1652 Keele Street).

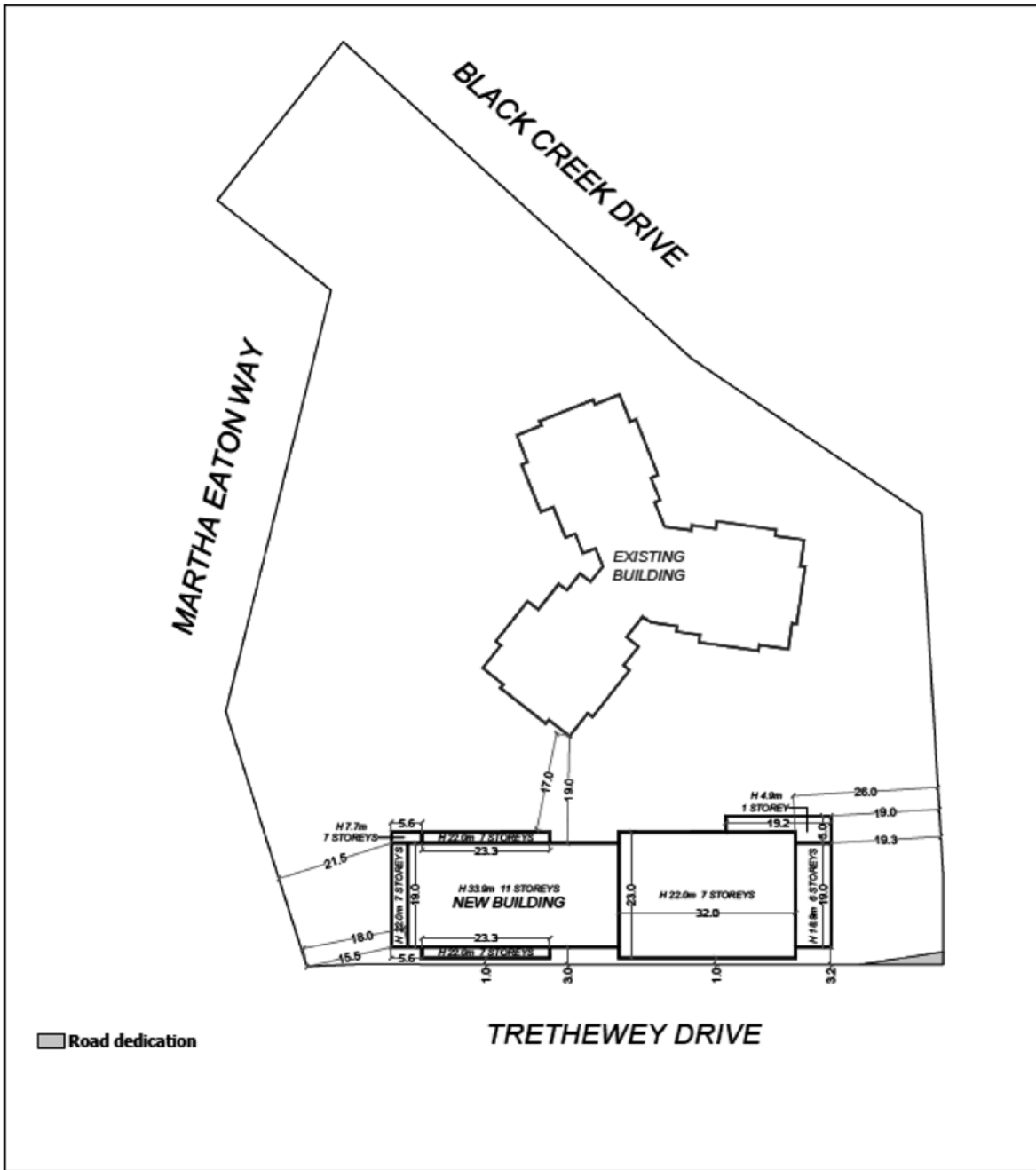
ENACTED AND PASSED this ~ day of ~, A.D. 2020.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



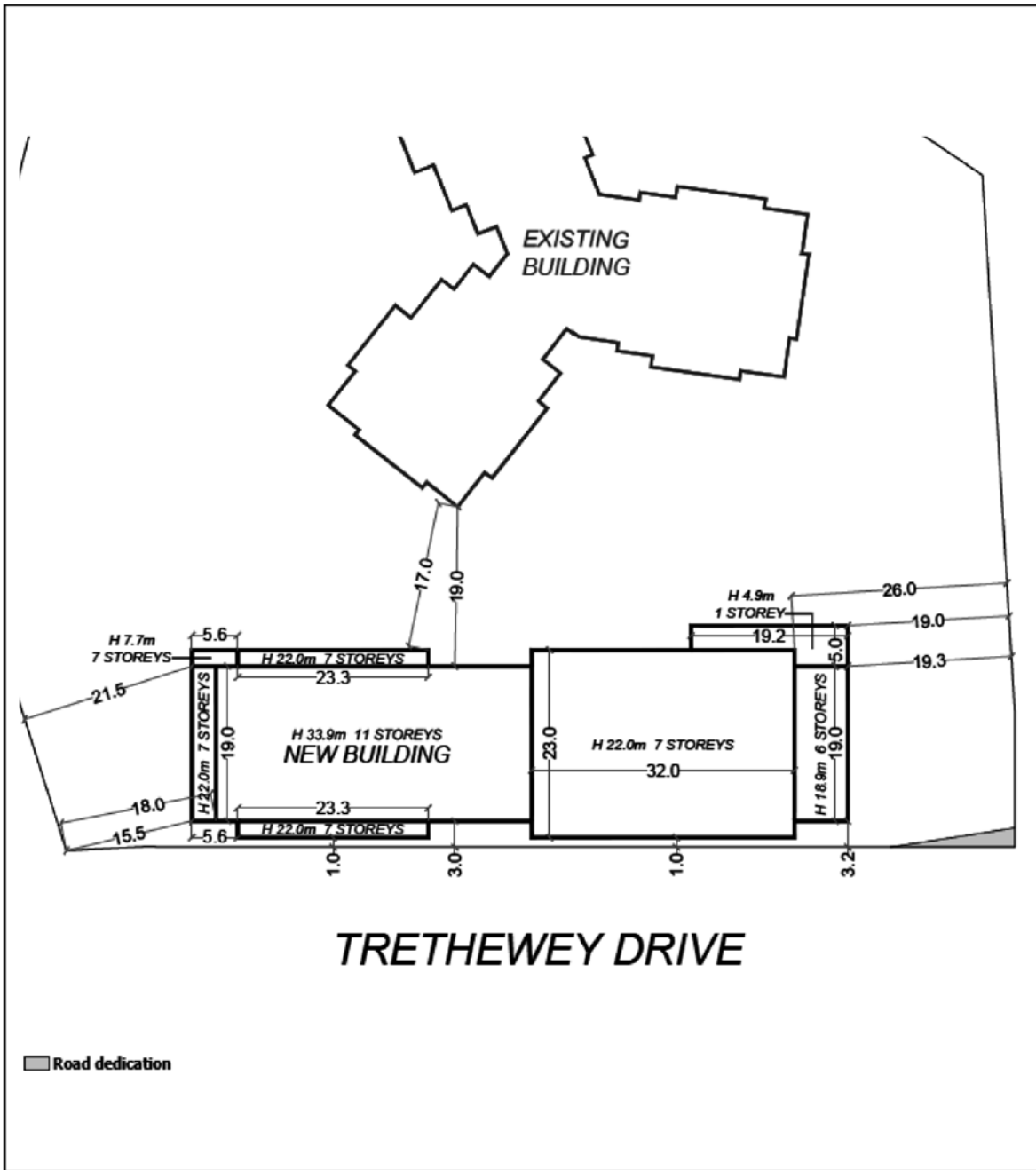


Schedule RM6 (265) 1

15 Martha Eaton Way

File # 17 278888 WET 12 02


 Former City of North York By-law 7625
 Not to Scale
 07/29/2020



Schedule RM6 (265) 2

15 Martha Eaton Way

File # 17 278888 WET 12 0Z


 Former City of North York By-law 7625
 Not to Scale
 07/29/2020

Attachment 6: Draft Zoning By-law Amendment (City of Toronto Zoning By-law No. 569-2013)

Authority: Council Decision issued on _____.

CITY OF TORONTO

BY-LAW #####-2020

To amend Zoning By-law 569-2013 of the City of Toronto, as amended, with respect to the lands municipally known in the year 2020 as 15 Martha Eaton Way.

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

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

Whereas the Official Plan for the City of Toronto contains such 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 or 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 matter 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, a 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 lands known in the year 2020 as 15 Martha Eaton Way lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increases in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are 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 delineated 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 delineated by heavy black lines to RAC (f 30.0; a1375)(x179), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.8.10 Exception Number (x179) so that it reads:

Exception RAC (x179)

The lands delineated by heavy black lines on Diagram 1 are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 15 Martha Eaton Way, if the requirements of Section 6 and Schedule A are complied with, **buildings** or **structures** are permitted in accordance with (B) to (Q) below:
- (B) The **buildings** identified as Building A and Building B are as shown on Diagrams 3 and 3A attached to By-law XXXX-2020 [Clerks to insert number].
- (C) Building A is the **building** existing on the site known as 15 Martha Eaton Way as of *(insert date of the passing of this by-law)* and labelled as Building A on Diagrams 3 and 3A of By-law XXXX-2020 [Clerks to insert number].;
- (D) For the purpose of this exception, **established grade** is 120.75 metres Canadian Geodetic Datum.
- (E) The total **gross floor area** of Building B must not exceed 14,000 square metres;
- (F) The total **gross floor area** of Building A, or any replacement thereof, must not exceed the greater of the **gross floor area** existing on *(insert date of the passing of this by-law)* or 39,500 square metres.
- (G) Despite Clauses 5.10.40.40, 5.10.40.70, and 15.20.40.70, and Regulation(1), 15.20.40.80(2), the required minimum **building setbacks** for Building B, and the required minimum separation distance between the **main walls** of Building A and Building B are as shown in metres on Diagram 3 and 3A of By-law ##### [clerks to provide by-law number]
- (H) Despite Clause 15.5.40.60, and (G) above, the following are permitted to encroach into the required minimum **building setbacks** and minimum separation distance between **main walls** shown on Diagram 3 and 3A of By-law ##### [clerks to provide by-law number] to a maximum of 2.0 metres.:
 - i) Cornices, sills, eaves, window-washing equipment, railings, balustrades, awnings, canopies inclusive of supporting **structures**, balconies, privacy screens, planters, stairs, enclosed stairs, ramps to underground parking areas and associated enclosures, fencing, lighting, bollards, safety railings, trellises, guards, guardrails, retaining walls, access hatches, accessibility ramps, bicycle parking facilities, ornamental or architectural elements, landscape features, art installations;

- (I) Despite Regulation 15.20.40.10(1), the permitted maximum height of Building B above **established grade** is the numerical value, in metres following the symbol HT as shown on Diagrams 3 and 3A to By-law ##### [clerks to provide by-law number],
- (J) Despite Regulations 15.5.40.10 (2), and (I) above, for Building B the following **building** elements may exceed the permitted maximum height as indicated:
- i) Architectural elements, awnings, balconies, bollards, canopies, cornices, eaves, fences, **green roof**, guardrails, landscape and public art features, lighting fixtures, ornamental elements, parapets, planters, platforms, railings, retaining walls, screens, terraces, trellises, underground garage ramps and their associated **structures**, vents, walkways, wheel chair ramps, wind protection, window sills, and window washing equipment to a maximum projection of 5.0 metres; and,
 - ii) Elevator enclosures and associated **structures** to a maximum projection of 6.5 metres;
- (K) The height of Building A, or any replacement thereof, must not exceed the greater of 23-**storeys** above **established grade**, or the height existing as of (*insert date of the passing of this by-law*); excluding:
- (i) The **building** elements permitted in (J)(i) above, provided they do not exceed the permitted maximum projections in (J)(i) except to the extent that they existed as of (*insert date of the passing of this by-law*).
- (L) Despite Regulation 15.20.40.50(1), **amenity space** on the lands must be provided and maintained in accordance with the following:
- i) A minimum of 2.0 square metres per **dwelling unit** in Building B must be provided as indoor **amenity space** in Building B, and;
 - ii) A minimum of 2.0 square metres per **dwelling unit** in Building B must be provided as outdoor **amenity space** of which a minimum of 40 square metres must be provided in a location directly accessible from an area containing indoor **amenity space**;
 - iii) No **amenity space** is required for Building A.
- (M) Despite Regulations 200.5.10.1(1), 200.15.10(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained on the lands for both Building A and Building B, in accordance with the following:
- i) 0.86 **parking spaces** per **dwelling unit** for resident use, including a minimum of 12 accessible **parking spaces**;
 - ii) 0.1 **parking spaces** per **dwelling unit** for visitor use; and
 - iii) The minimum number of **parking spaces** required in (M)(i) above may be reduced by 4 **parking spaces** for each car-share space provided on the lands; up to a maximum of 8 car-share spaces.

- (N) Accessible **parking spaces** existing as of *(insert date of the passing of this by-law)* will not be subject to Regulation 200.15.1(4);
- (O) Despite Regulation 230.5.10.1 (5)(A), **bicycle parking spaces** must be provided and maintained on the lands for Building B in accordance with the following:
 - i) a minimum of 0.9 long-term **bicycle parking spaces** per **dwelling unit** in Building B;
 - ii) a minimum of 0.1 short-term **bicycle parking spaces** per **dwelling unit** in Building B.
- (P) No bicycle parking is required for **dwelling units** in Building A.
- (Q) **Parking spaces, loading spaces, drive aisles, driveways** and ramps existing as of *(insert date of the passing of this by-law)* may be maintained.

Prevailing By-laws and Prevailing Sections:

(None Apply)

- 5. Despite any existing or future consent, severance, partition or division of the lands outlined in heavy lines on Diagram 1, the provisions of this By-law apply to the whole of these lands, as if no consent, severance, partition or division had occurred.

6. Section 37

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in heights and/or density of the development is permitted beyond that otherwise permitted on the lands shown in Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A of this By-law 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 for the construction of the New Building, 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.

SCHEDULE A
Section 37 Provisions

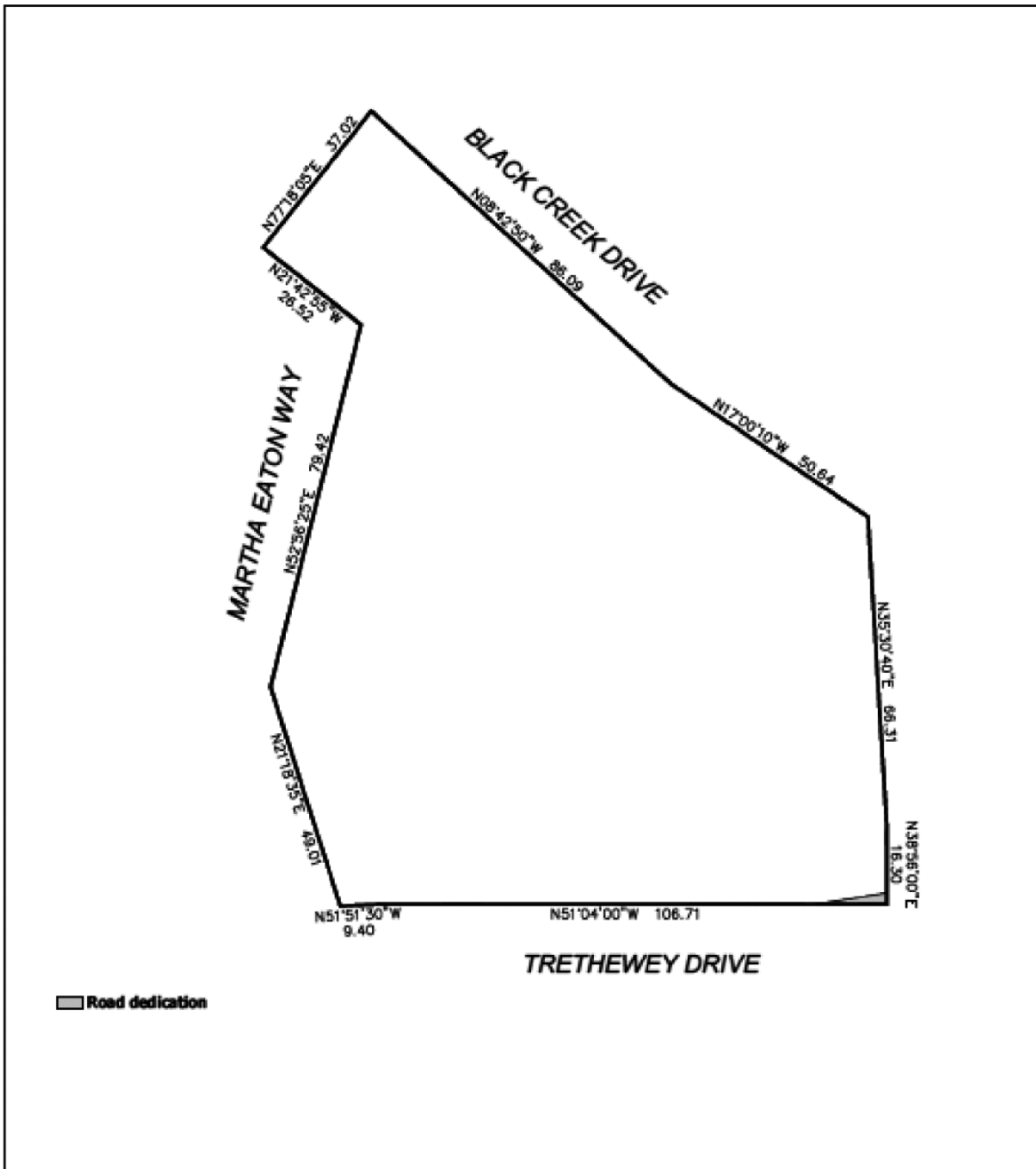
The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development on the lot and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner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

- (A) A one time lump sum payment of \$220,000.00 to the City of Toronto for improvements to North Park (located in Ward 5), including but not limited to a playground as well as improved park lighting and landscaping;
- (B) A one time lump sum payment of \$100,000.00 to the City of Toronto for bicycle share stations, in close proximity to the subject site, as may be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
- (C) A one time lump sum payment of \$30,000.00 to the City of Toronto towards capital improvements (including a commercial/teaching kitchen) to the Community Action Resource Centre (municipally known as 1652 Keele Street).

ENACTED AND PASSED this ___day of _____, A.D. 2020.

JOHN TORY
Mayor


ULLI S. WATKISS
City Clerk

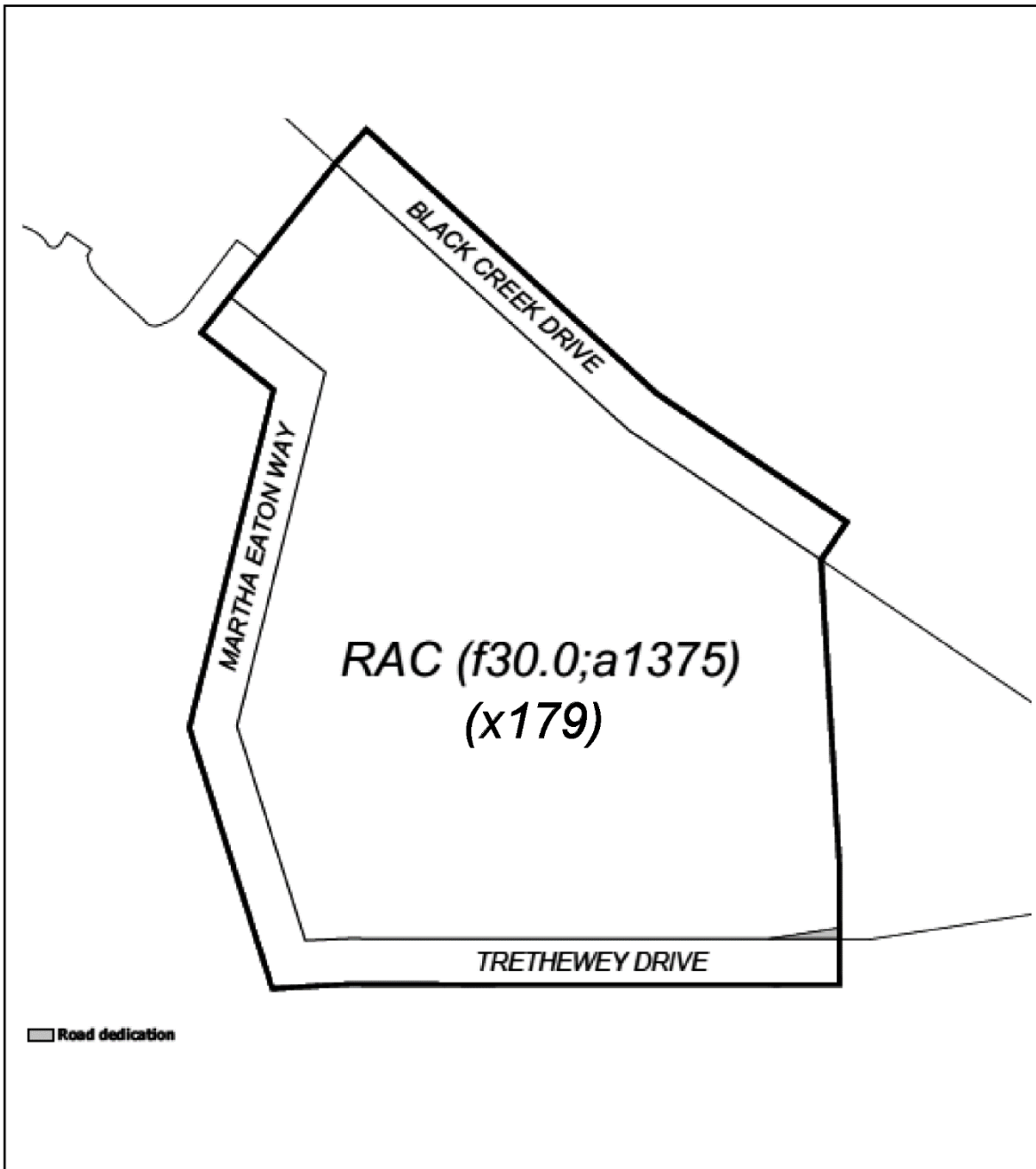


Toronto
Diagram 1

15 Martha Eaton Way

File # 17 278888 WET 12 0Z



 City of Toronto By-law 569-2013
 Not to Scale
 07/29/2020

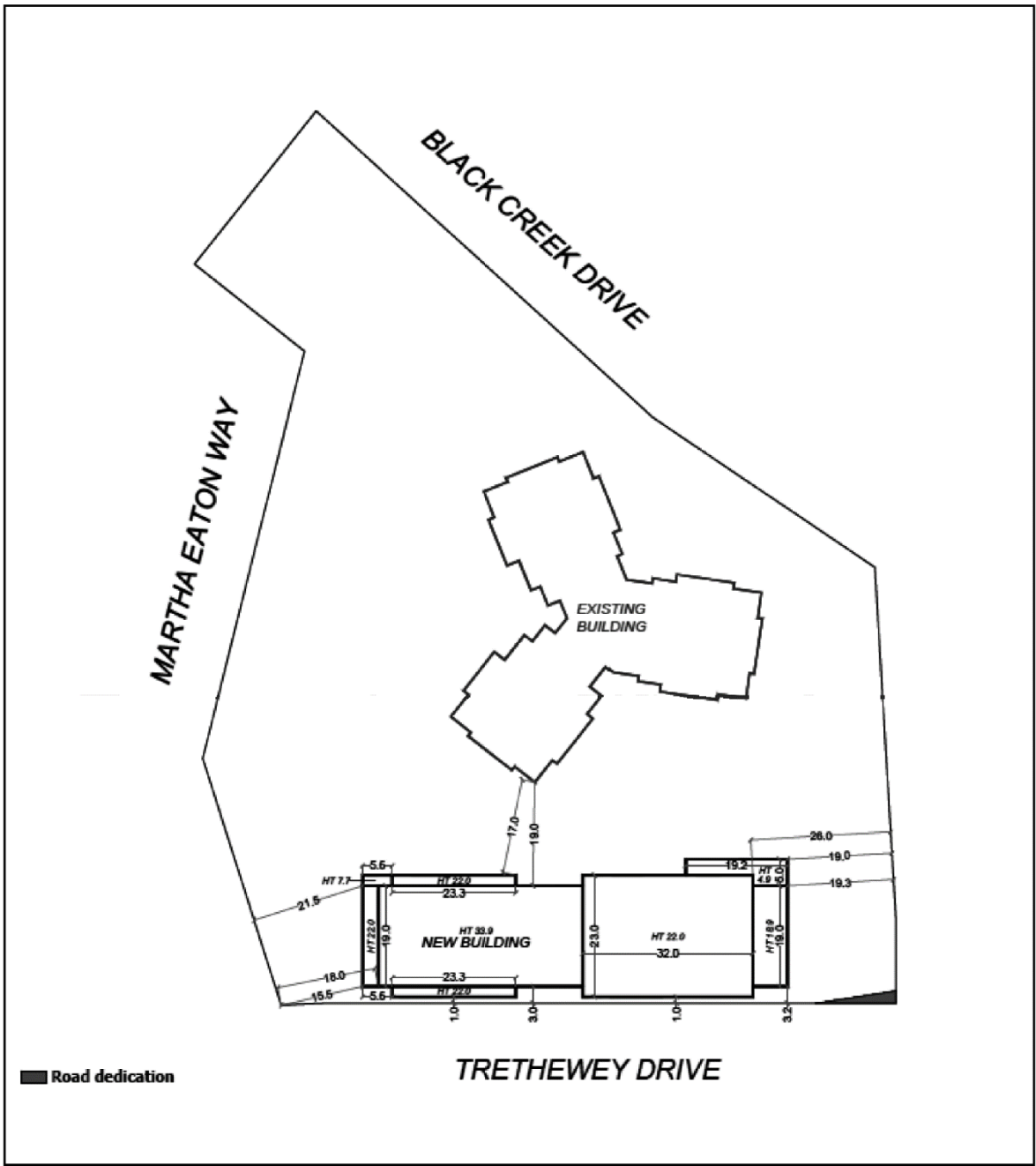


TORONTO
 Diagram 2

15 Martha Eaton Way

File # 17 278888 WET 12 0Z


 City of Toronto By-law 569-2013
 Not to Scale
 07/29/2020

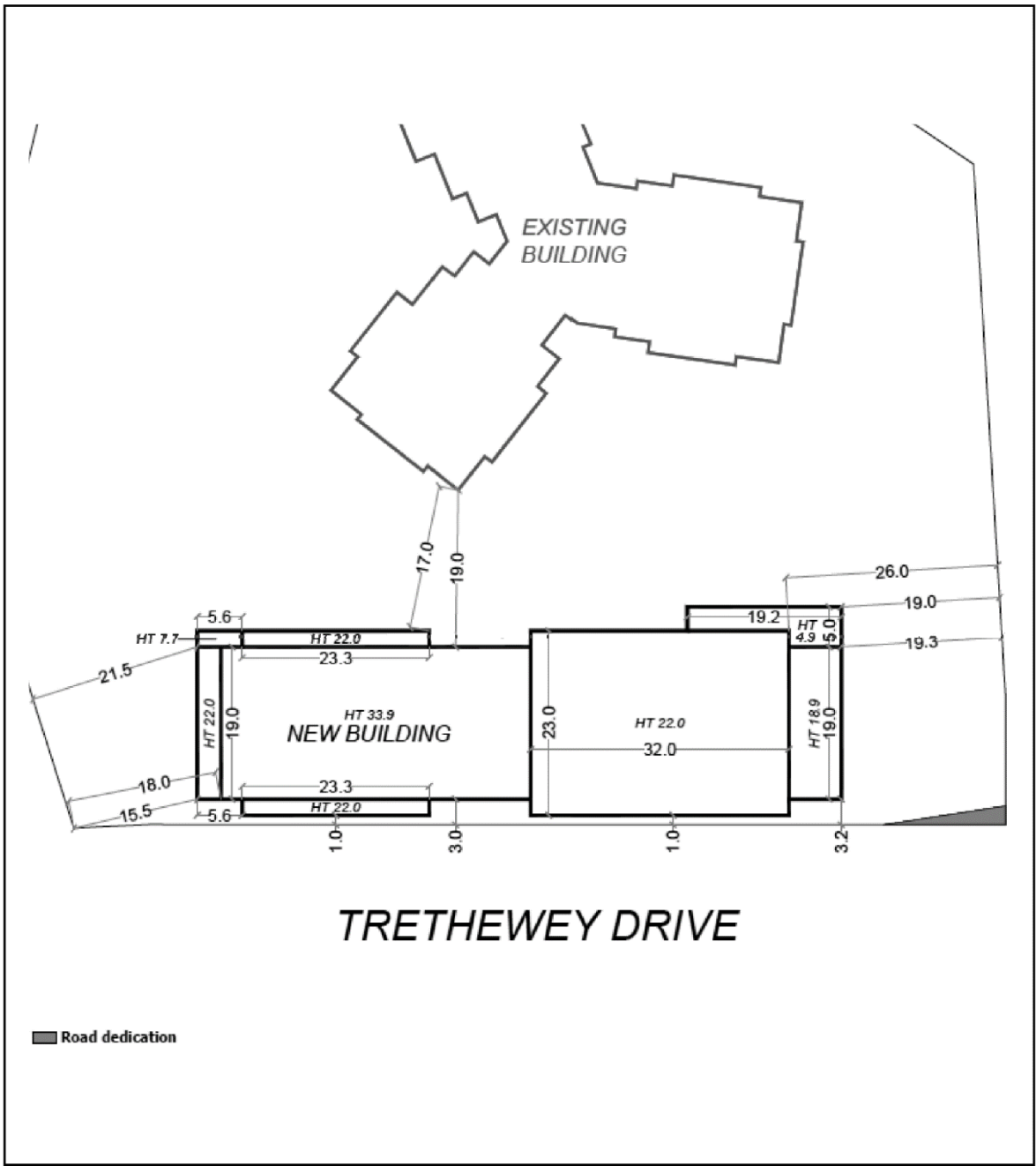


TORONTO
 Diagram 3

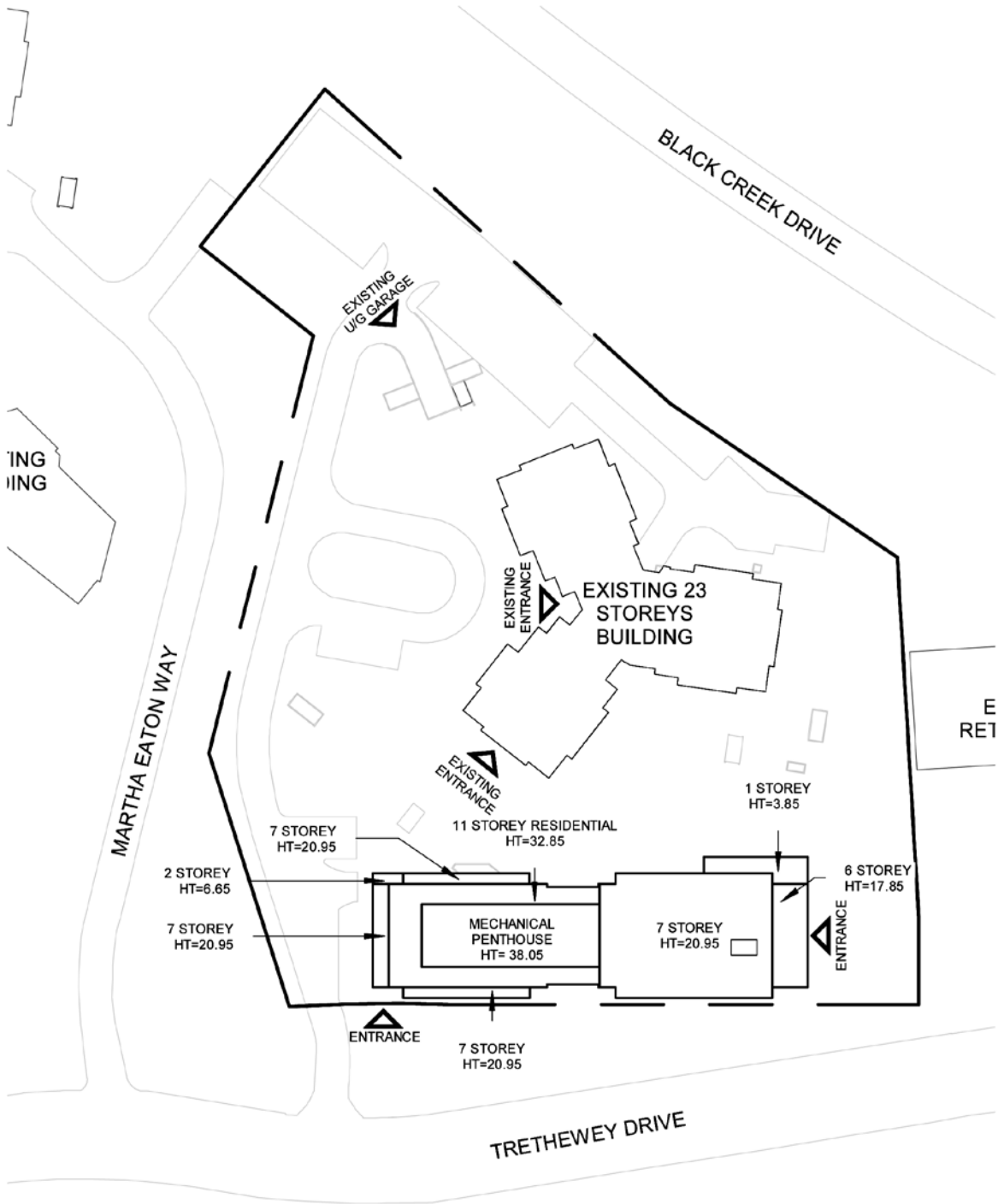
15 Martha Eaton Way

File # 17 278888 WET 12 0Z

City of Toronto By-law 569-2013
 Not to Scale
 07/29/2020



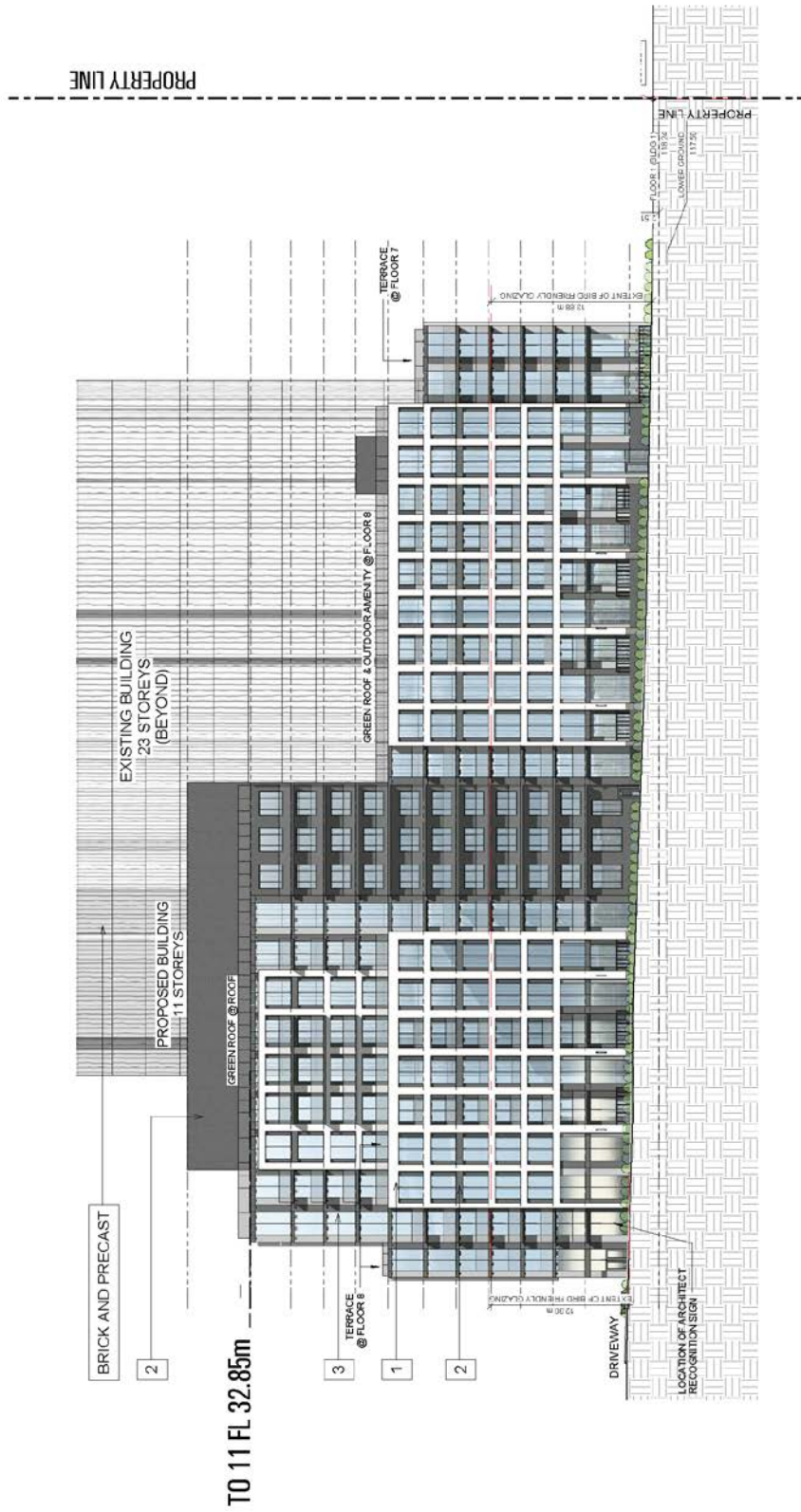
Attachment 7: Site Plan



Site Plan

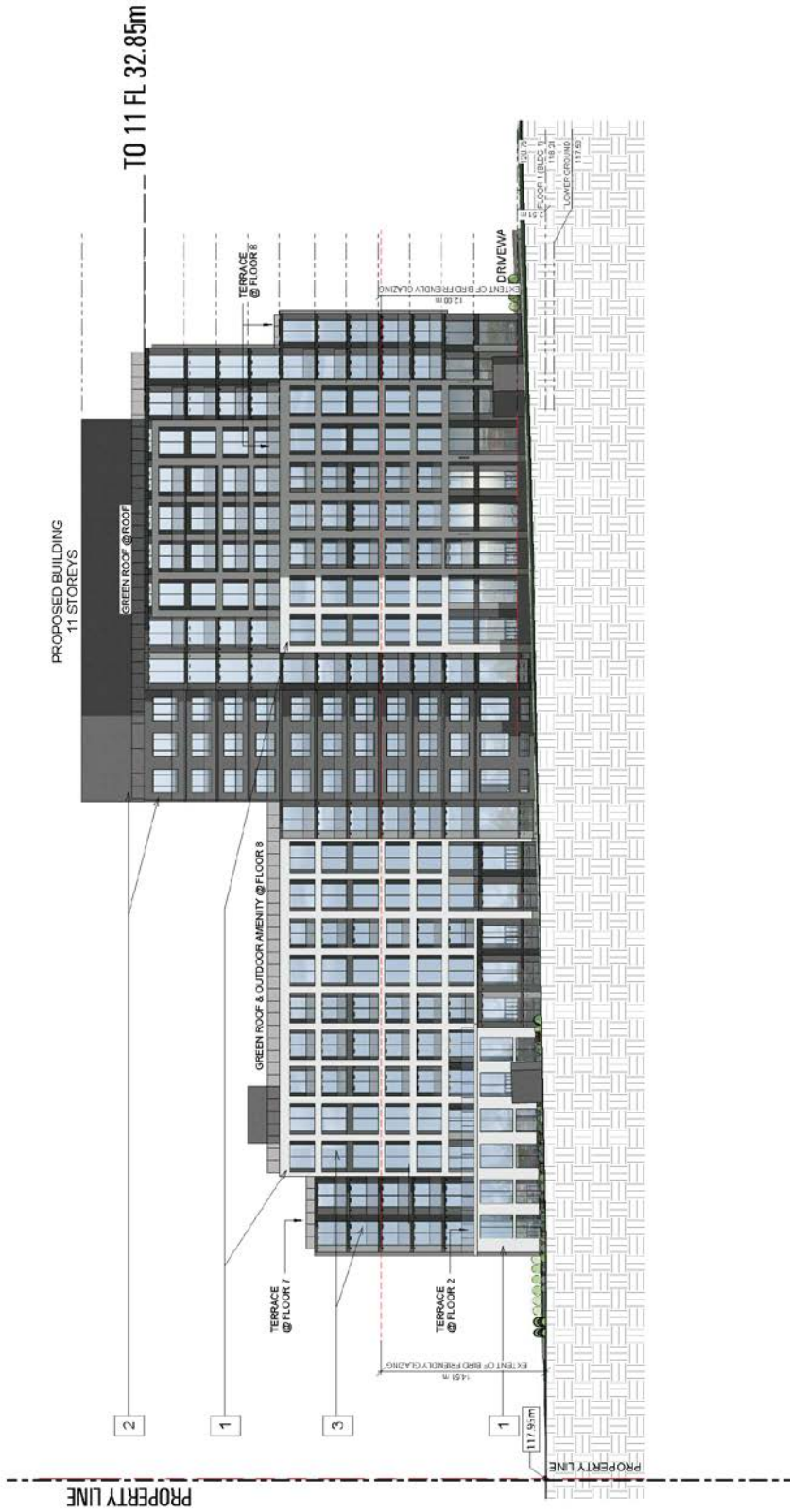


Attachment 8: Elevation (South)



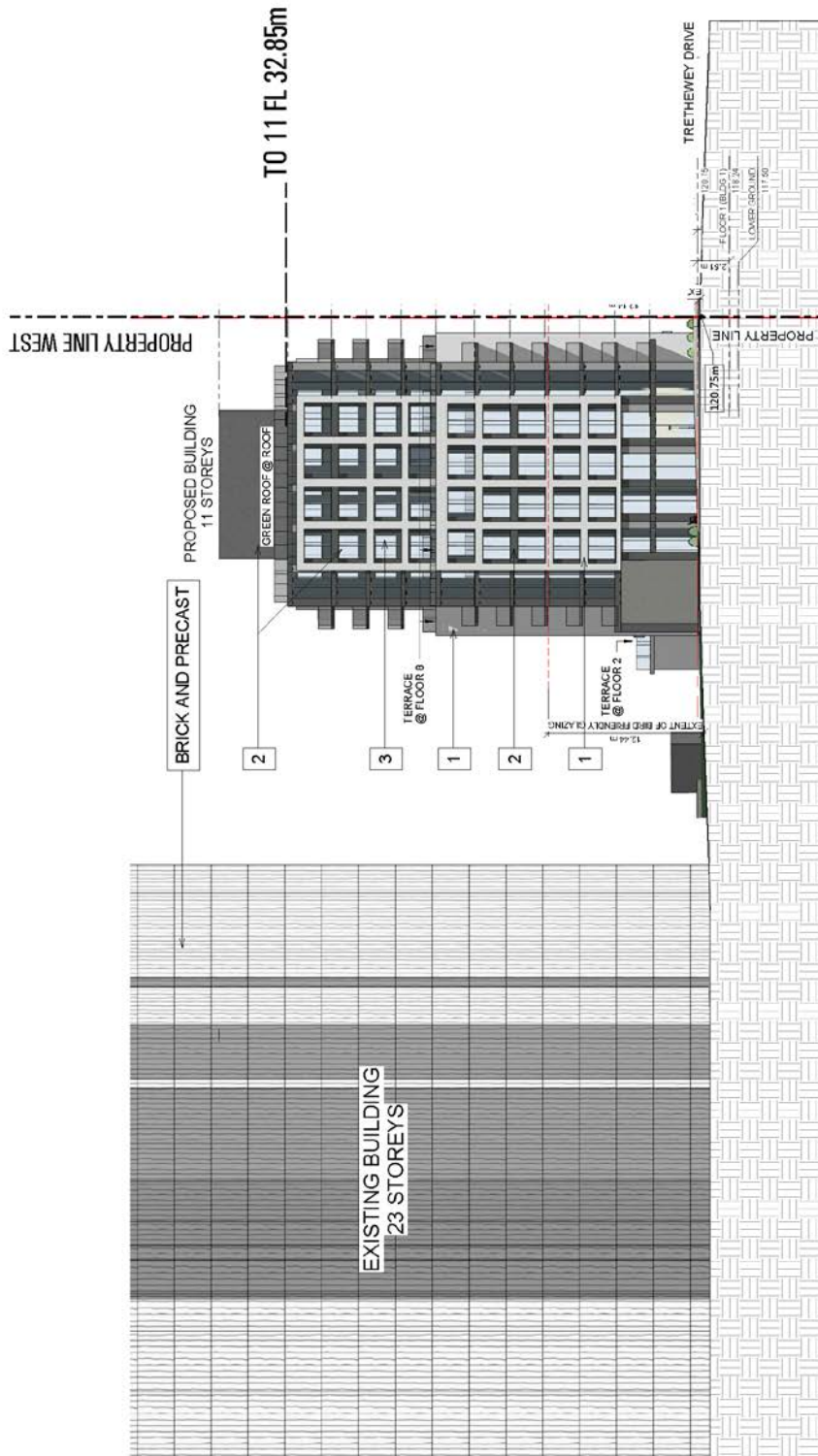
South Elevation

Attachment 9: Elevation (North)



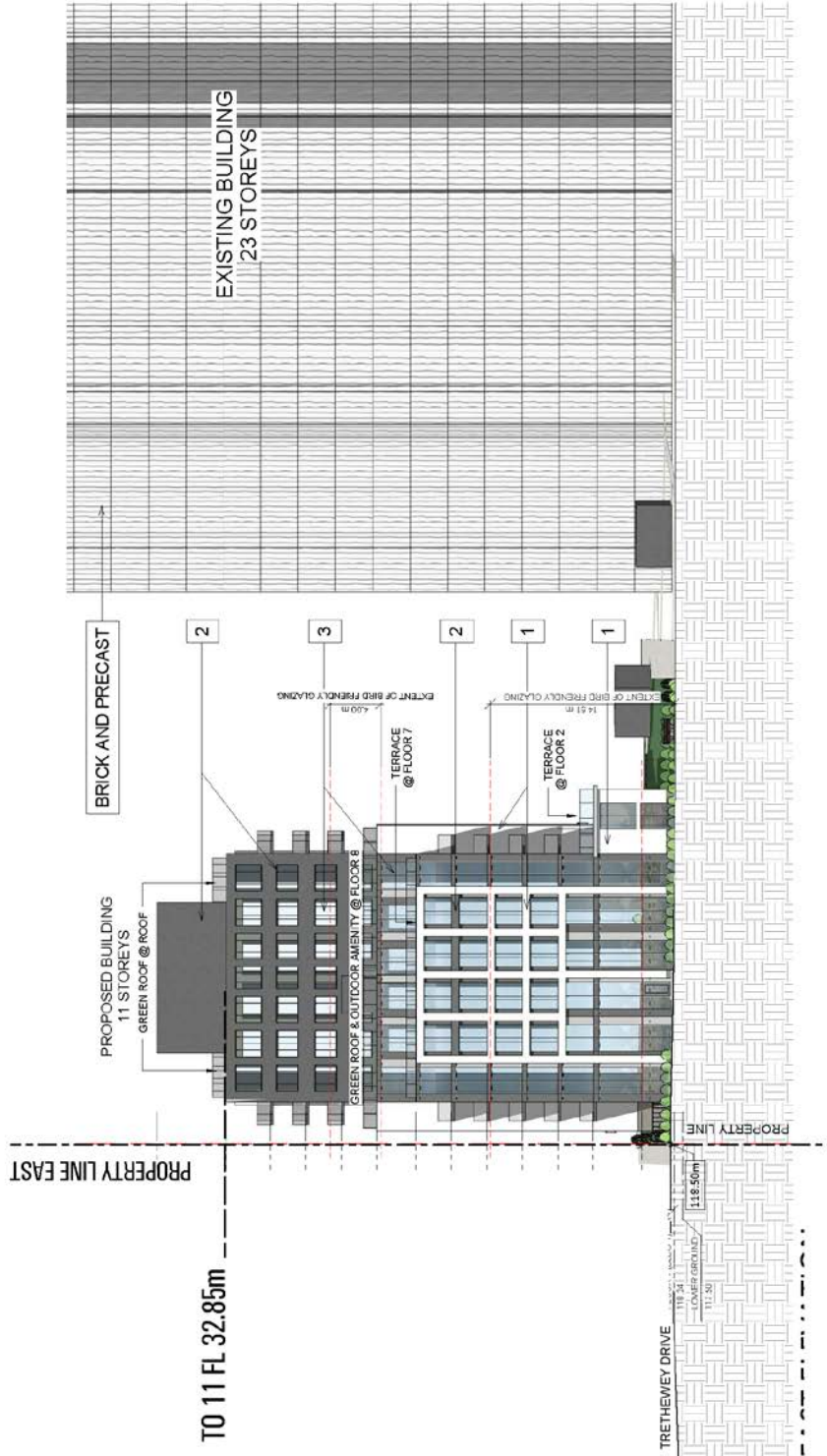
North Elevation

Attachment 10: Elevation (West)



West Elevation

Attachment 11: Elevation (East)



East Elevation