

159 & 161-181 Mulock Avenue and 6 Lloyd Avenue – Zoning By-law Amendment Application – Final Report

Date: June 4, 2021
To: Etobicoke York Community Council
From: Acting Director, Community Planning, Etobicoke York District
Ward: 5 - York South-Weston

Planning Application Number: 19 239452 WET 05 OZ

SUMMARY

This application proposes to amend the former City of Toronto Zoning By-law 438-86 and City-wide Zoning By-law 569-2013 for the lands municipally known as 159 & 161-181 Mulock Avenue and 6 Lloyd Avenue to permit a mixed use development that would include one north residential building (stepping up to 15-storeys (47.2 m)) and one south residential building (stepping up to 17-storeys (53.1 m)) connected by a podium (4-storeys (12.75 m)) as well as one office building (8-storeys (32.1 m)). The proposal would include a total gross floor area of 52,980 m², of which 43,644 m² would be for residential space, 7,730 m² for office space, 1,131 m² for retail use, 372 m² (381 m² including the vestibule) for community agency space and 94 m² for a restaurant. This site would contain a total of 535 new residential units, of which 525 would be condominium units and 10 would be Affordable Ownership units. A total of 358 vehicular parking spaces are proposed within a 4-level above grade parking garage that would be located along the rail corridor. In addition, a 868 m² new public park is proposed.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The proposed mixed use development conform with the Official Plan policies and are generally consistent with the City's Mid-Rise Buildings Performance Standards; City-wide Tall Buildings Design Guidelines; and Growing Up: Planning for Children in New Vertical Communities. The proposed mixed use development fits within the existing and planned context and is in keeping with the character of this neighbourhood.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend former City of Toronto Zoning By-law 438-86 for the lands at 159 & 161-181 Mulock Avenue and 6 Lloyd Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7 to this report.
2. City Council amend City-wide Zoning By-law 569-2013 for the lands at 159 & 161-181 Mulock Avenue and 6 Lloyd Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 8 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. City Council accept an onsite parkland dedication by the owner having an area of not less than 868 m² to satisfy the owner's parkland contribution required pursuant to Section 42 of the *Planning Act*, with such onsite parkland to be conveyed to the City prior to the issuance of any above grade building permit for the lands, to the satisfaction of the General Manager, Parks, Forestry and Recreation, the Director, Real Estate Services and the City Solicitor. The subject parkland conveyance is to be free and clear, above and below grade of all physical and title encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation. The owner is to pay for the costs of the preparation and registration of all relevant documents. The owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.
5. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). The development charge credit shall be in an amount that is the lesser of the cost to the owner of installing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. The owner is required to submit a design and cost estimate to be approved by the General Manager, PFR, and a letter of credit equal to 120% of the Parks and Recreation Development Charges payable for the development. The design, cost estimate and letter of credit will be required prior to the issuance of any above grade building permit.
6. Before introducing the necessary Bills to City Council for enactment, City Council requires the owner to enter into and register on title, to the lands at 159 & 161-181 Mulock Avenue and 6 Lloyd Avenue, an Agreement pursuant to Section 37 of the *Planning Act*, securing the provision by the owner of the following matters, including all related provisions for indemnity, insurance, financial security, maintenance, HST and

indexing, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:

a) The community benefits recommended to be secured in the Section 37 Agreement are as follows:

- i. The owner shall design and construct ten (10) residential dwelling units with a minimum total new floor area of 449 m² (4,838 ft²) (the "**Affordable Units**"), within the approved development at 159 & 161-181 Mulock Avenue and 6 Lloyd Avenue, substantially in accordance with the Affordable Ownership Housing Terms and Conditions, with any amendments to such terms as deemed appropriate by the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, in consultation with the Ward Councillor;
- ii. The owner shall provide and convey at nominal charge the **Affordable Units** to Toronto Artscape Inc. or a similar non-profit housing provider, for use as Affordable Ownership Housing to be maintained for as Affordable Ownership Housing for at least 45 years on the following terms:
 - a. All Affordable Ownership Housing Units will have at least one bedroom and be no less than 42.7 m² (460 ft²);
 - b. Seven (7) of the Affordable Ownership Housing Units will have one balcony;
 - c. All Affordable Ownership Housing Units will be constructed to a fully-finished condition and to a similar standard as the units in the remainder of the Development;
 - d. Affordable Ownership Housing Units will have access to all building facilities and amenities on the same terms and conditions as all the other residents;
 - e. The Affordable Ownership Housing Unit layouts and locations shall be generally in conformity with the architectural plans. The final design and location of the units shall be to the satisfaction of the Chief Planner and Executive Director, prior to Site Plan Control approval;
- iii. The owner shall enter into Agreements of Purchase and Sale ("the APS") for the Affordable Ownership Housing Units with Artscape (or similar non-profit housing provided) and/or the City prior to the issuance of the first building permit for the development phase within which the units are to be provided pursuant to Recommendation 6.a.ii, and the APS will be assignable at no additional cost; and
- iv. Prior to the earlier of condominium registration or first residential use, the owner shall design, construct, finish and convey freehold ownership to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum 372 m² (4,000 ft²) Community Agency Space located on the

ground floor of the office building, with direct access to the adjacent outdoor space, and subject to the following:

- a. The Community Agency Space shall be delivered to the City in accordance with the City's Community Space Term Sheet and finished to Base Building Condition, with the terms and specifications to be secured in the Section 37 Agreement, all satisfactory to the Executive Director, Social Development, Finance and Administration, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning and the City Solicitor.
- b. Prior to the issuance of the first above grade building permit, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and conveyance of the Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning and the City Solicitor.
- c. Prior to conveyance of the Community Agency Space to the City, the owner shall provide a one-time cash contribution in the amount of \$600,000.00 for future capital improvements to the Community Agency Space.
- d. The cash contribution referred to in Recommendation 6.iv.c above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment.
- e. Concurrent with or prior to, the conveyance of the Community Agency Space to the City, the owner and the City shall enter into, and register on title to, the appropriate lands an Easement and Shared Facilities Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Shared Facilities Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Community Agency Space.

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

- i. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council from time to time, to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.
- ii. The owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a Site Plan Agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:
 1. Implementation of any required noise and vibration abatement measures or other recommendations, as detailed in the Environmental Noise & Vibration Feasibility Study prepared by RWDI and dated August 27, 2019 as well as the Environmental Noise and Vibration Impact Study - Preliminary Response to Third-Party Review Comments dated October 14, 2020, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 2. Update the Rail and Safety Assessment prepared by Stantec Consulting Ltd. and dated September 9, 2020 to the satisfaction of the Chief Planner and Executive Director, City Planning.
 3. Reconstruction of the City sidewalks to City standards along the frontages of St. Clair Avenue West, Mulock Avenue and Lloyd Avenue, to the satisfaction of the General Manager, Transportation Services; and
 4. Provision of on-site dog-relief facilities, with the location, nature and size of the facilities to be determined through the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning.
- iii. Prior to issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, a conveyance of 9.7 m along the St. Clair Avenue West frontage of the site. In addition, the owner shall convey a conveyance of 14.3 m as well as a 5.02 m easement (measured perpendicular along the northeast limits of the site), all to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the City Solicitor, all as generally shown on the Site Plan (Drawing No. A100 dated February 22, 2021).

- iv. The owner shall provide the required onsite parkland conveyance as set out in Recommendation 4, above, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor, as follows:
 - a. The owner shall provide a conveyance of land to the City for public parkland, with a minimum size of 868 m² as generally depicted in the Maps/Diagrams of the draft Zoning By-law Amendments;
 - b. The owner shall register a Section 118 Restriction on title, prior to the issuance of the first Above-Grade Building Permit for any building on any part of the lands, to the Parkland, in a form and with priority to the satisfaction of the City Solicitor, agreeing not to transfer or charge all or any part of the Parkland without the consent of the General Manager, Parks, Forestry and Recreation in order to restrict any conveyance other than as contemplated in this agreement;
 - c. The parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation;
 - d. The owner is to pay for the costs of the preparation and registration of all relevant documents. The owner shall provide all legal descriptions and applicable reference plans of survey, for the new parkland, to the satisfaction of the City Solicitor; and
 - e. All other conditions including, but not limited to: Parkland Conveyance; Environmental Assessment; Park Construction and Base Park Improvements; Above Base Park Improvements; and Credit Against Development Charges for Above Base Park Improvements as outlined in the memorandum from Parks, Forestry and Recreation dated April 6, 2021, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.

7. Before introducing the necessary Bills to City Council for enactment, City Council requires the following:

- a) The owner shall finalize the form of the draft Zoning By-law Amendments for this development, if any, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
- b) The owner shall, at their own expense, initiate the Metrolinx Deviation Process with Metrolinx and their Technical Advisor (AECOM). Through this Deviation Process, Metrolinx and their Technical Advisors would assess the risks associated with not adhering to the RAC/FCM and the Metrolinx Adjacent Development Guidelines. Should the Deviation Process deem the risk to be too great to accept, the owner shall enter into a legal agreement with Metrolinx, absolving Metrolinx of any liability associated with the reductions to the setbacks

(19.2 m at the northwest corner of the first level and 23.7 m at the northeast corner of the second level, whereby 25 m is required).

- c) The owner shall submit to the General Manager of Transportation Services for review and acceptance, a revised Transportation Impact Study addressing the outstanding concerns in their memo dated April 6, 2021.
- d) The owner shall make satisfactory arrangements with Engineering and Construction Services and enter into the appropriate agreement(s) with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the accepted Functional Servicing Report and Urban Transportation Considerations Report accepted by the Chief Engineer and Executive Director of Engineering and Construction Services.
- e) The owner shall provide space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 68-10.

FINANCIAL IMPACT

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

DECISION HISTORY

Current Zoning By-law Amendment Application (File Number 19 239452 WET 05 OZ)

At its meeting of February 12, 2020, Planning and Housing Committee considered a Preliminary Report dated January 29, 2020 from the Director, Community Planning, Etobicoke York District (Item PH13.9), which provided preliminary information on the proposed mixed use development application and sought the Committee's direction on the further processing of the application and on the community consultation process.

The Committee recommended that City Council direct the Chief Planner and Executive Director, City Planning to submit the Final Report on the application to the Etobicoke York Community Council in the event that the applicant either settles or withdraws their appeal to Official Plan Amendment No. 231 and the Local Planning Appeal Tribunal (now the Ontario Land Tribunal (OLT) bringing into effect the land use designation approved by Council. In addition, City Council requested staff to seek opportunities to secure additional affordable rental housing as part of the development, beyond the 37

units proposed in the application submission. The decision of City Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH13.9>

Official Plan Amendment No. 231

At its meeting of December 16, 17 and 18, 2013, City Council adopted Official Plan Amendment (OPA) 231 which converted the northern two-thirds of these lands to a *Mixed Use Areas* designation to allow for residential uses while retaining the southern one-third of the site for employment uses by designating this portion of land *General Employment Areas*. Also, an *Employment Areas* overlay was included on the southern one-third of the site on Map 2 - Urban Structure in the Official Plan. OPA No. 231 introduced Site and Area Specific Policy 447 for the lands to provide specific policies for residential and commercial development on the site (see Attachment 5 of this report). The decision of City Council and OPA No. 231 can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

<http://www.toronto.ca/legdocs/bylaws/2013/law1714.pdf>

Official Plan Amendment No. 231 was approved by the Province on July 9, 2014 and the Minister's decision was appealed by a number of parties including an appeal by the former owner as it relates to the subject property and Policy 2.2.4.5 of OPA No. 231. As a result, OPA No. 231 (including Site and Area Specific Policy 447) is not in full force and effect for those lands. The current land owner has assumed carriage of the appeals for OPA No. 231 and the 2013 site specific Official Plan Amendment application.

Official Plan Amendment Application (File Number 13 278533 WET 11 OZ) - Planning and Growth Management Committee, Etobicoke York Community Council and City Council

At its meeting of May 29, 2014, Planning and Growth Management Committee considered a Preliminary Report dated March 17, 2014 from the Director, Community Planning, Etobicoke York District (Item PG33.9), which provided preliminary information on an application for three residential buildings and a retail/office building and sought the Committee's direction on the further processing of the application and on the community consultation process. The Committee recommended that City Council direct the Chief Planner and Executive Director, City Planning to submit the Final Report on the application to the Etobicoke York Community Council on August 12, 2014 after the applicant submitted all outstanding material required for a complete application. City Council adopted the Committee's recommendation at its meeting on June 10, 2014.

As all the required information for a complete application had yet to be submitted by August 12, 2014, a Final Report was not prepared. The last of the required material was submitted on September 3, 2014. A copy of the Preliminary Report and decision history can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG33.9>

At its meeting of February 18, 2015, Etobicoke York Community Council considered a Final Report dated January 8, 2015 from the Director, Community Planning, Etobicoke York District (Item EY4.3), which recommended refusal of the application to amend the

Official Plan by redesignating the northern two-thirds of the lands from *Employment Areas* to *Mixed Use Areas* and creating a new Site and Area Specific Policy (SASP) over the entire site to permit residential uses and commercial/office uses. It should be noted that the proposal also included the southern one-third of the site remaining designated *Employment Areas*.

At its meeting on March 31, 2015, City Council deferred consideration until the May 5 and 6, 2015 City Council meeting whereby a Supplementary Report dated May 5, 2015 from the Director, Community Planning, Etobicoke York District (Item EY4.3) was also considered, which recommended that City Council request that the application be revised to conform with Site and Area Specific Policy 447 as approved by City Council at its meeting of December 18, 2013 with respect to building heights and setbacks. City Council adopted this recommendation.

A copy of the Final Report and the Supplementary Report as well as the decision history can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY4.3>

On March 29, 2018, the solicitor representing the previous owner of the lands appealed the Official Plan Amendment application to the Ontario Municipal Board (now the Ontario Land Tribunal (OLT)), citing City Council's failure to make a decision on the application within the statutory timeframe of the *Planning Act*.

In 2019, settlement discussions between Carlyle and the City commenced. Carlyle submitted a Zoning By-law Amendment application (File Number 19 239452 WET 05 OZ) and has provided additional technical information to address the policies of SASP 447 in dispute. It subsequently submitted a proposed settlement of modifications to OPA 231, including modifications to SASP 447.

At its meeting of February 2, 3 and 5, 2021, City Council considered a Request for Directions Report dated January 25, 2021 from the City Solicitor (Item CC28.5), which outlined the proposed settlement to amend OPA 231 (see Attachment 6 of this report) to:

- a) Confirm the redesignation of Area 'A' from *Employment Areas* to *Mixed Use Areas*, as had been proposed in OPA 231;
- b) Add a policy in SASP 447 to make clear that residential uses are only permitted on the Lands in Area 'A';
- c) Redesignate Area 'B' from *Employment Areas* to *Mixed Use Areas* and confirm the list of permitted uses that had been proposed in OPA 231 SASP 447;
- d) Add community facilities and daycares to the list of permitted uses in Area 'B', the latter only to be permitted once the use at 35 Cawthra Avenue has ceased and not been replaced;
- e) Confirm the timing of uses in Area 'B', specifically that 4,000 square metres of commercial and/or office space will be constructed prior to or concurrent with any residential development in Area 'A';
- f) Confirm the built form of uses in Area 'B', specifically that development occur along 50% of the Lloyd Avenue frontage and at a minimum height of 10

- metres to help mitigate potential land use conflicts;
- g) Create a new Area 'C', and redesignate the area from *Employment Areas* to *Parks and Open Space Areas - Parks* for the provision of a public park with frontage on the two public streets and in a manner that links to the existing Keele-Mulock parkette to the west; and
 - h) Replace the building standards and requirements for a "Holding" by-law that had been proposed in OPA 231 SASP 447 with policies that more clearly articulate the studies and process that will be used to determine permitted building heights, envelope, and uses.

A copy of the Request for Directions Report and decision history can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC28.5>

On April 8, 2021, the LPAT (now the OLT) issued its Order approving the above modifications to SASP 447.

St. Clair Avenue West between Bathurst Street and Keele Street - Avenue Study

At its meeting on September 30, 2009, City Council considered the City Initiated Avenue Study for St. Clair Avenue West between Bathurst Street and Keele Street - Final Report (Item PG26.2) dated May 11, 2009 from the Chief Planner and Executive Director, City Planning Division. City Council adopted the recommendations, as amended.

This Avenue Study was conducted for the segment of St. Clair Avenue West between Bathurst Street and Keele Street. This study set out specific policies and regulations to guide development for properties fronting St. Clair Avenue West designated *Mixed Use Areas* in the Official Plan.

In this case, the Urban Design Guidelines for St. Clair Avenue West Between Keele Street and Glenholme Avenue (Attachment 5 in the Final Report adopted by City Council) would apply. These guidelines provide public realm directions. Also, the built form directions from this study and guidelines are also informative of the mid-rise massing and building performance along the St. Clair Avenue West frontage.

The Final Report and the decision history can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.PG26.2>

St. Clair Avenue West Transportation Master Plan Study

In 2012, the City of Toronto undertook a Functional Planning Study (FPS) to investigate short-term and long-term solutions to improve traffic congestion concerns on St. Clair Avenue West, from Keele Street to Old Weston Road. The City initiated a Transportation Master Plan (TMP) Study following the Municipal Class Environmental Assessment (EA) process in September, 2015, to identify area-wide infrastructure improvements that address traffic congestion on St. Clair Avenue West.

This study, completed in August, 2019, recommended improvements to St. Clair Avenue West to accommodate multiple modes of transportation, including pedestrians

and cyclists. Based on the evaluation completed, the widening of St. Clair Avenue West was one of the recommended improvements. The TMP report and additional information can be here: https://www.toronto.ca/wp-content/uploads/2019/06/9167-City-of-Toronto-St.-Clair-Avenue-West-EA-Study-TMP-Final_June-18-19-AODA-TOC-Exec-Summary.pdf

The TMP Project Team is working closely with City Planning and Metrolinx to coordinate SmartTrack station planning and the Regional Express Rail (RER) initiative proposing connections and access for the potential new St. Clair SmartTrack station, in addition to potential improvements to the St. Clair Avenue West bridge, new rail crossings and potential road extensions. The potential widening of St. Clair Avenue West may result in land conveyances impacting some of the sites fronting the Avenue, particularly on the south side of St. Clair Avenue West. In this case, the subject site would be required to convey land to achieve the TMP results for this section of St. Clair Avenue West.

Keele Street and St. Clair Avenue West Study

City staff are studying the Keele-St. Clair West area as part of the Growth Plan (2019) conformity exercise for lands in close proximity to the planned GO/Smart Track station near Keele Street and St. Clair Avenue West. This Local Area Study will recommend a planning framework to Council for the creation of a complete community in light of planned transportation, transit and infrastructure improvements approved through the St. Clair Avenue West Area Transportation Master Plan.

At its meeting on October 15, 2019, Planning and Housing Committee adopted the Municipal Comprehensive Review/Conformity Exercise Requirements (Item PH9.2). The Committee directed City Planning "to prioritize the study of the Keele-St. Clair area including lands around McCormack Street where lands are designated as *Employment Areas* and are not identified as a Provincially Significant Employment Zone as part of the upcoming review in order to enable the potential unlocking of the lands in the vicinity of the Smart Track/GO Kitchener line and planned station located in the area of these lands." The requirements and decision history can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH9.2>

At its meeting on June 29, 2020, City Council adopted a work plan for the Growth Plan Conformity and Municipal Comprehensive Review. This work plan describes Local Area Studies required for certain Major Transit Station Areas (MTSAs), including the Keele-St. Clair Local Area Study. The work plan and decision history can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH14.4>

PROPOSAL

Application Description

This application proposes to amend the former City of Toronto Zoning By-law 438-86 and City-wide Zoning By-law 569-2013 for the property at 159 & 161-181 Mulock Avenue and 6 Lloyd Avenue to permit a mixed use development that would include one north residential building (stepping up to 15-storeys (47.2 m)) and one south residential

building (stepping up to 17-storeys (53.1 m)) connected by a podium (4-storeys (12.75 m)). The proposal also includes one office building (8-storeys (32.1 m)) and a new public park (868 m²). The proposal includes a total gross floor area of 52,980 m², of which 43,644 m² for residential space, 7,730 m² for office space, 1,131 for retail use, 381 m² (including the vestibule) for community agency space and 94 m² for a restaurant. The total Floor Space Index would be 6 times the area of the lot (final net area of 8,851 m²). The development would contain a total of 535 residential units, of which 525 would be condominium units and 10 would be Affordable Ownership units. A total of 358 vehicular parking spaces are proposed within a 4-level above grade parking garage proposed to be located along the rail corridor. Parking would be accessed by a private driveway from Lloyd Avenue.

The north building would front on St. Clair Avenue West and Mulock Avenue with a streetwall height of 4-storeys (12.75 m) and have stepbacks from the 5th to 11th levels as well as a further stepbacks on the 12th level up to 15-storeys (47.2 m). The existing retaining wall along the St. Clair Avenue West frontage would be removed and replaced by this proposed building in order to provide direct access to the street. The street level, fronting St. Clair Avenue West, would be occupied with retail uses and the ground floor would be occupied with commercial uses. The south building would be located centrally on the site with a total height of 17-storeys (53.1 m) and the office building would front Lloyd Avenue and Mulock Avenue with a total height of 8-storeys (32.1 m). In addition, the new public park would have frontage on Lloyd Avenue as well as Mulock Avenue. Further, the separation distances would be 14 m at the closest point at the east end of the building, widening to the west, between the south residential building and the office building and 25 m between the north and south residential buildings.

The proposal includes a total of 535 residential units, of which: 30 (5%) would be bachelor units; 346 (65%) would be one-bedroom units; 106 (20%) would be two-bedroom units; and 53 (10%) would be three-bedroom units. It should be noted that the 10 Affordable Ownership Housing units would be one-bedroom units and be no less than 42.7 m² (460 ft²) in size. The proposed average unit size for the condominium units would be approximately 36 m² (bachelor), 47 m² (one-bedroom); 63 m² (two-bedroom); and 81 m² (three-bedroom).

The proposal would contain 1,070 m² (2 m² per unit) of indoor amenity space located on multiple levels (including on the ground floor and on the second, third, fourth, fifth and tenth levels) and 1,070 m² (2 m² per unit) of outdoor amenity space on the ground floor, fifth level (roof of the 4-storey above grade parking garage that would be located along the rail corridor) and tenth level. The outdoor amenity space on the fifth level would have direct access from the indoor amenity space. In addition, the proposal includes an at-grade courtyard between the north and south building. Further, an at-grade private garden/outdoor space (301 m²) would be adjacent to the new public park.

The office building would contain a total gross floor area of 8,205 m², of which 372 m² would be for community agency space, on the ground level, (381 m² including a vestibule) and 7,730 m² would be for office use. Also included is 94 m² for commercial use. This commercial space would consist of at-grade related restaurant/café that would have direct views to the new public park. It should be noted that employees and tenants of the community agency space would have access to 301 m² of outdoor amenity space

(private garden) that would abut the public park. In addition, the ground floor of the building would include the main lobby entrance, access to the parking garage, a garbage room and a loading space which is proposed to be accessed via a 6 m wide private driveway from Lloyd Avenue. The loading area for the north and south buildings would be accessed from this private driveway.

The application proposes 287 resident and visitor parking spaces, 66 commercial and office parking spaces and 5 car-share parking spaces (which represents a supply of 20 parking spaces using the car-share formula). It should be noted that, included in these parking spaces, 11 barrier-free parking spaces would be provided. Also proposed is a total of 536 bicycle parking spaces (482 long term spaces and 54 short term spaces) for the residential buildings. A total of 27 bicycle parking spaces (12 long term spaces and 15 short term spaces) would be provided for the office building.

Detailed project information may be found on the City's Application Information Centre at the following link:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1 for the Application Data Sheet. Attachments 9 to 13 (Site Plan and Elevations), which illustrate the development concept of the subject site.

Site and Surrounding Area

The site is located on the northeast corner of Lloyd Avenue and Mulock Avenue, southeast of the St. Clair Avenue West and Keele Street intersection. The property directly abuts the CNR/CPR railway corridor to the east, St. Clair Avenue West to the north, Lloyd Avenue to the south and Mulock Avenue to the west.

The 1.06 ha (2.62 acre) site is currently vacant and triangular in shape with a lot area of approximately 10,602 m². Frontages to this property include: 55 m on St. Clair Avenue West; 118 m on the CNR/CPR corridor; 129 m on Mulock Avenue; and 80 m on Lloyd Avenue. The net lot area would be 8,851 m², excluding road widenings, easements, and parkland dedication.

The site was previously occupied by a 3-storey building (Benjamin Moore paint facility) as well as residential dwellings that had frontage on Mulock Avenue. The site has an existing retaining wall along the northern boundary of the site abutting St. Clair Avenue West which slopes down under the adjacent rail overpass. Access to the site from St. Clair Avenue West is currently provided via a pedestrian staircase located at the north end of Mulock Avenue.

The lands are located in an area characterized by a mix of low rise industrial, commercial and residential uses. The surrounding land uses include:

North: Directly across St. Clair Avenue West is a 3-storey townhouse development.

South: Directly across Lloyd Avenue is a mix of low rise residential dwellings, office and industrial uses (i.e. National Rubber Technologies, People's Pint Brewing Company, and various auto body shops, woodworking shops, etc.).

East: Adjacent to the lands is the CNR/CPR railway corridor servicing the Kitchener GO Rail line. Further east of this railway corridor is a mix of low rise industrial, commercial and residential uses.

West: Directly across Mulock Avenue are semi-detached dwellings, auto body repair uses and a parkette. On the north and south side of St. Clair Avenue West, west of Keele Street, are several fast food restaurants and big box retail uses such as Canadian Tire, Home Depot, Future Shop, Rona and the Trinity Group retail commercial development. Further west along St. Clair Avenue West are a mix of low rise residential uses, food processing uses and other commercial uses. Some of the lands to the west have submitted conversion requests to change the land use from *Employment Areas* to *Mixed Use Areas*. These requests will be addressed through the City's Municipal Comprehensive Review.

Reasons for Application

An amendment to the former City of Toronto Zoning By-law 438-86 and City-wide Zoning By-law 569-2013 is required to permit the proposed residential use and to revise other development standards as necessary to reflect the development proposal.

APPLICATION BACKGROUND

Application Submission Requirements

A complete application was submitted on October 22, 2019. A Notification of Complete Application was issued on November 13, 2019.

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

- Planning Rationale;
- Community Services and Facilities Study;
- Public Consultation Strategy Report;
- Toronto Green Development Standard Checklist and Statistics;
- Environmental Noise Feasibility Study;
- Energy Strategy Report;
- Air Quality Assessment;
- Pedestrian Wind Assessment;
- Environmental Noise and Vibration Feasibility Study;
- Urban Transportation Considerations Report;
- Rail Safety Report (Crash Protection Wall Figures);
- Preliminary Geotechnical Report;
- Functional Servicing and Stage 1 Stormwater Management Report;
- Phase One Environmental Site Assessment;
- Hydrogeological Assessment;

- Arborist Report;
- Massing Study; and
- Sun/Shadow Study.

Agency Circulation Outcomes

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

Statutory Public Meeting Comments

In making their decision with regard to this Zoning By-law Amendment application, City Council members have an opportunity to consider the submissions received prior to and at the statutory public meeting held by the Etobicoke York Community Council for the application. Oral submissions made at the virtual meeting will be broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities. The outcome of staff analysis and review of relevant matters of provincial interest are summarized in the Comments Section of this report.

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 use and management of land and infrastructure;
- Ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- Ensuring opportunities for job creation;

- Ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- Protecting people, property and community resources by directing development away from natural or human-made hazards.

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 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 Council shall also be consistent with the PPS.

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

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. 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 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 Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*.

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

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;

- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020), 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 (2020), 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 Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

Planning for Major Transit Station Areas

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The subject lands are located within approximately 500 metres of the future St. Clair Avenue West GO station.

The Growth Plan (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities. On June 29, 2020, City Council approved a work plan (Item No. PH14.4) for the Growth Plan Conformity and MCR of the Toronto Official Plan and established August 4, 2020 as the commencement of the City's MCR. Regarding MTSAs, the MCR work plan includes a three-phased implementation approach to delineate and set density targets for the 180+ MTSAs in Toronto. The St. Clair Avenue West Station area is included in Phase 1 of the MTSAs implementation.

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

Toronto Official Plan

The Official Plan ((OPA) 231) designates the site as *Mixed Use Areas* (northern portion) as well as *General Employment Areas* (southern portion) on Map 17 - Land Use Plan. The northern portion of the site is identified as an *Avenue* along the St. Clair Avenue West frontage. Planning staff are of the opinion that the development proposal conforms to both land use designations and the associated development criteria.

This application has been reviewed against the policies of the Official Plan Amendment 231 and Site and Area Specific Policy 447 as well as 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 our neighbourhoods and green spaces from development pressures.

Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation:

The Official Plan states that future growth within Toronto will be steered to areas that are well served by transit, the existing road network and which have a number of properties with redevelopment potential. Growth areas in the City are locations where good transit access can be provided along bus and rapid transit routes. Areas that can best accommodate this growth are shown on Map 2 (Urban Structure) of the Official Plan. Map 2 identifies that the northern portion of the site, fronting St. Clair Avenue West, is on an Avenue. In addition, St. Clair Avenue West is identified on Map 3 - Right-of-Way Widths Associated with Existing Major Streets as planned for a 30 m wide right-of-way width. Further, St. Clair Avenue West is also identified on Map 4 - Higher Order Transit Corridors and on Map 5 - Surface Transit Priority Network as a "Transit Corridor" and "Transit Priority Segment".

Section 2.2.3 Avenues: Reurbanizing Arterial Corridors:

The Official Plan states that *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. There is no "one size fits all" program for reurbanizing the *Avenues*. A framework for change will be

tailored to the situation of each Avenue through a local Avenue Study that will involve local residents, businesses and other stakeholders for each Avenue.

Section 2.2.4 *Employment Areas: Supporting Business and Employment Growth*: Policy 2.2.4.1 states that *Employment Areas* are comprised of lands designated both as *Core Employment Areas* and *General Employment Areas*. *Employment Areas* are areas designated in this Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. The *Employment Areas* policies of the Official Plan speak to the preservation of *Employment Areas* in order to contribute to a balance between employment and residential growth so that Torontonians have a greater opportunity to live and work in the City, rather than commuting distances to jobs outside the City.

Policy 2.2.4.5 states that sensitive land uses, including residential uses, where permitted or proposed outside of and adjacent to or near to *Employment Areas* or within the influence area of major facilities, should be planned to ensure they are appropriately designed, buffered and/or separated as appropriate from *Employment Areas* and/or major facilities as necessary to:

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

Site and Area Specific Policy 447, as recently modified, (see Attachment 6 of this report) reflects the following:

- a) Residential uses are only permitted on the lands shown as Area 'A'.
- b) On the lands shown as Area 'B', the following development and use provisions will apply:
 - i. A minimum of 4,000 square metres of commercial and/or office space will be constructed and that this development occurs:
 1. prior to or concurrently with any residential development on the lands shown as Area "A";
 2. along at least 50% of the Lloyd Avenue frontage; and
 3. at a minimum height of 10 metres.
 - ii. The only permitted uses are an arts school, creative arts studio, art gallery, theatre, office, retail outlet, farmer's market, museum, restaurant/café, daycare, and community facilities.
 - iii. A daycare use is only permitted once the adjacent industrial uses at 35 Cawthra Avenue existing in the year 2020 have ceased and have not been replaced by the same or similar use for a period of one year from the date of closure of the original use, and subject to the submission of supporting studies set out in (c) below.

- iv. A minimum of 4,000 square metres of commercial and/or office space to be constructed in Area 'B' will be secured by way of a Section 37 Agreement or by any other means determined by the City.
- c) The permitted building height, envelope and land uses for Area 'A' and Area 'B' will be determined through the implementing zoning by-law amendment based on the following studies to the satisfaction of the Chief Planner:
 - i. a Rail Safety and Mitigation Study to support any building setback less than 30 metres from the rail corridor; and
 - ii. a Compatibility Mitigation Study, Air Quality Study, Noise Impact Study, and Vibration Study.
- d) A park shall be located on the lands shown generally as Area 'C'.

Section 2.3.1 Healthy Neighbourhoods:

Policy 2.3.1.1 states that *Neighbourhoods* are low rise and low density residential areas that are considered to be physically stable areas. Development in *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

Policy 2.3.1.2 states that developments within *Mixed Use Areas*... that are adjacent to *Neighbourhoods* will:

- a) Be compatible with those *Neighbourhoods*;
- b) Provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- c) Maintain adequate light and privacy for residents in those *Neighbourhoods*;
- and
- d) Attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Policy 2.3.1.3 states that intensification of land adjacent to neighbourhoods will be carefully controlled so the neighbourhoods are protected from negative impact.

Chapter 3 - Building a Successful City

Section 3.1.1 The Public Realm:

The Official Plan contains policies which promote 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 our 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.

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;
- b) co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realms;
- c) weather protection;
- 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, to make the building and its open spaces more attractive and interesting.

In addition, 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. 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.

Section 3.2.3 Parks and Open Spaces:

The Official Plan identifies that the City's Green Space System, made up of parks and open spaces, the natural heritage system and a variety of privately managed but publicly accessible spaces, is an integral part of our quality of life and social well-being. Policy 3.2.3.1 states that Toronto's system of parks and open spaces will continue to be a necessary element of city-building as the City grows and changes. Maintaining, enhancing and expanding the system requires the following actions:

- a) Adding new parks and amenities, particularly in growth areas and maintaining, improving and expanding existing parks;
- b) Designing high quality parks and their amenities to promote user comfort, safety, accessibility and year-round use and to enhance the experience of "place", providing experiential and educational opportunities to interact with the natural world;
- c) Protecting access to existing publicly accessible open spaces, as well as expanding the system of open spaces and developing open space linkages; and
- d) Promoting and using private open space and recreation facilities, including areas suitable for community or allotment gardening, to supplement the City's parks, facilities and amenities.

In addition, Policy 3.2.3.2 states that parkland acquisition strategies, including decisions about whether to accept parkland or cash as a condition of development, will take into account a range of factors.

Further, Policy 3.2.3.8 states that the location and configuration of land to be conveyed should:

- a) Be free of encumbrances unless approved by Council;
- b) Be sufficiently visible and accessible from adjacent public streets to promote the safe use of the park;
- c) Be of a usable shape, topography and size that reflects its intended uses;
- d) Be consolidated or linked with an existing or proposed park or green space or natural heritage system where possible; and
- e) Meet applicable Provincial soil regulations and/or guidelines for residential/parkland uses.

Chapter 4 - Land Use Designations

The Official Plan ((OPA) 231) designates the site as *Mixed Use Areas* (northern portion) as well as General Employment Areas (southern portion) on Map 17 - Land Use Plan. However, since the recent approval by the Local Planning Appeal Tribunal (as a result of the resolution of the OPA 231 appeal for SASP 447), the entire site is designated *Mixed Use Areas*.

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

experience the same scale or intensity of development. The policies of *Mixed Use Areas* require new development to provide a transition between areas of different development intensity and scale.

Policy 4.5.2 sets out development criteria in *Mixed Use Areas*, noting that development will:

- a) Create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- b) Provide for new jobs and homes for Toronto's growing population on underutilized lands in the...*Avenues* and other lands designated *Mixed Use Areas*, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- c) Locate and mass new buildings to provide a transition between areas of different development intensity and scale...through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- d) Locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- e) Locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- f) Provide an attractive, comfortable and safe pedestrian environment;
- g) Have access to schools, parks, community centres, libraries and childcare;
- h) Take advantage of nearby transit services;
- i) Provide good site access and circulation and an adequate supply of parking for residents and visitors;
- j) Locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- k) Provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

It should be noted that the site is adjacent to the CNR/CPR railway corridor servicing the Kitchener GO Rail line which is designated as Utility Corridors on Map 17 - Land Use Map in the Official Plan. Utility Corridors play a vital role in the City as corridors for the transmission of energy, communication and the movement of people and goods which mainly consist of rail and hydro rights-of-way. These linear corridors are a defining element of the landscape fabric of the City and many of these corridors also serve important local functions as parkland, sport fields, pedestrian and cycling trails and transit facilities. These corridors should be protected for future public transit routes and linear parks and trails.

Overall, Official Plan Amendment 231 and SASP 447, as approved by the Local Planning Appeal Tribunal in April 2021, permits residential uses only on the lands shown as Area 'A', allows a minimum gross floor area of 4,000 m² of commercial and/or space to a maximum building height of 10 m on the lands shown as Area 'B' and secures parkland on the lands shown as Area 'C'.

Studies such as Rail Safety, Compatibility Mitigation, Air Quality, Noise Impact, and Vibration are required to the satisfaction of the Chief Planner through implementing this Zoning By-law Amendment application in order to permit the proposed building heights, envelope and land uses for Area 'A' and Area 'B'.

It should also be noted that the previous height limit was imposed due to concerns that the smoke stack plume from the National Rubber Technologies site could impact buildings on the site greater than 16.5 m in height.

Zoning

The site is zoned Industrial District I4 D7 under the former City of Toronto Zoning By-law 438-86. Permitted uses include: a public park, parking garage, city yard, generating station, public incinerator, pumping station, sewage disposal plant, recycling yard, laboratory, public transit, railway station, railway yard, animal by-products plant, chemical products factory, concrete batching and mixing yard, distillation plant and rubber products factory. Permitted uses are allowed at a density of up to seven times the area of the lot and have no height limit. Residential uses are not permitted in the Industrial District I4 D7 zoning (see Attachment 4).

The site is zoned Employment Heavy Industrial Zone (EH7.0) under City-wide Zoning By-law 569-2013. This zoning permits only non-residential uses to a density of 7.0 times the area of the lot such as a bindery, contractor establishment, manufacturing, laboratory, public utility and works yard, recovery facility, service shop, shipping terminal, vehicle repair shop, warehouse and waste transfer station.

City-wide Zoning By-law 569-2013 can be found here:

<https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following design guideline(s) have been used to inform the review of this application:

- *Avenues* and Mid-Rise Buildings Performance Standards;
- St. Clair Avenue West between Keele Street and Glenholme Avenue Urban Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities;
- Retail Design Manual;
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings;
- Bird Friendly Development Guidelines; and
- Toronto Green Standard.

The City's Design Guidelines can be found here:

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

Avenues and Mid-rise Buildings Study and Performance Standards

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

St. Clair Avenue West between Keele Street and Glenholme Avenue Urban Design Guidelines

There are 13 Guiding Principles in total: streets & sidewalks, built form, massing, environmental sustainability, built heritage & character, quality of life & identity, trees & landscaping, gateways & views, meeting & gathering spaces, visual & physical connections, parking & traffic management, mix & variety of land uses, and community engagement.

The guidelines identify this site as part of the "Existing Employment Districts" (not to be confused with the Employment Districts on Map 2 of the Official Plan) and addresses compatibility between residential and employment uses. This site is also located adjacent to a "Potential Primary & Secondary Gateways", at the rail overpass. In addition, the Public Realm framework illustrates important built edges along St. Clair Avenue West and Mulock Avenue, the adjacency to the potential pedestrian bridge connection over St. Clair Avenue West, as well as public art at the terminus of Mulock Avenue and the rail overpass.

It should be noted that Section 3.2.6 Built Form Guidelines envisions the following:

- Landmark/signature architectural treatment at gateway locations;
- Articulation of base, middle and top of buildings;
- Building orientation & placement at street edge with direct entry points to the public sidewalk(s);
- Prominent streetwalls for identified important built edges;
- Retail uses at-grade fronting St. Clair Avenue West;
- Pedestrian scale streetwalls up to 5-storeys with stepbacks above;
- Building heights proportionate to street width along St. Clair Avenue West; and

- Angular planes for sun/shadow performance along St. Clair Avenue West public sidewalks and for appropriate transition to low-rise residential neighbourhoods, including a 60 degree angular plane when neighbourhoods are located to the south of the proposed development.

Growing Up: Planning for Children in New Vertical Communities

On July 28, 2020, City Council adopted the Growing Up Urban Design Guidelines ("Growing Up Guidelines") and directed City Planning staff to apply the Guidelines in the evaluation of new multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children living in vertical communities, at the neighbourhood, building and unit scale. The Guidelines indicate that a building should provide a minimum of 25% large units of which 10% should be 3-bedroom units, and 15% should be 2-bedroom units. The Guidelines can be found here:

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

Retail Design Manual

City Council adopted the Retail Design Manual on October 27, 2020. The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing successful ground floor retail spaces. The intent is to provide aspirational retail design best practices to inform, guide, inspire and educate those involved in the design and development of retail uses. The best practices apply City-wide to all new development that includes retail uses, with a focus on retail uses that interface with the public realm. The link to the Manual can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/design-guidelines/retaildesign/>

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The purpose of the Pet Friendly Design Guidelines is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities. The Guidelines can be found here:

<https://www.toronto.ca/wp-content/uploads/2019/12/94d3-CityPlanning-PetFriendlyGuidelines.pdf>

St. Clair Avenue West Area Transportation Master Plan (TMP)

The City of Toronto is examining potential solutions to improve transportation options in the area around St. Clair Avenue West between Keele Street and Old Weston Road. The TMP Project Team is working closely with City Planning and Metrolinx to coordinate SmartTrack station planning and the Regional Express Rail (RER) initiative proposing connections and access for the potential new St. Clair SmartTrack station in addition to potential improvements to the St. Clair Avenue West bridge, new rail crossings and potential road extensions. The potential widening of St. Clair Avenue West may result in land conveyances impacting some of the sites fronting the Avenue, particularly on the south side of St. Clair Avenue West.

Site Plan Control

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

Community Consultation

The applicant submitted a Public Consultation Strategy Report prepared by Hunter and Associates Ltd. and dated October 7, 2019, as part of the complete application submission requirements. The strategy outlined the applicant's intent to engage with the community, City staff, relevant agencies, the Ward Councillor and all interested stakeholders throughout the planning process.

A community consultation meeting was held on March 4, 2020 at 2054 Davenport Road (Toronto Police Service - 11 Division). Approximately 50 members of the public attended along with staff from the Ward Councillor's office, the applicant, their consulting team and City staff. The members of the public inquired about the timing of the development; number and tenure of the residential units (including the affordable units); and the consideration/desire for community space as well as public parking spaces within the building. In addition, concerns were raised regarding the current condition of the site (desire to see the elimination of the dumping from occurring) and re-fence the area so that the site is well maintained. Further, major concerns were raised regarding the existing conditions at the intersection of Lloyd Avenue and Mulock Avenue and that the increased number of cars would exacerbate this condition (particularly street parking on these streets).

COMMENTS

In response to City staff and community concerns, the applicant revised the proposal. As a result, the massing, stepbacks and setbacks of the building were revised to better fit within the streetscape within the surrounding context.

City Planning staff are recommending approval of an amendment to the Zoning By-laws to permit the revised proposal, in its current form, which represents good planning.

Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest that City Council shall have regard to in making any decision under the *Planning Act*. Relevant matters of provincial interest are:

- (f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) The orderly development of safe and healthy communities;
- (h.1) The accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) The adequate provision and distribution of educational, health, social, cultural and recreational facilities;

- (j) The adequate provision of a full range of housing, including affordable housing;
- (k) The adequate provision of employment opportunities;
- (p) The appropriate location of growth and development;
- (q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) The promotion of built form that (i) is well designed, (ii) encourages a sense of place and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant; and
- (s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

The current proposal is in an appropriate location for development; is supportive of current and future transit along St. Clair Avenue West; represents an appropriate built form that addresses the existing and planned context of the *Avenue*; provides a range and mix of housing including family sized and affordable rental units; provides for retail and commercial (office and community agency space) uses on the main streets (St. Clair Avenue West, Mulock Avenue and Lloyd Avenue); secures a new public park; encourages a sense of place; and promotes a vibrant public realm/streetscape.

These Provincial Interests are further articulated through the PPS (2020) and the Growth Plan (2020).

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2020).

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.

The current proposal has been reviewed against the policies of the PPS (2020) and key policies include:

Policy 1.1.1 states that healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns; b) accommodating an appropriate affordable and market-based range and mix of residential types, employment, recreation, and park and open space; e) promoting the integration of land use planning, growth management and, transit-supportive development; f) improving accessibility for persons with disabilities and older persons; and g) ensuring that necessary infrastructure and public service facilities meet the needs of current and projected needs.

Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment.

Policy 1.1.3.4 states that development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.2.6.1 states that sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.

Policy 1.3.1.1 states that planning authorities shall promote economic development and competitiveness by: a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment; d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and e) ensuring the necessary infrastructure is provided to support current and projected needs.

Policy 1.4.3 states that planning authorities shall provide a range of housing types and densities to meet projected market-based and affordable housing needs of current and future residents. This policy directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and well-being requirements of current and future residents, and all forms of residential intensification and redevelopment where existing or planned infrastructure can accommodate projected needs.

Policy 1.5 directs planning authorities to promote healthy, active communities by: a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity; and b) planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources.

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.

Policies 1.6.8.1 and 1.6.8.3 states that planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation to meet current and projected needs; and planning authorities shall not permit development in planned

corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

Policy 1.6.9.1 states that planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that: a) their long-term operation and economic role is protected; and b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with Policy 1.2.6.

Policy 1.8.1 states that planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which: a) promote compact form and a structure of nodes and corridors; b) promote the use of active transportation and transit in and between residential, employment and institutional uses; c) focus major employment, commercial and other transit-supportive land uses on sites which are well served by and which support transit; e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion; and f) promote design and orientation which maximizes energy efficient and conservation, and considers the mitigating effects of vegetation and green infrastructure.

The proposal is consistent with the PPS (2020) in this regard in that it would provide additional housing through the residential intensification of an underutilized property. Additionally, the proposal is consistent with the PPS as it:

- Proposes densities and land uses, through a compact urban form, that represents an efficient land use pattern and resources;
- Efficiently uses planned and existing infrastructure and public service facilities, and is transit supportive; and
- Contributes to providing a range and mix of housing types (affordable rental and condominium units) and commercial/retail uses to meet projected requirements of current and future residents.

Growth Plan (2020)

The Growth Plan (2020) provides a framework for managing growth in the Greater Golden Horseshoe. City Council's planning decisions are required to conform with the Growth Plan. This application has been reviewed against the policies of the Growth Plan (2020) and key policies include:

Policies 2.2.1.2 a) and c) direct municipalities to manage growth and direct the vast majority of growth to settlement areas, focused within delineated built-up areas and more specific strategic growth areas like urban growth centres, and locations with existing or planned transit, with a priority on higher order transit where it exists or is planned.

Policies 2.2.1.3 b) and c) direct municipalities to undertake integrated planning to manage forecasted growth which will be supported by planning for infrastructure and public service facilities by considering the full life cycle costs of these assets and

developing options to pay for these costs over the long-term, as well as to provide for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form.

Policies 2.2.1.4 a), c), d) and e) state that applying the policies of the Growth Plan (2020) will support the achievement of complete communities that: feature a diverse mix of land uses, including residential and employment uses; 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; expand convenient access to transportation options and open space; and provide for a more compact built form and a vibrant public realm.

Policy 2.2.5.7 states that municipalities will plan for all employment areas within settlement areas by: a) prohibiting residential uses and prohibiting or limiting other sensitive land uses that are not ancillary to the primary employment use; b) prohibiting major retail uses or establishing a size or scale threshold for any major retail uses that are permitted and prohibiting any major retail uses that would exceed that threshold; and c) providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility.

Policy 2.2.5.8 states that the development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.

Policy 2.2.6.3 states that to support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

Policy 3.2.1.2 requires that the planning for new or expanded infrastructure will occur in an integrated manner and Policy 3.2.2.1 requires that transportation system planning, land use planning and transportation investment will be coordinated.

Policy 3.2.3.4 a) states that municipalities will ensure that active transportation networks are comprehensive and integrated into transportation planning to provide, among other matters, safe, comfortable travel for pedestrians, bicyclists and other users of active transportation.

Policy 3.2.5.1b) ensures that existing and planned corridors are protected to meet current and projected needs.

Policy 3.2.6.1 states that municipalities will generate sufficient revenue to recover the full costs of providing and maintaining municipal water and wastewater systems.

Policy 4.2.5 states that municipalities are encouraged to establish open space areas within settlement areas, which may include opportunities for rooftop garden, communal courtyards, and public parks.

The Growth Plan for the Greater Golden Horseshoe contains policies which promote economic growth, increase housing supply, create jobs and build communities. The proposal is consistent with the Growth Plan (2020) as it:

- Promotes intensification within a built-up area;
- Supports the achievement of complete communities by contributing to a mix of land uses;
- Contributes to a range of housing options;
- Provides convenient access to transportation options, contributing to public service facilities, open spaces and recreational facilities; and
- Provides for a compact built form and vibrant public realm.

Overall, the current proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020). Both the PPS and the Growth Plan encourage intensification and redevelopment in urban areas, which help provide healthy, liveable and safe communities.

Land Use

This application has been reviewed against the Official Plan policies and planning studies described in the Policy Consideration Section of the Report as well as the policies of the Toronto Official Plan as a whole.

The recent Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) decision regarding the land use conversion modified Official Plan (OPA 231) has recently been modified to convert the land use designations from *Employment Areas* to *Mixed Use Areas* (lands shown as Area 'A' and Area 'B') and *Parks and Open Space Areas* (lands shown as Area 'C') (see Attachment 6 of this report). The northern portion of the site is identified as an Avenue along the St. Clair Avenue West frontage. Planning staff are of the opinion that the development proposal conforms to both land use designations and the associated development criteria.

The proposed mixed use development (with retail space at-grade) would be appropriate at this location and would be compatible with the planned context of this area, particularly as it relates to the approved mixed use developments along St. Clair Avenue West. Further, the proposed commercial component of this mixed use building, along with street entrances/portico, would add to the vibrancy of the site and would contribute to animating the St. Clair Avenue West frontage.

The proposed office/commercial building, including the proposed community agency space, achieves an appropriate scale of non-residential uses that would be constructed prior to or concurrent with the proposed residential uses and in a form that would mitigate potential land use conflicts.

In this specific case, 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 (whereby achieving adequate separation distances between varying scales of development) while providing a balance of residential and

employment densities as well as community facilities to support public transit. As such, staff are recommending the requested Zoning By-law Amendment be approved.

Density, Height, Massing

The proposed density, height and massing have been assessed by applying the relevant Official Plan policies and design guidelines referenced in the Policy Consideration Section of this report.

The proposal is to permit a mixed use development that would include one north residential building (stepping up to 15-storeys (47.2 m)) and one south residential building (stepping up to 17-storeys (53.1 m)) connected by a podium (4-storeys (12.75 m)), fronting St. Clair Avenue West and Mulock Avenue. Also proposed is one office building (8-storeys (32.1 m)) at the corner of Lloyd Avenue and Mulock Avenue. The proposal includes a total gross floor area of 52,980 m² and a total Floor Space Index of 6 times the area of the lot (final net area of 8,841.1 m²).

The north building would have a frontage along St Clair Avenue West and Mulock Avenue and would provide lower ground floor retail uses to animate these frontages. The lower levels would incorporate a mid-rise building form with upper levels terracing up and a taller built form that would be appropriately setback from the St. Clair Avenue West frontage. The massing of this taller portion would be along the Mulock Avenue frontage with an angled design to achieve a transition down to the uses to the west and south. The south building would be centrally located on this site and would also be angled to achieve the same transition down to the uses to the west and south. Overall the building form and design of the north and south buildings include a "tower" portion that blends from mid-rise to tower through a slope. The taller elements would be centrally located in the middle of the site to respect the angular planes as measured from nearby Neighbourhoods.

In addition, the office building would be located on the southern portion of the site, fronting Lloyd Avenue and Mulock Avenue. This proposed building would provide a buffer of the sensitive uses on this site from other industrial and manufacturing uses within the immediate area. In addition, the proposal includes a new stair connection between St. Clair Avenue West and Mulock Avenue to create a safe and comfortable pedestrian condition between public transit and this proposed office building.

The proposal includes removing the retaining wall along the St. Clair Avenue West frontage and replacing this wall with the proposed building to achieve a streetwall height and upper level terracing that respects the planned right-of-way width of St Clair Avenue West. The proposed development would also be located along both adjacent street frontages of Mulock Avenue and Lloyd Avenue and proposes to locate the new public park at the southwest corner of this intersection, to give prominence to this open space and maximize access to sunlight. The main building entrances are proposed along the street frontages in order to be clearly visible and provide direct access from the public sidewalks.

The Official Plan states that base buildings shall be massed to support the appropriate scale of adjacent streets, parks and open spaces, and to minimize the impacts of

parking and servicing uses. The Built Form policies require that new development will be massed to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion. The buildings would be organized to frame and support the public streets and the public park while providing appropriate setbacks and various setbacks.

Through the review of the application, the following design modifications were achieved: the Mulock Avenue entry has been extended and well defined as it relates to the west façade; all the balconies along the podium fronting Mulock Avenue have been changed from projecting to inset balconies; the continuous strip balconies have been reduced to individual balconies to reduce the massing; and the south building has been further setback at the east façade to reduce the floorplates from 828 to 776 m² (on the 7th to the 17th levels), to minimize potential shadow and wind impacts on the site and surrounding properties, as well as the parapet structure has been lessened to further reduce the penetration of the angular plane. In addition, the separation distances between the north and south building would be 25 m and 14 m at the shortest distance, increasing to 17 m between the south building and the office building, all of which allows for adequate privacy, sunlight and sky views and the proposed tower floorplate sizes.

The proposal achieves a building form and design that blends both the area context and the architecture itself, particularly as it relates to the adjacent rail corridor and surrounding mix of land use designations including *Neighbourhoods*, *Mixed Use Areas*, *Employment Areas* and *Parks and Open Space Areas*. This unique design and placement of the proposed buildings creates a site layout that achieves an appropriate fit with the surrounding built form whereby mitigating negative shadow impacts, and provides a transition in scale towards lower scale development on Mulock Avenue and Lloyd Avenue. The proposed shape would create a unique character in the skyline and is consistent with the St. Clair Avenue West Urban Design Guidelines which envisions taller mid-rise buildings emerging through recent developments, which is reflective of the planned context along St. Clair Avenue West.

Design Review Panel

The proposed development was reviewed by the City's Design Review Panel on October 8, 2020, minutes for which are available online at the following link:

<https://www.toronto.ca/city-government/planning-development/outreach-engagement/design-review-panel/meeting-schedule/>

The Panel appreciated the proposed design direction of "challenging conventional approaches bringing forward an intriguing exploration of a hybrid building type". The panel generally supported the mix of uses and the appropriateness of the proposed new typology in this neighbourhood, however, recommended to consider greater separation distances, reduced massing on-site and simplification of materiality of the residential buildings. The Panel also highlighted the importance of giving the office building a complementary level design to better integrate this component of the development into the whole scheme. It should be noted that the applicant made further modifications to the building separations and the design of the proposed office building to include an angled façade above the fourth floor facing west.

Planning staff will work with the applicant to further pursue achieving the objectives of the Panel's commentary through the Site Plan review process, should this application be approved.

Sun, Shadow, Wind

Section 4.5, Policy 2.d) of the Official Plan states that development within *Mixed Use Areas* are to locate and mass new buildings so as to adequately limit shadow impacts on adjacent Neighbourhoods, particularly during the spring and fall equinoxes. Policy 2.e) further states that development should be located and massed to frame the edges of street 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 RAW Design dated August 13, 2019 and two addendums dated February 25, 2020 and September 14, 2020 to reflect revisions to the proposal. This updated study illustrates the incremental shadow impacts during March 21st and September 21st (Spring and Fall Equinoxes), June 21st (Summer Solstice) and December 21st. The following has been identified for the current proposal:

- In March/September, between 9:18 a.m. and 10:18 a.m., the proposed buildings would cast shadows on the lands directly across Mulock Avenue as well as onto the front yards of the lands directly across St. Clair Avenue West. These shadows would move throughout the two hours and would be completely within the site (with the exception of some shadow on St. Clair Avenue West) by 11:18 a.m., maintaining at least 5 hours of continuous sunlight on the north sidewalk of St. Clair Avenue West during the mid-part of the day.
- In March/June/September, the new public park would achieve 5 continuous hours of sunlight from 1:18 p.m. to 6:18 p.m.

It should be noted that the proposed buildings would not cast shadows on the neighbouring Neighbourhoods designated lands fronting Mulock Avenue. In fact, the shadows would not extend beyond the "as-of-right" massing limits for the development along the frontages of St. Clair Avenue West, Mulock Avenue, and Lloyd Avenue.

It should also be noted that the applicant submitted a 3D Shadow Study prepared by RAW Design dated December 11, 2020 to further confirm the location and extent of the shadows within the subject site.

Planning staff have assessed the current proposed development and are of the opinion that the projected shadow impacts would be acceptable.

The applicant submitted a Pedestrian Wind Assessment prepared by RWDI dated August 27, 2019 and one addendum dated February 21, 2020 to reflect revisions to the proposal. The proposed development includes several positive features for wind control, including:

- The tallest buildings have their longer axis aligned with the prevailing winds and are at the centre of the development site;

- The recessed entrances, vestibules and lobbies; and
- Stepped building forms and a large podium.

While wind conditions are generally expected to be comfortable for building entrances, sidewalks, the green courtyard, the designated parkland and outdoor amenities at the second and third levels, higher-than-desired wind speeds are predicted at:

- Northwest and southwest corners of the development in the winter; and
- Outdoor amenity spaces at the 5th and 9th floors in the summer.

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.

Site Access, Circulation and Parking

The applicant submitted a Transportation Impact Study prepared by LEA Consulting Ltd. dated September 19, 2019, two Transportation Impact Study Update(s) dated March 2020 and September 28, 2020 and a Transportation Impact Study Addendum dated February 22, 2021 to reflect revisions to the proposal.

The Transportation Impact Study, Updates and Addendum concluded that the site-generated vehicular traffic from the proposal would generate 278 two-way trips during both the morning and afternoon peak hours, respectively. The trip rate for the residential use was based on a proxy site trip generation survey at the development at 1205 Queen Street West. The trip rate for the office use was estimated based on the ITE Trip Generation Manual 10th Edition, utilizing the trip generation rates for Office Buildings. In addition, the proposed retail and restaurant uses do not generate significant vehicle trips (particularly for afternoon peak hours). It should be noted that the study included five background developments within the immediate context as well as considered the updated future road network (in accordance with the St. Clair Avenue West Transportation Master Plan) whereby St. Clair Avenue West is proposed to be widened from one travel lane per direction to two travel lanes per direction, between Keele Street and Old Weston Road.

Transportation Services staff accept the methodology used to develop the trip rates used to assess this proposal and concur that the proposal can be adequately accommodated on the local area road and transit network. It should be noted that no mitigation measures are required.

The site is proposed to be served (access to parking and loading areas) via a 6 m wide private internal driveway from Lloyd Avenue. The Transportation Impact Study Update(s)/Addendum proposed parking for the development in accordance with the requirements of the City-wide Zoning By-law 569-2013. Transportation Services staff is requesting that the proposed parking for the development be in accordance with the requirements of the former City of Toronto Zoning By-law 438-86 (Mixed Commercial and Residential (MCR) zone). This requirement is from the City initiated Avenue Study for St. Clair Avenue West (between Bathurst Street and Keele Street) which had

recommended parking rates consistent with this by-law. Based on this requirement, the minimum parking rates should be as follows:

- 30 bachelor units at 0.5 vehicular parking spaces per dwelling unit = 15
- 346 one-bedroom units at 0.5 vehicular parking spaces per dwelling unit = 173
- 106 two-bedroom units at 0.75 vehicular parking spaces per dwelling unit = 79.5
- 53 three-bedroom units at 0.75 vehicular parking spaces per dwelling unit = 39.5
- 0.06 vehicular parking space per dwelling unit for visitor parking = 32
- 1.0 vehicular parking spaces per 100 m² of retail space (1,131 m²) = 11
- 1.0 vehicular parking spaces per 93 m² of office space (7,730 m²) = 83

A total of 433 parking space would be required, however, if the proposed 5 car-share parking spaces were included in this calculation, then only a total of 413 parking spaces would be required (1 car-share parking space can replace 4 resident parking spaces for every 60 dwelling units, thus representing a supply of 20 parking spaces (433 - 20 = 413)).

The application is proposing a total of 358 parking spaces, within a 4-level above grade parking garage, of which 287 spaces would be for resident and visitor use, 66 spaces would be for commercial and office use as well as 5 car-share parking spaces. This would result in a parking supply deficiency of 55 vehicular parking spaces. It should be noted that of the 358 parking spaces, 11 barrier-free parking spaces would be provided and accepted by Transportation Services staff.

Transportation Services staff are of the opinion that any deviations from the minimum parking rates as prescribed under the former City of Toronto Zoning By-law 438-86 (MCR zone), must be supported by an acceptable parking justification study which would include analysis of parking demand at comparable proxy sites as well as details demonstrating how these proxy sites are directly comparable to the proposed development (including a breakdown of uses by unit size and gross floor area).

At this time, the parking justification for alternate parking rates has not yet been accepted. Transportation Services staff are of the opinion that if the applicant wishes to pursue alternate parking ratios for this site, they must submit further justification, to the satisfaction of the General Manager, Transportation Services. It should be noted that the Draft Zoning By-laws Amendments include both the applicable and alternate parking rates so to allow for further review and provide options that would result in a parking standard that would not impact the surrounding public streets within the immediate area (spill over from the site).

In addition, the applicant is proposing one Type 'B' loading space, one Type 'G' loading space and three Type 'C' loading spaces to service the development. Transportation Services staff is requesting two Type 'B' loading spaces in order to be in accordance with the requirements of the City-wide Zoning By-law 569-2013. Any deviation from this requirement must be supported by an acceptable loading justification study (including an analysis of loading demand at comparable proxy sites).

Further, the Toronto Green Standard and City of Toronto Zoning By-law 569-2013 require bicycle parking spaces. The information submitted by the applicant indicates a

total of 536 bicycle parking spaces (482 long term spaces and 54 short term spaces) for the residential buildings as well as a total of 27 bicycle parking spaces (12 long term spaces and 15 short term spaces) would be provided for the office building. This represents sufficient bicycle parking spaces to meet the Toronto Green Standard and Zoning By-law requirements. Transportation Services staff concur with the proposed bicycle parking supply.

The Draft Zoning By-law Amendments, included as Attachments 7 and 8 of this report, incorporates these vehicular/bicycle parking and loading space requirements. The final detailed review of the above grade parking layout, and the configuration of the loading space, 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

In order to satisfy the Official Plan requirement of a 30 m right-of-way for this segment of St. Clair Avenue West, a 4.94 m road widening dedication along the St. Clair Avenue West frontage of the subject site is required to be conveyed to the City with this application.

The current proposal incorporates a conveyance of 9.7 m along the St. Clair Avenue West frontage of the site. In addition, a conveyance of 14.3 m as well as a 5.02 m easement (measured perpendicular along the northeast limits of the site), are also proposed. These proposed conveyances/easement is consistent with the planned St. Clair Avenue West road widening and transit improvements outlined in the St. Clair Avenue West Transportation Master Plan.

Further, the applicant is proposing a conveyance along the Mulock Avenue frontage for the purpose of a cul-de-sac to be located at the north limits of Mulock Avenue. This cul-de-sac is to be designed with a 10.9 m turning radius instead of the 12.5 m turning radius (as prescribed under the City's Development Infrastructure Policy & Standards (DIPS) Drawing (DIPS-5)). This design would align with the centerline of the street and would avoid impacts to the property municipally known as 168 Mulock Avenue.

It should be noted that the total area for road widening would equal 788.3 m² and the proposed easement would equal 77.3 m².

Public Sidewalks and Streetscape

A municipal sidewalk currently extends along the St. Clair Avenue West frontage measuring 1.6 m wide, along the Mulock Avenue frontage measuring 1.5 m wide and along the Lloyd Avenue frontage measuring 1.7 m of the site.

In order to comply with City standards related to Accessibility for Ontarians with Disabilities Act (AODA) as well as the Toronto Green Standards (TGS), the owner would be required to design and reconstruct, at their own expense, new public sidewalks along the frontages of St. Clair Avenue West, Mulock Avenue and Lloyd Avenue measuring a minimum of 2.1 m wide. These sidewalks must be entirely within the City Right-of-Way. The 2.1 m dimension must not include the street curb,

landscaped areas, furniture zones or café/patio enclosed areas. This dimension must also be clear of any obstructions such as light standards, hydro poles and street furniture. It should be noted that the hydro pole on Mulock Avenue would be relocated at no cost to the municipality in order to achieve a pedestrian clearway width of 2.1 m. The provision of reconstructed public sidewalks along these frontages would encourage and provide opportunities for a range of alternative transportation modes to the site and beyond, improving the walkability of the community and creating improved connections, as well as animate the proposed new public park frontage for this development. The proposed development would also provide an upgraded streetscape treatment along the St. Clair Avenue West frontage through the introduction of a building along the street edge, retail uses with direct access onto the street (St. Clair Avenue West), and an improved landscaped treatment (hard and soft landscape elements) including boulevard trees.

In addition, the owner would be required to install a depressed curb with Tactile Walking Surface Indicator at the northeast corner of the Mulock Avenue and Lloyd Avenue intersection.

It is recommended that the owner enter into a Section 37 Agreement as a legal convenience to secure the obligation to design and reconstruct a 2.1 m wide municipal sidewalk along the frontages of St. Clair Avenue West, Mulock Avenue and Lloyd Avenue, as well as the installation of a Tactile Walking Surface Indicator at the northeast corner of the Mulock Avenue and Lloyd Avenue intersection. Further, the final design of the public sidewalks and streetscape treatment would be secured through the Site Plan review process, should this application be approved.

Servicing

The applicant submitted a Functional Servicing Report and Stage 1 Stormwater Management Report prepared by RV Anderson and Associates Limited dated September 13, 2019 and two addendums dated September 14, 2020 and March 5, 2021 to reflect revisions to the proposal. The applicant has also submitted a Servicing Report Groundwater Summary dated February 19, 2021 and March 5, 2021.

Following a number of revisions, staff are now satisfied that municipal water, sanitary and storm sewer systems can support the proposed development without the need for any external upgrades or retrofits.

The report determined that in order to accommodate the proposed development the following would apply:

- The sanitary servicing would be connected to the combined sewers on Mulock Avenue and Lloyd Avenue.
- The water connections would also be connected to the existing watermains on Mulock Avenue and Lloyd Avenue.
- The stormwater connection for the residential buildings would be connected to the combined sewer on Mulock Avenue and the stormwater connection for the office building would be connected to the combined sewer on Lloyd Avenue.

The most recent Functional Servicing Report (including Stage 1 Stormwater Report and Servicing Report Groundwater Summary(s)) has been reviewed and is generally accepted by Engineering and Construction Services staff. 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 0.8 to 1.56 hectares of local parkland per 1,000 people. The site is in the middle 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.

This proposal is subject to a cap of 10% parkland dedication of the development site applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 842 m². The applicant is required to satisfy this parkland dedication requirement through an on-site dedication. The proposal includes an on-site parkland dedication (new public park) of 868 m² to be located at the northeast corner of Lloyd Avenue and Mulock Avenue. Parks staff have determined that the size, shape and location of the proposed park is acceptable. In order to secure the on-site dedication of an approximate area of 868 m² for a new public park, the owner agrees to register, prior to the issuance of the first above grade building permit and in a form satisfactory to the City Solicitor, a Section 118 Restriction pursuant to the Land Titles Act that will prohibit the transfer or any interest in or charge of the approximate 868 m² lands without written consent from the General Manager of Parks, Forestry and Recreation.

Parks staff are interested in securing the design and construction, by the owner, of Above Base Park Improvements. It is therefore recommended that City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation (PFR). The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

It is also recommended that the owner enter into a Section 37 Agreement as a legal convenience to secure matters related to parkland dedication, fire separation distance - Ontario Building Code (OBC), environmental assessment, park construction for base park improvements, temporary fencing, parkland grading and drainage, credit against DCs for above base park improvements, above base park improvements and warranty.

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.

An Arborist Report prepared by The MBTW Group and dated September 25, 2018, was submitted in support of the application. This Arborist Report indicates that the development proposes to remove 13 City-owned street trees and 3 protected private trees. Urban Forestry staff require a payment for the Appraised Tree Value, a complete Agreement for Private Contractor to Perform Work on City-owned Trees, and an application to Injure or Destroy Trees and the required application fees for permission to remove the 16 trees in question.

The Arborist Report indicates that the new development would include a total of 69 new trees (15 boulevard trees on the City's right-of-way and 54 trees on private property (20 on the ground level, 26 on the fifth level, 2 on the tenth level and 6 on twelfth level)). These new trees would consist primarily of deciduous native species and the planting of the trees on the upper levels would be in raised planters. The applicant is to submit a tree planting deposit to ensure the planting and survival of 15 new City trees.

The number, location, and appropriate soil volume of trees on-site would be finalized through the Site Plan review process, should this application be approved, including the illustration of a sufficient number of proposed trees to meet the Toronto Green Standard (TGS) requirements.

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. Performance measures for the Tier 1 development features would be 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.

Environment

Policy 3.4.23 (The Natural Environment) of the Official Plan states that prior to "development occurring on known or potentially contaminated sites...potential adverse

impacts must be identified and assessed through a study, and any measures needed to remediate or mitigate the contamination will be identified and implemented". A Summary of Phase One Environmental Site Assessment prepared by Premier Environmental Services Inc. and dated June 4, 2012, was submitted in support of this application.

The subject site was occupied by a paint manufacturing facility from approximately 1914 until early 2000s. The paint manufacturing operations stopped in 2002. No other industrial operations has occurred on this site. The former resin building was demolished in 1999 and the main paint building was demolished in 2007. The site has remained vacant, however, at the time of the inspection, Premier Environmental Services Inc. observed U-Hall rental vehicles parked in the north limits of the site as well as a berm of construction and demolition debris (bricks, concrete, etc.) was present along the east property line and extending into the middle of the site.

It should be noted that the Record of Site Condition (RSC) number 204909 has been filed in the Environmental Site Registry as of September 24, 2012 for this site. Should this application be approved, additional information may be required to be peer reviewed at the time of the building permit process, at no cost to the City. The peer review commences upon receiving the required fees from the owner.

Noise and Vibration

The applicant submitted an Environmental Noise & Vibration Feasibility Study prepared by RWDI and dated August 27, 2019. This study includes the applicable criteria used for the assessment (transportation and stationary noise sources, as well as vibration), the details of the traffic volume data (road and rail), the points of noise reception considered within the development, the prediction results and the recommendations (building façade components, noise barriers and warning clauses).

Golder was retained to complete a peer review of this study, at the cost of the applicant. Golder submitted comments to the applicant on May 19, 2020. The applicant submitted a response (Environmental Noise and Vibration Impact Study - Preliminary Response to Third-Party Review Comments dated October 14, 2020) to Golder's peer review comments. It should be noted that Golder's peer review included the completeness of the methodology, findings, recommendations and use of applicable standards/guidelines.

This study identifies noise control requirements such:

- acoustic barriers (particularly regarding the outdoor living areas);
- specific façade requirements and glazing;
- air conditioning systems; and
- warning clauses in development agreements and in purchase, sale and lease agreements.

Overall, it has been determined that the applicant would be required to carry out a noise and vibration assessment on the detail design once finalized.

It is recommended that the owner enter into a Section 37 Agreement as a legal convenience to secure the mitigation measures for noise control. The final design and applicable warning clauses would be secured through the Site Plan review process, should this application be approved.

Rail Safety

Official Plan Amendment No. 231 and Site and Area Specific Policy 447 (SASP 447), adopted by City Council on December 18, 2013, require that residential buildings on the subject site be setback a minimum of 30 m from the adjacent rail corridor to minimize adverse impacts. This would be consistent with the Railway Association of Canada/Federation of Canadian Municipalities Guidelines for New Development in Proximity to Railway Operations. However, SASP 447, as recently modified, states that a Rail Safety and Mitigation Study be submitted to support any building setback less than 30 m from the rail corridor.

The applicant submitted Rail Safety Assessment(s) prepared by Stantec Consulting Ltd. dated August 15, 2019 and September 9, 2020. The Assessment(s) identifies that if the proposed development does not achieve the recommended 30 m horizontal setback from the property line of the rail corridor to the face of the residential building or a combined 30 m setback that incorporates vertical and horizontal separation distances from the face of the residential building to the property line of the rail corridor, the provision of a crash protection wall (to counter the impact of a potential train derailment) should be implemented.

In this case, the proposed development would achieve a horizontal setback of 30 m for most of the site between the location of the residential components and the property line of the rail corridor, except for the proposed residential units located in the northeastern limit of the development concept, which would achieve a combined horizontal plus vertical setback of approximately 19.2 m (first level), 23.7 m (second level), 26.7 m (third level) and 29.6 m (fourth level). It should be noted that the upper floors (above the fifth level) would meet or exceed the combined horizontal and vertical setback of 30 m.

Stantec recommends that:

- A crash protection wall measuring approximately 62.9 m in total length and 2.14 m in height (above the top of the rail) be required along portions of the north and east property limits in the northeast corner. An optional 44 m extension can be added along the east property limits as protection for the non-sensitive use portion of the building.
- A new 1.8 m high chain link fence has been installed along the mutual property line to protect against trespassing onto the existing adjacent railway corridor. Any damaged fence along the mutual property line should be replaced as part of this development.
- Considerations for noise pollution should be assessed by a qualified noise consultant.
- Considerations for vibration during and post construction are to be assessed by a qualified vibration consultant.

- It is expected that Drainage and Stormwater Management programs for the proposed development conditions within the site will need to be based on City of Toronto's standards, including the Design Criteria for Sewers and Watermains (First Edition, November 2009) and Wet Weather Flow Management Guidelines (November 2006). Drainage and Stormwater management matters are to be further investigated and addressed by the project's civil engineering consultant.

It should be noted that the option to extend the crashwall 44 m has been accepted by the applicant and is shown on the structural drawings. Beyond the 44 m extension, the building would be protected by the site geometry whereby the trains would be blocked by the Metrolinx tunnel and retaining wall as well as the change in grade is more than 2500 mm, acting as a berm equivalency to protect the structure.

WSP was retained to complete a peer review of the Assessment(s), at the cost of the applicant. WSP has reviewed detailed revision responses (from the applicant) and attended a meeting with the applicant, Stantec, and the City to further discuss the following concluding remarks:

- The proposed crash wall design extension of 44 m is a suitable design approach, however, WSP recommends that if the berm equivalency is not met, then Stantec should consider a wall return (as per the FCM Guidelines Section 3.6.1.1) during the detail design process. The return would provide further protection in the event the train strikes the edge of the proposed crash wall and enter the property.
- WSP recommends that a detailed risk analysis be carried out for other potential risks presented by rail operations in addition to derailment (including trespass, noise pollution, vibration, and stormwater management).

Overall, further review would be required through the Site Plan review process, should this application be approved.

Metrolinx has reviewed the supporting materials and has raised concerns regarding the high occupancy use setback and accompanying safety barrier, particularly:

- the provision of high occupancy commercial use located on the first level that has a proposed setback of 19.2 m at the northwest corner of the development;
- the location of two residential units located on the second level that have a proposed setback of 23.7 m setback at the northeast corner of the development; and
- the exclusion of future track expansion considerations to the west of the existing track, thereby potentially affecting the crashwall. The crashwall design should account for the centreline of the nearest track to be located 4 m from the mutual property line.

The proposed reductions to the high occupancy use setback are below established criteria of 25 m, which would be considered a deviation from the applicable guidelines. If the owner wishes to advance the project as is, with the reduced setbacks of 19.2 m and 23.7 m, the owner shall, at their own expense, initiate the Metrolinx Deviation Process with Metrolinx and our Technical Advisor (AECOM). Through this Deviation Process, Metrolinx and their Technical Advisors would assess the risks associated with not

adhering to the RAC/FCM and the Metrolinx Adjacent Development Guidelines. Should the Deviation Process deem the risk to be too great to accept, the owner shall enter into a legal agreement with Metrolinx, absolving Metrolinx of any liability associated with the reductions to the setback. The crashwall design will need to be updated accordingly. Ultimately, the proponent shall update the Rail Safety Assessment to the satisfaction of Metrolinx prior to Site Plan Approval.

In addition, the proposed residential building fronting St. Clair Avenue West is designed whereby the building face is positioned in the location where the future south retaining wall of the rail bridge is planned. Metrolinx is of the opinion that this is permissible pending agreement from the owner that the design will permit either project (SmartTrack Station and this development) to proceed independently of the other, and provide adequate space for the rail bridge and associated retaining wall to be constructed efficiently if this development proceeds first. Any interim shoring required to support the rail corridor during building construction shall be destressed at the end of building construction to permit bridge work to proceed with minimal interference.

Further, the owner shall control all stormwater on-site with no impact to the rail corridor. Metrolinx has developed a solution to manage corridor stormwater for the corridor within the current property limits.

It is recommended that the matter related to reduced setbacks be resolved before introducing the necessary Bills to City Council for enactment.

It is also recommended that through the Site Plan review process, a further technical review of the proposed development construction would be completed by Metrolinx to ensure that no impacts to the bridge, road or railway right-of-way would occur. It should be noted that this development shall not interfere with the Structural Zone of Influence of the existing railway bridge and phasing of the planned railway bridge replacement. Should there be any interference, mitigation measures would be required.

In addition, prior to Site Plan approval, the owner shall enter into an Agreement with Metrolinx on construction scheduling and phasing as well as enter into an Adjacent Development Agreement with Metrolinx stipulating how concerns would be addressed. This would also include an environmental easement.

Air Quality

The applicant submitted an Air Quality Assessment prepared by RWDI and dated October 15, 2019. This consultant was retained to conduct an air quality assessment for the proposed development. The purpose of this study was to assess the impact of adjacent and nearby properties that may be a source of pollutants, dust and/or odour on the proposed development. Overall, this study investigated compatibility of the existing land uses up to 1,000 m (1 km) from the site and concluded that no mitigation measures would be required.

MOECC (Ministry of the Environment and Climate Change) Guideline D-6 is intended to be used for land use planning in order to minimize impacts due to encroachment of sensitive land uses and industrial land uses on each other. The minimum area of

influence, set out for this matter, is between 70 m to 1000 m, depending on the Class (small, medium, and large scale) of the existing industry. Also, the minimum area of separation distance is between 20 m to 300 m.

Industries identified within the 1km boundary were considered to have the potential for affecting the proposed residential development, which include, but not limited to:

- Ferrier Wire Goods Company Limited (Class I);
- National Rubber Technologies (Class III);
- College Concrete Supply (Class II);
- Consolidated Bottle Corporation (Class II);
- Collosus Auto Collision (Class II);
- International Cheese (Class II);
- Display Arts of Toronto Limited (Class II);
- Mulock Auto Collision and Repairs Ltd (Class II);
- Topper Linen Supply Ltd (Class II);
- Universal; and
- Maple Leaf Foods Inc (Class III).

All the above industries, except National Rubber Technologies, are located further from the proposed development site than the minimum recommended separation distances set out in Guideline D-6. In addition, these industries are presently functioning with residential uses in closer proximity than the proposed development.

Given that the proposal includes multi-storey buildings, any industry with tall exhaust stacks, that are sufficiently close to the subject site, could cause air quality impacts and compatibility issues for these upper storeys that would otherwise not be experienced by the existing low rise residential areas. The assessment has identified the following three industries that have relatively tall stacks: National Rubber Technologies; Maple Leaf Foods; and Universal Drum. It has been determined that Maple Leaf Foods and Universal Drum have large separation distances from the subject site and the performance of their stacks would not be compromised. However, National Rubber Technologies is relatively close to the subject site and is of a type of manufacturing known to be odorous. The assessment includes further investigation that was provided by National Rubber Technologies as well as computer dispersion modelling. The results indicate that odours from the current National Rubber Technologies operations would be below the detection threshold (1 OU/m^3) at all tested locations on the subject site.

In addition to the analysis stated above, the assessment also considered information on local wind direction frequencies. The results indicate that most of the identified industries are upwind of the subject site and winds from between south to southeast and east collectively occur over 20% of the time. National Rubber Technologies, International Cheese, and Topper Linen are upwind of the subject site for winds from the south to southeast, which occurs just over 6% of the time. Winds from the remaining directions are much less common.

Golder was retained to complete a peer review of this study, at the cost of the applicant. Golder provided comments to the applicant on May 20, 2020. The applicant submitted a

response (Air Quality Assessment - Response to Third-Party Review Comments dated October 22, 2020) to Golder's peer review comments. Golder concurs with the general methodologies used to assess air quality and odour, however, further review would be required through the Site Plan review process, should this application be approved.

Housing, Tenure and Family-Sized Units

The Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2019) acknowledge the importance of providing a full range of housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs (household sizes and incomes) for a wide range of people throughout their life cycle is essential to the creation of complete communities. Further to this policy direction, Official Plan Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. The Growing-Up Guidelines provide similar direction on the recommended mix of residential unit types and provide appropriate units sizes for multi-unit developments. Guideline 2.1 of the Growing Up Guidelines states that a residential building should provide a minimum of 25% large units.

Specifically, the Guidelines recommend:

- A minimum of 15% of the total number of units are to be two-bedroom units; and
- A minimum of 10% of the total number of units are to be three-bedroom or larger units.

The proposed development includes 535 residential units (10 affordable ownership units and 525 condominium units). The applicant is proposing 30 (5%) bachelor units; 346 (65%) one-bedroom units; 106 (20%) two-bedroom units; and 53 (10%) three-bedroom units. It should be noted that the 10 affordable ownership units would be one-bedroom units. The proposed average unit size for the condominium units would be approximately 36 m² (bachelor); 47 m² (one-bedroom); 63 m² (two-bedroom); and 81 m² (three-bedroom).

Overall, the proposed unit mix supports the objectives of the Provincial policies, the Official Plan and the Growing-Up Guidelines.

A minimum of 10% three-bedroom units and a minimum of 15% two-bedroom units is secured in the Draft Zoning By-law Amendments (see Attachments 7 and 8 of this report).

Affordable Ownership Housing

The applicant has agreed to provide ten (10) Affordable Ownership Housing Units as part of the Section 37 community contribution for the proposed development, conforming to the objectives the Official Plan, which supports a mix of housing tenures. All of these units will have at least one bedroom and have a net residential floor area of a minimum of 42.7 m² (460 ft²). The total net floor area provided as affordable ownership housing must be a minimum of 449 m² (4,838 ft²). The units will be secured

at the Official Plan affordable ownership housing price and maintained as affordable for a period of at least 45 years.

Each unit will be finished to a similar standard as the other units throughout this development. Seven (7) of the affordable units will have a balcony and will be generally grouped together to help build community with other occupants of the affordable units. The owner has agreed to provide the units in the first phase of the development. The occupants of the affordable units will have the same access to facilities and amenities, on the same terms and conditions, as all other residents in the development.

The units will be provided by the owner by entering into Agreements of Purchase and Sale to sell each of the affordable units at a nominal cost to a registered non-profit housing provider, approved by the Chief Planner and Executive Director, City Planning. The developer is currently proposing to work with Toronto Artscape Inc. as the non-profit provider to receive and operate these 10 units. Toronto Artscape Inc. would sell these units to eligible households at prices that meet the Official Plan affordable ownership housing definition.

In the event that Toronto Artscape Inc. is unable to satisfy the provisions of the Agreements of Purchase and Sale and find eligible purchasers, the Agreements of Purchase and Sale may contain provisions to allow the City to assign the affordable units to another non-profit provider. If another provider cannot be found, the City may sell these units at fair market value with the proceeds going to the City's Capital Revolving Fund for Affordable Housing with the funds to be spent in Ward 5.

The above grade building permits should not be issued for the development phase within which the units are to be provided unless the Agreements of Purchase and Sale have been entered into based generally on the terms and conditions set out in this report.

The City will secure provisions in the Section 37 Agreement that the affordable ownership units are sold at a cost based on the Official Plan affordable ownership definition for a period of 45 years. During the affordability period, the units may only be sold to eligible households with monthly income no more than four times the monthly shelter cost for the affordable unit based on the Official Plan affordable ownership housing definition.

No other mandatory costs to the purchaser that would increase the price beyond the Official Plan prices are permitted, with the exception of the purchaser's own legal and other closing costs.

After the 45 year affordability period, the Section 37 requirements would not impose any resale restrictions, however, the City and provider would attempt to secure ongoing affordability of the units beyond this affordability period.

School Boards

The Toronto District School Board (TDSB) advises that currently there 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 St. Paul VI Catholic School, St. Oscar Romero Catholic Secondary School and Bishop Marrocco/Thomas Merton Catholic Secondary School. 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, measures could be secured through the Site Plan review process. It should be noted that the Toronto Catholic School Board (TCSB) has not provided comments regarding this 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 livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The applicant submitted a Community Services & Facility (CS&F) Study prepared by Hunter Urban Planning and Development and dated October, 2019.

A 372 m² (4,000 ft²) non-profit community agency space (381 m² including a vestibule) is proposed to be located on the ground floor of the office building, with direct access to the adjacent outdoor space (private garden). This space would also be visible from Mulock Avenue and Lloyd Avenue and would be facing the public park. This space would be conveyed to the City at no cost, and tenanted to an eligible community agency under the City's Community Space Tenancy policy. Further, this space would be accessible and finished with windows, accessible washroom and a large open space for programming. The proposed development would contribute towards the community service and facility needs of the area by providing a community agency space as a community benefit under Section 37 of the *Planning Act*.

It should be noted that the owner is obligated to agree to the terms as set out in the Community Space Term Sheet which outlines a number of requirements including the general obligations and the provision of the community space; payments and timing of payments; community space financial security; requirements for the design of the community space (reviewed through the Site Plan Control approval process); construction; commissioning; substantial performance of the community space; conveyance; warranty period; final acceptance of the community space; and community agency selection process and community space use.

It is recommended that the owner enter into a Section 37 Agreement to secure the design, construction and conveyance of the community agency space (to a Base Building Condition) as well as to secure the obligation of a one-time cash contribution to the City for future capital improvements to the community agency space.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

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

- The owner is to provide ten (10) Affordable Ownership Housing Units in accordance with the Affordable Ownership Housing Terms and Conditions;
- A 372 m² (4000 ft²) Community Agency Space in accordance with the City's standard terms and delivered at base building conditions; and
- The owner is to provide a one-time cash contribution in the amount of \$600,000.00 for future capital improvements to the Community Agency Space;

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

- The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard;
- The owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a Site Plan Agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:
 - Implementation of any required noise and vibration abatement measures or other recommendations, as detailed in the Environmental Noise & Vibration Feasibility Study prepared by RWDI and dated August 27, 2019 as well as the Environmental Noise and Vibration Impact Study - Preliminary Response to Third-Party Review Comments dated October 14, 2020, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - Update the Rail and Safety Assessment prepared by Stantec Consulting Ltd. and dated September 9, 2020 to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - Reconstruction of the City sidewalks to City standards along the frontages of St. Clair Avenue West, Mulock Avenue and Lloyd Avenue, to the satisfaction of the General Manager, Transportation Services; and
 - Provision of on-site dog-relief facilities, with the location, nature and size of the facilities to be determined through the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning.

- Prior to issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, a conveyance of 9.7 m along the St. Clair Avenue West frontage of the site. In addition, the owner shall convey a conveyance of 14.3 m as well as a 5.02 m easement (measured perpendicular along the northeast limits of the site), all to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the City Solicitor, all as generally shown on the Site Plan (Drawing No. A100 dated February 22, 2021);
- The owner shall provide a conveyance of land to the City for public parkland, with a minimum size of 868 m² as generally depicted in the Maps/Diagrams of the draft Zoning By-law Amendments; and
- The owner is obligated to adhere to all other conditions including, but not limited to: Parkland Conveyance; Environmental Assessment; Park Construction and Base Park Improvements; Above Base Park Improvements; and Credit Against Development Charges for Above Base Park Improvements as outlined in the memorandum from Parks, Forestry and Recreation dated April 6, 2021, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to SASP 447 (as amended), Healthy Neighbourhoods, *Mixed Use Areas, Avenues, Parks and Open Space Areas*, Built Form and Public Realm policies.

Staff worked with the applicant and the community to address and resolve the following key concerns: massing of the buildings, transition to adjacent *Neighbourhoods*, total number of Affordable Ownership Housing units, appropriate size/location for community agency space as well as parkland dedication, and vehicular circulation (including the functionality of the new cul-de-sac on Mulock Avenue and the conveyance/easement on St.Clair Avenue West).

Staff recommend that City Council support approval of the application, subject to the recommendations outlined in this report.

CONTACT

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SIGNATURE

Angela Stea, MCIP RPP
Acting Director 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: Site and Area Specific Policy No. 447 (SASP 447)
- Attachment 6: Modification to OPA 231 City of Toronto Official Plan
- Attachment 7: Draft Zoning By-law Amendment for the City of Toronto Zoning By-law 438-86
- Attachment 8: Draft Zoning By-law Amendment for the City-wide Zoning By-law 569-2013

Applicant Submitted Drawings

- Attachment 9: Site Plan
- Attachment 10: North Elevation
- Attachment 11: South Elevation
- Attachment 12: East Elevation
- Attachment 13: West Elevation

Attachment 1: Application Data Sheet

Municipal Address: 159 & 161-181 Mullock Avenue and 6 Lloyd Avenue
Date Received: October 22, 2019
Application Number: 19 239452 WET 05 OZ
Application Type: Rezoning

Project Description: A Zoning By-law Amendment to redevelop the site to permit a mixed use development that would include one north residential building (stepping up to 15-storeys (47.2 m)) and one south residential building (stepping up to 17-storeys (53.1 m)) connected by a podium (4-storeys (12.75 m)) as well as one office building (8-storeys (32.1 m)). The proposal would include a total gross floor area of 52,980 m², of which 43,644 m² would be for residential space, 7,730 m² for office space, 1,131 m² for retail use, 372 m² for community agency space and 94 m² for a restaurant. This site would contain a total of 535 new residential units, of which 525 would be condominium units and 10 would be Affordable Ownership Housing Units (Toronto Artscape Inc.). A total of 358 vehicular parking spaces are proposed within a 4-level above grade parking garage that would be located along the rail corridor. In addition, a new public park is proposed to have a total area of approximately 868 square metres.

Applicant	Agent	Architect	Owner
DANIEL ARTENOSI			BERKLEY CARLYLE (JUNCTION) INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	<i>Employment Areas and Mixed Use Areas</i>	Site Specific Provision:	SASP 447
Zoning:	I4 D7 EH 7.0	Heritage Designation:	No
Height Limit (m):		Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq m): 10,602 Frontage (m): 55 & 80 Depth (m): 118 & 129

Building Data	Existing	Retained	Proposed	Total
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Ground Floor Area (sq m):		
Residential GFA (sq m):	43,644	43,644
Non-Residential GFA (sq m):	9,336	9,336
Total GFA (sq m):	52,980	52,980
Height - Storeys:	8,15,17	8,15,17
Height - Metres:	32,47,53	32,47,53

Lot Coverage Ratio (%) 60 Floor Space Index: 6

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	43,644	
Retail GFA:	1,225	
Office GFA:	7,730	
Industrial GFA:		
Institutional/Other GFA:	381	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			525	525
Other:			10	10
Total Units:			535	535

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		30	346	106	53
Total Units:		30	346	106	53

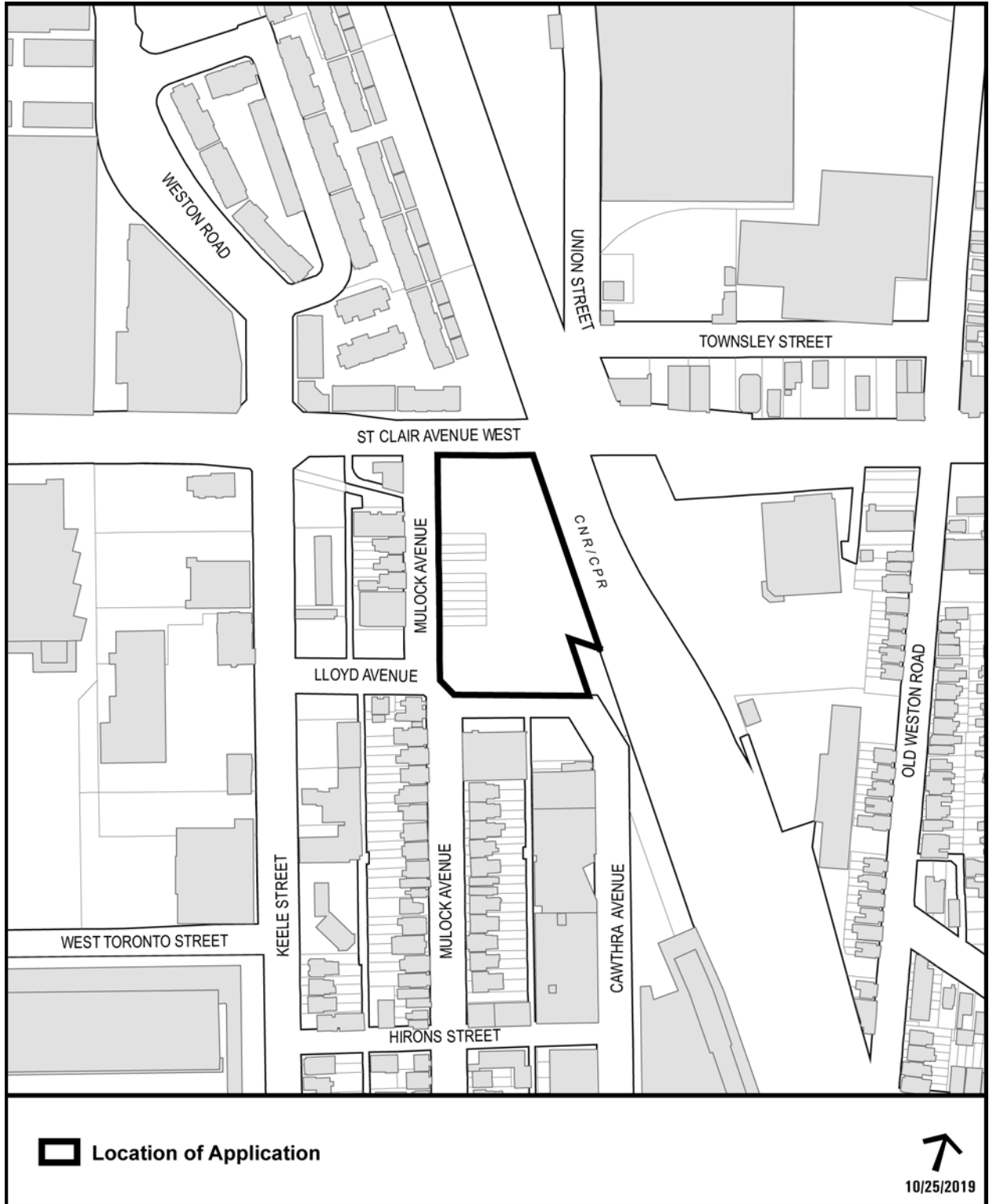
Parking and Loading

Parking Spaces: 358 Bicycle Parking Spaces: 536 Loading Docks: 6

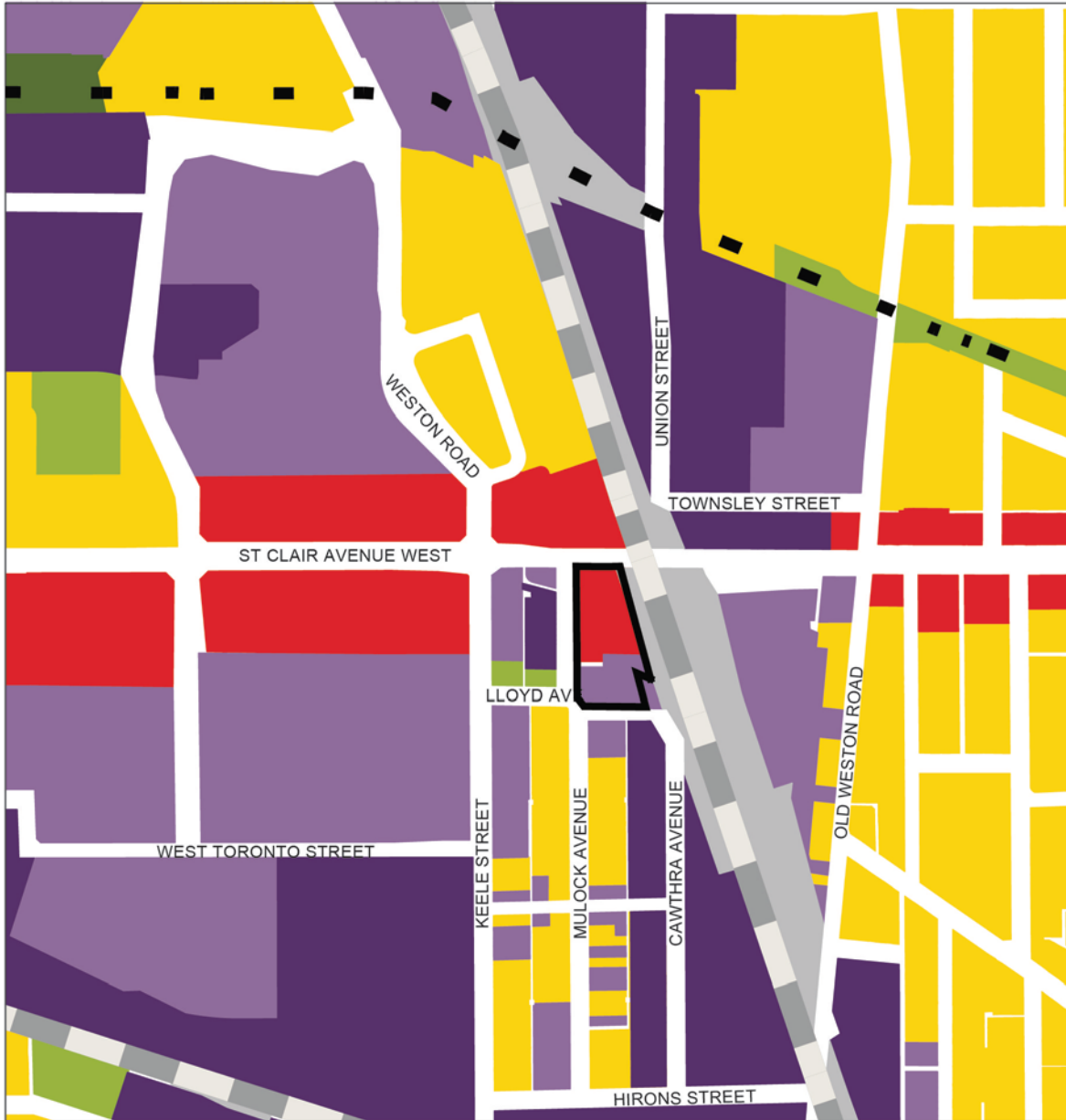
CONTACT:

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

Attachment 2: Location Map









Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #17

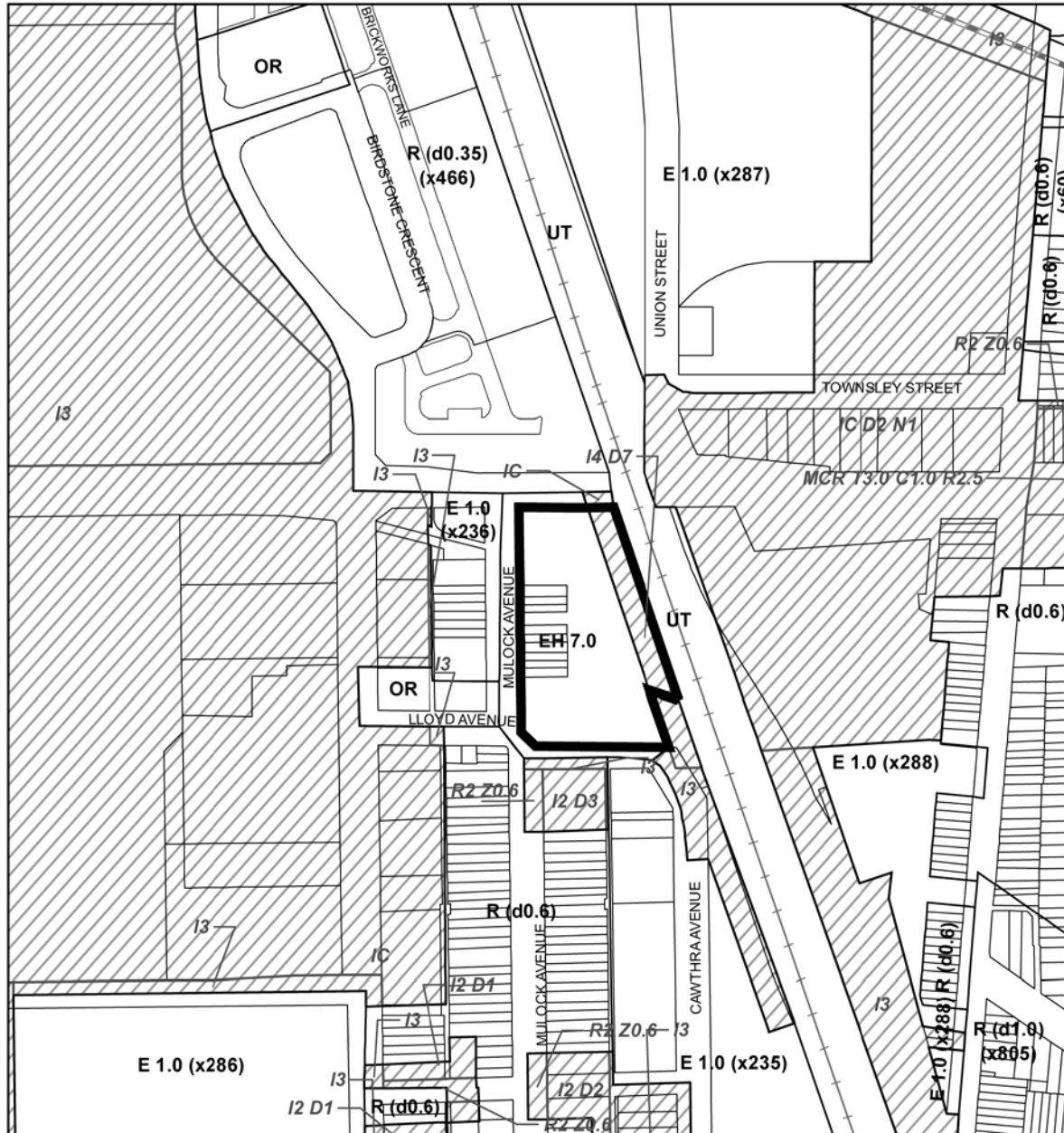
159 & 161-181 Mulock Avenue and
6 Lloyd Avenue

File # 19 239452 WET 05 0Z

- | | | |
|--|---|--|
|  Location of Application |  Natural Areas |  General Employment Areas |
|  Neighbourhoods |  Parks |  Core Employment Areas |
|  Apartment Neighbourhoods | | |
|  Mixed Use Areas | | |

↑
Not to Scale
10/25/2019

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

159 & 161-181 Mulock Avenue and
6 Lloyd Avenue

File # 19 239452 WET 05 0Z



Location of Application

- R Residential
- E Employment Industrial
- EH Employment Heavy Industrial
- O Open Space

- OR Open Space Recreation
- UT Utility and Transportation



See Former City of Toronto By-law No. 438-86

- R2 Residential District
- MCR Mixed-Use District
- I2 Industrial District
- I3 Industrial District
- I4 Industrial District
- IC Industrial District



Not to Scale
Extracted: 05/18/2021

Attachment 5: Site and Area Specific Policy No. 447 (SASP 447)

Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 447 for the lands that are known municipally in 2012 as 6 Lloyd Avenue, as follows:

'447. 6 Lloyd Avenue

- a) A minimum of 4,000 square metres of commercial and/or office space is to be constructed in Area 'B' and that this development occurs:
- prior to or concurrently with, any residential development on the remainder of the lands;
 - along at least 50 per cent of the Lloyd Avenue frontage; and
 - at a minimum height of 10 metres.
- b) permitted uses in Area 'B' include arts school, creative arts studio, art gallery, theatre, office, retail outlet, farmer's market, museum and restaurant/café.
- c) A minimum of 4,000 square metres of commercial and/or office space to be constructed in Area 'B' will be secured by way of a Section 37 Agreement and/or Plan of Subdivision, or any other means determined by the City.
- d) Residential uses to a maximum building of 16.5 metres and subject to a Holding ("H") symbol in Area 'A', provided any residential building is set back a minimum of 30 metres from the adjacent rail corridor. The Holding symbol shall apply only to Area 'A'.
- e) The conditions in the Zoning By-law that incorporates a Holding ("H") symbol defining and incorporating the conditions must be satisfied prior to the removal of the Holding ("H") symbol.'



Attachment 6: Modification to OPA 231 City of Toronto

Official Plan Amendment No. 231 is modified as follows:

1. Map 2, Urban Structure, is amended by deleting *Employment Areas* on the lands known municipally in 2020 as 6 Lloyd Avenue.
2. Map 17, Land Use Plan is amended by re-designating the lands known municipally as 6 Lloyd Avenue from *Employment Areas* to *Mixed Use Areas* for lands identified as Area 'A' and Area 'B', and from *Employment Areas* to *Parks and Open Space Areas - Parks* for lands identified as Area 'C', as shown on the attached Schedule A.
3. Map 8A, City Parkland, is amended by adding a park at the southwest corner of Lloyd Avenue and Mulock Avenue, for the lands identified as Area 'C' on the attached Schedule A.
4. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 447 for the lands known municipally in 2020 as 6 Lloyd Avenue as follows:

447. North Side of Lloyd Avenue East of Mulock Avenue

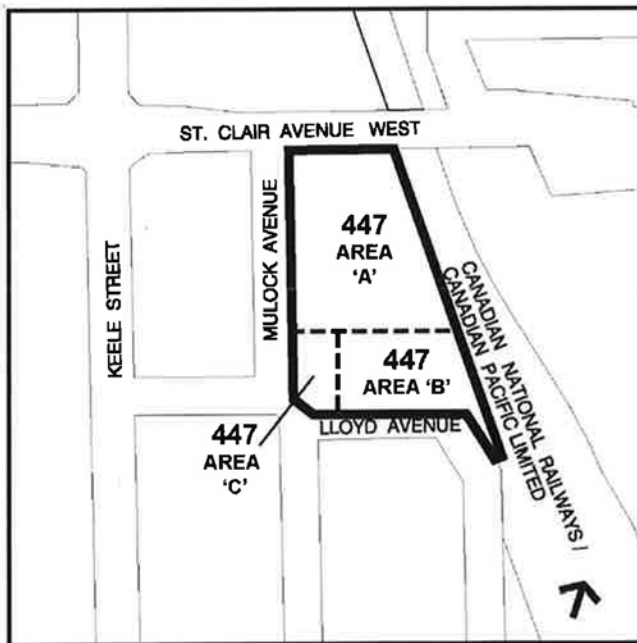
- a. Residential uses are only permitted on the lands shown as Area 'A'.
- b. On the lands shown as Area 'B', the following development and use provisions will apply:
 - i. A minimum of 4,000 square metres of commercial and/or office space will be constructed and that this development occurs:
 1. prior to or concurrently with any residential development on the lands shown as Area 'A';
 2. along at least 50% of the Lloyd Avenue frontage; and
 3. at a minimum height of 10 metres.
 - ii. The only permitted uses are an arts school, creative arts studio, art gallery, theatre, office, retail outlet, farmer's market, museum, restaurant/cafe, daycare, and community facilities.
 - iii. A daycare use is only permitted once the adjacent industrial uses at 35 Cawthra Avenue existing in the year 2020 have ceased and have not been replaced by the same or similar use for a period of one year from the date of closure of the original use, and subject to the submission of supporting studies set out in (c) below.
 - iv. A minimum of 4,000 square metres of commercial and/or office space to be constructed in Area 'B' will be secured by way of a Section 37 Agreement or by any other means determined by the City.

c. The permitted building height, envelope and land uses for Area 'A' and Area 'B' will be determined through the implementing zoning by-law amendment based on the following studies to the satisfaction of the Chief Planner:

- i. a Rail Safety and Mitigation Study to support any building setback less than 30 metres from the rail corridor; and
- ii. a Compatibility Mitigation Study, Air Quality Study, Noise Impact Study, and Vibration Study,

d. A park shall be located on the lands shown generally as Area 'C'.

Schedule A



CITY OF TORONTO
By-law [Clerks to insert By-law ###]

To amend General Zoning By-law 438-86 of the former City of Toronto, respecting lands known municipally in 2021 as 159 & 161-181 Mulock Avenue and 6 Lloyd Avenue.

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

1. District Map No. 48J-321 contained in Appendix "A" of By-law 438-86, as amended, is further amended by redesignating the lands outlined by heavy lines on Map 1, attached to and forming part of this By-law, from I1 D7 to MCR T3.0 C1.0 R2.5 and G.
2. None of the provisions of Section 2(1) with respect to *lot*, *grade*, *height*, *bicycle parking space-occupant*, *bicycle parking space-visitor*, Section 4(1)a, Section 4(2)a, Section 4(3)(a), Section 4(4)b, Section 4(6), Section 4(7), Section 4(10), Section 4(12), Section 4(13), Section 4(16), Section 8(2)(7), Section 8(2)(11), Section 8(3) Part I, Section 8(3) Part II, Section 8(3) Part III, Section 8(3) Part VIII of Zoning By-law 438-86 and By-law 1996-0356, as amended, shall apply to prevent the erection and use of *mixed-use buildings* on Parcel A and Parcel B and a *public park* on Parcel C as shown on Map 1 of By-law [Clerks to insert By-law ###] provided that:
 - a. The *lot* on which the proposed building is to be located comprises at least those lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
 - b. Notwithstanding 8(1)(f), an *apartment building* and/or *dwelling units* in a building, shall not be permitted on Parcel B.
 - c. The size of Parcel C, where the *public park* is located, shall be a minimum of 868 square metres;
 - d. The permitted maximum *height* above *grade* of a building or structure or portion thereof, is the *height* in metres specified by the numbers following "H" as shown on Map 2 of By-law [Clerks to insert By-law ###];
 - e. Despite (d) above, the following elements of a building may project above the permitted maximum building *heights* shown on Map 2 of By-law [Clerks to insert By-law ###]:
 - i. elements on the roof of the building or *structure* used for green roof technology and related roofing material *structures* and elements related to outdoor flooring and roofing assembly, safety

- railings, guard rails, railings, *terraces*, planters, balustrades, bollards, stairs, structures that are ancillary, and ornamental or architectural features may project above the *height* limits by no more than 2.0 metres;
- ii. Despite 2.e.i. above, safety railings, guard rails, railings may project above the *height* limits by no more than 2.8 metres on the 5th level of the building;
 - iii. mechanical elements, vents, emergency generators, lighting fixtures, retaining walls, crash walls, elevator overrun, landscape features, privacy screens, terrace dividers, covered stairs or stair enclosures, and fences may project above the *height* limits by no more than 2.8 metres;
 - iv. ornamental or architectural features, cabanas and trellises may project above the *height* limits by no more than 3.6 metres;
 - v. parapets, photovoltaic solar energy devices and sunlight collection and distribution devices (sun beamers) may project above the *height* limits by no more than 5.0 metres;
 - iv. mechanical screening and heating/cooling towers, including a mechanical penthouse, garbage chutes and/or related vents, may project above the *height* limits by no more than 6.5 metres; and,
 - vii. window washing equipment, lightning rods, acoustical barriers, and wind mitigation features may project above the height limits.
- f. The required minimum building setbacks are as shown on Map 2 of By-law [Clerks to insert By-law ###];
- g. Despite (f) above, the following encroachments are permitted into the required minimum building setbacks and above ground separation distance between main walls on Map 2 of By-law [Clerks to insert By-law ###]:
- i. balconies may encroach no more than 2.0 metres into the building setbacks required by (f.); and,
 - ii. retaining walls, crash walls, cladding, photovoltaic solar energy devices, wind mitigation features, canopies, awnings, building cornices, window washing equipment, terraces lighting fixtures, ornamental elements, lightning rods, trellises, eaves, window sills, stairs, stair enclosures, air intakes and vents, ventilating equipment, landscape and green roof elements, partitions dividing outdoor recreation areas, privacy screens, acoustical walls, wind mitigation elements, chimney stack, exhaust flues may encroach no more than 2.5 metres into the building setbacks required by (f.).
- h. The aggregate of the *residential gross floor area* and the *non-residential gross floor area* erected or used on the *lot* does not exceed 53,600 square metres, of which:
- i. the *residential gross floor area* does not exceed 44,100 square metres; and

- ii. the *non-residential gross floor area* does not exceed 9,500 square metres.
- i. A minimum of 15 percent of the total number of *dwelling units* shall contain at least two bedrooms; and
 - i. when the total number of *dwelling units* is multiplied by 0.15 and the number of required *dwelling units* with two bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;
 - j. A minimum of 10 percent of the total number of *dwelling units* shall contain at least three bedrooms; and
 - i. when the total number of *dwelling units* is multiplied by 0.10 and the number of required *dwelling units* with three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;
 - k. A minimum number of *parking spaces* are provided and maintained on the *lot*, as follows:
 - i. bachelor units at a minimum of 0.5 *parking spaces* per *dwelling unit*;
 - ii. one-bedroom units at a minimum of 0.5 *parking spaces* per *dwelling unit*;
 - iii. two-bedroom units at a minimum of 0.75 *parking spaces* per *dwelling unit*;
 - iv. three-bedroom units at a minimum of 0.75 *parking spaces* per *dwelling unit*;
 - v. a minimum of 0.06 *parking spaces* per *dwelling unit* for visitor parking to the *dwelling units*;
 - vi. a minimum of 1.0 *parking spaces* per 100 m² of retail uses; and
 - vii. a minimum of 1.0 *parking spaces* per 93 m² of office uses;
 - l. no more than 10 *parking spaces* may have a width of 5.6 metres when obstructed on one side;
 - m. *Bicycle parking spaces* shall be provided in accordance with the following:
 - i. The minimum ratios are as follows:
 - (1) *Bicycle parking spaces – occupant* shall be provided at a rate of 0.9 *bicycle parking spaces* per *dwelling unit*; and
 - (2) *Bicycle parking spaces – visitor* shall be provided at a rate of 0.1 *bicycle parking spaces* per *dwelling unit*.
 - ii. In the event that the calculation of the number of required *parking spaces* or *bicycle parking spaces* results in a number with a fraction, the number shall be rounded down to the nearest whole number.

- n. *Loading spaces* shall be provided and maintained on the *lot* in accordance with the following minimum amounts:
 - i. one (1) Type "B" *loading space*;
 - ii. three (3) Type "C" *loading spaces*; and
 - iii. one (1) Type "G" *loading space*.
 - o. Notwithstanding 8(1)(f), a *parking stacked – bicycle* is a permitted use on the *lot*;
3. For the purposes of this By-law:
- a. “*Ancillary*” means naturally and normally incidental, subordinate in purpose or floor area, and exclusively devoted to a permitted use, building or structure.
 - b. “*Structure*” means anything that is erected, built or constructed of one or more parts joined together. A vehicle is not a structure.
 - c. “*Bicycle parking space-visitor*” means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles and may be within a secured room and/or within a *parking stacker - bicycle*, and;
 - i. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.4 metres by 1.6 metres;
 - ii. Bicycles parked in a vertical position must have a minimum width of at least 0.4 metres and a minimum horizontal clearance from the wall of at least 1.1 metres; and
 - iii. May be located indoors or outdoors including within a secured room or enclosure.
 - d. “*Bicycle parking space-occupant*” means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles and may be within a secured room and/or within a *parking stacker - bicycle*, and;
 - i. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.4 metres by 1.6 metres;
 - ii. Bicycles parked in a vertical position must have a minimum width of at least 0.4 metres and a minimum horizontal clearance from the wall of at least 1.1 metres; and
 - iii. May be located indoors or outdoors including within a secured room or enclosure.
 - e. “*car-share*” means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization and such car-share motor vehicles are made available to at least the occupants of the building for short term rental, including hourly rental.

- f. “*car-share parking space*” means a parking space exclusively reserved and signed for a car used only for car-share purposes.
 - g. “*height*” means the vertical distance between grade and the highest point of the roof on the lot shown on Map 2
 - h.. “*parking stacked – bicycle*” means a mechanical bicycle parking facility with *bicycle parking spaces* which:
 - i. Positioned above each other or another *bicycle parking space*;
 - ii. The platform of such *bicycle parking space* may have dimensions of not less than 0.4 metres by 1.6 metres and a height allowance of 1.2 metres; and
 - iii. May not be readily accessible at all times without maneuvering another bicycle or device.
 - i. “*grade*” means 125.39 metres Canadian Geodetic Datum.
 - j. “*public parking*” means premises having an area for the parking of one or more vehicles as a principal use and the parking of a vehicle is available for public use with or without a fee.
 - k. Each other word or expression, which is italicized in the By-law, shall have the same meaning as each word or expression as defined in By-law 438-86, as amended.
4. Despite any of the provisions of By-law 438-86, for the purposes of the building on the *lot*, the *residential gross floor area* and *non-residential gross floor area* may be reduced by the area in the building used for:
- a. Parking, loading and bicycle parking below-ground;
 - b. Required loading spaces at the ground level and require bicycle parking spaces at or above-ground;
 - c. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below-ground;
 - d. Shower and change facilities required by the By-law for required bicycle parking spaces;
 - e. Residential amenity space required by this By-law;
 - f. Elevator shafts;
 - g. Garbage shafts
 - h. Mechanical penthouse on any level of the building;
 - i. Areas in a building below-ground used for hallways, elevator vestibules and a commercial parking garage;
 - j. Exit stairwells in the building or structure;
 - k. Commercial parking garage and *public parking*, inclusive of ramps and aisles above and below ground; and
 - l. Electrical, utility, mechanical and ventilation rooms on any level of the *building*.

5. Despite 2.(k) above, and to the satisfaction of City of Toronto Transportation Services, *parking spaces* may be provided in accordance as follows:
 - i. a minimum of 287 *parking spaces* may be provided for residents;
 - ii. a minimum of 66 parking spaces will be provided for the shared use of:
 - (a) the non-residential uses in the mixed use building;
 - (b) visitors of residents of the dwelling units in the mixed use building; and,
 - (c) these *parking spaces* may be used for *public parking* and may be provided in any combination for the uses listed in (ii)(a) and (ii)(b) above; and
 - iii. a minimum of 5 *parking spaces* for car-share and should there be a period of time where there is no car-share service provided, the *car-share parking spaces* must still be counted toward meeting the by-law requirements;
6. Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole *lot* as if no severance, partition or division occurred.
7. Within the lands shown on Map 1, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - a. all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - b. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
8. Except as otherwise provided herein, the provisions of Zoning By-law 438-86 shall continue to apply to the *lot*.
9. Nothing in this By-law shall apply to prevent the phased construction of the development on the *lot*, provided that the requirements of this by-law are complied with upon full development of the *lot*.
10. Section 37 Provisions
 - (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 7 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;

- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on [month] [day], 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
Interim City Clerk

(Seal of the City)

Schedule A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the *lot* shown on Map 1 and 2 of this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

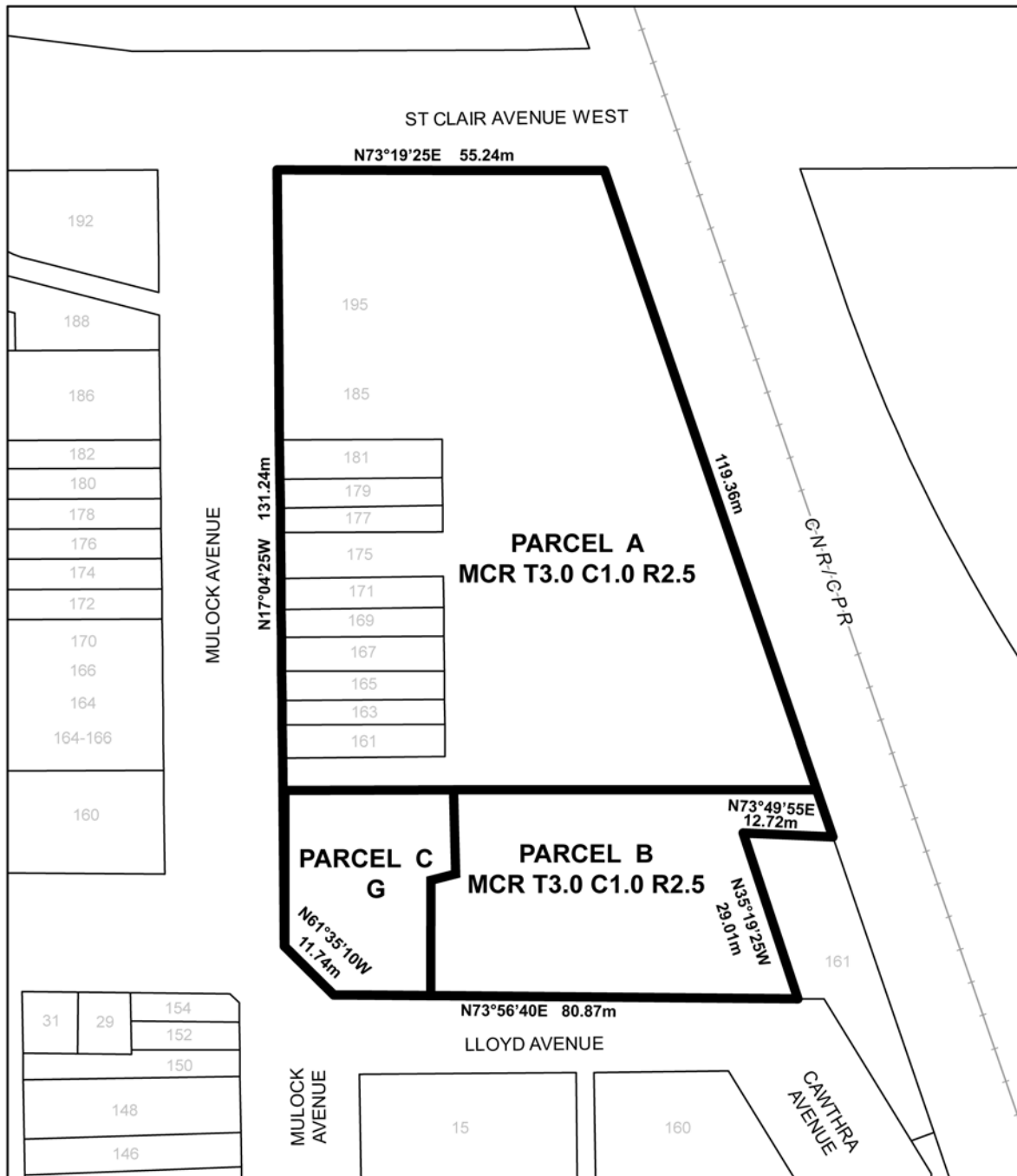
1. The owner shall design and construct ten (10) residential dwelling units with a minimum total new floor area of 449 m² (4,838 ft²) (the "**Affordable Units**"), within the approved development at 159 & 161-181 Mulock Avenue and 6 Lloyd Avenue, substantially in accordance with the Affordable Ownership Housing Terms and Conditions, with any amendments to such terms as deemed appropriate by the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, in consultation with the Ward Councillor.
2. The owner shall provide and convey at nominal charge the **Affordable Units** to Toronto Artscape Inc. or a similar non-profit housing provider, for use as Affordable Ownership Housing to be maintained for as Affordable Ownership Housing for at least 45 years on the following terms:
 - i. All Affordable Ownership Housing Units will have at least one bedroom and be no less than 42.7 m² (460 ft²);
 - ii. Seven (7) of the Affordable Ownership Housing Units will have one balcony;
 - iii. All Affordable Ownership Housing Units will be constructed to a fully-finished condition and to a similar standard as the units in the remainder of the Development;
 - iv. Affordable Ownership Housing Units will have access to all building facilities and amenities on the same terms and conditions as all the other residents; and
 - v. The Affordable Ownership Housing Unit layouts and locations shall be generally in conformity with the architectural plans. The final design and location of the units shall be to the satisfaction of the Chief Planner and Executive Director, prior to Site Plan Control approval.
3. The owner shall enter into Agreements of Purchase and Sale ("the APS") for the Affordable Ownership Housing Units with Artscape (or similar non-profit housing provided) and/or the City prior to the issuance of the first building permit for the development phase within which the units are to be provided. The APS will be assignable at no additional cost.

4. Prior to the earlier of condominium registration or first residential use, the owner shall design, construct, finish and convey freehold ownership to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum 372 m² (4,000 ft²) Community Agency Space located on the ground floor of the office building, with direct access to the adjacent outdoor space, and subject to the following:
 - i. The Community Agency Space shall be delivered to the City in accordance with the City's Community Space Term Sheet and finished to Base Building Condition, with the terms and specifications to be secured in the Section 37 Agreement, all satisfactory to the Executive Director, Social Development, Finance and Administration, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - ii. Prior to the issuance of the first above grade building permit, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and conveyance of the Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - iii. Prior to conveyance of the Community Agency Space to the City, the owner shall provide a one-time cash contribution in the amount of \$600,000.00 for future capital improvements to the Community Agency Space;
 - vi. The cash contribution referred to above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment; and
 - v. Concurrent with or prior to, the conveyance of the Community Agency Space to the City, the owner and the City shall enter into, and register on title to, the appropriate lands an Easement and Shared Facilities Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Shared Facilities Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Community Agency Space.

5. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council from time to time, to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.
 - ii. The owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a Site Plan Agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:
 - a. Implementation of any required noise and vibration abatement measures or other recommendations, as detailed in the Environmental Noise & Vibration Feasibility Study prepared by RWDI and dated August 27, 2019 as well as the Environmental Noise and Vibration Impact Study - Preliminary Response to Third-Party Review Comments dated October 14, 2020, to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - b. Update the Rail and Safety Assessment prepared by Stantec Consulting Ltd. and dated September 9, 2020 to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - c. Reconstruction of the City sidewalks to City standards along the frontages of St. Clair Avenue West, Mulock Avenue and Lloyd Avenue, to the satisfaction of the General Manager, Transportation Services.
 - d. Provision of on-site dog-relief facilities, with the location, nature and size of the facilities to be determined through the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - iii. Prior to issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, a conveyance of 9.7 m along the St. Clair Avenue West frontage of the site. In addition, the owner shall convey a conveyance of 14.3 m as well as a 5.02 m easement (measured perpendicular along the northeast limits of the site), all to the satisfaction of the Chief Planner and Executive Director, City Planning, the General

Manager, Transportation Services and the City Solicitor, all as generally shown on the Site Plan (Drawing No. A100 dated February 22, 2021).

- iv. The owner shall provide the required onsite parkland conveyance, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor, prior to the earlier, of first Condominium Registration or first residential occupancy, as follows:
 - a. The owner shall provide a conveyance of land to the City for public parkland, with a minimum size of 868 m² as generally depicted in the Maps/Diagrams of the draft Zoning By-law Amendments;
 - b. The owner shall register a Section 118 Restriction on title to the Parkland, prior to the issuance of the first Above-Grade Building Permit for any building on any part of the lands, in a form and with priority to the satisfaction of the City Solicitor, agreeing not to transfer or charge all or any part of the Parkland without the consent of the General Manager, Parks, Forestry and Recreation in order to restrict any conveyance other than as contemplated in this agreement;
 - c. The parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation;
 - d. The owner is to pay for the costs of the preparation and registration of all relevant documents. The owner shall provide all legal descriptions and applicable reference plans of survey, for the new parkland, to the satisfaction of the City Solicitor; and
 - e. All other conditions including, but not limited to: Parkland Conveyance; Environmental Assessment; Park Construction and Base Park Improvements; Above Base Park Improvements; and Credit Against Development Charges for Above Base Park Improvements as outlined in the memorandum from Parks, Forestry and Recreation dated April 6, 2021, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.



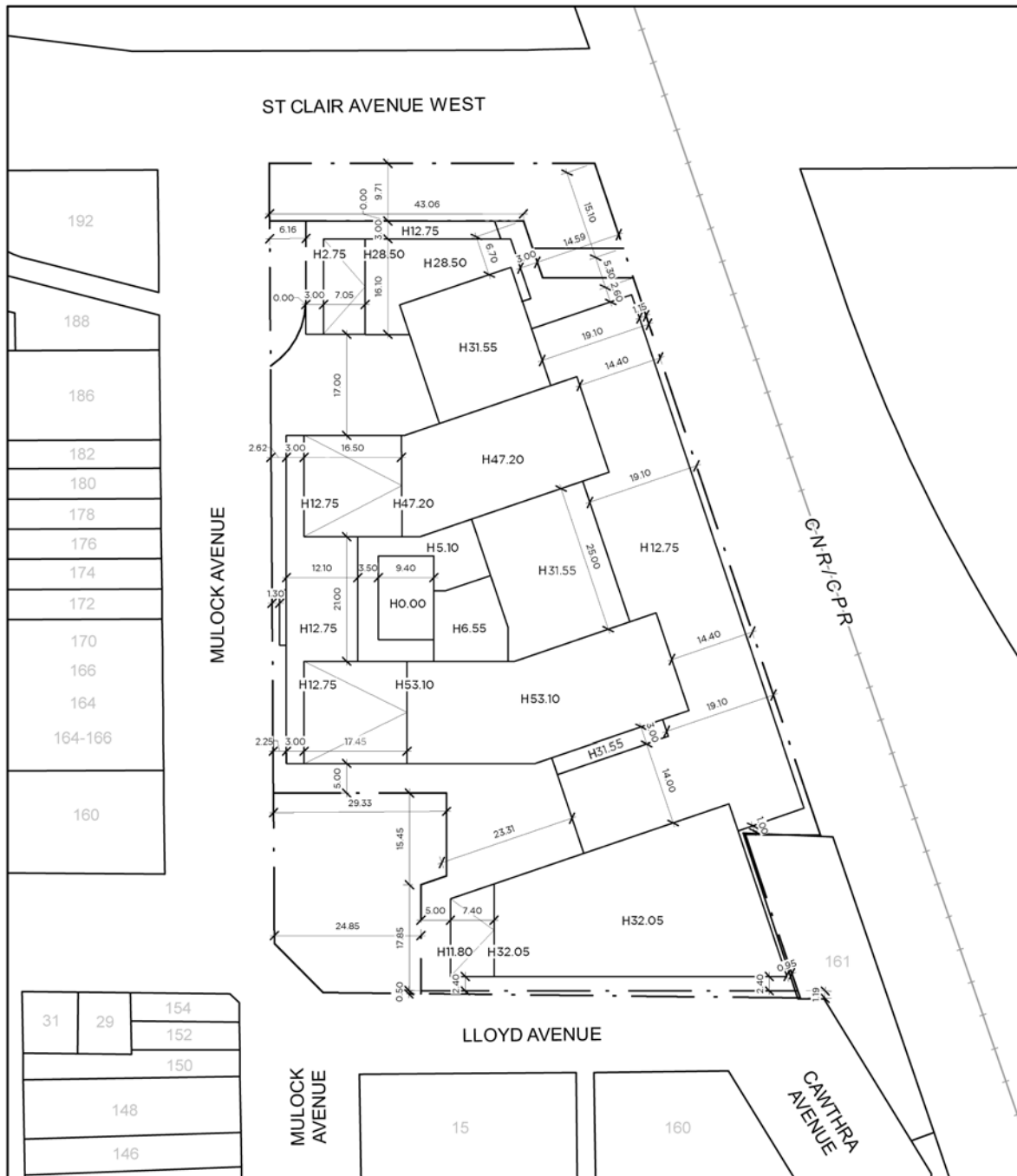
TORONTO
Map 1

**159 & 161-181 Mullock Avenue
& 6 Lloyd Avenue**

File #: 19 239452 WET 05 02



Former City of Etobicoke By-law 438-86
Not to Scale
05/27/2021



TORONTO
Map 2

**159 & 161-181 Mulock Avenue
& 6 Lloyd Avenue**

File #: 19 239452 WET 05 02



Former City of Etobicoke By-law 438-86
Not to Scale
05/27/2021



CITY OF TORONTO

Bill No.

By-law [Clerks to supply By-law ###]

To amend the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 159 & 161-181 Mulock Avenue and 6 Lloyd Avenue.

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

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

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

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

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

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

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions;
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands

outlined by heavy black lines from EH 7.0 to CR 3.0 (c1.0; r2.5) SS2 (x371) and O, as shown on Diagram 2 attached to this By-law;

4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA3, as shown on Diagram 3 attached to this Bylaw;
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying the following Rooming House label of B3 to these lands, as shown on Diagram 4 attached to this By-law;
6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT 16.0, as shown on Diagram 5 attached to this Bylaw;
7. Zoning By-law 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, as shown on Diagram 6 attached to this By-law; and,
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 371 so that it reads:

Exception CR 371

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

Site Specific Provisions:

- A. On 159 & 161-181 Mulock Avenue and 6 Lloyd Avenue, if the requirements of Section 15 and Schedule A of By-law ###-2021 are complied with, **buildings** and structures may be constructed on Parcel A and Parcel B and a **park** may be built on Parcel C as shown on Diagram 1 of By-law ###-2021 in compliance with (B) to (DD) below;
- B. The size of Parcel C, where the **park** is located, must be a minimum of 868 square metres;
- C. Despite regulations 40.5.40.10(1) and (2), the height of a **building or structure** is the distance between the Canadian Geodetic Datum elevation of 125.39 metres in the year 2021 and the elevation of the highest point of the **building or structure**;
- D. Despite regulation 40.10.20.10(B), **dwelling units** must not be permitted on Parcel B;

- E. Despite regulation 40.10.40.10(1), no portion of a **building** or **structure** erected on the lands may exceed the height in metres specified by the numbers following "HT" on Diagram 7 of By-law [Clerks to supply By-law ###];
- F. Despite (E) above, and regulations 40.5.40.10(4), (5), (6) & (7), the following elements of a **building** may project above the permitted maximum **building** heights as shown on Diagram 7 of By-law [Clerks to supply By-law ###]:
- i. elements on the roof of the building or **structure** used for **green roof** technology and related roofing material **structures** and elements related to outdoor flooring and roofing assembly, safety railings, guard rails, railings, terraces, planters, balustrades, bollards, stairs, **structures** that are **ancillary**, and ornamental or architectural features may project above the height limits by no more than 2.0 metres;
 - ii. Despite 8(F)(i) above, safety railings, guard rails, railings may project above the height limits by no more than 2.8 metres on the 5th level of the **building**;
 - iii. mechanical elements, vents, emergency generators, lighting fixtures, retaining walls, crash walls, elevator overrun, landscape features, privacy screens, terrace dividers, covered stairs or stair enclosures, and fences may project above the height limits by no more than 2.8 metres;
 - iv. ornamental or architectural features, cabanas and trellises may project above the height limits by no more than 3.6 metres;
 - v. parapets, photovoltaic solar energy devices and sunlight collection and distribution devices (sun beamers) may project above the height limits by no more than 5.0 metres;
 - iv. mechanical screening and heating/cooling towers, including a mechanical penthouse, garbage chutes and/or related vents, may project above the height limits by no more than 6.5 metres; and,
 - vii. window washing equipment, lightning rods, acoustical barriers, and wind mitigation features may project above the height limits;
- G. Despite regulations 40.10.40.70(2) and (4), and 40.10.40.80(2), the required minimum **building setbacks** and above ground separation distance between **main walls** are as shown on Diagram 7 of By-law [Clerks to supply By-law ###];
- H. Despite (G) above and regulations 40.10.40.60(2) to (9), the following encroachments are permitted into the required minimum **building setbacks** and above ground separation distance between **main walls** on Diagram 7 of By-law [Clerks to supply By-law ###]:
- i. balconies may encroach no more than 2.0 metres into the **building setbacks** required by (G); and,

- ii. retaining walls, crash walls, cladding, photovoltaic solar energy devices, wind mitigation features, canopies, awnings, **building** cornices, window washing equipment, terraces lighting fixtures, ornamental elements, lightning rods, trellises, eaves, window sills, stairs, stair enclosures, air intakes and vents, ventilating equipment, landscape and **green roof** elements, partitions dividing outdoor recreation areas, privacy screens, acoustical walls, wind mitigation elements, chimney stack, exhaust flues may encroach no more than 2.5 metres into the **building setbacks** required by (G);
- I. Despite regulation 40.10.40.40(1), the total **gross floor area** of all **buildings** and **structures** on the lands as shown on Diagram 1 of By-law [Clerks to supply By-law ###], must not exceed 53,600 square metres, provided:
- i. the residential **gross floor area** must not exceed 44,100 square metres; and,
 - ii. the non-residential **gross floor area** must not exceed 9,500 square metres;
- J. In addition to the **building** elements listed in regulation 40.5.40.40(1) to (5), the **gross floor area** of a **mixed use building**, **non-residential building** and an **apartment building** is also reduced by the areas in a **building** used for:
- i. **public parking**, inclusive of ramps and aisles above and below ground;
 - ii. Hallways and elevator vestibules below ground; and,
 - iii. Electrical, utility, mechanical and ventilation rooms on any level of the **building**;
- K. A minimum of 15 percent of the total number of **dwelling units** must contain at least two bedrooms; and,
- i. when the total number of **dwelling units** is multiplied by 0.15 and the number of required **dwelling units** with two bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;
- L. A minimum of 10 percent of the total number of **dwelling units** must contain at least three bedrooms; and,
- i. when the total number of **dwelling units** is multiplied by 0.10 and the number of required **dwelling units** with three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;
- M. Despite regulation 40.10.40.50(1):

- i. at least 40.0 square metres of the outdoor **amenity space** is in a location adjoining or directly accessible to at least one of the areas used as indoor **amenity space**; and,
 - ii. When calculating the provision in square metres of interior **amenity space**, the area is measured as the area bounded by the interior surface of demising walls separating amenity from other spaces and interior surface of all exterior walls, and includes areas occupied by mechanical/utility and structural columns;
- N. Despite regulation 40.10.40.1(1), residential use portions of the **building** may also be located on the same level or below non-residential use portions;
- O. Despite regulation 40.10.40.10(5), the minimum height of the first **storey** may be less than 4.5 metres;
- P. Despite regulation 40.10.20.100(21)(B), the maximum area of an **outdoor patio** is 500 square metres;
- Q. Despite regulations 40.10.20.100(1), 40.10.20.100(33) and Section 150.100, no maximum permitted **interior floor area** for an **eating establishment** and **take-out eating establishment** may apply;
- R. Despite regulation 40.5.40.60(1), the height limitation of 5.0 metres related to canopies does not apply;
- S. Regulations 40.10.20.100(7) and (8) regarding access to **public parking** and an above-ground parking garage do not apply;
- T. Regulation 40.10.40.1(6) regarding location of entrances when abutting a lot in the Residential or Residential Apartment Zone category does not apply;
- U. Regulations 40.10.20.100(7) to (11) regarding **public parking** may not apply;
- V. Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided as follows:
- i. bachelor units at a minimum of 0.5 **parking spaces** per **dwelling unit**;
 - ii. one-bedroom units at a minimum of 0.5 **parking spaces** per **dwelling unit**;
 - iii. two-bedroom units at a minimum of 0.75 **parking spaces** per **dwelling unit**;
 - iv. three-bedroom units at a minimum of 0.75 **parking spaces** per **dwelling unit**;
 - v. a minimum of 0.06 **parking spaces** per **dwelling unit** for visitor parking to the **dwelling units**;
 - vi. a minimum of 1.0 **parking space** per 100 m² of retail uses; and
 - vii. a minimum of 1.0 **parking space** per 93 m² of office uses;

- W. **Parking spaces** must comply with the **parking space** dimensions in clause 200.5.1.10, with the exception that no more than 10 **parking spaces** may have a width of 2.6 metres when obstructed on one side;
- X. Despite Section 200.15 and By-law 579-2017, accessible **parking spaces** must be provided as follows:
- i. accessible **parking spaces** must have the following minimum dimensions:
 - (a) length of 5.6 metre;
 - (b) width of 3.4 metres; and,
 - (c) vertical clearance of 2.1 metres;
 - ii. the entire length of an accessible **parking space** must be adjacent to a minimum 1.5 metre wide accessible barrier free aisle or path; and,
 - iii. despite 200.15.1(4), no more than 11 accessible **parking spaces** may be located anywhere above or below ground;
- Y. Despite regulation 230.5.1.10(4)(A), a horizontal **bicycle parking space** must have a minimum width of at least 0.4 metres and a minimum length of at least 1.6 metres;
- Z. Despite regulation 230.5.1.10(4)(B), a vertical **bicycle parking space** must have a minimum width of at least 0.4 metres and a minimum horizontal clearance from the wall of at least 1.1 metres;
- AA. Despite regulation 230.5.1.10(7), a minimum of 1 shower and change facility is required for the non-residential use;
- BB. Despite regulation 230.5.1.10(9), long term and short term **bicycle parking spaces** for **dwelling units** or for non-residential uses may be located anywhere above or below ground in the **building**;
- CC. Despite regulation 230.5.1.10(10), long term and short term **bicycle parking spaces** for **dwelling units** and/or for non-residential uses may be provided in any combination of vertical, horizontal or stacked positions;
- DD. Despite the requirements of regulation 220.5.10.1, **loading spaces** must be provided and maintained on the lands in accordance with the following minimum amounts:
- i. one (1) Type "B" **loading space**; and
 - ii. three (3) Type "C" **loading spaces**; and,
 - iii. one (1) Type "G" **loading space**;
- EE. Regulation 40.10.80.20 regarding the setback of **parking spaces** to lands in an Open Space zone must not apply.

Prevailing By-laws and Prevailing Sections:

- A. None Apply.
9. Despite any existing or future severance, partition, or division of the lands, the provisions of this By-law must continue to apply to the whole of the lands as if no severance, partition, or division occurred;
10. For the purposes of interpreting By-law [Clerks to supply By-law ###]:
- A. “car-share” means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization and such car-share motor vehicles are made available to at least the occupants of the building for short term rental, including hourly rental;
- B. “car-share parking space” means a parking space exclusively reserved and signed for a car used only for car-share purposes;
11. Except as otherwise provided herein, the provisions of Zoning By-law 569-2013 must continue to apply to the lands.
12. Nothing in this By-law shall apply to prevent the phased construction of the development on the lands, provided that the requirements of this by-law are complied with upon full development of the lands. For clarity, it may be demonstrated through a phasing plan, to the satisfaction of City Planning, that full zoning compliance will be achieved upon full buildout of the lands. The accepted phasing plan will be provided to Toronto Building to demonstrate zoning compliance.
13. Nothing in this By-law must apply to prevent the phased construction of the development on the lands, provided that the requirements of this by-law are complied with upon full development of the lands. For clarity:
- i. Office uses must only require 1 Type "B" **loading space** and 1 Type "C" **loading space**;
- ii. Office uses must not be required to provide residential or **car-share parking spaces**;
- iii. Office uses must not be required to provide **amenity space** required for the residential uses;
14. Despite 8.(V) above, and to the satisfaction of City of Toronto Transportation Services, **parking spaces** may be provided in accordance as follows:
- i. a minimum of 287 **parking spaces** may be provided for residents;
- ii. a minimum of 63 **parking spaces** will be provided for the shared use of:
- (a) the non-residential uses in the mixed use building;
- (b) visitors of residents of the **dwelling units** in the mixed use building; and,
- (c) these **parking spaces** may be used for public parking and may be provided in any combination for the uses listed in (ii)(a) and (ii)(b) above; and

- iii. a minimum of 5 **parking spaces** for car-share and should there be a period of time where there is no car-share service provided, the car-share **parking spaces** must still be counted toward meeting the by-law requirements;

15. Section 37 Provisions

- A. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 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 hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- B. Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit must be dependent on satisfaction of the same; and
- C. The owner must 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.

Enacted and passed on [month] [day], 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
Interim City Clerk

(Seal of the City)

Schedule A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the *lot* shown on Map 1 and 2 of this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

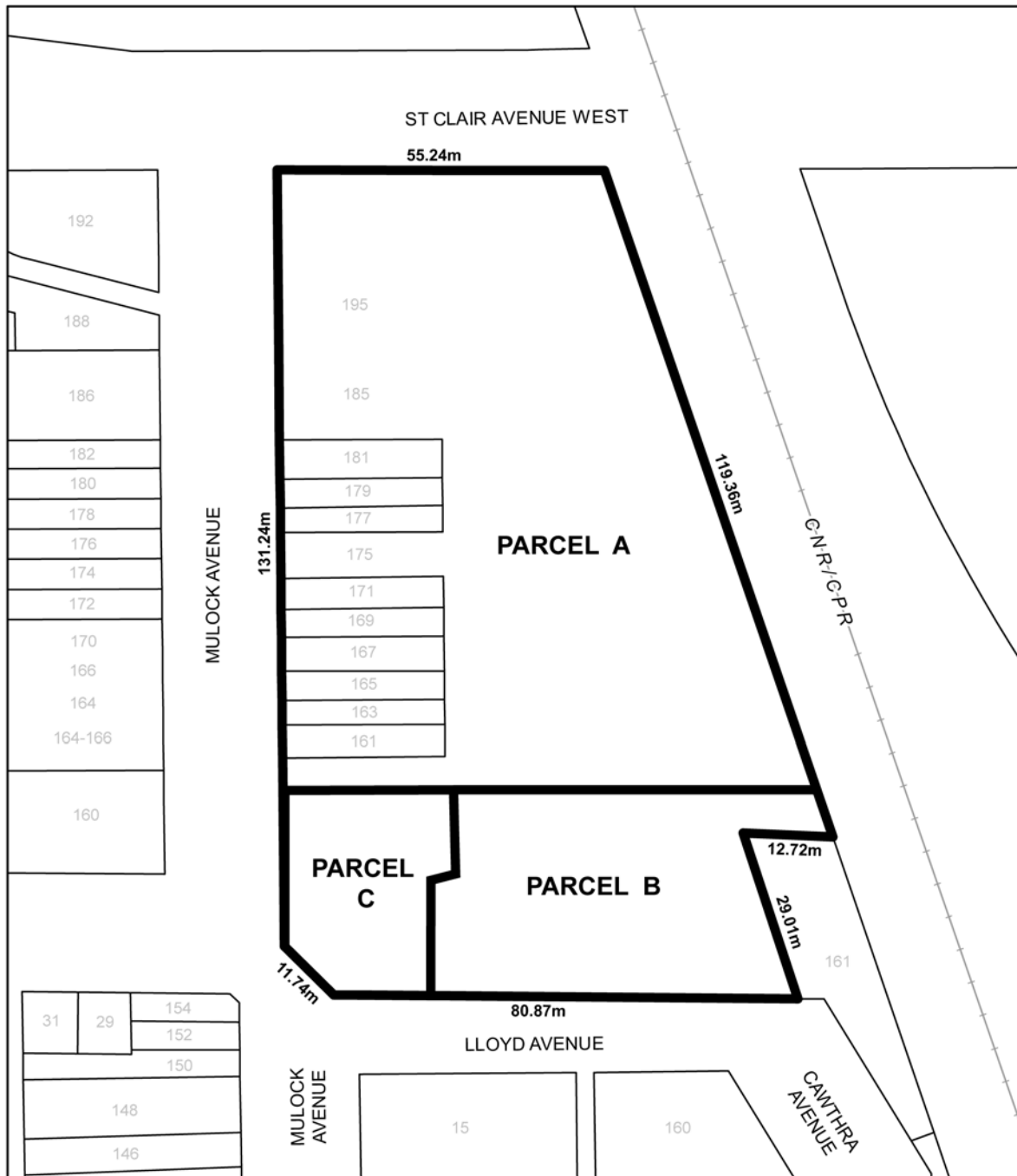
1. The owner shall design and construct ten (10) residential dwelling units with a minimum total new floor area of 449 m² (4,838 ft²) (the "**Affordable Units**"), within the approved development at 159 & 161-181 Mulock Avenue and 6 Lloyd Avenue, substantially in accordance with the Affordable Ownership Housing Terms and Conditions, with any amendments to such terms as deemed appropriate by the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, in consultation with the Ward Councillor.
2. The owner shall provide and convey at nominal charge the **Affordable Units** to Toronto Artscape Inc. or a similar non-profit housing provider, for use as Affordable Ownership Housing to be maintained for as Affordable Ownership Housing for at least 45 years on the following terms:
 - i. All Affordable Ownership Housing Units will have at least one bedroom and be no less than 42.7 m² (460 ft²);
 - ii. Seven (7) of the Affordable Ownership Housing Units will have one balcony;
 - iii. All Affordable Ownership Housing Units will be constructed to a fully-finished condition and to a similar standard as the units in the remainder of the Development;
 - iv. Affordable Ownership Housing Units will have access to all building facilities and amenities on the same terms and conditions as all the other residents; and
 - v. The Affordable Ownership Housing Unit layouts and locations shall be generally in conformity with the architectural plans. The final design and location of the units shall be to the satisfaction of the Chief Planner and Executive Director, prior to Site Plan Control approval.
3. The owner shall enter into Agreements of Purchase and Sale ("the APS") for the Affordable Ownership Housing Units with Artscape (or similar non-profit housing provided) and/or the City prior to the issuance of the first building permit for the development phase within which the units are to be provided. The APS will be assignable at no additional cost.

4. Prior to the earlier of condominium registration or first residential use, the owner shall design, construct, finish and convey freehold ownership to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum 372 m² (4,000 ft²) Community Agency Space located on the ground floor of the office building, with direct access to the adjacent outdoor space, and subject to the following:
 - i. The Community Agency Space shall be delivered to the City in accordance with the City's Community Space Term Sheet and finished to Base Building Condition, with the terms and specifications to be secured in the Section 37 Agreement, all satisfactory to the Executive Director, Social Development, Finance and Administration, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - ii. Prior to the issuance of the first above grade building permit, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and conveyance of the Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - iii. Prior to conveyance of the Community Agency Space to the City, the owner shall provide a one-time cash contribution in the amount of \$600,000.00 for future capital improvements to the Community Agency Space;
 - vi. The cash contribution referred to above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment; and
 - v. Concurrent with or prior to, the conveyance of the Community Agency Space to the City, the owner and the City shall enter into, and register on title to, the appropriate lands an Easement and Shared Facilities Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Shared Facilities Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Community Agency Space.

5. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- i. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council from time to time, to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.
 - ii. The owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a Site Plan Agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:
 - a. Implementation of any required noise and vibration abatement measures or other recommendations, as detailed in the Environmental Noise & Vibration Feasibility Study prepared by RWDI and dated August 27, 2019 as well as the Environmental Noise and Vibration Impact Study - Preliminary Response to Third-Party Review Comments dated October 14, 2020, to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - b. Update the Rail and Safety Assessment prepared by Stantec Consulting Ltd. and dated September 9, 2020 to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - c. Reconstruction of the City sidewalks to City standards along the frontages of St. Clair Avenue West, Mulock Avenue and Lloyd Avenue, to the satisfaction of the General Manager, Transportation Services.
 - d. Provision of on-site dog-relief facilities, with the location, nature and size of the facilities to be determined through the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - iii. Prior to issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, a conveyance of 9.7 m along the St. Clair Avenue West frontage of the site. In addition, the owner shall convey a conveyance of 14.3 m as well as a 5.02 m easement (measured perpendicular along the northeast limits of the site), all to the satisfaction of the Chief Planner and Executive Director, City Planning, the General

Manager, Transportation Services and the City Solicitor, all as generally shown on the Site Plan (Drawing No. A100 dated February 22, 2021).

- iv. The owner shall provide the required onsite parkland conveyance, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor, prior to the earlier, of first Condominium Registration or first residential occupancy, as follows:
 - a. The owner shall provide a conveyance of land to the City for public parkland, with a minimum size of 868 m² as generally depicted in the Maps/Diagrams of the draft Zoning By-law Amendments;
 - b. The owner shall register a Section 118 Restriction on title to the Parkland, prior to the issuance of the first Above-Grade Building Permit for any building on any part of the lands, in a form and with priority to the satisfaction of the City Solicitor, agreeing not to transfer or charge all or any part of the Parkland without the consent of the General Manager, Parks, Forestry and Recreation in order to restrict any conveyance other than as contemplated in this agreement;
 - c. The owner parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation;
 - d. The is to pay for the costs of the preparation and registration of all relevant documents. The owner shall provide all legal descriptions and applicable reference plans of survey, for the new parkland, to the satisfaction of the City Solicitor; and
 - e. All other conditions including, but not limited to: Parkland Conveyance; Environmental Assessment; Park Construction and Base Park Improvements; Above Base Park Improvements; and Credit Against Development Charges for Above Base Park Improvements as outlined in the memorandum from Parks, Forestry and Recreation dated April 6, 2021, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.

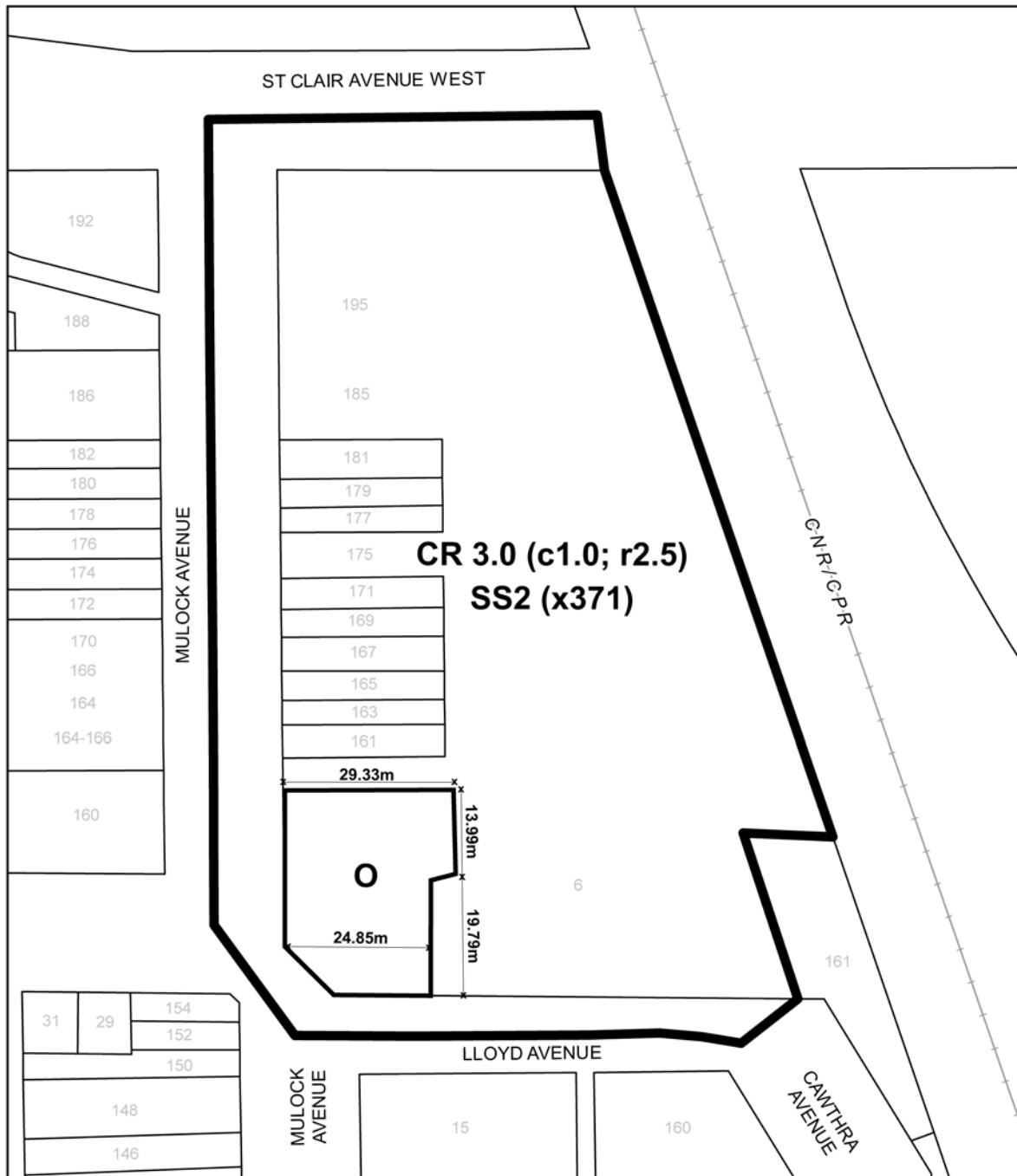


TORONTO
Diagram 1

**159 & 161-181 Mulock Avenue
& 6 Lloyd Avenue**

File #: 19 239452 WET 05 02

City of Toronto By-law 569-2013
Not to Scale
05/27/2021

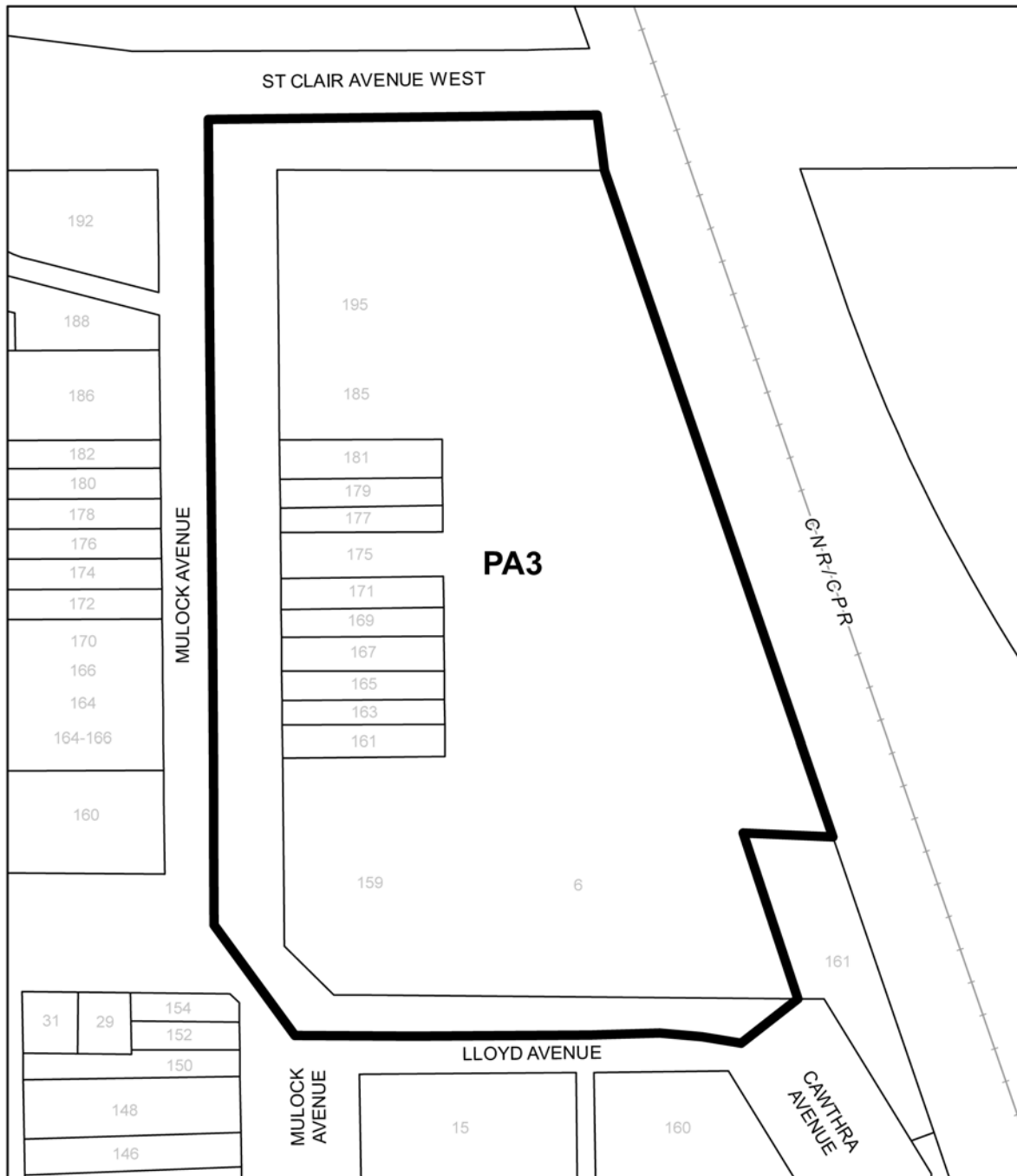


TORONTO
Diagram 2

**159 & 161-181 Mulock Avenue
 & 6 Lloyd Avenue**

File #: 19 239452 WET 05 02

City of Toronto By-law 569-2013
 Not to Scale
 05/27/2021

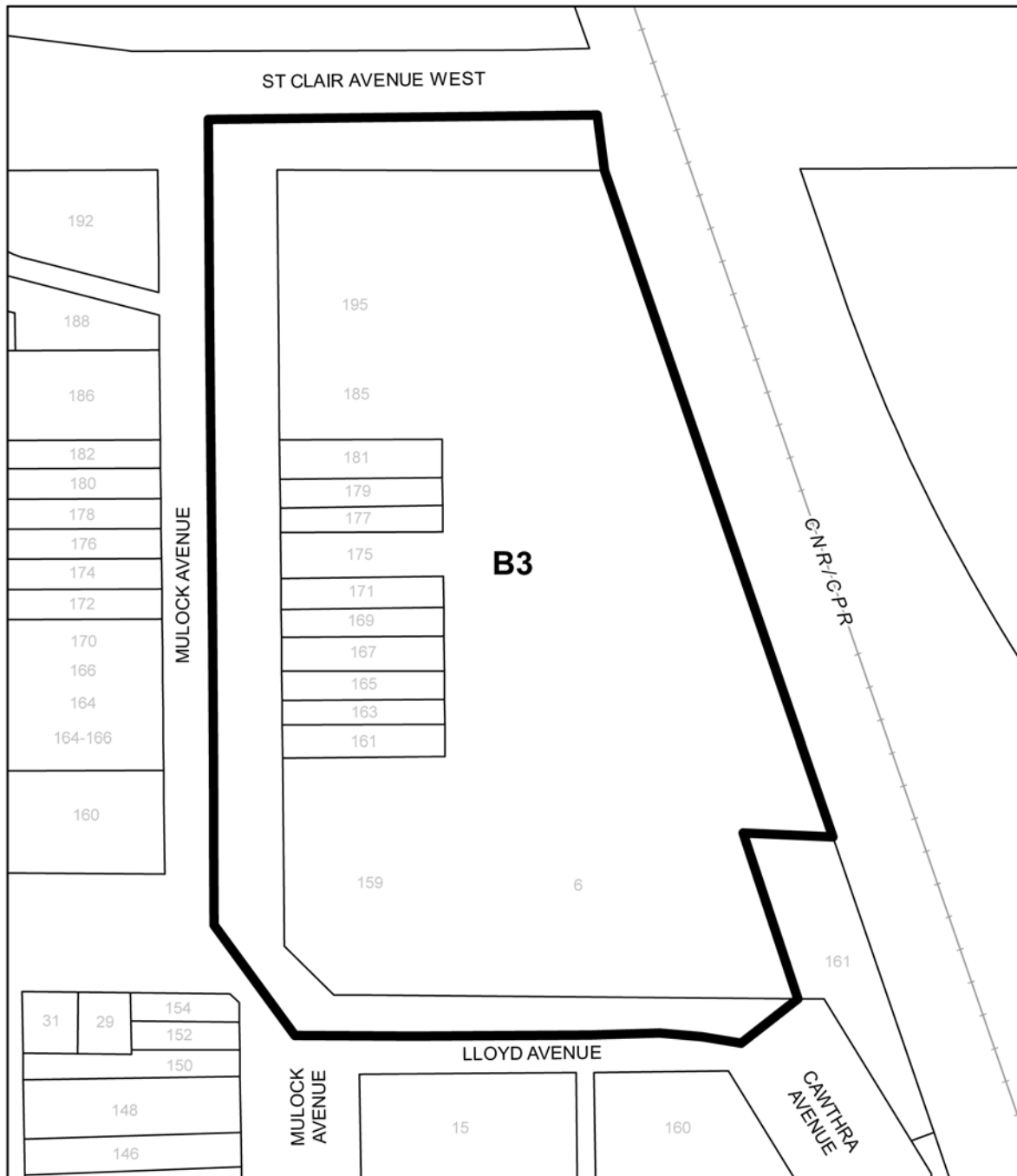


Toronto
Diagram 3

**159 & 161-181 Mullock Avenue
 & 6 Lloyd Avenue**

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City of Toronto By-law 569-2013
 Not to Scale
 05/27/2021

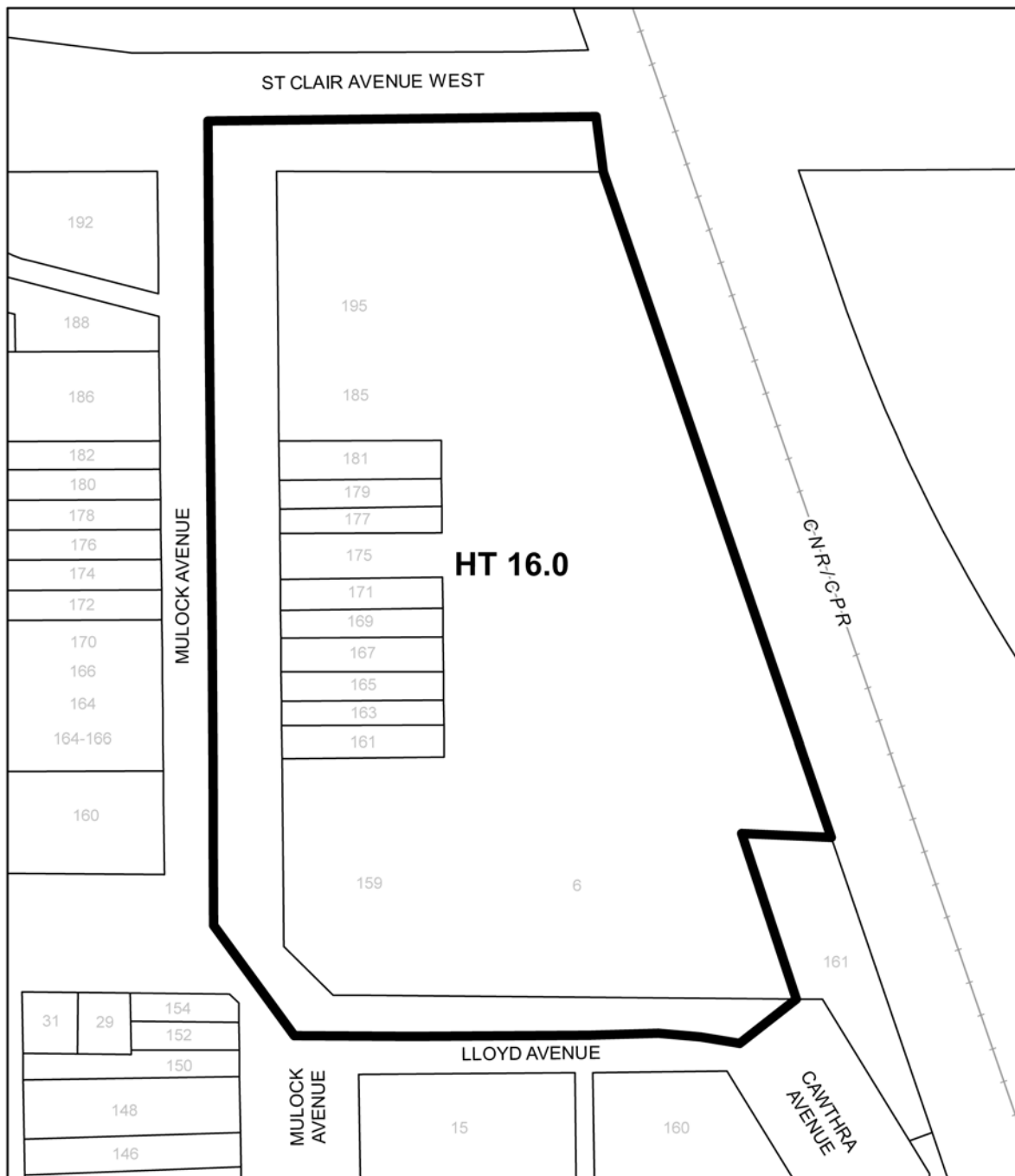


TORONTO
Diagram 4

**159 & 161-181 Mullock Avenue
 & 6 Lloyd Avenue**

File #: 19 239452 WET 05 02

City of Toronto By-law 569-2013
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 05/27/2021

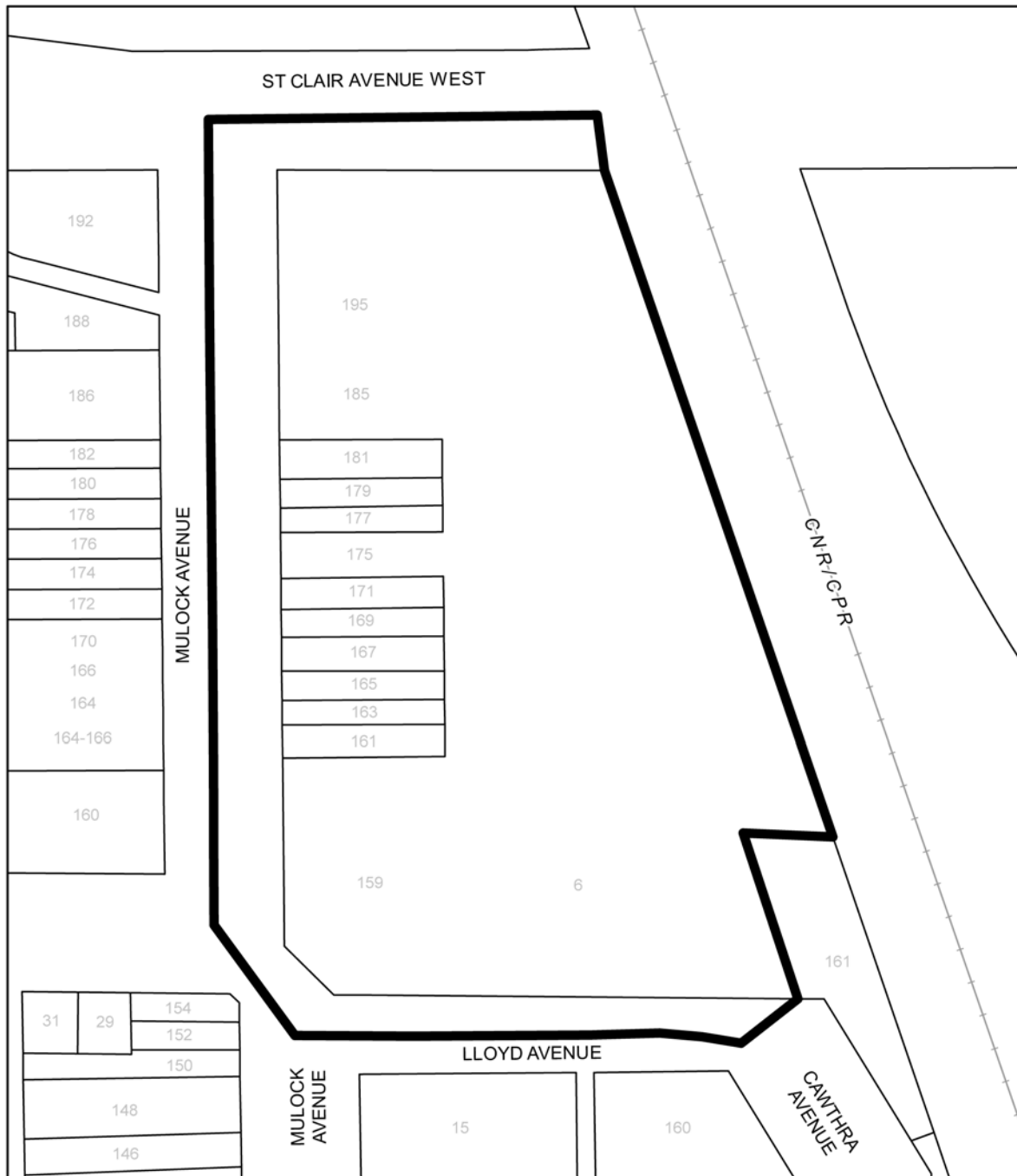


Toronto
Diagram 5

**159 & 161-181 Mullock Avenue
 & 6 Lloyd Avenue**

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City of Toronto By-law 569-2013
 Not to Scale
 05/27/2021

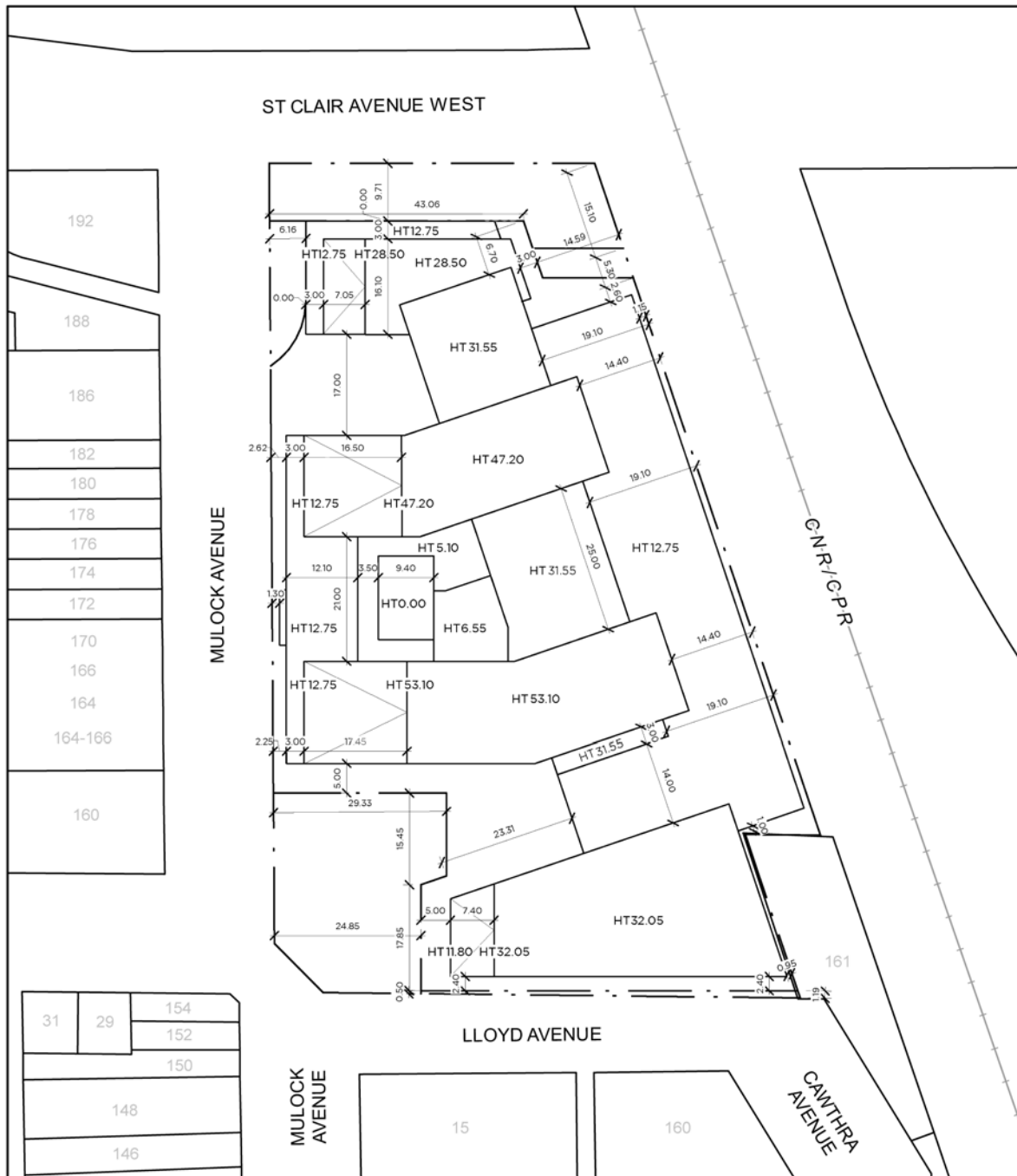


TORONTO
Diagram 6

**159 & 161-181 Mullock Avenue
 & 6 Lloyd Avenue**

File #: 19 239452 WET 05 02

City of Toronto By-law 569-2013
 Not to Scale
 05/27/2021



TORONTO
Diagram 7

159 & 161-181 Mulock Avenue & 6 Lloyd Avenue

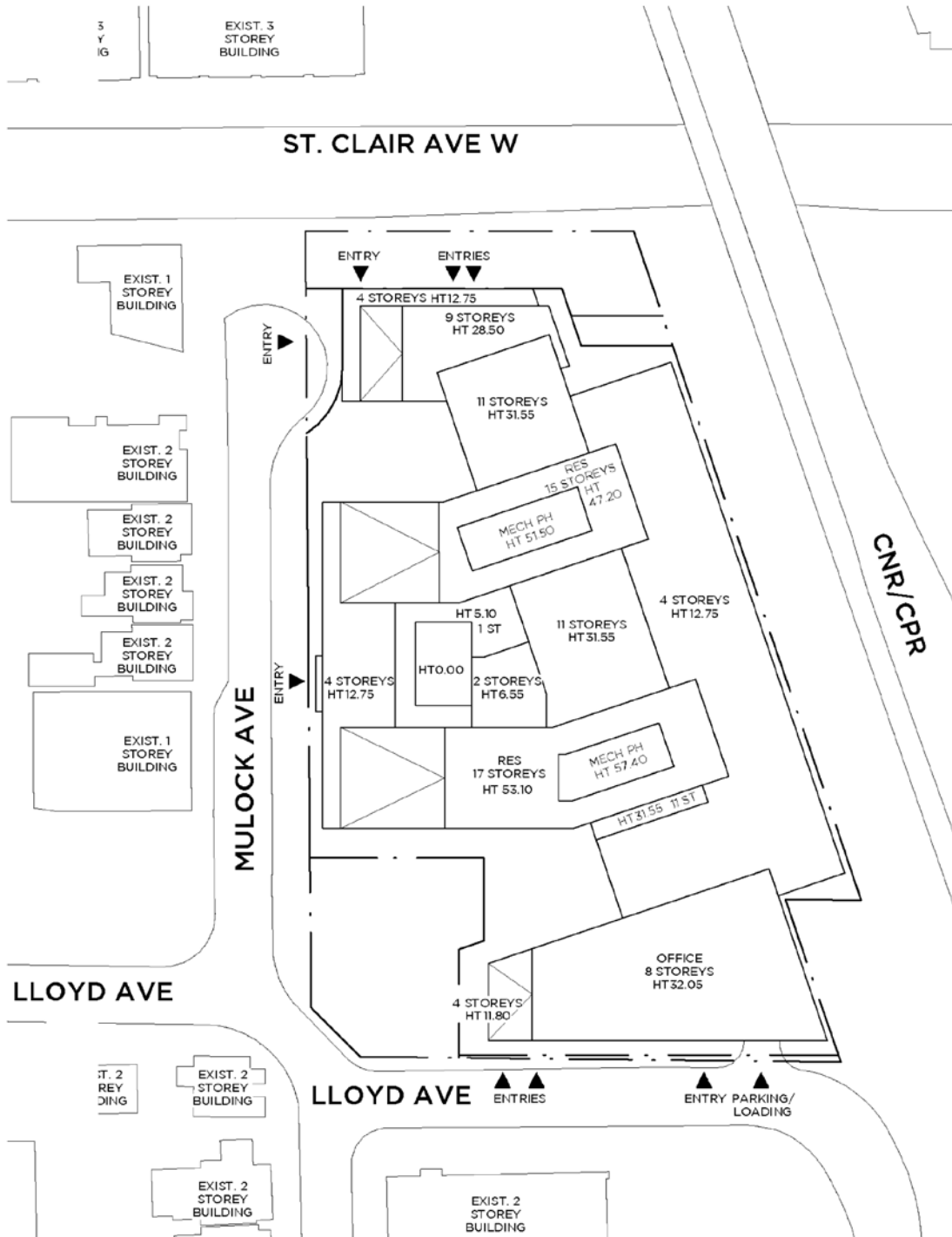
File #: 19 239452 WET 05 02



City of Toronto By-law 569-2013
Not to Scale
05/27/2021



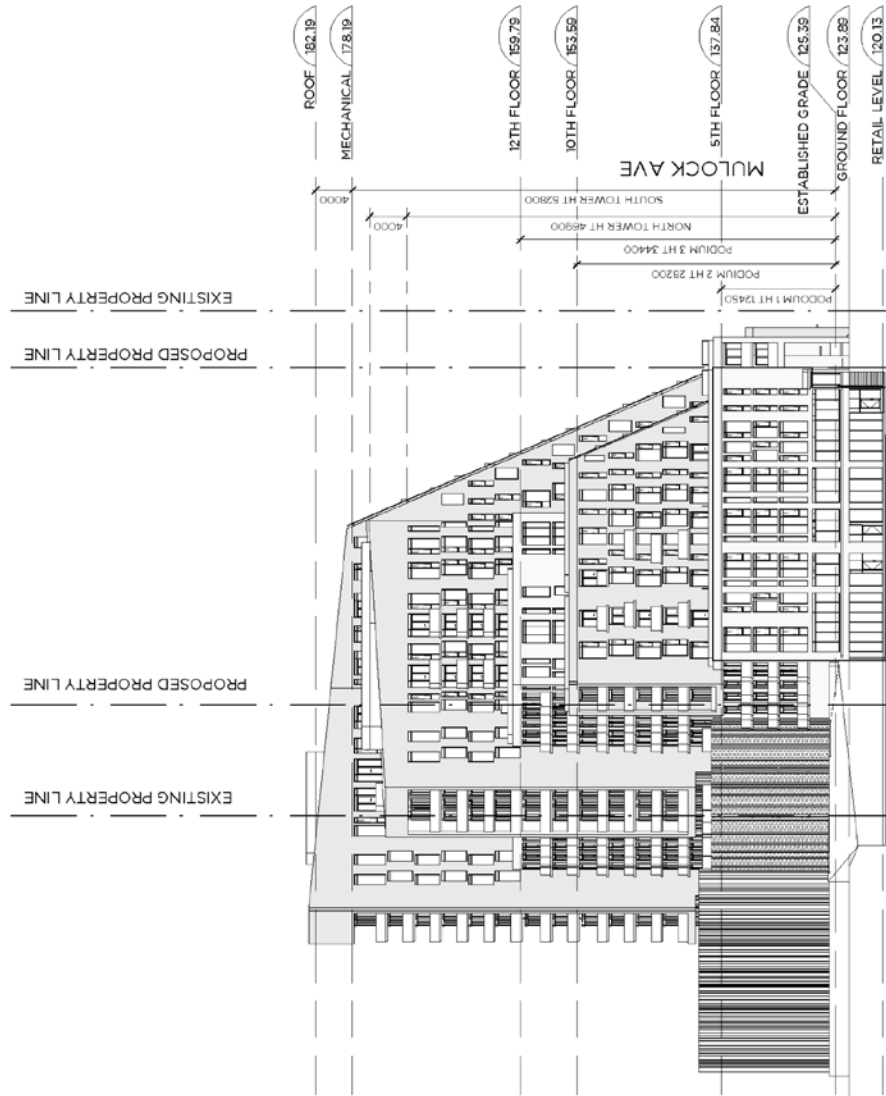
Attachment 9: Site Plan



Site Plan



Attachment 10: North Elevation



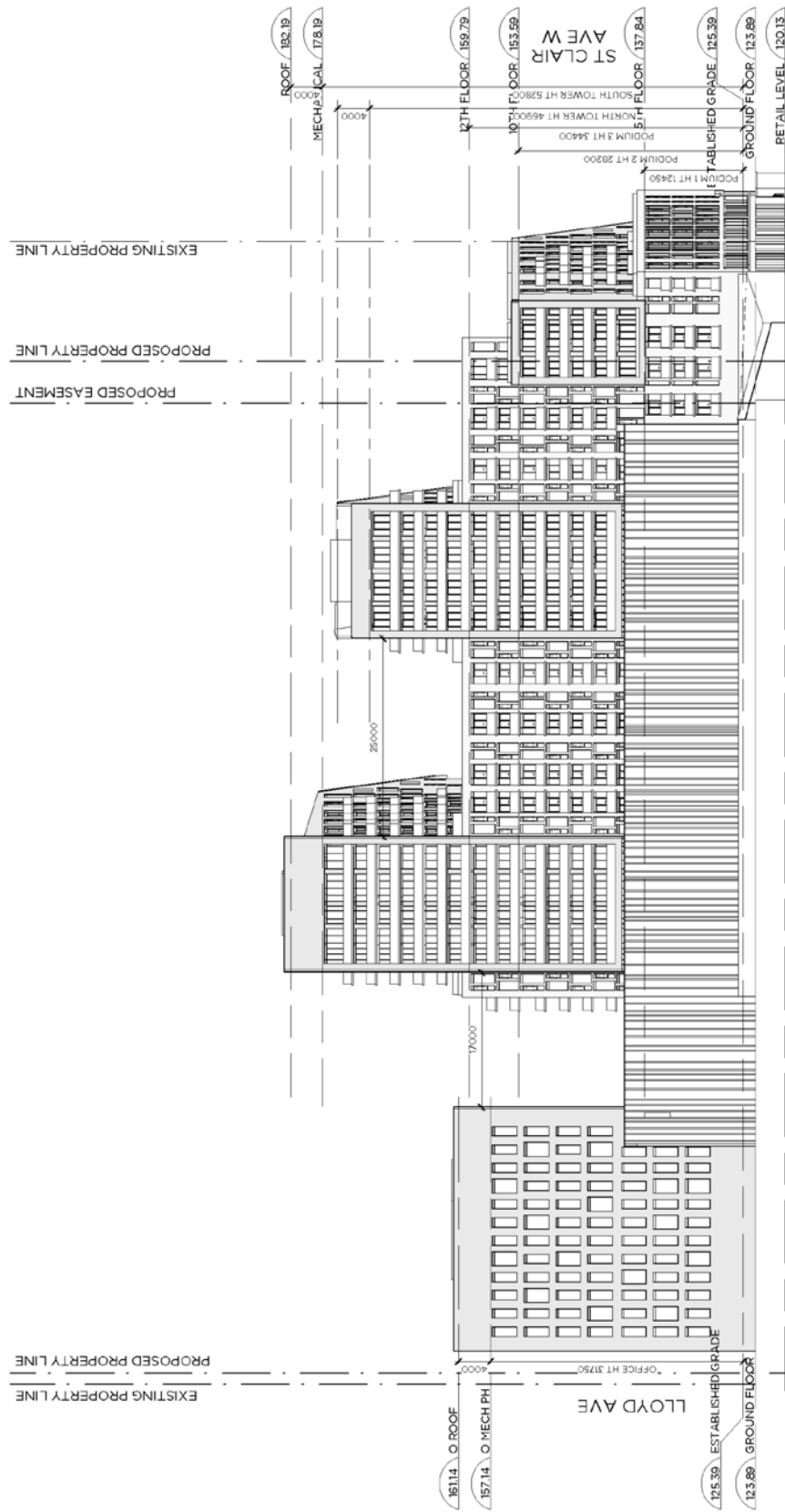
North Elevation

Attachment 11: South Elevation



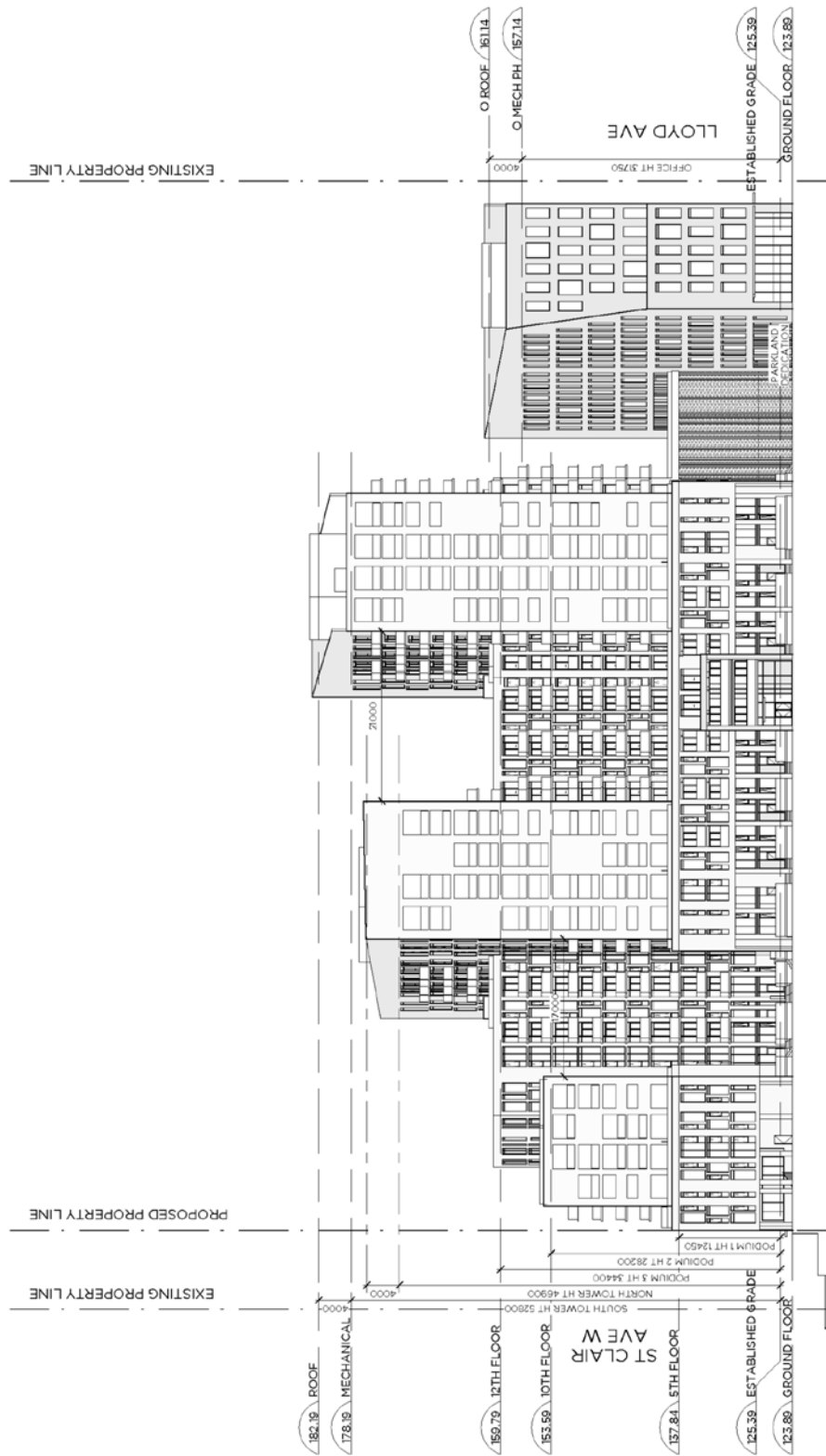
South Elevation

Attachment 12: East Elevation



East Elevation

Attachment 13: West Elevation



West Elevation