

Final Report - 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East – Official Plan Amendment, Zoning Amendment, Subdivision Applications

Date: June 4, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: Ward 20 - Scarborough Southwest

Planning Application Number: 19 263629 ESC 20 OZ and 19 263636 ESC 20 SB

SUMMARY

The subject Official Plan amendment, rezoning and draft plan of subdivision applications for 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East propose modifications to prior 2015 and 2016 planning approvals, submitted by former Build Toronto which did not proceed, to accommodate a revised development concept for this portion of the former 'Birchcliff Quarry Lands'. The subject applications now propose five new development blocks on two new public streets accommodating four mid-rise apartment buildings ranging from 8 to 12 storeys and four blocks of stacked and back-to-back townhouses. Of the 1,052 dwelling units proposed, 120 (11.4%) would be affordable rental or affordable ownership units. A total of 74,486 square metres of gross floor area are proposed, including 466 square metres of commercial space, at a net site density of 2.11 times the site area. The proposal includes approximately 2.37 hectares of new and reconfigured public parkland.

The application incorporates City-owned lands and portions of the former Runnymede Park lands, into the proposal.

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).

This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law. Consistent with prior City Council approval in 2015 of a redevelopment concept proposed by Build Toronto, the current application continues to represent appropriate scale of development of this long vacant portion of the 'Birchcliff Quarry Lands' and will create a new residential neighbourhood. The current proposal is appropriately integrated the site's urban context, reflecting its proximity to higher-order transit services and protecting for a future connection to Gerrard Street via the extension of Blantyre Avenue through adjacent development sites. The proposed subdivision is appropriately designed to promote an acceptable interface with both the

higher density zoned residential lands immediately to the east and the established, stable lower density Birchcliff Community to the south. Technical review has indicated that traffic, servicing and stormwater can be appropriately managed, and recommended mitigation measures respecting the adjacent Metrolinx GO Rail line noise source will be secured through the subdivision agreement.

To reflect the increase in development level being recommended for approval, this report recommends additional community benefits be secured through a Section 37 agreement, taking the form of a larger cash contribution towards above-base parkland improvements and additional lands reserved and conveyed for the construction of affordable housing. This report also advises that the Chief Planner may approve the Draft Plan of Subdivision substantially in accordance with the conditions attached to the report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6 to this report.
2. City Council amend Zoning By-law 8786, as amended, of the former City of Scarborough for the lands at 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to this report.
3. City Council amend City of Toronto Zoning By-law 569-2013, as amended, for the lands at 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to this report.
4. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendments as may be required.
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 Above Base Park Improvements to the new public park to the satisfaction of the General Manager, Parks, Forestry and Recreation (PF&R). 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, PF&R, 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.
6. Before introducing the necessary Bills to City Council for enactment,

require the Owner to enter into an agreement pursuant to Section 37 of the *Planning Act*, such Agreement to be registered on title to the lands at 411 Victoria Park Avenue, 2150 and 2530 Gerrard Street East in a manner satisfactory to the Chief Planner and Executive Director City Planning and the City Solicitor to secure the following community benefits at the owner's expense:

a. A cash contribution of \$1,000,000 for Above Base Park Improvements to the new Park Blocks 7 and 8 within the subdivision, to be provided prior to the first above grade building permit, said payment to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City;

b. In the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands

c. Upon the earlier of the registration of the plan of subdivision or prior to the first above grade building permit for any residential uses for any part of the proposed development on Blocks 1, 2 or 3, the owner shall convey, in fee simple to a non-profit housing provider, Block 4 consisting of a minimum area of 7700 square metres for the purpose of constructing at least 58 affordable housing units as follows:

1. Block 4 is serviced to the lot line and able to be connected to existing services;

2. A Record of Site Condition suitable for residential development has been obtained, and any needed soil remediation required to retain a residential Record of Site Condition has been undertaken or alternatively, provisions for the owner to pay for that soil remediation have been secured.

3. All planning and development-related approvals to proceed with the construction of the affordable housing units are in place, save for final issuance of site plan approval conditions,

4. The owner will enter into an agreement with the non-profit provider to the satisfaction of the Chief Planner and Executive Director in consultation with the Director, Affordable Housing Office, to implement the provisions of sub-clauses c.(1), (2) and (3) above, prior to the issuance of the first above-grade residential building permit for any purpose;

5. The non-profit provider will enter into one or more delivery agreements with the City for the affordable housing units, and will agree to build the 58 affordable units and following application by the owner, including the

furnishing of site plan application fees, obtain site plan approval and approved building permits for the stacked townhouse units.

d. Upon the earlier of the registration of the plan of subdivision or prior to the first above grade building permit for any residential uses for any part of the proposed development on Blocks 1, 2 or 3, the owner shall convey, in fee simple, Block 5 consisting of a minimum area of 7500 square metres to the City for the purposes of constructing at least 62 affordable rental units as follows:

1. Block 5 is serviced to the lot line and able to be connected to existing services; and

2. A Record of Site Condition suitable for residential development has been obtained, and any needed soil remediation required to obtain a residential Record of Site Condition has been undertaken or alternatively, provisions for the owner to pay for that soil remediation have been secured.

7. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an agreement pursuant to Section 37 of the *Planning Act*, such Agreement to be registered on title to the lands at 411 Victoria Park Avenue, 2150 and 2530 Gerrard Street East in a manner satisfactory to the Chief Planner and Executive Director City Planning and the City Solicitor to secure the following as a legal convenience:

- a. 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 at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, as further amended by City Council from time to time.

8. Before introducing the necessary Bills to City Council for enactment, the owner be required to submit for review and acceptance to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services and General Manager of Toronto Water:

- a. the plans, studies and results of field investigations necessary to determine the required width of infrastructure easements across future development blocks in accordance with the Design Criteria for Sewers and Watermains (January 2021), and,

- b. should it be determined that the relocation of existing municipal infrastructure is required to ensure the orderly development of the lands, updated functional servicing drawings and reports detailing the replacement and relocation of the infrastructure, such relocation to be financially secured as a condition of the City's standard subdivision agreement.

9. City Council authorize and direct the use of any cash-in-lieu of parkland dedications required for this development, above the first 5 percent, toward the implementation of Above Base Park Improvements to the new public park to be created.

10. City Council classify the lands municipally known as 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East as a Class 4 Noise Area pursuant to Ministry of Environment (now Ministry of Environment, Conservation and Parks) Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning Publication NPC-300, August 2013.

11. City Council direct the Chief Planner and Executive Director, City Planning or designate to provide City Council's decision which classifies the lands municipally known as 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East as a Class 4 Noise Area to the Ministry of the Environment, Conservation and Parks

12. That in accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Subdivision as generally illustrated in Attachment 11 to this report, subject to:

a. the conditions as generally listed in Attachment 9 to this report, which, except as otherwise noted, must be fulfilled prior to final approval and the release of the Plan of Subdivision for registration; and

b. any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner and Executive Director, City Planning may deem to be appropriate to address matters arising from the on-going technical review of this development.

13. Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to City Council's decision including the entering into of any necessary agreements or amending agreements.

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.

The Deputy City Manager and Chief Financial Officer have reviewed this report and agree with the financial impact information.

DECISION HISTORY

Previous Applications

The subject lands were previously the subject of 2012 Official Plan amendment, rezoning and draft plan of subdivision applications by Build Toronto. The 2012 proposal sought to permit approximately 9,100 square metres of retail commercial use on the western portion of the site fronting Victoria Park Avenue, with up to 300 standard or 'stacked' townhouse and apartment units along new interior streets, together with reconfiguration of the City's undeveloped Runnymede Park. Thirty of the proposed 300 units (10%) were proposed for affordable ownership.

At its meeting of September 20, 2015, City Council adopted staff recommendations to enact Official Plan Amendment No. 288 (OPA 288) to redesignate a portion of the subject lands in the Official Plan from *Mixed Use Areas* to *Neighbourhoods*, and to reconfigure the *Parks and Open Space Areas – Parks* designation applying to the City's undeveloped Runnymede Park. OPA 288 also identified a new internal collector road network on Schedule 2 of the Official Plan. At the same meeting, Council enacted By-law No. 986-2015 to amend Zoning By-law No. 569-2013, as amended, and By-law No. 987-2015 to amend Scarborough Birchcliff Community Zoning By-law No. 8786, as amended, to rezone only the westerly proposed commercial lands to Commercial Residential (CR). City Council also adopted City-initiated Official Plan Amendment No. 324 to re-establish the former Blantyre Avenue road allowance north of Gerrard Street East as a future public street on Schedule 2 of the Official Plan. City Council's decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.SC8.25>

Council approval of OPA 288 and By-laws 986-2015 and 987-2015 were subsequently appealed by various parties to the former Ontario Municipal Board, now constituted as the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal). In its decision dated January 28, 2016, the Board denied one of the appellants status in further proceedings before the Board. On June 29, 2016, the Board was advised that the remaining appeals by RioCan Holdings and the GCD Trustee Limited (the Conservatory Group) had been withdrawn, with the result that OPA 288 and By-laws 986-2015 and 987-2015 came into final effect on the date of their enactment by Council.

OPA 324 was also appealed by the land owner, RioCan Holdings, and Conservatory Group. That appeal remains outstanding before the Ontario Land Tribunal, for which no hearing date has been scheduled.

A zoning by-law amendment dealing with the remaining residential and parkland portions of the Build Toronto site was not presented for enactment at the September 20, 2015 City Council meeting. Council instructed instead that this bill not be presented until Build Toronto had entered a Section 37 agreement dealing with, among other matters, details for the proposed 30 affordable housing units being provided to Habitat for Humanity. The Chief Planner and Executive Director submitted a Supplementary Report to City Council dated December 5, 2016 advising on the final Section 37 details.

Accordingly, Council on December 15, 2016 enacted By-law No. 1276-2016 amending Scarborough Birchcliff Community Zoning By-law No. 8786, as amended, to establish

new residential and parks zoning on that portion of the site. There were no appeals to this by-law amendment. City Council's decision on the Zoning By-law enactment can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.MM23.25>

Current Applications

On June 19, 2020, Scarborough Community Council considered a Preliminary Report on the subject applications dated March 9, 2020 from the Director, Community Planning, Scarborough District. Staff were directed to process the application and undertake community consultation. The Preliminary Report and Community Council decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC15.2>

The current application was submitted on December 20, 2019 and deemed complete on January 10, 2020. Community consultation is summarized in the Comments section of this Report.

PROPOSAL

The subject applications as currently revised now propose five new development blocks on two new public streets accommodating four mid-rise apartment buildings ranging from 8 to 12 storeys and four blocks of stacked and back-to-back townhouses. A total of 1,052 dwelling units are proposed, of which 120 (11.4%) would be affordable rental or ownership units. A total of 74,486 square metres of gross floor area are proposed, including 466 square metres of commercial space, at a net site density (FSI) of 2.11 times the site area. The proposal includes approximately 2.37 hectares of new and reconfigured public parkland. Refer to Attachment No. 1: Application Data Sheet for additional project data, and to Attachment 12 for a site plan of the overall development concept.

The current proposal maintains a similar easterly extension of Musgrave Street into the site from Victoria Park Avenue as approved through the previous Build Toronto proposal. The slightly realigned new public street will now terminate as a cul-de-sac serving the Block 5 apartment development on the eastern portion of the site. Build Toronto's previously proposed new street running north from Gerrard Street East along the east side of the site would now be deleted given the proposed retention of those lands for parks purposes. Alternatively, the current application introduces a second new Street 'B' into the development north of the Musgrave extension, adjacent to the GO rail line which, due to the roadway underpass, would be limited to right-in/right-out turning movements for northbound traffic only.

It is also noted that while the current application proposes a 9-storey, 203-unit apartment building on Block 3, adjacent to the proposed public park on Block 7 (refer to Attachment 10: Draft Plan of Subdivision), the applicant is currently in negotiation with one of the city's school boards for the possible sale of both blocks for development alternatively with a new elementary school. Such an outcome would reduce the number

of residential units currently proposed down to 849 units (an approximately 19% reduction), with a similar approximately 25% reduction in parkland to approximately 1.8 hectares.

The subject lands comprise a unique large 'brownfield' site, situated in the 'inner suburbs' approximately mid-way between the Scarborough Civic Centre and Toronto City Hall, that has remained largely vacant for over 50 years. The overall site comprises approximately 7.8 hectares (19.3 acres), with approximately 107 metres (351 feet) of frontage on Victoria Park Avenue and 68 metres (225 feet) of frontage on Gerrard Street East. The lands are generally flat but slope downward towards the south.

Historically, the lands were used by Gravel Co. Ltd. from approximately 1878 to 1913 for the quarrying of sand and gravel. The Toronto Brick Company subsequently conducted brick-making operations here from 1913 to approximately 1963 with more limited quarrying activity. Portions of the lands were subsequently used for waste disposal and have gradually renaturalized over time with meadows, thickets and treed areas. The subject site is currently vacant. (A golf driving range and mini-putt course on the western portion of the lands ceased operations in October 2012.) The City's Runnymede Park has not been developed for active park use and has occasionally been used by the City during the winter for snow storage.

Surrounding land uses include:

North: The Metrolinx Lakeshore East rail corridor, with mixed residential, industrial and automotive uses beyond in the Oakridge Community;

South: The Victoria Crossing commercial plaza fronting Victoria Park Avenue and Gerrard Street East, the recently redeveloped Shell Canada gas bar and car-wash at 2498 Gerrard Street East and an Olco gar-bar/auto repair facility at 2520 Gerrard Street East. To the south is a subdivision of detached single-family dwellings flanking Gerrard Street East;

East: The approximately 7.5 hectares (18.5 acres) of abutting lands owned by the Conservatory Group are currently vacant but are zoned to permit four high-rise apartment buildings totalling 1,455 apartment units, with the Quarry Plaza, a coin-operated car wash and detached single-family dwellings beyond to the east; and

West: A Loblaws food store and associated gas bar, with townhouses beyond to the west.

Reasons for Application

Build Toronto's successor, Create TO, did not proceed with the proposed site redevelopment as approved in 2015 and 2016 as the major commercial tenant who was to develop the western portion of the lands with did not advance with its project. CreateTO instead issued a public request for proposals in 2017 to sell the lands for redevelopment, with the current applicant, Glenspring Developments Inc. and DK Victoria Park Inc. being the successful proponent.

The subject applications are required to modify both the land use designations and policies in the Official Plan and zoning categories and standards previously established for this site in 2015 and 2016 in order to accommodate the significantly modified new development concept currently proposed. This would include amendment to the detailed Site and Area Specific Policy 485 provisions and Schedule 2, The Designation of Planned but Unbuilt Roads changes previously enacted through OPA 288.

APPLICATION BACKGROUND

Application Submission Requirements

In addition to usual base-line application submission requirements, the following reports/studies were submitted in support of the application:

- Planning Rationale with a Community Services and Facilities Study;
- Public Consultation Strategy;
- Architectural and Landscape plans;
- Housing Issues Report;
- Energy Strategy Report;
- Urban Transportation Considerations Report;
- Geotechnical Report;
- Hydrogeological Assessment;
- Functional Servicing and Stormwater Management Report, with associated Public Utilities plans;
- Noise and Vibration Study;
- Train Derailment Protection Report;
- Phase One and Two Environmental Site Assessments (ESA);
- Arborist Report;
- Sun/Shadow Study; and
- Toronto Green Standards Checklist.

All submission materials are available for viewing at the Application Information Centre (AIC) link below:

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

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and guide formulation of appropriate Official Plan amendments, Zoning By-law standards and conditions of Draft Plan of Subdivision approval.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient 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).

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 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 MTSA's plan for the prescribed densities.

Toronto Official Plan Policies and Planning Studies

This application has been reviewed against the policies of the City of Toronto Official Plan. The City of Toronto Official Plan can be found here:

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

Section 2.2 Structuring Growth in the City

The Official Plan states that future growth within Toronto will be steered to areas which are well served by transit, the existing road network and which have a number of properties with redevelopment potential. Generally, growth areas in the City are locations where good transit access can be provided along bus and streetcar routes and at rapid transit stations.

Policy 2.2.2 of the Official Plan directs growth to areas, such as the *Avenues* as shown on Map 2, to use land, infrastructure and services efficiently; concentrate jobs and people in areas well served by surface transit and higher order transit stations; promote mixed use development to increase opportunities for living close to work and to encourage walking and cycling for local trips; offer opportunities for people of all means to be affordably housed; facilitate social interaction, public safety and cultural and economic activity; improve air quality, energy efficiency and reduce greenhouse gas emissions; improve surface and groundwater quality and restore the hydrological function and habitat of streams, rivers and wetlands; and protect neighbourhoods, green spaces and natural heritage features and functions from the effects of nearby development.

Policy 2.2.4 (renumbered 2.2.3 in OPA 456) requires new development on lands adjacent to existing or planned transportation corridors and facilities to be compatible with, and supportive of, the long-term purposes of the corridors and facilities and be designed to avoid, mitigate or minimize negative impacts on and from the transportation corridors and facilities.

The Official Plan protects the integrity of the City's transportation network and provides for its planned expansion through the designation of public rights-of-way and transit corridors as described in the maps and schedules and the policy on laneways. In consideration of the development of new and existing city blocks and development lands within them, they are to be designated to expand and enhance the public realm network, have appropriately sized parcels of land for the scale and form and development, including open space, enhance active transportation including walking and cycling, promoting street oriented development to have access and address from public streets, and consider such matters in an appropriate incremental and phased form of development on larger sites.

Official Plan Policies 2.4.3 and 2.4.4 state that planning for new development will be undertaken in the context of reducing auto dependency and creating a multi-modal approach to address the transportation demands and impacts of new development. Furthermore, policy 2.2.3 requires that the City's transportation network be maintained and developed to support the growth objectives of the plan, among other matters, ensuring that new streets will be provided in consideration of surrounding land uses and will contribute to the development of a connected network which provides direct and clearly understood travel routes for all transportation modes an users throughout the City and acts as a fundamental organizing element of the city's physical structure.

Section 3.1.1 The Public Realm and Section 3.2.2 Built Form

Through the adoption of OPA 479 and 480, City Council amended the Official Plans policies on the Public Realm and Built Form. OPA 479 and OPA 480 strengthen the existing public realm and built form policies and provide greater clarity through new policies that describe the public realm, built form and built form types. The policies reflect the continuous evolution of the application of urban design principles to achieve critical city-building objectives, defining the roles and relationships of the public realm and new development to ensure that buildings and their surrounding public spaces work together to achieve a high standard of design and help create a high quality of life for people of all ages and abilities.

As this application was submitted prior to the enactment of these OPAs in September 2020, they do not apply in this case, although staff had regard to them as noted below. The following summary of Official Plan and Built Form policies reflect what was in force when the applications were submitted.

The public realm policies in Section 3.1.1 of the Official Plan acknowledge the importance of the public realm and quality urban design in creating great communities and building a great city. The public realm is comprised of the streets, parks, and open spaces of the City and is the framework with which development occurs. Among other matters, the policies aim to promote quality architectural, landscape and urban design; improve physical and visual access from public spaces of the City's natural features; and ensure that sidewalks and boulevards are designed to provide safe, attractive, interesting, and comfortable spaces for pedestrians.

Policy 3.1.1.6 acknowledges that city streets are significant public open spaces, which connect people and places and support the development of sustainable, economically vibrant and complete communities. It directs that new and existing City streets incorporate a Complete Streets approach and be designed to perform their diverse roles

Policy 3.1.1.8 provides for development for new streets, including that new streets be designed to provide connections with adjacent neighbourhoods, promote a connected grid of streets that offers safe and convenient travel options, extends sight lines and view corridors, divide larger sites into smaller development blocks; provide access and addresses for new development; allow the public to freely enter without obstruction; implement the Complete Streets approach to develop a street network that balances the needs and priorities of the various users and uses within the right-of-way; improve the

visibility, access and prominence of unique natural and human-made features; and provide access for emergency vehicles.

Policy 3.1.1.9 states that new streets will be public streets unless otherwise deemed appropriate by the City. Private streets, where they are deemed to be appropriate, will be designed to connect to and integrate into the broader public street network and meet the design objectives for new public streets. Policy 3.1.1.15 also provides further guidance on the development of new and existing city blocks.

The Built Form policies in Section 3.1.2 of the Official Plan state 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 will be located and organized to fit within 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 directly accessible from the public sidewalk; providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces; and preserving existing mature trees wherever possible and incorporating them into landscaping designs (Policy 3.1.2.1).

Policy 3.1.2.5 directs that new development will be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm.

Policies 3.1.2.6 - 3.1.2.8 direct that development will provide good transition in scale between areas of different building heights and/or intensity of use, a transition in scale within the development site(s) and measured from shared and adjacent property line(s), and where development includes, or is adjacent to, a park or open space, the building(s) should be designed to provide good transition in scale to the parks or open spaces to provide access to direct sunlight and daylight. Policy 3.1.2.9 requires the design of new building façades visible from the public realm to consider the scale, proportion, materiality and rhythm of the façade to ensure fit and enliven the pedestrian experience.

Policy 3.1.2.10 directs development to promote civic life and provide amenity for pedestrians in the public realm to make areas adjacent to streets, parks and open spaces attractive, interesting, comfortable and functional.

Policy 3.1.2.11 requires that new multi-unit residential developments provide indoor and outdoor amenity space for residents of the new development that is high quality, well designed, and consider the needs of residents of all ages and abilities over time and throughout the year.

Section 3.2.1 Housing

The Housing policies in Section 3.2.1 of the Official Plan require a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods to

be provided and maintained to meet the current and future needs of residents. New housing supply will be encouraged through intensification and infill that is consistent with the policies of the Official Plan.

Policy 3.2.1.9 applies to large sites that are generally greater than five (5) hectares in size, such as the subject site, where an increase in density and/or height is proposed. For such sites, the Plan requires that the first priority community benefit will be the provision of 20 per cent of the additional residential units as affordable housing.

Section 3.2.2 Community Services and Facilities

The Community Services and Facilities policies in Section 3.2.2 of the Official Plan state that strategies for providing new social infrastructure or improving existing community service facilities will be developed for areas that are inadequately serviced or experiencing major growth or change, and will be informed through the preparation of a community services strategy. The inclusion of community service facilities are encouraged in all significant private sector development.

Section 3.2.3 Parks and Open Spaces

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. It provides opportunities for recreation, relaxation, and experiencing nature in peace and quiet, and contributes to Toronto's competitive advantage as a place to invest.

The City's park planning areas are shown on Map 8(C) of the Official Plan. The information on Map 8(B) for these park planning areas will be used to require, wherever possible, that new parkland be provided when development occurs in areas of low parkland provision. The area requires new parkland on site.

Section 3.3 Building New Neighbourhoods

Section 3.3 of the Official Plan discusses the building of new neighbourhoods. New neighbourhoods are to have a comprehensive planning framework to reflect the Official Plan's city-wide goals, as well as the local context. The framework should include:

- The pattern of streets, development blocks, open spaces and other infrastructure;
- The mix and location of land uses;
- A strategy to provide parkland and to protect, enhance or restore natural heritage;
- A strategy to provide community services and local institutions; and
- A strategy to provide affordable housing.

The Official Plan directs that new neighbourhoods must be viable as communities, and should have a community focal point within easy walking distance of the neighbourhood's residents and workers, a fine grain of interconnected streets and pedestrian routes that define development blocks; a mix of uses and a range of building

types; high quality parks, community recreation centres, open space and public building and services and facilities that meet the needs of residents, works and visitors (Policy 3.3.2).

Chapter 4 – Land Use Designations

Through OPA 288, the subject lands were redesignated as *Mixed Use Areas*, *Neighbourhoods* and *Parks* on Land Use Plan Map 20 of the Official Plan (see Attachment 3: Official Plan Land Use Map) through OPA 288. The subject Official Plan amendment application proposes retention of the *Mixed Use Areas* designation on the western portion of the site, together with reconfiguration and expansion of the *Parks* designation and introduction of an *Apartment Neighbourhoods* designation on the balance of the lands.

The *Mixed Use Areas designation* provides for a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks, open spaces and utilities. The development criteria found in the *Mixed Use Areas* policies direct that new development create a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community. They also continue to emphasize that new buildings be located and massed to provide a transition between areas of different development intensity and scale by providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*, adequately limiting shadows on these lands.

Apartment Neighbourhoods are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. All land uses provided for in the *Neighbourhoods* designation are also permitted in *Apartment Neighbourhoods*. Development in *Apartment Neighbourhoods* will contribute to the quality of life by adhering to similar development criteria as those found in *Mixed Use Areas* (stepping of heights and intensify between development areas, adequately limiting shadows and ensuring comfortable conditions for pedestrians and existing residents).

Parks and Open Space Areas are the parks and open spaces, valleys, watercourses and ravines, portions of the waterfront, golf courses and cemeteries that comprise a *Green Space System* in Toronto. The areas shown as *Parks* on Maps 13 to 23 of the Official Plan (see Attachment 3: Official Plan Land Use Map) would be used primarily to provide public parks and recreational opportunities.

Chapter 5 – Implementation

Section 5.1.1 of the Official Plan provides for the use of Section 37 of the Planning Act to secure community benefits in exchange for increased height and density for new development, provided the development constitutes good planning, is consistent with the policies and objectives of the Plan and complies with the built form policies and all applicable neighbourhood protection policies.

The community benefits to be secured must bear a reasonable relationship to the increased height and/or density of the proposed development and have a geographic relationship with the proposed development. Section 37 may be used for developments with more than 10,000 square metres of gross floor area where the zoning by-law amendment increases the permitted density by at least 1,500 square metres and/or increases the permitted height. The proposal is in excess of 10,000 square metres, exceeds the permitted density by more than 1,500 square metres and is seeking an increase in the permitted height. As such, should this application be approved in some form, Section 37 policies would apply.

Under Policy 5.3.1.4, when reviewing development proposals the City will ensure that the intensity and scale of proposed development can be accommodated by the various components of the City's infrastructure.

Section 5.3.3 of the Official Plan discusses the constant need for investment in infrastructure and services to maintain and improve our quality of life. Policy 5.3.3.2 refers to the need for new municipal investment to replace, enhance or build new infrastructure to implement this Plan will be identified through a multitude of implementation plans and strategies, including Secondary Plans, community service and facility strategies and other similar city-building initiatives.

Official Plan Amendment 456: Transportation Policies

On February 26, 2020, City Council adopted OPA No. 456 (OPA 456), which amended the Official Plan's transportation policy and text changes as part of the Five Year Review of the Official Plan pursuant to Section 26 of the *Planning Act*. The recommended changes affect transportation policies in the areas of transit, cycling, automated vehicles, shared mobility and other emerging mobility technologies; and the transportation of water, wastewater and stormwater. Updates to the street related map and schedules were also adopted. OPA 456 also included a new Section into the Official Plan regarding "Public Realm - Higher-Order Transit", as well as the revisions the other sections in the Official Plan.

Site and Area Specific Policy 485

The application is also subject to Site and Area Specific Policy (SASP) No. 485 established through OPA 288. SASP 485 establishes a vision for the new neighbourhood where new development is to reflect its urban context and provide future residents with accessibility to appropriate amenities, while also respecting and fitting well with the land use fabric of adjacent neighbourhoods. SASP 485 also provides a framework for development, with specific details related to structure, new public streets, built form principles, streetscape, and affordable housing. (See Attachment 4: Site and Area Specific Policy 485 Map.)

The subject applications would delete SASP 485, and a comprehensively revised SASP 485 will be required incorporating revised development standards and principles to better reflect both the various changes to the overall development framework now contemplated through the current application, the more recent policy framework

established through OPA's 320, 479 and 480, and the potential for introduction of an elementary school within the proposed *Parks* designation on Block 7.

Site and Area Specific Policy 265

OPA 288 further amended SASP No. 265 of the Official Plan to add the previous Runnymede Park lands to the list of City-owned lands within the *Parks and Open Space Areas* to which Official Plan policies prohibiting disposal of such lands do not apply.

SASP Numbers 265 and 485 may be found here:

<https://www.toronto.ca/wp-content/uploads/2017/11/9832-city-planning-official-plan-chapter-7-saps.pdf>

The outcome of staff analysis and review of relevant Official Plan policies as well as SASP 485 are summarized in the Comments section of the Report.

Zoning

The western portion of the site fronting Victoria Park Avenue is zoned Commercial Residential (CR) under both Zoning By-law 569-2013, as amended, and Scarborough Birchcliff Community Zoning By-law No. 8786, as amended, permitting only commercial uses to a density (FSI) of 0.5 times the site area. The easterly portion of the site is largely zoned Apartments (A) under Scarborough Birchcliff Community Zoning By-law No. 8786, as amended, permitting a maximum of 180 apartment units and 120 townhouse units, with the remainder of the lands zoned Park (P). (See Attachment 4: Zoning).

The City's Zoning By-law 569-2013 may 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

Various Council adopted Design Guidelines apply to the subject proposals as described further below.

Mid-rise Buildings Performance Standards

City Council adopted Mid-Rise Building Performance Standards in 2010 and an Addendum to these Standards in 2016, which are to be used together during the evaluation of mid-rise development applications in locations where the Performance Standards are applicable. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and sky view, pedestrian realm conditions, and transition to *Neighbourhoods, Parks and Open Space Areas*. The link to the guidelines is here:

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

Townhouse and Low-rise Apartment Guidelines

City Council adopted city-wide Townhouse and Low-Rise Apartment Guidelines and directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. These new Townhouse and Low-Rise Apartment Guidelines replace the Infill Townhouse Guidelines (2003) and are intended to be used in the review of an application when the proposed built form meets the City's Official Plan policies. The new Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios. The link to the Guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/>

Growing Up: Planning for Children in New Vertical Communities

In July 2020, Toronto City Council adopted the Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals of 20 or more residential units. The objective of the Growing Up Guidelines is to consider the needs of children and youth in the design and planning of vertical neighbourhoods which in turn, will enhance the range and provision of housing for households across Toronto. Implementation of the Guidelines also presents the opportunity to address housing needs for other groups, including roommates forming non-family households, multi-generational households and seniors who wish to age-in-place. This will increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

The Growing Up Guidelines (2020) are available at:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148362.pdf>

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

The City of Toronto has completed the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. The purpose of this document 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. These Guidelines are to be used by the development industry in the preparation of development applications, by architects to inform the size, location and layout of pet friendly facilities, and by city staff in the various stages of development application review to identify best practices and help inform decisions that will support pet friendly environments.

The Guidelines are to be used in conjunction with other policies and guidelines. They are not intended to be prescriptive, but rather are intended to provide an additional degree of information. All residents, both pet-owners and non-pet-owners, will benefit from the Guidelines as they encourage design that demonstrate considerations for pets and reduces the impact that they have on our parks, open spaces and the environment.

The Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings are available at:

Site Plan Control

Site plan control applies to the subject development, however no site-plan applications for any of component buildings have yet been submitted.

Draft Plan of Subdivision

A draft plan of subdivision application has been submitted. The Chief Planner has delegated authority for Plans of Subdivision under By-law 229, as amended.

COMMENTS

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) as follows:

In accordance with Policy 1.1.3.3, the subject site is appropriately located for intensification as it is within an existing settlement area that can accommodate growth and is served by existing infrastructure and transit. The application will provide an appropriate range and mix of housing options, tenures and densities required to meet projected requirements of current and future residents of the regional market area, by introducing apartment and stacked townhouse units on the site (Section 1.4.1). It also promotes healthy and active communities through the provision of new park land and open space (Section 1.5.1).

Policy 1.6.7.4 of the PPS (2020) promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation. The proposal is consistent with this policy direction as the proposed land use and density provides a compact built form that supports an efficient use of land in proximity to existing transit infrastructure (Victoria Park Subway Station approximately 800 metres to the north, the Danforth GO Station approximately a kilometre to the west, and TTC bus routes on Victoria Park Avenue and Gerrard Street East).

The proposal conforms to the Growth Plan (2020) as it accommodates new growth within the built up areas of the community through intensification. Policy 2.2.1.4 of the Growth Plan provides direction on the achievement of complete communities setting out objectives for a mix of land uses, a 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. Convenient access to a range of transportation options, public service facilities, and open spaces and recreational facilities is also highlighted as a key component of complete communities along with the development of high quality, compact built form and an attractive and vibrant public realm.

The proposed residential density increase will optimize use of an underutilized site that is well served by existing transit, servicing and community services infrastructure. The proposal provides a high quality compact built form which includes mid-rise and townhouse/low-rise building forms, together with new public park space together on one site. The proposal supports an efficient use of land within a pedestrian-friendly community.

Land Use

This application has been reviewed against the official plan policies described in the Policy Consideration Section of the Report as well as the policies of the Toronto Official Plan as a whole. Given the previous *Mixed Use Areas* planning context for the majority of the subject property and consistent with similar conclusions reached in 2015 and 2016 on the previous Build Toronto Official Plan amendment and rezoning applications, that the residential density increase now proposed represents appropriate intensification of the subject lands and can be supported by staff.

Density, Height, Massing

This application has been reviewed against the Official Plan policies and design guidelines described in the Policy Consideration Section of the Report. While the current proposal represents an increase beyond the 300 apartment and townhouse dwelling units approved through rezoning for Build Toronto in 2016, staff note that the majority of the increased residential density would be occurring on the west portion of the site, replacing a previously proposed large format retail store. The proposed apartment and townhouse building forms are also generally consistent with those previously proposed by Build Toronto and will satisfactorily address the City's applicable design guidelines.

OPA 480, described above, brought forward new built form policies defining mid-rise buildings as generally between four and 11 storeys for residential uses, with heights generally no greater than the right of widths of the adjacent streets. The intent of these policies is to ensure mid-rise buildings are deployed and designed in a way that is repeatable, moderate in scale, has good, predictable street proportion, while allowing for access to midday sunlight between the spring and autumn. As this application was submitted prior to these policies coming into full force in effect in September, 2020, they do not apply. However staff had regard to the intent of these policies as well as the Mid-rise Performance Standards in evaluating an appropriate built form for the mid-rise buildings on the subject site.

The heights for the proposed six mid-rise buildings range from 8 to 12 storeys, which in different locations throughout the proposed master plan exceed the street right-of-way widths which range from 16.5 metres to 20 metres (the Victoria Park frontage is non-uniform but approximately 24 metres in width). However, staff recognize that these buildings are located on the north side of Street A, the key east west public street and pedestrian route, with almost no shadow impact on the street. Shadow impact from the 12-storey building on Victoria Park Avenue is limited, particularly as the majority of the shadow falls on the bridge supporting the grade separated rail infrastructure over Victoria Park Avenue. On the spring and fall equinoxes, there is no shadow impact on

the west side of the street after 11:18 am, maintaining a min. of 5 hours sunlight window through the mid-day. The shadow impact of the proposed buildings on the south side of Street B only affects the areas along the rail corridor and associated bridge, including Street B, which is a secondary street facilitating vehicular accesses with less anticipated pedestrian traffic than Street A and Victoria Park Avenue.

In addition to the mid-rise buildings, two back-to-back townhouses and two stacked townhouses are proposed along the north side of Street A, adding to the building type mix. The locations and overall site organization are generally in keeping with the Townhouse and Low-rise Apartment Guidelines.

Detailed site organization, building and landscape design will be further reviewed at the Site Plan stage. Planning staff conclude that the proposed built form, density, height and massing currently proposed by the applicant is appropriate and can be supported.

Sun, Shadow, Wind

This application has been reviewed against the official plan policies and design guidelines described in the Policy Consideration Section of the Report. The applicant's Sun/Shadow Study indicates that resulting conditions from the proposal will meet accepted standards and not unduly impact adjacent streets or nearby parks and open spaces. Staff will continue to investigate wind conditions for the proposed outdoor amenity spaces through the Site Plan Approval process.

Traffic Impact, Access, Parking

Consistent with the previous Build Toronto development proposal, primary site access will continue to be provided via the easterly extension of Musgrave Street originally proposed by Build Toronto, maintaining the same signalized intersection opportunity. As noted above, the new Street 'B' to the north will be limited to right-in/right-out turning movements only.

While the current proposed deletion of Build Toronto's previous new street connection from the easterly Musgrave extension south to Gerrard Street East will reduce options for drivers, while pedestrians and cyclists can still make the connection through the proposed parkland. Transportation Services staff have not identified any resulting unacceptable traffic operational limitations or capacity concerns for either the new or local area streets due to servicing the proposed development entirely with new streets connecting only to Victoria Park Avenue. Planning staff remain optimistic that that potential resolution of appeals on OPA 324 still before the Ontario Land Tribunal may yet achieve an alternate street connection from the proposed development south to Gerrard Street East via future northerly extension of Blantyre Avenue.

Transportation Services staff propose parking standards under Toronto Zoning By-law 569-2013, as amended, as follows:

- 0.60 spaces per unit for mid-rise residential units on Blocks 1, 2 and 3;
- 1.0 space per unit for the townhouse units on Block 2;
- 0.50 spaces per unit for the affordable housing (townhouse units) on Block 4;

- 0.25 spaces per unit for the affordable housing units on Block 5;
- 0.10 spaces per unit for residential visitors on Blocks 1, 2 and 3;
- Include a minimum of four (4) car-share spaces, with residential requirements reduced by up to 4 parking spaces for each dedicated car share space to a maximum reduction calculated by 4 times the total number of units divided by 60 (rounded down to the nearest whole number); and
- One Type G loading space in each of proposed Blocks 1, 2, 3, 4 and 5

The applicant's proposals are generally consistent with the above requirements.

Road Widening

Map 3 - Right-of-Way Widths Associated with Existing Major Streets in the Official Plan does not identify a specific right-of-way for this segment of Victoria Park Avenue, noting it has a "Non-uniform width, to be retained as existing at the time of Plan adoption". There are therefore no road widening requirements associated with the subject applications.

Streetscape

Specific to Victoria Park Avenue, almost all retaining walls that would have been required to facilitate previous development options for the westerly portion of the lands have been removed. The street would be lined with active retail uses and enhanced landscaping to achieve a much enhanced public realm over today's conditions. City staff have also had a number of discussions with the applicant regarding achieving adequate soil volumes to support enhanced street tree plantings and optimum sidewalk conditions. Staff will continue to pursue these objectives through the site plan process. Staff also note that significant portions of the new Musgrave extension (Street "A" would be flanked by proposed parkland which, once fully designed and improved, will further contribute to a positive public streetscape experience.

Servicing

Engineering and Construction Services (ECS) has reviewed the proposed application with residential uses on Block 3 and can advise that the proposed development inclusive of those residential uses can be adequately serviced. New municipal infrastructure will be constructed under each new public street connecting to the existing servicing network. The Block 4 lands to be conveyed to the Habitat for Humanity and Block 5 lands conveyed to CreateTO for the purposes of affordable housing are proposed to be serviced to the lot line with these matters to be secured in both the Section 37 Agreement and the Subdivision Agreement.

Through the review of the application, ECS and Toronto Water have requested the applicant to conduct field investigations to ensure that the location and condition of existing municipal infrastructure assets which traverse the subject lands are properly identified and functioning appropriately within the existing easements. The widths of the existing easements must be confirmed to ensure maintenance access is available to Toronto Water, particularly in an emergency situation. A minimum easement width of 15

metres is required to be provided to satisfy the City's Design Criteria for Sewers and Watermain.

Most of this infrastructure runs beneath future park blocks (Block 7 and 8) though the easements required to ensure access may encroach on private parcels created through the plan of subdivision. The field investigation, now largely completed by the applicant and under review by ECS and Toronto Water staff, will appropriately locate the infrastructure and ensure it is properly protected by easements of the required minimum widths as identified in the City's Design Criteria for Sewers and Watermain.

The proposed minimum setbacks and other performance standards in the draft Zoning By-laws ensure that these potential easement lands would be unencumbered by any future development. However, this report recommends that prior to the bills being enacted by City Council, the owner is required to submit the results of the field work and determine the easements meet the minimum required width of 15 metres to accommodate the existing infrastructure assets to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services and General Manager of Toronto Water, or otherwise provide additional widths to the easements to satisfy City requirements as per the Design Criteria for Sewers and Watermain..

Should it be determined that the relocation of existing municipal infrastructure is required to ensure the orderly development of the lands, updated functional servicing drawings and reports detailing the replacement and relocation of the infrastructure, such relocation to be financially secured as a condition of the City's standard subdivision agreement.

Should Blocks 3 and 7 become a school site as potentially is the case, ECS has requested that a holding provision (H) be placed on the lands in the Zoning By-law for school uses until such time that a proposal emerges for the school building and more is known about the required engineering and servicing arrangements. The draft Zoning By-law thus would permit residential uses as contemplated through this application for Block 3 and parks and open spaces for Block 3. However should an elementary school be proposed for that site, the proponent would be required to make an application to Council to remove the H from the lands to permit the school use. The condition for removing the H would be the submission of a Stormwater Management and Functional Servicing Report, together with functional servicing plans in a form and content satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services which determines to Council's satisfaction if any improvements to existing municipal infrastructure are required.

Housing Issues

The current proposal is for four mid-rise apartment buildings ranging in height between 8 and 12 storeys and four 3-storey stacked and back-to-back townhouse blocks, containing a total of 1,052 residential units, of which 120 would be affordable per the applicant's submitted April Planning Rationale Addendum. The total proposed gross floor area is equal to 74,486 square metre.

Affordable Housing

Block 5 contemplates an 8-storey mid-rise building with 124 residential units (60 one-bedroom, 50 two-bedroom and 14 three-bedroom units) comprising a total gross floor area of 9,295 square metres. This block will be conveyed to the City (CreateTO) for the purposes of developing a mixed income building. The April Planning Rationale Addendum indicates that 62 of the 124 units will be affordable rental units.

Block 4 contemplates two 3-storey stacked townhouses containing 58 residential units (19 two-bedroom and 39 three-bedroom units) with a total gross floor area of 6,165 square metres. This block will be conveyed to a not-for-profit housing provider (Habitat for Humanity) for the purposes of delivering all 58 residential units as affordable housing units.

The overall unit breakdown for the residential portion of this development is as follows:

	1 bedroom	2 bedroom	3 bedroom	Total
# of units	554	380	118	1052
% of units	52.7%	36.1%	11.2%	100.0%

Source: Architectural Drawings, April 20, 2021

A Place to Grow:

Growth Plan for the Greater Golden Horseshoe, 2019 recognizes the importance of planning for a range and mix of uses on lands near existing and planned frequent transit, including second units and affordable housing to support existing and planned transit service levels.

Given the site's location near an existing major transit investment or a priority transit corridor, there is a significant public interest for including affordable housing units within this new development. The provision of affordable and/or mid-range purpose-built rental units within this proposed development will support the City's housing policy objective to provide for a full range of housing by tenure and affordability within new developments.

As part of the 2015-2016 planning approvals, OPA 288 amended Policy 3.2.1.9 of the Official Plan as it applies to this site to permit an amount of affordable housing to be provided in the new development that was lower (10%) than the Policy 3.2.1.9 requirement of 20% due to the site's development challenges and other required Section 37 contributions.

The affordable housing component of the proposed development (120 of 1,048 residential units to be affordable) represents 11.4% of the proposed residential units and 14.5% of the total residential gross floor area. The total amount of gross floor area conveyed to the City and a not-for-profit housing provider is equal to 15,460 square metres, or 20.8% of the total proposed gross floor area.

These affordable housing contributions will need to be secured through a Section 37 agreement. The applicant is encouraged to further explore available funding opportunities to achieve a greater number of affordable units on the site.

Unit Mix and Sizes:

The Council-adopted Growing Up: Planning for Children in New Vertical Communities draft urban design guidelines provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments.

Guideline 2.1 of the Growing Up guidelines states that a residential building should provide a minimum of 25% large units. Specifically, the guidelines state that 10% of the total residential units should be three-bedroom units and 15% should be two-bedroom units.

The proposed provision of 380 (36%) two-bedroom units and 118 (11%) three-bedroom units supports the above unit mix objectives of the Growing Up guidelines, Official Plan housing policies, and the Growth Plan's growth management and housing policies to accommodate within new development a broad range of households, including families with children.

Open Space/Parkland

Public parks and open spaces perform a variety of critical functions that improve and maintain community and environmental health. They offer recreational opportunities which support active lifestyles, host spaces for social events and organization, and accommodate natural infrastructure which provide vital ecosystem services and help mitigate the effects of climate change. In the context of a rapidly growing city, it is imperative to enhance and expand the amount of public parkland provided to residents and visitors alike.

The Official Plan contains policies to ensure that Toronto's 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 priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement for sites that are 1 to 5 hectares in size, a cap of 15% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 6,671 square metres.

The applicant is required to satisfy the parkland dedication requirement through an on-site dedication.

The applicant is proposing to reconfigure the existing 17,880 square metre Runnymede Park and provide an additional on-site parkland dedication as a requirement through the Subdivision application. The applicant is required to convey a minimum parkland dedication of 24,551 square metres comprising the 17,880 square metres of existing parkland plus the applicants' parkland requirement of 6,655 square metres. The Owner is currently in the process of finalizing an amended and restated Parkland

Reconveyance Agreement with the City to address transfer of the 17,780 square metre Block 8 proposed parkland back to the parkland (Block 8).

The applicant has identified 2 on-site park blocks that provide a total of 23,680 square metres of park. Based on the required parkland dedication of 24,551 square metres, the applicant has a parkland dedication shortfall of 855 square metres. The applicant is required to satisfy the 855 square metre short fall of parkland dedication through a cash-in-lieu payment. Should Block 7 become part of a future school block, additional parkland dedication would need be made up via cash-in-lieu. The applicant has proposed that any cash-in-lieu payments be directed to parkland improvements to the site for above base parkland improvements. This report recommends that the any cash-in-lieu of parkland dedications required for this development, above the first 5 percent, be directed toward the implementation of Above Base Park Improvements to the new public park to be created. A similar recommendation formed part of the previous approvals for the subject lands.

As part of the park design process, the applicant has partnered with Evergreen to lead a participatory design process with the principal and a number of teachers and students from Blantyre Park Public School. Evergreen is hosting workshops from across grades to provide input on park design. Along with the participatory effort, the broader community will be consulted on the parkland design process as the above base development of parkland will be an important part of the new community offering opportunities to provide green connections between the existing and emerging communities.

To ensure the jointly established vision is implemented, the applicant has requested the ability to obtain development charge credits to build out the above base park contributions and this report recommends City Council grant the request. Further, as part of the proposed Section 37 Agreement, a cash contribution of \$1,000,000 is recommended to be secured for above base park contributions.

Toronto Green Standard

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

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. The requirement to achieve Tier 1 will be secured as a legal convenience through the Section 37 Agreement with additional performance measures for the Tier 1 development features will be secured through the review and approval of site plan control applications for each development block.

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. A CS&F review was submitted with the application and circulated for comment. Staff are satisfied that the existing network of CS&F can support the proposed intensification.

Noise and Vibration

The applicant submitted an initial Environmental Noise Feasibility Study prepared by [Valcoustics Canada Ltd. dated March 16, 2018 and one addendum dated November 23, 2018 to reflect revisions to the proposal.](#)

The study concludes that impacts of the environment on the proposed development can be adequately controlled through feasible mitigation measures, façade designs, ventilation, warning clauses, and application of a Class 4 Area designation. Impacts of the proposed development on the surrounding area are anticipated to be negligible, and can be adequately controlled by following the design guidance outlined in Part 2 of that report. Impacts of the proposed development on itself are anticipated to be negligible, and can be adequately controlled by design guidance and acoustical improvements to be refined by an Acoustical Consultant as the design progresses.

This study identifies the adjacent rail corridor as a potential noise source which could exceed allowed noise limits unless Council identifies the subject lands as a Class 4 area pursuant to the Ministry's NPC-300 Guidelines. This report recommends that City Council classify the subject lands accordingly a Class 4 Noise Area. Recommended noise mitigation measures will be designed to be implemented at the site plan approval stage evaluated with updated noise studies and peer reviewed for concurrence at the applicant's expense.

Community Consultation

A number of community consultation meetings were conducted through the process and various formats. A total of four community meetings were hosted between September 2019 and April 2021, which varied in attendance from 30 to 100+ members of the community. Through the process, community members expressed support for revitalizing the land and addressing the legacy issues from the former Quarry use. The additional parkland and the deletion of one of the vehicular connections to Gerrard Street East were also highlighted as points of support. Attendees posed questions

regarding anticipated building heights, density, sustainability practices, and housing tenure, among other topics.

The most recent community consultation was held in April, 2021, hosted by the applicant and attended by staff, the local Councillor and over 70 community members. This meeting primarily focused on the minor changes in our fourth OPA / ZBA submission (submitted April 2021) and introduced the potential for an elementary school onsite. Also presented at this meeting were the preliminary findings from the youth-focused parks design process presented by students of Blantyre Public School. Generally, community members did not express concern around the minor changes to the site and were supportive of the elementary school and youth-focused park design process. Most questions focused on details around the school, and the environmental condition of the lands which are addressed in earlier parts of this report and secured through the Section 37 and/or subdivision conditions.

A more detailed summary of the various community events can be found at Attachment 10.

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:

1. A cash contribution of \$1,000,000 for Above Base Park Improvements to the new Park Blocks 7 and 8 within the subdivision, to be provided prior to the first above grade building permit for market housing to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City;
2. in the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands
4. Upon the registration of the plan of subdivision or prior to the first above grade building permit for any residential uses for any part of the proposed development on Blocks 1, 2 or 3, the owner shall convey, in fee simple to a non-profit housing provider, Block 4 consisting of a minimum area of 7740 square metres for the purpose of constructing at least 58 affordable housing units as follows:

- a) Block 4 is serviced to the lot line and able to be connected to existing services;
- b) A Record of Site Condition suitable for residential development has been obtained, and any needed soil remediation required to retain a residential Record of Site Condition has been undertaken or alternatively, provisions for the owner to pay for that soil remediation have been secured;
- c) All planning and development-related approvals, to proceed with the construction of the affordable ownership housing units are in place, save for final issuance of site plan approval conditions;
- d) The owner will enter into an agreement with the non-profit provider to the satisfaction of the Chief Planner and Executive Director in consultation with the Director, Affordable Housing Office, to implement the provisions of sub-clauses 4 a), b), and c) above, prior to the issuance of the first above-grade residential building permit for any purpose;
- e) The non-profit provider will enter into one or more delivery agreements with the City for the affordable housing units, and will agree to build the 58 affordable units and following application by the owner, including the furnishing of site plan application fees, obtain site plan approval and approved building permits for the stacked townhouse units.

5. Upon registration of the plan of subdivision or prior to the first above grade building permit for any residential uses for any part of the proposed development on Blocks 1, 2 or 3, the owner shall convey, in fee simple, Block 5 consisting of a minimum area of 7600 square metre to the City for the purposes of constructing at least 62 affordable rental units as follows:

- a) Block 5 is serviced to the lot line and able to be connected to existing services; and
- b) A Record of Site Condition suitable for residential development has been obtained, and any needed soil remediation required to retain a residential Record of Site Condition has been undertaken or alternatively, provisions for the owner to pay for that soil remediation have been secured.

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

- 1. 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 at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, as further amended by City Council from time to time.

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 creating new neighbourhoods and the development criteria in *Mixed Use Areas* and *Apartment Neighbourhoods*. The proposal further refines and improves a previous City Council approval of development for the lands, with a greater range and mix of unit type, additional affordable housing and parkland provided and securing appropriate community benefits through a Section 37 agreement aligned with the increased development levels on site. Staff worked with the applicant and the community to address and resolve key concerns and improve the application as it related to its design, parkland and site layout. The proposal is appropriate for its context, intensifying along an a public street network that extends the community pattern of streets and protects for the future extension of Blantyre Road. Staff recommend that Council support approval of the application.

CONTACT

Rod Hines, Principal Planner, Community Planning, Scarborough District, Tel. No. (416) 396-7020, E-mail: Rod.Hines@toronto.ca

SIGNATURE

Paul Zuliani, MBA, RPP, Director
Community Planning, Scarborough 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: Site and Area Specific Policy 485 Map

Attachment 5: Existing Zoning By-law Map

Attachment 6: Draft Official Plan Amendment

Attachment 7: Draft Amendment to Zoning By-law 8786 of the former City of Scarborough

Attachment 8: Draft Amendment to Zoning By-law 569-2013

Attachment 9: Conditions of Draft Plan of Subdivision

Attachment 10: Summary of Public Consultation

Applicant Submitted Drawings

Attachment 11: Draft Plan of Subdivision

Attachment 12: Site Plan for Overall Development

Attachment 1: Application Data Sheet

Municipal Address: 411 VICTORIA PARK AVE **Date Received:** December 20, 2019

Application Number: 19 263629 ESC 20 OZ

Application Type: OPA / Rezoning, OPA and Rezoning

Project Description: Proposed master plan for mixed-use intensification. New public roads, 4 mid-rise (8 to 12 storey) apartment blocks (972 apartment units), 2 blocks of stacked and back-to-back townhouses (80 units), for a total 1,052 dwelling units, plus 2.37 hectares of parkland.

Applicant	Agent	Architect	Owner
LAURIE PAYNE			BUILD TORONTO HOLDINGS (VICTORIA PARK) INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site and Area Specific Policy: SASP 485
Zoning:	CR, P, A, RWY	Heritage Designation: N
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	78,221	Frontage (m):	Depth (m):
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq. m):			9,596	9,596
Residential GFA (sq. m):			74,019	74,019
Non-Residential GFA (sq. m):			466	466
Total GFA (sq. m):			74,485	74,485
Height - Storeys:			12	12
Height - Metres:			42	42

Lot Coverage Ratio (%)	37.8	Floor Space Index:	2.11 (net)
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Floor Area Breakdown	Above Grade (sq. m)	Below Grade (sq. m)
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Residential GFA: 74,019
 Retail GFA: 466
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			124	124
Freehold:				
Condominium:			928	928
Other:				
Total Units:			1,052	1,052

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			554	380	118
Total Units:			554	380	118

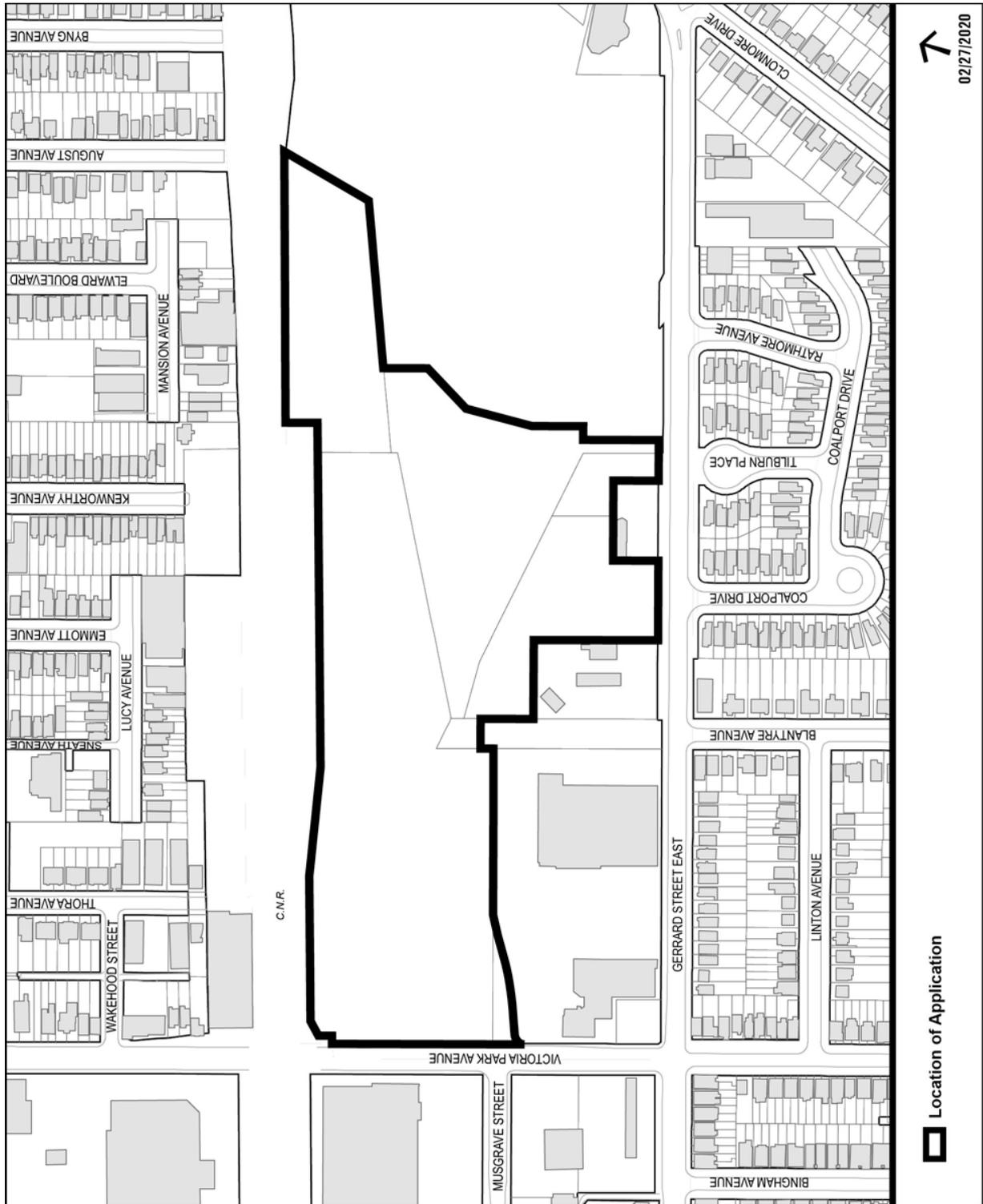
Parking and Loading

Parking Spaces: 680 Bicycle Parking Spaces: 1057 Loading Docks: 6

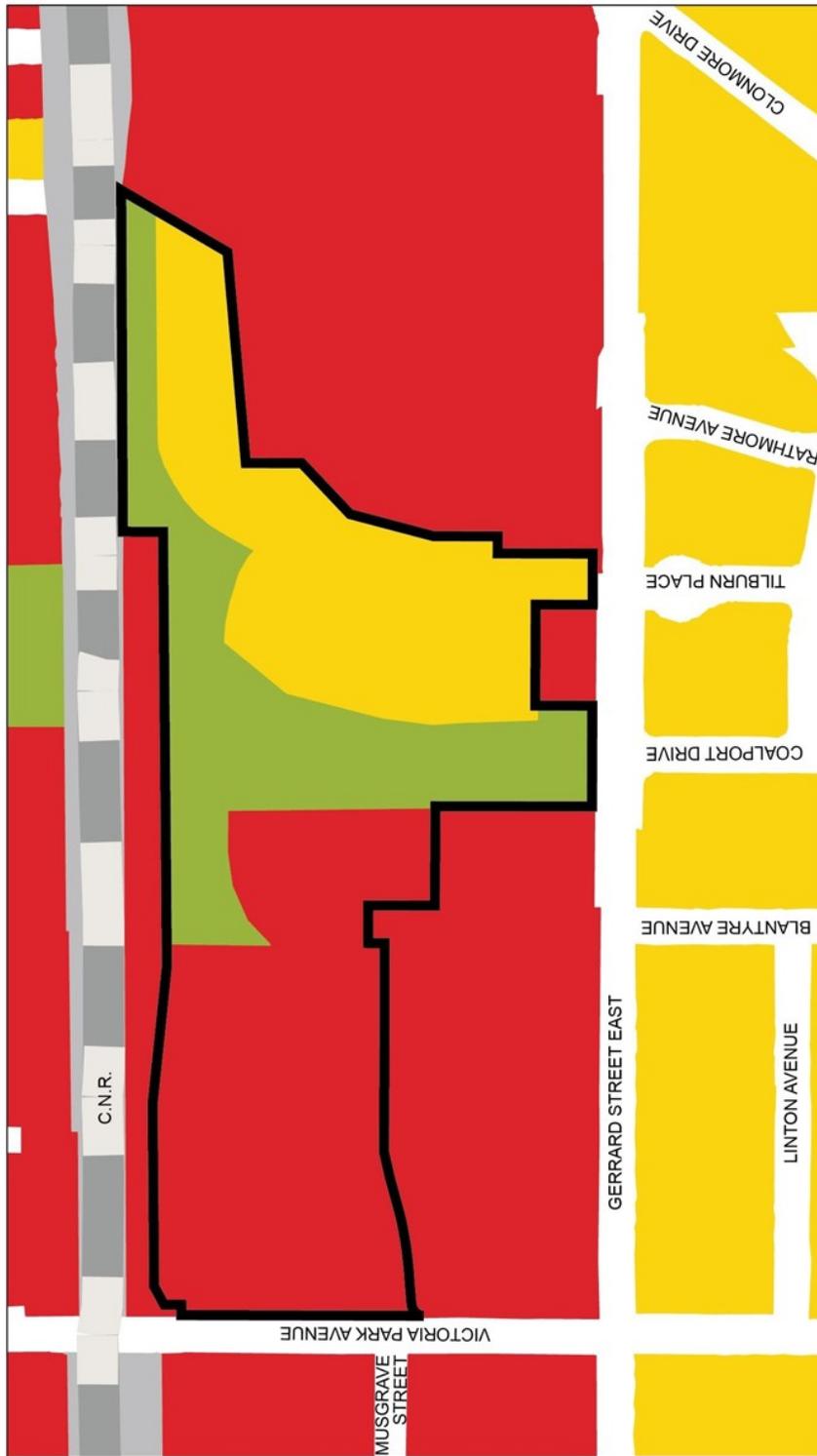
CONTACT:

Rod Hines, Principal Planner
 (416) 396-7020
 Rod.Hines@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



TORONTO 411 Victoria Park Avenue and 2510 & 2530 Gerrard Street East

Official Plan Land Use Map #21

File #s 19 263629 ESC 20 0Z; 19 263636 ESC 20 SB



↑
Not to Scale
02/27/2020

Attachment 4: Site and Area Specific Policy 485 Map



Attachment 6: Draft Official Plan Amendment

Authority: Scarborough Community Council Item XX, as adopted by City of Toronto Council on XXXX, 2021

CITY OF TORONTO
BY-LAW No. #####-2021

To adopt Amendment No. ### to the Official Plan for the City of Toronto respecting the lands known municipally as 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East.

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

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

The Council of the City of Toronto enacts:

1. The text and maps attached as Schedule "A" are adopted as Amendment No. ### to the Official Plan of the City of Toronto.

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

[Name],
Speaker
(Seal of the City)

[Name],
City Clerk

SCHEDULE "A"

AMENDMENT NO. ### TO THE OFFICIAL PLAN LANDS MUNICIPALLY KNOWN IN THE YEAR 2020 AS 411 VICTORIA PARK AVENUE, 2510 AND 2530 GERRARD STREET EAST

The Official Plan of the City of Toronto is amended as follows:

1. Maps 20 and 21, Land Use Plan, are amended by re-designating portions of the lands known municipally as 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East by reconfiguring the *Parks* and *Mixed Use Areas* designations, removing the *Neighbourhoods* designation, and adding an *Apartment Neighbourhoods* designation, as shown on the attached Schedule 1.

2. Schedule 2, The Designation of Planned but Unbuilt Roads, is amended by removing the following:

Street Name	From	To
Musgrave Street	Victoria Park Avenue	New Link "C"
New Link "C"	Gerrard Street East	Terminating in a cul-de-sac north-east of the Musgrave Street Extension

3. Schedule 2, The Designation of Planned but Unbuilt Roads, is amended by adding the following:

Street Name	From	T
Musgrave Street (Public Street A)	Victoria Park Avenue	Terminating as a cul-de-sac between Block 4 and 5 as generally illustrated in Site and Area Specific Policy 485
Public Street B	Victoria Park Avenue	Public Street A as generally illustrated in Site and Area Specific Policy 485

3. Chapter 7, Site and Area Specific Policies, is amended by amending Site and Area Specific Policy No. 485 for the lands known municipally in 2020 as 411 Victoria Park Avenue, 2510 and 2530 Gerard Street East, as follows:

485. 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East

The new neighbourhood to be developed on the subject lands is intended to reflect its urban context and provide the future residents with accessibility to appropriate amenities, while also respecting and fitting well with the land use fabric of adjacent neighbourhoods. The organization and design of the apartment and grade related housing development will provide for urban intensification achieving an appropriate transition in densities, building heights and massing from the established lower density residential neighbourhoods to the south and planned higher density residential developments to the east.

A newly configured public park will provide opportunities to combine both naturalized features and continued passive recreational opportunities, as well as active recreational features. The form and structure of the development will generally be as follows:

Structure

- a) The public street network will be designed to integrate the development into the surrounding city fabric by providing connections to Victoria Park Avenue and pedestrian connections to Gerrard Street East, both of which also provide convenient accessibility to surface transit and nearby higher order transit services, as well as between the new development sites.
- b) Within the neighbourhood, a mix of building types will be provided, with townhouse-style buildings and apartment built forms framing Victoria Park Avenue and the new interior public streets.

New Public Streets

c) To facilitate orderly development, new public streets will be required to be dedicated through plan of subdivision, together with pedestrian sidewalk connections, generally as shown on the map accompanying this policy, and as follows:

- 1) Public Street A will extend Musgrave Street from Victoria Park Avenue with a 25.0 metre right-of-way at the intersection, narrowing to an 18.5 metre right-of-way into the lands and terminating at a cul-de-sac between Block 4 and Block 5; and
- 2) Public Street B will extend easterly from Victoria Park Avenue with a 16.5 metre right-of-way, then extend southward as a 20.0 metre right-of-way.

Built Form Principles

d) Design of the low scale residential dwellings will provide:

- 1) Prominent entrances with projecting elements such as porches and porticos, front steps and landings, to promote a pedestrian friendly scale along the street;
- 2) Front yard areas with trees and soft landscaping to contribute to a high quality streetscape;
- 3) A variety of massing and architectural expression on the publicly exposed building elevations to avoid large, blank, flat façades. This will be encouraged through the use of alternative façade treatments, landscaping, massing, roofline variations, wall openings, materials, and colours. The primary building material of the dwellings should be consistent on all elevations; and
- 4) Corner dwellings which address street frontages in a consistent manner and incorporate ground level detailing (porches, windows, entries, etc.) reinforcing the pedestrian scale of the street.

e) Within *Mixed Uses Areas* and *Apartment Neighbourhoods*:

- 1) Frontages will be developed to support a comfortable and attractive pedestrian environment;
- 2) Building façades will address streets at corner locations. Buildings at the end of blocks will turn the corners by continuing the architectural features of the principal façades onto the perpendicular street; c. Loading and service areas will not be permitted between the front of the building and the sidewalk and are to be screened from view of the public streets and sidewalks;
- 3) Surface parking lots will not be permitted within the front yard of a building. Where parking lots are visible from a public street, they will be adequately screened and landscaped to ensure an attractive streetscape;
- 4) The ground floor level of buildings containing commercial uses will be at grade level with doors and/or windows visually and physically connecting the shop interiors to the public street;
- 5) Buildings adjacent to Public Street A and Public Street B will be sited to create a continuous building wall close to the street and will contain doors and/or windows fronting onto the street;
- 6) Development will be sited to front onto streets, parks and open spaces, with entrances and/or windows on the ground floor facing these public spaces; and
- 7) Residential uses on the main level facing streets, parks and open spaces should be designed in order to achieve a level of privacy for the interior of the residential units.

Streetscape

f) Connections to parks and open space along public streets will be provided.

- g) A well-landscaped streetscape will be provided through the provision of tree lined streets throughout the lands. This well landscaped environment will be maintained and encouraged through the provision of comparable landscaping on private property.
- h) Gateway points into the subdivision shall be emphasized which may be achieved through entry features and upgraded landscaping or other means.
- i) High quality street furnishings (e.g. street lighting, bus shelters, trash containers, etc.) will be provided.
- j) Approaches to the railway underpass on Victoria Park Avenue will provide adequate sidewalks for pedestrian comfort and safety, including improved lighting along the Victoria Park Avenue façade of the building. Plantings should occur in this area to enhance sidewalks where feasible.

Housing

k) Notwithstanding Section 3.2.1.9 of the Official Plan, the provision of 20 percent of the dwelling units permitted by the increased residential density as affordable housing units is not required provided that:

- 1) As part of the subdivision of the subject lands, a minimum of 7700 square meters of fully serviced lands are provided to be conveyed in fee simple to a non-profit housing provider for the purpose of constructing at least 58 affordable housing units, such terms of the conveyance to be secured through an appropriate Section 37 Agreement; and
- 2) As part of the subdivision of the subject lands, a minimum of 7500 square metres of fully serviced lands are provided to be conveyed in fee simple to the City for the purposes of constructing at least 62 affordable rental housing units, such terms of the conveyance to be secured through an appropriate Section 37 Agreement.

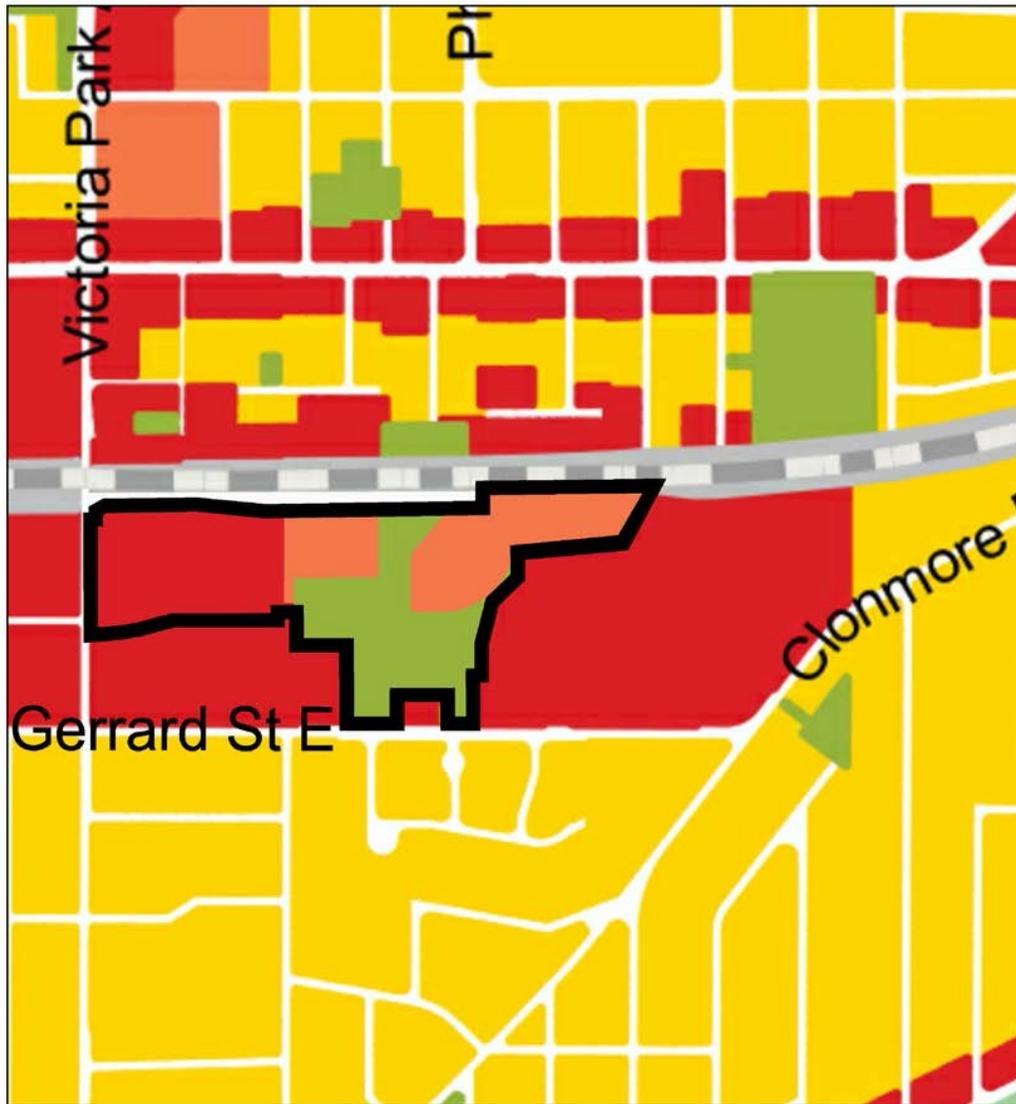
Parks

l) In addition to the uses permitted by the Official Plan on the lands designated as *Parks* to the north of Public Street A, a public school, day nursery and uses and structures accessory thereto, including but not limited to school portables, shall be permitted.



5. Maps 31 and 32, Site and Area Specific Policies, are amended by labelling the lands located at 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East, as being subject to Site and Area Specific Policy No. 485 as shown on the Map in Section 4 above.

Schedule 1:



Official Plan Amendment

411 Victoria Park Avenue &
2510 and 2530 Gerrard Street East, Toronto

- Site Location : Lands to be redesignated from Neighbourhoods, Mixed Use Areas and Parks to Apartment Neighbourhoods, Mixed Use Areas and Parks
- Neighbourhoods
- Mixed Use Areas
- Apartment Neighbourhoods
- Parks



Attachment 7 – Draft Amendment to Zoning By-law 8786 of the former City of Scarborough

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

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. --20~

To amend former City of Scarborough Birchcliff Community Zoning By-law 8786, as amended, with respect to the lands municipally known in the year 2020 as 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East.

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

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

Whereas Subsection 37 (3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in 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 or matters; and

Whereas the owner of the land hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

Whereas the increases in the height or density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 8786, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

Whereas Council of the City of Toronto has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law; and

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

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

1. SCHEDULE 'A' of the Birchcliff Community Zoning By-law 8786, as amended, is further amended for the lands outlined in the attached Schedule '1' by deleting the existing zoning and replacing it with the Apartment Residential (A) Zone and the performance standards shown on Schedule '1', so that the amended zoning shall read as follows:

A(H)-397-398-401-402-403-404-405-408-409-410-411-414-415-416-419-420

A-399-401-402-404-406-408-409-412-414-415-417-419-420

A-400-401-402-404-407-408-409-413-414-415-418-419-420

P

2. PERFORMANCE STANDARDS CHART – SCHEDULE 'B', Birchcliff Community Zoning By-law 8786, as amended, is further amended by adding the following Performance Standards:

MISCELLANEOUS

397. In addition to the uses permitted in **Clause VIII – Zone Provisions**, Sub Clause 4.(a), the following uses are also permitted: public **school**, as the primary sole use of the lands only which may include a **day nursery** as an **accessory** use, and a temporary sales office or temporary sales structure.

INTENSITY OF USE

398. Maximum **Gross Floor Area** 13,250 square metres;

399. Maximum **Gross Floor Area** 6,250 square metres;

400. Maximum **Gross Floor Area** 9,400 square metres;

401. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub Clause 13, **Coverage** shall not apply.

BUILDING SETBACKS

402. The minimum **setbacks** from the **lot** line(s) to the **main wall**(s) of any building(s) and minimum separation distances between buildings shall be the minimum distance in metres specified by the numbers on attached **SCHEDULE '2'**. A building **setback** is not required from a corner rounding at the intersection of two streets.

403. Notwithstanding Performance Standard 402, the minimum **setbacks** from the **lot** line(s) to the **main wall**(s) of any **school**, **day nursery** and uses accessory thereto are as follows:

a) Minimum **front yard setback** between the **main wall** and Street A: 3.0 metres;

b) Minimum exterior **side yard setback** between the **main wall** and Street B: 3.0 metres;

c) Minimum interior **side yard setback**: 7.0 metres; and

d) Minimum **rear yard setback**: 30.0 metres.

404. No portion of a building or structure above finished ground level shall be located other than wholly within the building envelopes delineated by heavy lines on **SCHEDULE '2'** of By-law ##### [Clerks to provide by-law number], or as otherwise set out under Performance Standard 403 where applicable, with the exception of the following:

a) Below grade parking structures, exterior stairways, wheelchair ramps, awnings, trellises, guardrails, balustrades, safety railings, stairs, stair enclosures, bollards, vents, fences, wind screens, landscape elements, terraces, retaining walls, planters, heating, cooling and ventilating equipment, gas and electrical equipment and associated cabinets and enclosures, elements associated with outdoor amenities such as fireplaces, seating and play structures, waste storage rooms and associated enclosures, bicycle parking, community mailboxes and associated enclosures, and porches and decks, either excavated or unexcavated

b) Roof overhangs, cornices, canopies, chimneys, balconies and associated guards, ornamental elements, privacy screens, and garbage chutes may project a maximum distance of 2.5 metres beyond the heavy lines shown on **SCHEDULE '2'** of By-law ##### [Clerks to provide by-law number], or into required **setbacks** as otherwise set out under Performance Standard 403 where applicable;

c) Light fixtures, eaves, window washing and maintenance equipment, cladding, decorative architectural features, and pilasters may project a maximum distance of 1.2 metres beyond the heavy lines shown on **SCHEDULE '2'** or into required setbacks as otherwise set out under Performance Standard 403 where applicable;

d) Window sills may project a maximum distance of 0.6 metres beyond the heavy lines shown on **SCHEDULE '2'** or into required setbacks as otherwise set out under Performance Standard 403 where applicable;

e) Structures, elements and enclosures permitted by Performance Standard 408.

HEIGHT

405. The **height** of a building or structure is measured as the vertical distance between the Canadian Geodetic Datum elevation of 126.59 metres, and the highest point of the building or structure.

406. The **height** of a building or structure is measured as the vertical distance between the Canadian Geodetic Datum elevation of 127.74 metres, and the highest point of the building or structure.

407. The **height** of a building or structure is measured as the vertical distance between the Canadian Geodetic Datum elevation of 128.94 metres, and the highest point of the building or structure.

408. The **height** of any building or structure shall not exceed the **height** in metres and **storeys** indicated as 'H' and 'ST' respectively on **SCHEDULE '2'** of By-law ##### [Clerks to provide by-law number], with the exception of the following:

a) Mechanical equipment and roof access penthouses, elevator overruns, lighting fixture, awnings, ornamental elements, trellises, vents, stacks, structures on the roof used for outside or open air recreation, heating cooling and ventilation equipment, stairs, stair enclosures, gas and electrical equipment and associated cabinets or enclosures or a fence, wall or structure enclosing such elements, and waste storage rooms and associated enclosure elements which may have a maximum vertical projection of 7.0 metres above the permitted **height** limits specified on **SCHEDULE '2'** of By-law ##### [Clerks to provide by-law number];

b) Guardrails, safety railings, wheelchair ramps, fences, wind or privacy screens, outdoor furniture, chimneys, decorative architectural features, underground garage ramps and associated structures. bicycle parking, community mailboxes as well as structures enclosing such elements, garbage chutes, elements associated with outdoor amenities such as barbecues, fireplaces, seating and play structures which may have a maximum vertical projection of 3.0 metres above the permitted **height** limits specified on **SCHEDULE '2'** of By-law ##### [Clerks to provide by-law number];

c) Parapets, window washing equipment, building maintenance equipment, guardrails, balustrades, safety railings, bollards, landscape elements, decking, skylights, flues, access roof hatch, below grade parking structures, retaining walls, and planters which may have a maximum vertical projection of 1.8 metres above the permitted **height** limits specified on **SCHEDULE '2'** of By-law ##### [Clerks to provide by-law number];

d) Terraces, thermal insulation, roofing membranes, pavers, and roof ballast which may have a maximum vertical projection of 0.9 metres above the permitted **height** limits specified on **SCHEDULE '2'** of By-law ##### [Clerks to provide by-law number]; and

e) structures, elements and enclosures permitted by Performance Standard 404.

409. The following are not considered a **storey**:

a) Vestibules providing rooftop access and having a **gross floor area** of not more than 20.0 square metres;

b) Mechanical penthouses;

c) Stair enclosures; and

d) Elevator overruns.

410. Notwithstanding Performance Standard 408, the maximum permitted **height** any **school, day nursery** and uses accessory thereto shall be 20.0 metres.

AMENITY SPACE

411. A minimum of 4.0 square metres per **dwelling unit** of **amenity space** must be provided for an apartment building, of which at least 1.5 square metres per **dwelling unit** shall be indoor **amenity space**.

412. No **amenity space** is required.

413. A minimum of 4.0 square metres per **dwelling unit** of **amenity space** must be provided for an apartment building, of which at least 2.0 square metres per **dwelling unit** shall be indoor **amenity space**.

414. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub Clause 12, **Lands Not Covered by Buildings** shall not apply.

PARKING

415. **CLAUSE VII – GENERAL PARKING REGULATIONS FOR ALL ZONES** shall not apply.

416. **Parking spaces** must be provided on the **lot** in accordance with the following:

a) 0.6 **parking spaces** for each **dwelling unit** for residents;

b) 0.1 **parking spaces** for each **dwelling unit** for residential visitors; and

c) Up to 10% of the required **parking spaces** may have a minimum width of 2.6 metres and a minimum depth of 5.2 metres and up to 10 percent of the required **parking spaces** may have a minimum width of 2.6 metres if they are obstructed on one or both sides by a fixed object such as a wall, column, bollard, fence or pipe situated within 0.3 metres of the side of the **parking space**, measured at right angles, and more than 1.0 metre from the front or rear of the **parking space**.

417. **Parking spaces** must be provided on the **lot** in accordance with the following:

a) 0.5 **parking spaces** for each **dwelling unit** for residents;

b) No **parking spaces** are required for residential visitors; and

c) Up to 10% of the required **parking spaces** may have a minimum width of 2.6 metres and a minimum depth of 5.2 metres and up to 10 percent of the required **parking spaces** may have a minimum width of 2.6 metres if they are obstructed on one or both sides by a fixed object such as a wall, column, bollard, fence or

pipe situated within 0.3 metres of the side of the **parking space**, measured at right angles, and more than 1.0 metre from the front or rear of the **parking space**.

418. **Parking spaces** must be provided on the lot in accordance with the following:

a) 0.25 **parking spaces** for each **dwelling unit** for residents;

b) No **parking spaces** are required for residential visitors; and

c) Up to 10% of the required **parking spaces** may have a minimum width of 2.6 metres and a minimum depth of 5.2 metres and up to 10 percent of the required **parking spaces** may have a minimum width of 2.6 metres if they are obstructed on one or both sides by a fixed object such as a wall, column, bollard, fence or pipe situated within 0.3 metres of the side of the **parking space**, measured at right angles, and more than 1.0 metre from the front or rear of the **parking space**.

419. An accessible **parking space** must have the following minimum dimensions:

a) length of 5.6 metres;

b) width of 3.4 metres; and

c) vertical clearance of 2.1 metres.

d) A 1.5-metre-wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**, and such aisle or path may be shared by 2 accessible **parking spaces**;

BICYCLE PARKING SPACES

420. **Bicycle parking spaces** must be provided as follows:

a) A minimum of 0.68 bicycle parking spaces for each dwelling unit, allocated as "long-term" bicycle parking spaces; and

b) A minimum of 0.07 bicycle parking spaces for each dwelling unit allocated as "short-term" bicycle parking spaces;

3. **SCHEDULE "C", EXCEPTIONS MAP** is amended by deleting Exception Nos. 46 as it pertains to portions of the subject lands.

4. **SCHEDULE "C", EXCEPTIONS LIST** is amended by deleting Exception No. 46.

5. **SCHEDULE "C", EXCEPTIONS MAP** and **EXCEPTIONS LIST** are amended by deleting Exception No. 44 as it pertains to portions of the subject lands and replacing it with the following Exception No. 44:

44. On those lands identified as Exception No. 44 on **SCHEDULE '3'** of By-law ##### [Clerks to provide by-law number] the following provisions shall apply:

(a) Notwithstanding **CLAUSE V – DEFINITIONS**, the following definitions apply:

1. “**Apartment Building**” means a building that has five or more dwelling units, with a least one dwelling unit entirely or partially above another, and each dwelling unit has a separate entrance directly from outside or through a common inside area.

2. “**Gross Floor Area**” means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the **main wall** of each floor level. The **Gross Floor Area** of an **apartment building** is reduced by the area in the building used for:

- parking, loading and bicycle parking in the **basement**;
- required loading spaces and required **bicycle parking spaces** at or above established grade;
- storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
- shower and change facilities required by this By-law for required bicycle parking spaces;
- indoor **amenity space**;
- elevator shafts;
- garbage shafts;
- mechanical penthouse; and
- exit stairwells in the building.

(b) The density of development permitted by this By-law is permitted subject to the owner of the lands, at its expense and in accordance with and subject to the execution and registration of the agreements referred to in Section 44(c) herein, providing or funding the following facilities, services and matters pursuant to Section 37 of the *Planning Act*:

1. \$1,000,000 for Above Base Park Improvements to the new Park Blocks 7 and 8 within the subdivision, to be provided prior to the first above grade building permit, said payment to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City;

2. In the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands

3. Community benefits relating to affordable ownership housing:

a. Upon the registration of the plan of subdivision or prior to the first above grade building permit for any residential uses for any part of the proposed development on Blocks 1, 2 or 3, the owner shall convey, in fee simple to a non-profit housing provider, Block 4 consisting of a minimum area of 7700 square metres for the purpose of constructing at least 58 affordable housing units as follows:

i) Block 4 is to be serviced to the lot line and able to be connected to existing services;

ii) A Record of Site Condition suitable for residential development has been obtained, and any needed soil remediation required to obtain a residential Record of Site Condition has been undertaken or alternatively, provisions for the owner to pay for that soil remediation have been secured;

iii) All planning and development-related approvals, to proceed with the construction of the affordable housing units are in place, save for final issuance of site plan approval conditions;

iv) The owner will enter into an agreement with the non-profit provider to the satisfaction of the Chief Planner and Executive Director in consultation with the Executive Director, Housing Secretariat, to implement the provisions of sub-clauses 3 a.i, 3)a.ii and 3a.iii above, prior to the issuance of the first above-grade residential building permit for any purpose; and

v) The non-profit provider will enter into one or more delivery agreements with the City for the affordable housing units, and will agree to:

1. Build at least 58 affordable housing units; and
2. Following application by the owner, including the furnishing of fees, obtain site plan approval and approved building permits for the affordable housing units.

(iv) Community benefits relating to affordable rental housing:

a. Upon registration of the plan of subdivision or prior to the first above grade building permit for any residential uses for any part of the proposed development on Blocks 1, 2 or 3, the owner shall convey, in fee simple, Block 5 consisting of a minimum area of 7500 square metres to the City for the purposes of constructing at least 62 affordable rental units as follows:

i) Block 5 is serviced to the lot line and able to be connected to existing services; and

ii) A Record of Site Condition suitable for residential development has been obtained, and any needed soil remediation required to obtain a residential Record of Site Condition has been undertaken or alternatively, provisions for the owner to pay for that soil remediation have been secured.

(c) The owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters referred to in Section 44(b) herein, which agreement shall be registered as a first priority on title to the lands to which this By-law applies.

6. SCHEDULE "C", EXCEPTIONS MAP and EXCEPTIONS LIST are amended by deleting Exception No. 45 as it pertains to portions of the subject lands and replacing it with the following Exception No. 45:

45. Prior to the lifting of the (H) symbol found on **SCHEDULE '1'** of By-law ##### [Clerks to provide by-law number], no person shall erect or use a building or structure as a public school. An amending by-law to remove the (H) symbol shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of City Council:

(a) A Stormwater Management and Functional Servicing Report and functional servicing plans have been submitted in a form and content satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services which determines if any improvements to existing municipal infrastructure are required.

7. Within the lands shown on **Schedule "1"** attached to this By-law, 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.

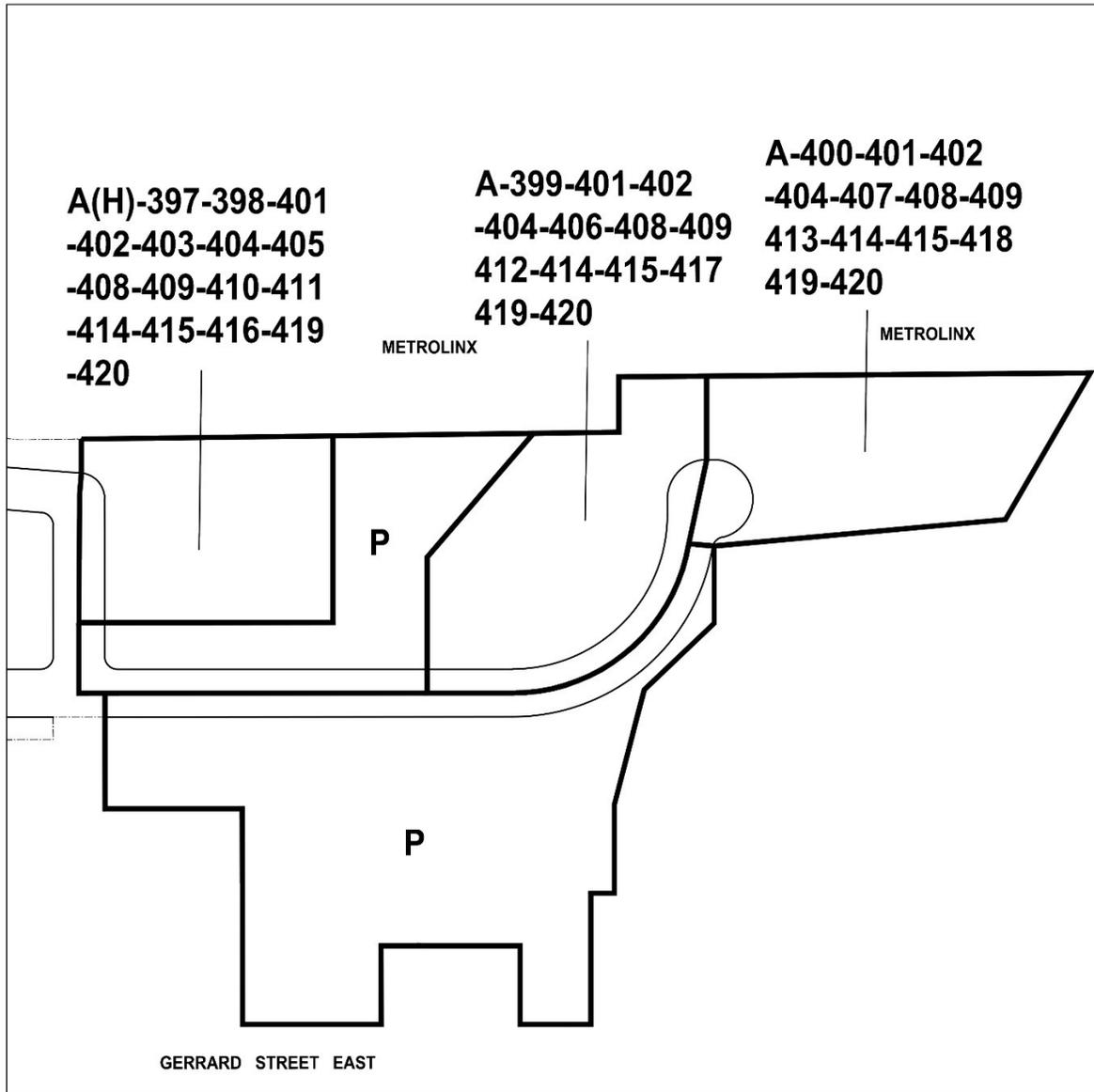
Enacted and passed on [month][day], 20~.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE '1'



Zoning By-Law Amendment

**411 Victoria Park Avenue &
2510 and 2530 Gerrard Street East, Toronto**

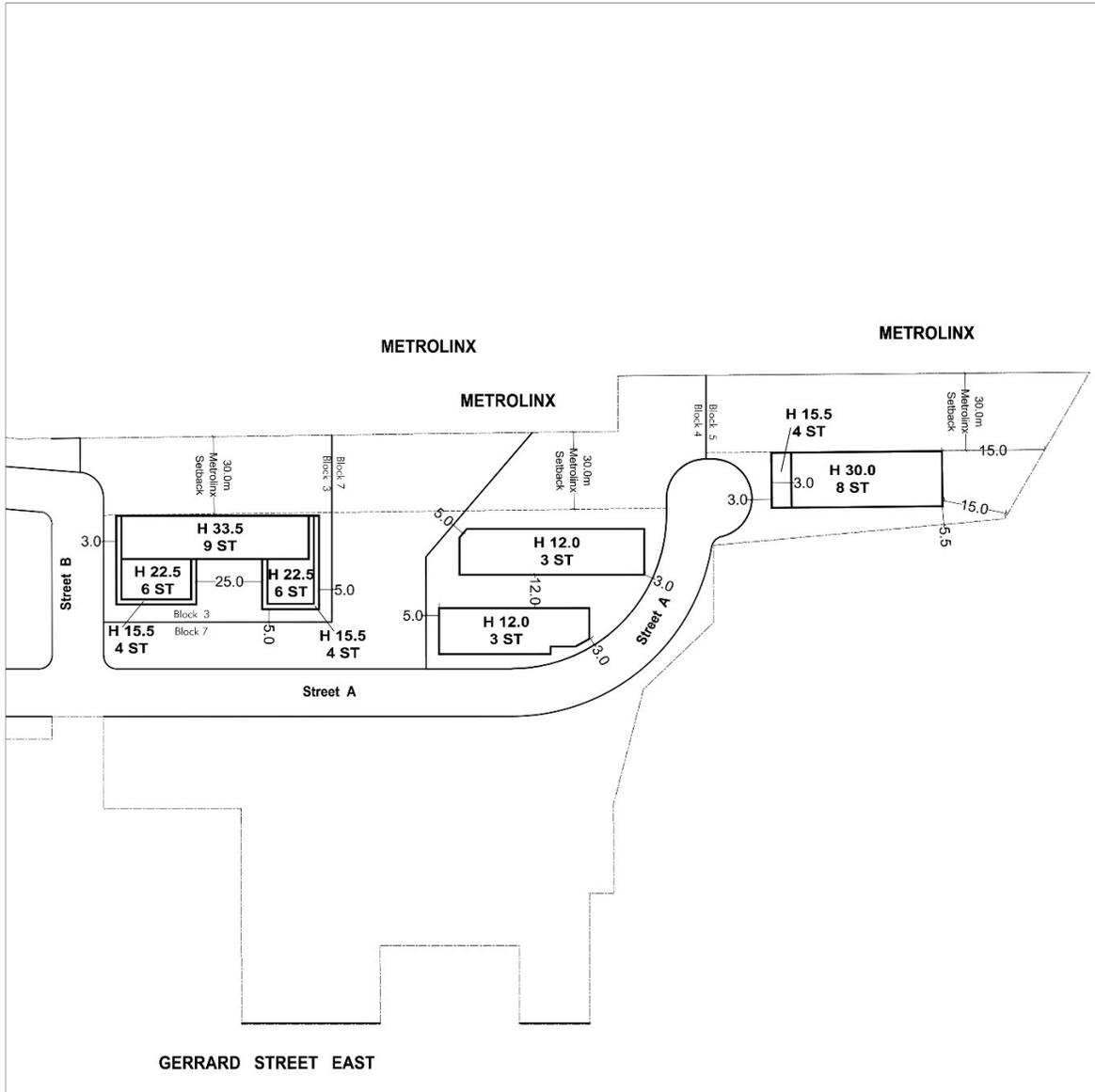
File # 19 263629 ESC 0Z

 Area Affected by this By-law



Not to Scale

SCHEDULE '2'



Zoning By-Law Amendment

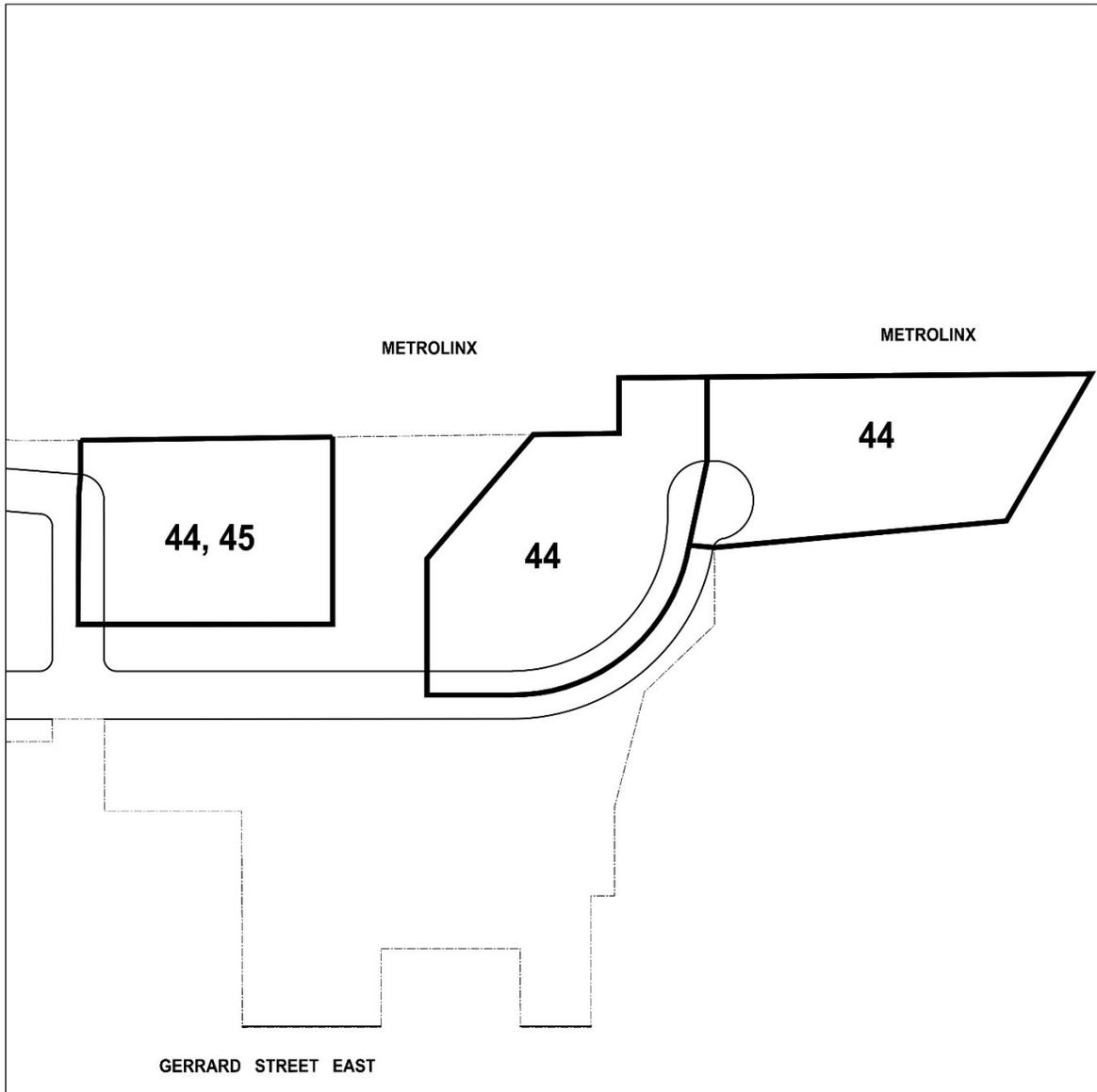
**411 Victoria Park Avenue &
2510 and 2530 Gerrard Street East, Toronto**

File # 19 263629 ESC 0Z



Not to Scale

SCHEDULE '3'



Zoning By-Law Amendment

**411 Victoria Park Avenue &
2510 and 2530 Gerrard Street East, Toronto**

File # 19 263629 ESC 0Z

 Area Affected by this By-law



Not to Scale

Attachment 8 - Draft Amendment to Zoning By-law 569-2013

Authority: Scarborough Community Council Item XX, as adopted by City of Toronto Council on XXXX, 20XX

CITY OF TORONTO

BY-LAW #####-2021

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East.

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

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

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;

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; and

Whereas Council of the City of Toronto, at its meeting on _____, 2021, determined to amend the former City of Toronto Zoning By-law No. 569-2013 with respect to lands known municipally in the year 2020 as 3850-3900 Sheppard Avenue East and 2350-2362 Kennedy Road; and

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands shown on Diagram 3 attached to this By-law as Block 3, Block 4, Block 5, Block 7 and Block 8 to the Zoning By-law Map in Section 990.10 and applying the following zone labels as shown on Diagram 2 attached to this By-law:
 - RA (d0.0) (X##) to Block 3
 - RA (d0.0) (x##) to Blocks 4 and 5
 - OR (x##) to Block 7
 - OR to Block 8
4. Zoning By-law 569-2013, as amended, is further amended by adjusting the boundaries between the zone labels CR 0.5 (c0.5; r0.0) SS2 (x586) and CR 0.22 (c0.22; r0.0) SS2 (x376) as shown on Diagram 2 of this By-law.
5. Zoning By-law No. 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, the Height Overlay Map in Section 995.20.1, the Lot Coverage Overlay Map in Section 995.30.1 and the Rooming Housing Overlay Map in Section 995.40.1 and applying no labels.
6. Zoning By-law 569-2013, as amended, is further amended by replacing Article 900.11.10 Exception Number x586 with the following such that it reads as follows:

CR (x586)

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 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East, if the requirements of Section 10 and Schedule A of By-law [####-2021] are complied with, a use of **buildings** or **structures** may be used and erected in compliance with regulations (B) to (QQ) below:

(B) Despite regulation 40.10.20.20(1), the following uses are permitted if they comply with the specific conditions associated with the reference number(s) for each use in Clause 40.10.20.100 as referred to below:

Private School (28);

Public Parking (7, 8, 9, 10, 11);

Private School (28);

(C) Despite Regulation 40.10.20.40, **apartment buildings, mixed use buildings** and **townhouses** are permitted **building** types for **dwelling units**;

(D) Despite Regulation 40.10.20.100(1), (5), (6), and (17), the total interior floor area of all **cabarets, clubs, eating establishments, entertainment places of assembly, places of assembly, recreation uses, take-out eating establishment, retail store** including a beverage manufacturing use for beer, cider or wine, **service shop**, and **retail service shop** on Block 1 shown on Diagram 4 of By-law [####-2021] may not exceed 500 square metres;

(E) Despite Regulation 40.10.20.100(7), **public parking** may be provided in an **above-ground parking garage**;

(F) Despite Regulation 40.10.20.100(28), **a public school** and a **private school** must comply with the specific use regulations in Section 150.48;

(G) Despite Regulation 40.10.20.100(40), **a place of worship** must comply with the specific use regulations in Section 150.50;

(H) Despite Regulation 40.10.40.1(1), all residential use portions of a **building** may be located above, below, or on the same **storey** as non-residential use portions of a **building**;

(I) Despite Clause 40.10.40.40, the total permitted maximum **gross floor area** on Blocks 1 and 2 as identified on Diagram 3 of By-law [####-2021] is 46,450 square metres, of which:

a) a minimum of 450 square metres of **gross floor area** on Block 1 must be used for non-residential purposes; and

b) no **gross floor area** may be used for non-residential purposes on Block 2;

(J) Despite Regulation 40.5.40.40(3) and (5), the gross floor area of a **mixed use building** or **apartment building** are also reduced by the area in the building used for:

a) parking, loading and bicycle parking at, below, and above ground; and

b) **indoor amenity space**;

(K) The provision of **dwelling units** on the lands identified in Diagram 1 of By-law ###-2021 [Clerks to Provide By-law Number] is subject to the following:

- a) a minimum of 15 percent of the total number of **dwelling units** must have two bedrooms;
- b) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms; and
- c) once (a) and (b) above are complied with, of the remaining total number of **dwelling units** a minimum 15 percent of dwelling units must have two or more bedrooms;

(L) Despite Regulation 5.10.1.30(3), a **dwelling unit** may not be entirely below grade;

(M) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** is measured from the following Canadian Geodetic Datum elevations to the highest point of the **building** or **structure**:

- a) 126.60 metres on Block 1 as shown on Diagram 3 of By-law [####-2021];
- b) 127.92 metres on Block 2 as shown on Diagram 3 of By-law [####-2021];

(N) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is shown in metres following the HT symbol and in storeys following the ST symbol on Diagram 4 of By-law [####-2021];

(O) Despite (N) above, the following are not a **storey**:

- a) vestibules providing rooftop access and having a **gross floor area** of not more than 20.0 square metres;
- b) mechanical penthouses;
- c) stair enclosures; and
- d) elevator overruns;

(P) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey**, is 4.5 metres;

(Q) Despite 40.10.40.10(6) and (P) above, the required minimum height of the first **storey** does not apply to a **place of worship** or the portion of a building that contains residential uses;

(R) Despite (N) above and Regulations 40.5.40.10(3), (4), (5), (6), (7) and (8), the following elements of a **building** or **structure** may exceed the permitted maximum heights as follows:

a) mechanical equipment, mechanical penthouses, roof access vestibules, elevator overruns, lighting fixture, awnings, ornamental elements, trellises, vents, stacks, structures on the roof used for outside or open air recreation, heating cooling and ventilation equipment, stairs, stair enclosures and gas and electrical equipment and associated cabinets or enclosures or a fence, wall or structure enclosing such elements may project above the permitted maximum heights shown on Diagram 4 to a maximum of 7.0 metres;

b) guardrails, safety, wheelchair ramps, fences, wind or privacy screens, outdoor furniture, chimneys, decorative architectural features, underground garage ramps and associated structures. bicycle parking, community mailboxes as well as structures enclosing such elements, garbage chutes, and elements associated with outdoor amenities such as barbecues, fireplaces, seating and play structures may project above the permitted maximum heights shown on Diagram 4 to a maximum of 3.0 metres;

c) parapets, window washing equipment, building maintenance equipment, balustrades, bollards, landscape elements, decking, skylights, flues, access roof hatch, below grade parking structures, retaining walls, and planters may project above the permitted maximum heights shown on Diagram 4 to a maximum of 1.8 metres;

d) terraces, thermal insulation, roofing membranes, pavers, and roof ballast may project above the permitted maximum heights shown on Diagram 4 to a maximum of 0.9 metres; and

e) the elements listed in (T) below;

S) Despite Regulations 40.10.40.70(2) and (4) and 40.10.40.80(2), the required minimum **building setbacks** for the portion of a **building** or **structure** above-ground are shown on Diagram 4 of By-law [####-2021]. A building setback is not required from a corner rounding at the intersection of two **streets**;

T) Despite (S) above, and Clauses 40.5.40.60 and 40.10.40.60, the following building elements may encroach into a required minimum **building setback** as follows:

a) below grade parking structures, exterior stairways, wheelchair ramps, awnings, trellises, guardrails, balustrades, safety railings, stairs, stair enclosures, bollards, vents, fences, wind screens, landscape elements, terraces, retaining walls, planters, heating, cooling and ventilating equipment, gas and electrical equipment and associated cabinets and enclosures, elements associated with outdoor amenities such as fireplaces, seating and play structures, bicycle parking, community mailboxes and associated enclosures, and porches and decks, either excavated or unexcavated;

b) roof overhangs, cornices, canopies, chimneys, balconies and associated guards, ornamental elements, privacy screens, and garbage chutes to a maximum of 2.5 metres;

c) light fixtures, eaves, window washing and maintenance equipment, cladding, decorative architectural features, and pilasters to a maximum of 1.2 metres;

d) window sills to a maximum of 0.6 metres; and

e) the elements listed in (R) above;

U) Despite Regulation 40.10.40.50(1), a **building** containing 20 or more **dwelling units** must provide **amenity space** at a minimum rate of 4.0 square metres for each **dwelling unit**, of which at least 1.5 square metres for each **dwelling unit** is indoor **amenity space**, and no more than 25 percent of the outdoor component may be a **green roof**;

V) Despite Regulation 40.10.40.50(1) and (U) above, the total indoor and outdoor **amenity space** required for **dwelling units** on Block 1 and Block 2 identified on Diagram 3 of By-law [####-2021] may be combined and provided entirely on Block 1 and/or Block 2 or a combination of both provided it is available for the use of residents of either Block;

W) Despite Regulation 40.5.80.1(1), a **parking space** must be available for the use for which it is required;

X) Despite Regulation 40.5.80.10(1), **parking spaces** required for a use on Block 1 or Block 2 identified on Diagram 3 of By-law [####-2021] may be provided on either of Blocks 1 and 2 or a combination of both;

Y) Despite Clause 40.10.80.10, a surface **parking space** may not be located in the front yard;

Z) Regulations 40.10.90.40(2) and 40.10.100.10(1) and (2), with respect to the number and location of vehicle access points and loading access point, do not apply;

AA) Despite Regulation 200.5.10.1(1), parking must be provided and maintained in accordance with the following minimum requirements:

- a) 0.6 **parking spaces** per dwelling unit for residents;
- b) 0.1 **parking spaces** per dwelling unit for visitors;
- c) Despite (a) above, for Block 2 identified on Diagram 3 of By-law [####-2021], 1.0 **parking space** per **dwelling unit** for residents in **townhouses**;
- d) No **parking spaces** are required for non-residential uses; and
- e) A minimum of 4 **parking spaces** on Block 1 and Block 2 as shown on Diagram 3 of By-law [####-2021] must be exclusively reserved and signed for a car or cars used only for car-share purposes.

BB) For the purposes of (AA) above:

- a) car-share means the practice where a number of people share the use of one or more **vehicles** that are owned by a profit or non-profit car sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car sharing organization, including the payment of a membership fee that may or may not be refundable; and
- b) a car-share **parking space** means a **parking space** that is exclusively reserved and actively used for car-sharing;

CC) Despite Regulation 200.5 and (AA) above, for each **parking space** exclusively reserved and signed for a car or cars used only for car-share purposes beyond the minimum required in (AA) above, the minimum number of resident **parking spaces** required may be reduced by four **parking spaces**, up to a maximum reduction as calculated by the following formula: $4 \times (\text{the total number of dwelling units on lands identified on Diagram 1 of this by-law divided by } 60)$, rounded down to the nearest whole number;

DD) Despite Regulations 200.5.1.10(2) and 200.10.1(3), up to 10 percent of the required **parking spaces** may have a minimum width of 2.6 metres and a minimum depth of 5.2 metres.

EE) Despite Regulations 200.5.1.10(2) and 200.10.1(3), up to 10 percent of the required **parking spaces** may have a minimum width of 2.6 metres if they are obstructed on one or both sides by a fixed object such as a wall, column, bollard, fence or pipe situated within 0.3 metres of the side of the **parking space**, measured at right angles, and more than 1.0 metre from the front or rear of the parking space.

FF) Despite Regulation 200.5.1.10(12), the **vehicle** entrance or exit to the **building** must be at least 3.0 metres from the **lot line** abutting a **street**;

GG) Regulations 200.15.1(4) and 200.15.15.4(2), with respect to the location of accessible **parking spaces**, do not apply;

HH) Despite Regulations 200.15.1(1) and 200.15.15.4(1), an accessible **parking space** must have the following minimum dimensions:

- a) length of 5.6 metres;
- b) width of 3.4 metres;
- c) vertical clearance of 2.0 metres; and
- d) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;

II) Despite Clause 220.5.10.1, **loading spaces** must be provided in accordance with the following minimum requirements:

- a) For Block 1 as shown on Diagram 3 of By-law [#####-2021] – 1 Type “G” **loading space**;
- b) For Block 2 as shown on Diagram 3 of By-law [#####-2021] – 1 Type “C” **loading space**;

JJ) Despite Regulation 230.5.1.10(8), a **bicycle parking space** required for Block 1 or Block 2 identified on Diagram 3 of By-law [#####-2021] may be provided on either of Blocks 1 and 2 or a combination of both;

KK) Regulation 230.5.1.10(9), with respect to long-term **bicycle parking space** location does not apply;

LL) Despite Regulation 230.5.1.10(4), if a **stacked bicycle parking space** is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such **stacked bicycle parking space** is 0.2 metres;

MM) Despite Regulation 230.5.1.10(10), “long-term” and “short-term” **bicycle parking spaces** may be located in a **stacked bicycle parking space**;

NN) Regulation 230.40.1.20(2) with respect to the location of “short-term” **bicycle parking spaces** does not apply;

OO) Regulations 40.10.40.1(3) and (5) with respect to residential use orientation to a **street**, and **building** orientation to a **street**, do not apply;

PP) Despite Regulation 5.10.30.1(1), no **building** or **structure**, except for below grade construction or foundations, may be erected or used on the lands unless:

a) The lands abut an existing **street**, or are connected to an existing **street** by a **street** or **streets** constructed to a minimum base curb and base asphalt or concrete; and

b) All Municipal water mains and Municipal sewers, and their appurtenances, are installed to a **lot line** of the property and are operational;

QQ) for the purpose of Regulation 5.10.30.1(2) a **street** may include a **street** or **streets** that have been dedicated to the Municipality but may not be assumed.

Prevailing By-laws and Prevailing Sections: None Apply

7. Zoning By-law 569-2013, as amended, as amended, is further amended by adding the following clause (C) to Article 900.11.10 Exception Number x376 under the heading Exception CR 376 as follows:

“(C) An ancillary **structure** with a **gross floor area** of less than 20 square metres and any associated fencing is permitted and is not subject to any development standards.”

8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.7.10 Exception Number (####):

RA (##)

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 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East, if the requirements of Section 10 and Schedule A of By-law [####-2021] are complied

with, **buildings** or **structures** may be used and erected in compliance with regulations (B) to (MM) below:

B) In addition to the uses permitted in Regulation 15.10.20.10(1), **public parking** is also permitted which may be located in an above-ground parking structure;

C) Prior to the lifting of the H symbol found on Diagram 2 of By-law [####-2013, no person shall erect or use a **building** or **structure** as a **public school** on Block 3 as illustrated on Diagram 3. An amending by-law to remove the (H) symbol shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of City Council:

a) a Stormwater Management and Functional Servicing Report and functional servicing plans in a form and content satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services which determines if any improvements to existing municipal infrastructure are required.

D) Despite Regulation 15.10.20.20(1) the following uses are permitted if they comply with the specific conditions associated with the reference number(s) for each use in Clause 15.10.20.110 as referred to below:

- a) **Group Home** (5);
- b) **Place of Worship** (8);
- c) **Residential Care Home** (5); and
- d) **Rooming Housing** (14);

E) Despite Regulation 15.10.40.40(1), the permitted maximum **gross floor area** on Blocks 3, 4, and 5 as shown on Diagram 3 of By-law [####-2021] is as follows:

- a) 13,250 square metres on Block 3;
- b) 6,250 square metres on Block 4; and
- c) 9,400 square metres on Block 5;

F) Despite (E) above, should the H symbol be removed from Blocks 3 and 7 as shown on Diagram 3 of By-law [####-2021] to permit a **public school**, the Blocks shall be considered one **lot** and the maximum permitted **gross floor area** permitted on the **lot** is 6,500 square metres;

G) Despite Regulation 15.5.40.40(1), the gross floor area of an **apartment building, public school or day nursery** is also reduced by the area in the building used for:

- a) parking, loading and bicycle parking at, below, and above ground; and
- b) indoor **amenity space**.

H) The provision of **dwelling units** on the lands identified in Diagram 1 of By-law ###-2021 [Clerks to Provide By-law Number] is subject to the following:

- a) a minimum of 15 percent of the total number of **dwelling units** must have two bedrooms;
- b) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms; and
- c) once (a) and (b) above are complied with, of the remaining total number of **dwelling units** a minimum 15 percent of dwelling units must have two or more bedrooms;

I) Despite Regulation 15.5.40.10(1), the height of a building or structure is measured from the following Canadian Geodetic Datum elevations to the highest point of the building or structure:

- a) 126.59 metres on Blocks 3 as shown on Diagram 3 of By-law [####-2021];
- b) 127.74 metres on Block 4 as shown on Diagram 3 of By-law [####-2021]; and
- c) 128.94 metres on Block 5 as shown on Diagram 3 of By-law [####-2021];

J) Despite Regulation 15.10.40.10, the permitted maximum height of a building or structure is shown in metres following the HT symbol and in storeys following the ST symbol on Diagrams 5, 6 and 7 of By-law [####-2021];

K) Despite (J) above, the following are not a **storey**:

- a) vestibules providing rooftop access and having a **gross floor area** of not more than 20.0 square metres;
- b) mechanical penthouses;
- c) stair enclosures; and

d) elevator overruns;

L) Despite Regulation 15.5.40.10(2), (3), (4), (5), and (6), the following elements of a **building** or **structure** may exceed the permitted maximum height as follows:

a) mechanical equipment, mechanical and roof access penthouses, elevator overruns, lighting fixture, awnings, ornamental elements, trellises, vents, stacks, structures on the roof used for outside or open air recreation, heating cooling and ventilation equipment, stairs, stair enclosures, gas and electrical equipment and associated cabinets or enclosures or a fence, wall or structure enclosing such elements, and waste storage rooms and associated enclosure elements may project above the permitted maximum heights shown on Diagrams 5, 6 and 7 to a maximum of 7.0 metres;

b), guardrails, safety railings, wheelchair ramps, fences, wind or privacy screens, outdoor furniture, chimneys, decorative architectural features, underground garage ramps and associated structures. bicycle parking, community mailboxes as well as structures enclosing such elements, garbage chutes, elements associated with outdoor amenities such as barbecues, fireplaces, seating and play structures may project above the permitted maximum heights shown on Diagrams 5, 6 and 7 to a maximum of 3.0 metres;

c) parapets, window washing equipment, building maintenance equipment, balustrades, bollards, landscape elements, decking, skylights, flues, access roof hatch, below grade parking structures, retaining walls, and planters may project above the permitted maximum heights shown on Diagrams 5, 6 and 7 to a maximum of 1.8 metres;

d) terraces, thermal insulation, roofing membranes, pavers, and roof ballast may project above the permitted maximum heights shown on Diagrams 5, 6 and 7 to a maximum of 0.9 metres; and

e) the elements listed in (N) below;

M) Despite Regulation 15.10.40.70, the required minimum **building setbacks** for the portion of a **building** or **structure** at or above the first **storey** are shown on Diagrams 5, 6 and 7 of By-law [#####-2021]. A **building setback** is not required from a corner rounding at the intersection of two streets;

N) Despite (J) and (M) above, should the H symbol be removed from Blocks 3 and 7 as shown on Diagram 3 of By-law [#####-2021], to permit a **public school**, the Blocks shall be considered one **lot** for the purposes of this exception and the permitted maximum building height a **public school** shall be 20.0 metres and

the required **minimum building setbacks** for the portion of a **building** or **structure** at or above the first **storey** are as follows:

- a) a minimum **front yard setback** between the **main wall** and Street A of 3 metres;
- b) a minimum exterior **side yard setback** between the **main wall** and Street B of 3 metres;
- c) a minimum interior **side yard setback** of 7 metres; and
- d) a minimum **rear yard setback** of 30 metres;

O) Despite (M) and (N) above, and Regulation 15.5.40.50(2) and Clause 15.5.40.60, the following **building** elements may encroach into a required minimum **building setback** as follows:

- a) below grade parking structures, exterior stairways, wheelchair ramps, awnings, trellises, guardrails, balustrades, safety railings, stairs, stair enclosures, bollards, vents, fences, wind screens, landscape elements, terraces, retaining walls, planters, heating, cooling and ventilating equipment, gas and electrical equipment and associated cabinets and enclosures, elements associated with outdoor amenities such as fireplaces, seating and play structures, waste storage rooms and associated enclosures, bicycle parking, community mailboxes and associated enclosures, and porches and decks, either excavated or unexcavated;
- b) roof overhangs, cornices, canopies, chimneys, balconies and associated guards, ornamental elements, privacy screens, and garbage chutes to a maximum of 2.5 metres;
- c) light fixtures, eaves, window washing and maintenance equipment, cladding, decorative architectural features, and pilasters to a maximum of 1.2 metres; and
- d) window sills to a maximum of 0.6 metres; and
- e) the elements listed in (M) above;

P) Despite Regulations 15.10.40.80(1) and 15.10.40.80(2), if a **building** has main walls from which a line projected outward at a right angle from one of the main walls intercepts another main wall of the same building or a different **building** on the same Block, the required minimum above-ground separation

distance between those **main walls**, excluding **main walls** around architectural recesses in a **main wall** having a depth of 1.0 metres or less, inset balconies, and recessed building entrances, is:

- a) for any portion of a **building** with a height equal to or less than 12.0 metres, 2.4 metres if there is an opening on one or both of the main walls;
- b) for any portion of a **building** with a height greater than 12.0 metres, 5.5 metres if there is an opening on one or both of the main walls of the same building; and
- c) for any portion of a **building** with a height greater than 12.0 metres, 15.0 metres if there is an opening on one or both of the **main walls** of a **different building**;

Q) Despite Regulation 15.5.50.10, a **lot** in the Residential Apartment Zone category must have a minimum of 25% of the area of the **lot** for **landscaping**;

R) Despite Regulation 15.5.150.1(1), on Block 4 identified on Diagram 3 of by-law [#####-2021], all waste and recyclable material must be stored within a **building, structure, or enclosure**;

S) Despite Regulation 15.10.40.50 (1), an **apartment building** on Block 3 identified on Diagram 3 of By-law [#####-2021] must provide **amenity space** at a minimum rate of 4.0 square metres per **dwelling unit**, of which at least 1.5 square metres for each **dwelling unit** is indoor **amenity space**;

T) Despite Regulation 15.10.40.50 (1), an **apartment building** on Block 5 identified on Diagram 3 of By-law [#####-2021] must provide **amenity space** at a minimum rate of 4.0 square metres per **dwelling unit**, of which at least 2.0 square metres for each **dwelling unit** is indoor **amenity space**;

U) Despite Regulation 15.10.40.50(1), no **amenity space** is required for **dwelling units** on Block 4 identified on Diagram 3 of By-law [#####-2021]

V) Despite Regulation 15.5.80.1(1), a **parking space** must be available for the use for which it is required;

W) Despite Regulation 15.5.80.10(1) a visitor **parking space** required on Block 3 identified on Diagram 3 of By-law [#####-2021] may be provided on any or all of Blocks 1, 2 and 3 identified on Diagram 3 of By-law [#####-2021];

X) Despite Regulation 15.5.80.10(2), on Block 4 identified on Diagram 3 of By-law [#####-2021], required **parking spaces** are permitted to be located above-ground;

Y) Regulation 15.5.100.1(1)(B) with respect to maximum **driveway** width does not apply;

Z) Regulation 15.5.100.1(2) with respect to **driveway** access to apartment buildings does not apply;

AA) Despite Regulation 200.5.1.10(2) and 200.10.1(3), up to 10 percent of the required **parking spaces** may have a minimum width of 2.6 metres and a minimum depth of 5.2 metres.

BB) Despite Regulation 200.5.1.10(2) and 200.10.1(3), up to 10 percent of the required **parking spaces** may have a minimum width of 2.6 metres if they are obstructed on one or both sides by a fixed object such as a wall, column, bollard, fence or pipe situated within 0.3 metres of the side of the parking space, measured at right angles, and more than 1.0 metre from the front or rear of the **parking space**.

CC) Despite Regulation 200.5.10.1(1), parking must be provided and maintained on the lands in accordance with the following minimum requirements:

a) for Block 3 identified on Diagram 3 of By-law [####-2021], 0.6 **parking spaces** per **dwelling unit** for residents and 0.1 **parking spaces** per dwelling unit for visitors;

b) despite (a) above, for Block 3 identified on Diagram 3 of By-law [####-2021], 1.0 **parking space** per dwelling unit for residents in **apartment buildings** less than or equal to 4 **storeys** in height;

c) for Block 4 identified on Diagram 3 of By-law [####-2021], 0.5 **parking spaces** per **dwelling unit** for residents and no **parking spaces** for visitors; and

d) for Block 5 identified on Diagram 3 of By-law [####-2021], 0.25 **parking spaces** per **dwelling unit** and no **parking spaces** for visitors;

DD) Regulation 200.15.1(4) and 200.15.15.4(2), with respect to the location of accessible **parking spaces**, does not apply;

EE) Despite Regulation 200.15.1(1) and 200.15.15.4(1), an accessible **parking space** must have the following minimum dimensions:

a) length of 5.6 metres;

b) width of 3.4 metres;

c) vertical clearance of 2.0 metres; and

d) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;

FF) Despite Regulation 230.5.1.10(6), “long-term” **bicycle parking spaces** on Block 4 identified on Diagram 3 of By-law [#####-2021] must be stored within a **building, structure**, or enclosure

GG) Regulation 230.5.1.10(9), with respect to "long-term" **bicycle parking space** location does not apply;

HH) Despite Regulation 230.5.1.10(4), if a **stacked bicycle parking space** is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such **stacked bicycle parking space** is 0.2 metres;

II) Despite Regulation 230.5.1.10(10), “long-term” and “short-term” **bicycle parking spaces** may be located in a **stacked bicycle parking space**;

JJ) Regulation 230.10.1.20(2), with respect to the location of “short-term” **bicycle parking spaces**, does not apply;

KK) Despite Regulation 5.10.1.30(3) a **dwelling unit** may not be entirely below-ground;

LL) Despite Regulation 5.10.30.1(1), no **building** or **structure**, except for below grade construction or foundations, may be erected or used on the lands unless:

a) the lands abut an existing **street**, or are connected to an existing **street** by a **street** or **streets** constructed to a minimum base curb and base asphalt or concrete; and

b) all Municipal water mains and Municipal sewers, and their appurtenances, are installed to a **lot line** of the property and are operational; and

MM) For the purpose of regulation 5.10.30.1(2) a **street** may include a **street** or **streets** that have been dedicated to the Municipality but may not be assumed.

Prevailing By-laws and Prevailing Sections: None Apply

9. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.42.10 Exception Number (#####):

OR (##)

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 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East, if the requirements of Section 10 and Schedule A of By-law [####-2021] are complied with, **buildings** or **structures** may be used and erected in compliance with regulations (B) to (C) below:

B) Prior to the lifting of the H symbol found on Diagram 2 of By-law [####-2013, no person shall erect or use a **building** or **structure** as a **public school** on Block 7 as illustrated on Diagram 3. An amending by-law to remove the (H) symbol shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of City Council:

a) a Stormwater Management and Functional Servicing Report and functional servicing plans in a form and content satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services which determines if any improvements to existing municipal infrastructure are required.

C) In addition to the uses permitted in Regulation 90.30.20.10(1), the following uses are also permitted:

a) public school in compliance with the specific use regulations in Section 150.48 and subject to (B) above; and

b) day nursery in compliance with the specific use regulations in Section 150.45;

Prevailing By-laws and Prevailing Sections: None Apply

10. Section 37 Provisions

A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 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 shall be dependent on satisfaction of the same; and

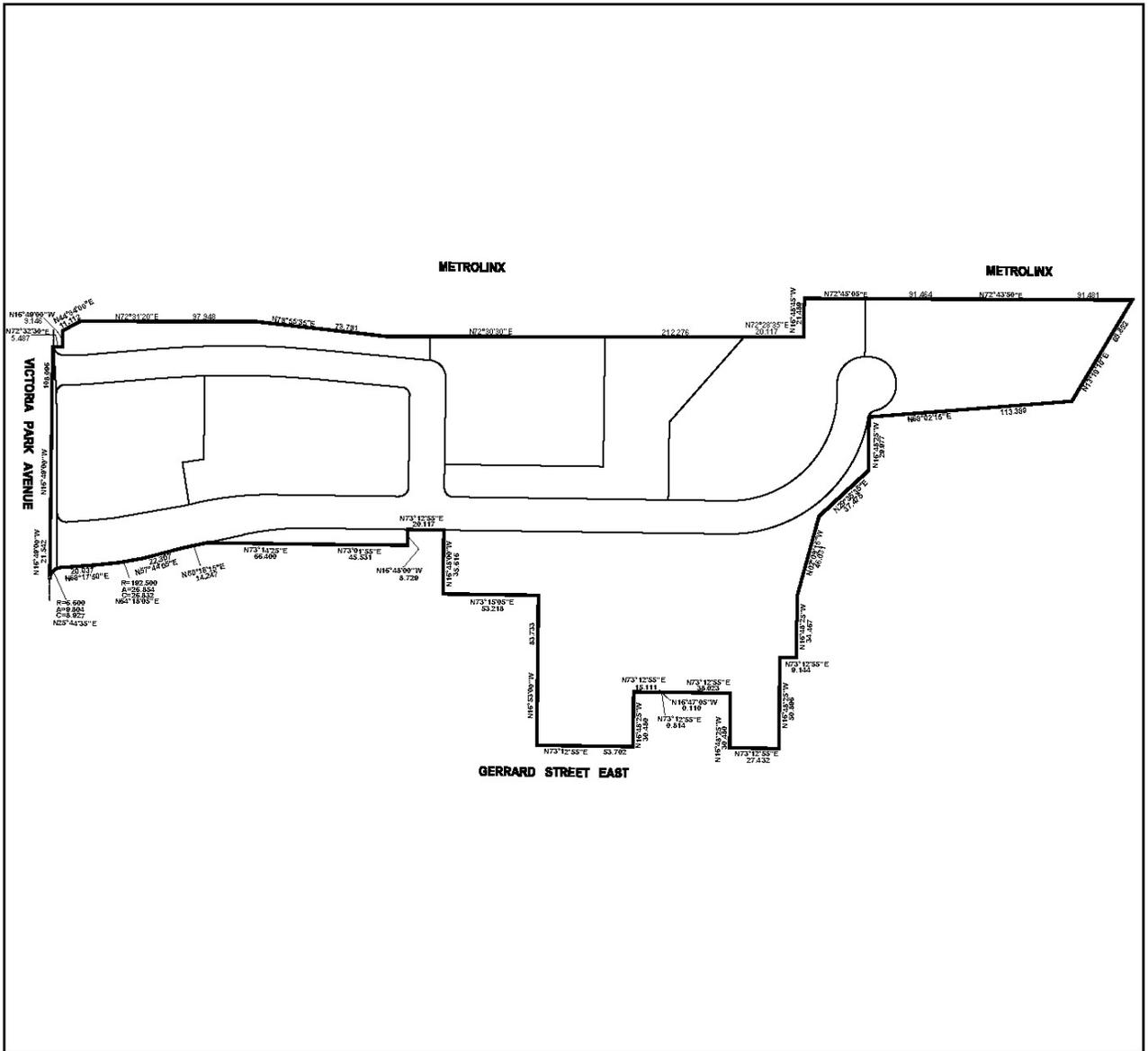
C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

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

[Name],
Speaker

[Name],
City Clerk

(Seal of the City)



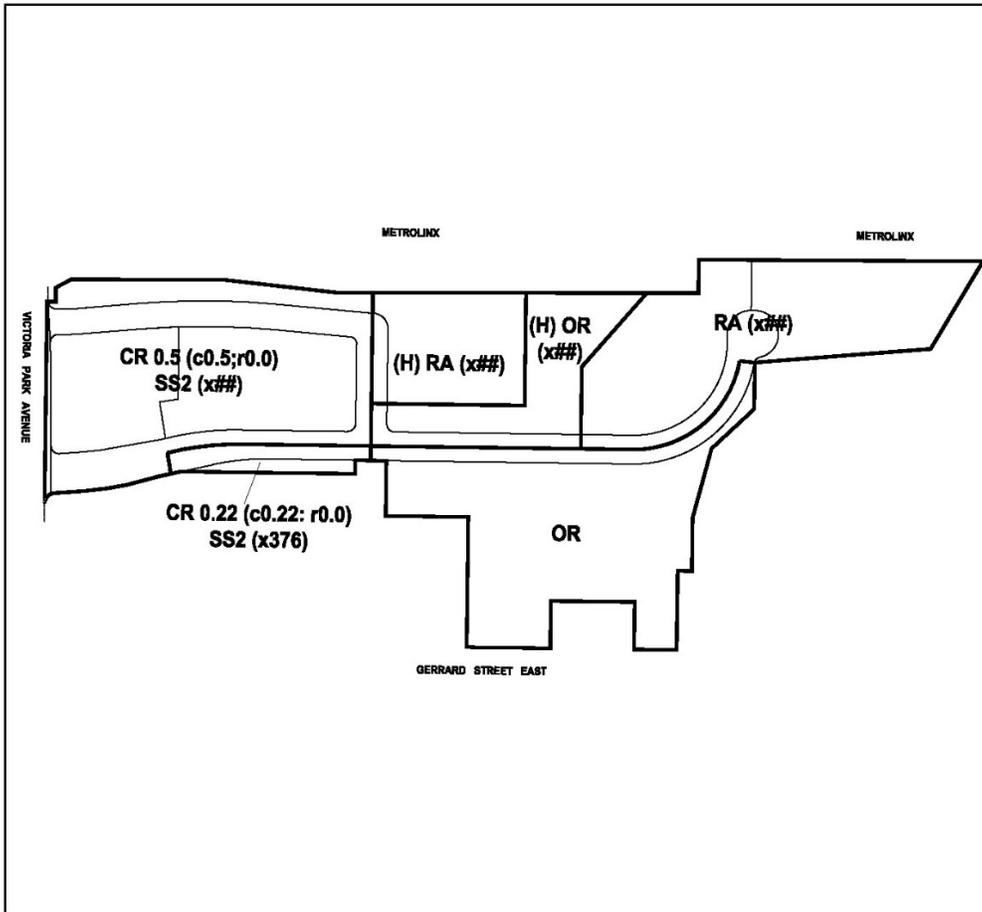
TORONTO City Planning Division
Diagram 1

**411 Victoria Park Avenue &
 2510 and 2530 Gerrard Street East, Toronto**
 File #19 _____



Not to Scale

City of Toronto By-law 569-2013



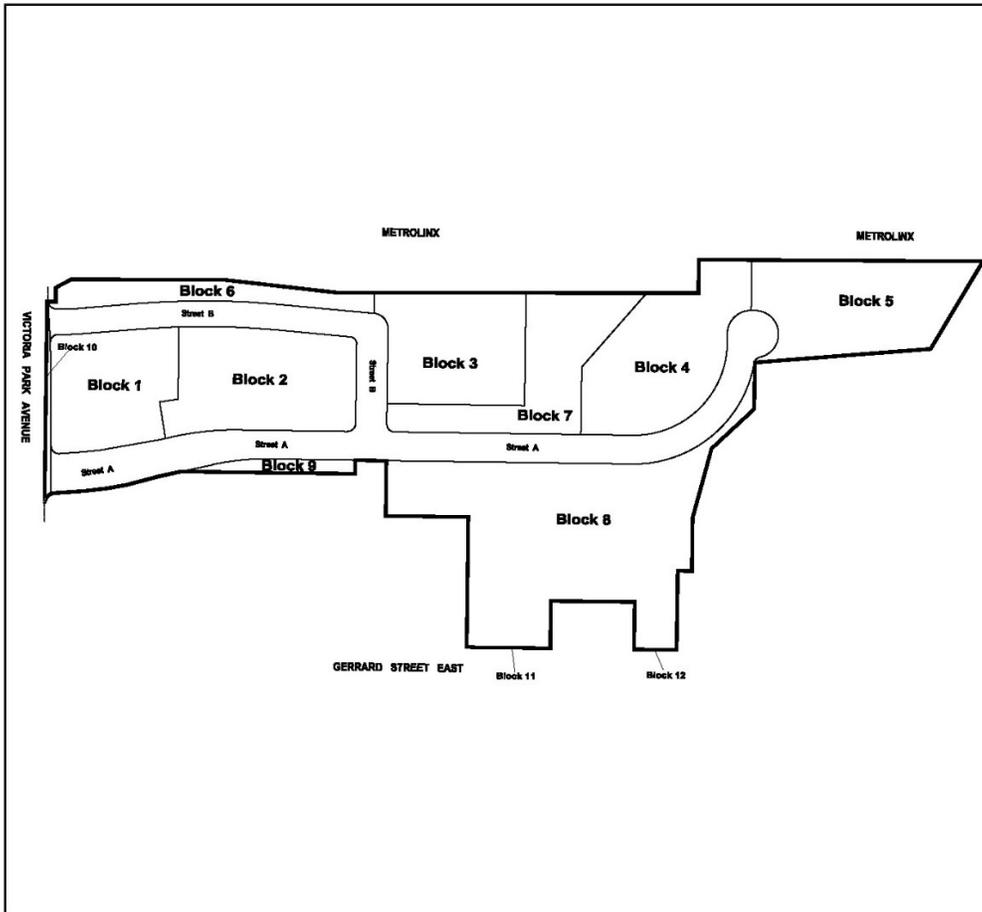
TORONTO City Planning Division
Diagram 2

**411 Victoria Park Avenue &
 2510 and 2530 Gerrard Street East, Toronto**
 File #19_____



Not to Scale

City of Toronto By-law 569-2013



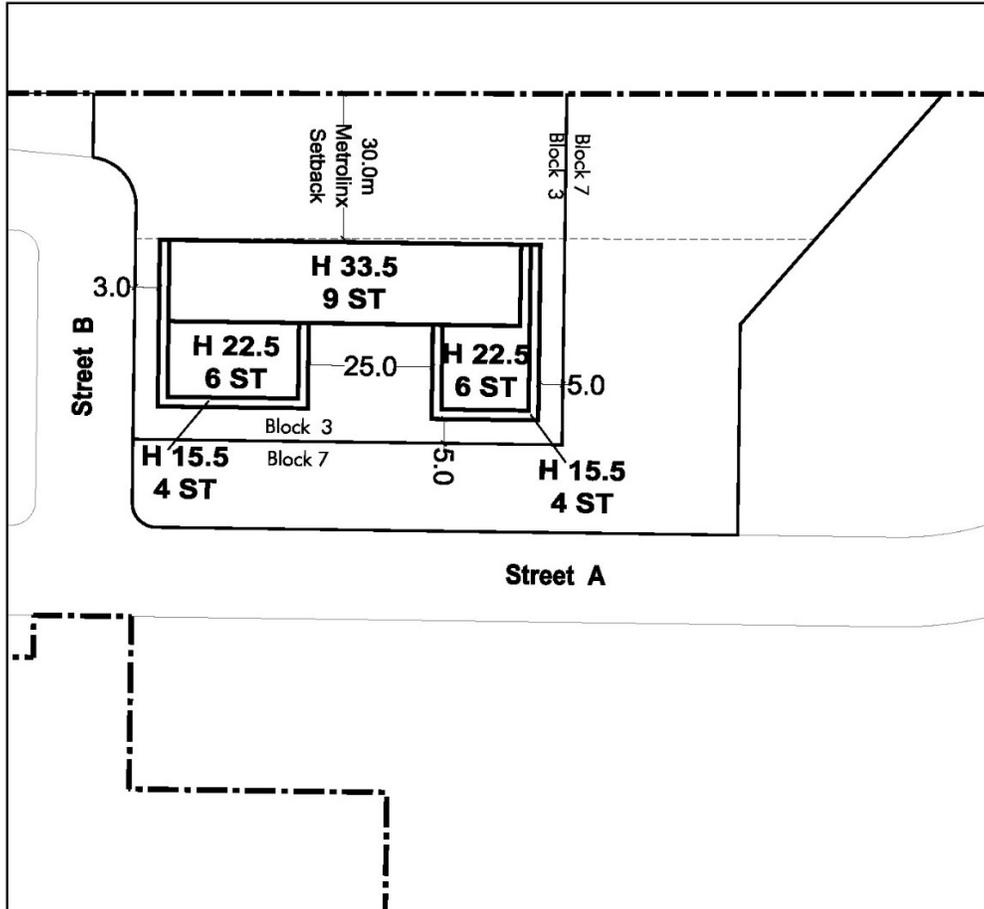
TORONTO City Planning
Division
Diagram 3

**411 Victoria Park Avenue &
2510 and 2530 Gerrard Street East, Toronto**
File #19 _____



Not to Scale

City of Toronto By-law 569-2013



TORONTO City Planning
Division

Diagram 5

**411 Victoria Park Avenue &
2510 and 2530 Gerrard Street East, Toronto**

File #19



Not to Scale

City of Toronto By-law 569-2013

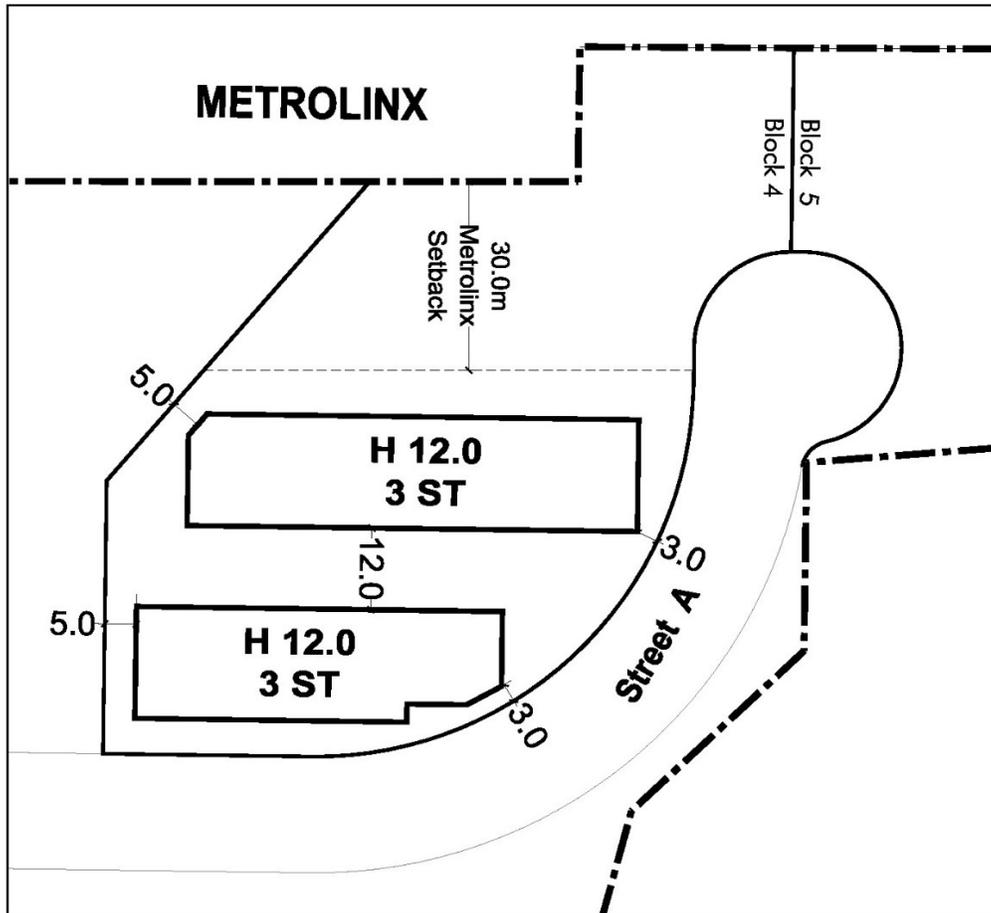


Diagram 6

**411 Victoria Park Avenue &
2510 and 2530 Gerrard Street East, Toronto**
File #19 _____



Not to Scale

City of Toronto By-law 569-2013

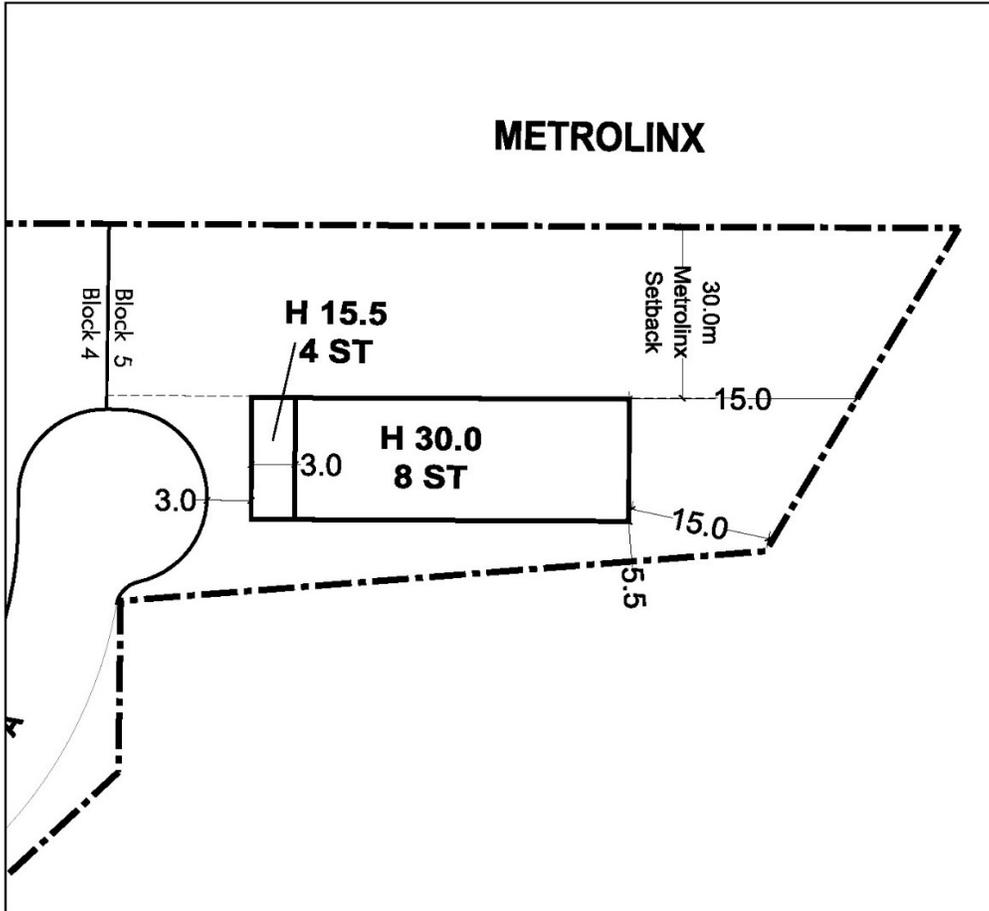


Diagram 7

**411 Victoria Park Avenue &
2510 and 2530 Gerrard Street East, Toronto**

File #19



Not to Scale

City of Toronto By-law 569-2013

SCHEDULE A: Section 37 Provisions

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

- a. A cash contribution of \$1,000,000 for Above Base Park Improvements to the new Park Blocks 7 and 8 within the subdivision, to be provided prior to the first above grade building permit for to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City;
- b. In the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands
- c. Upon the earlier of the registration of the plan of subdivision or prior to the first above grade building permit for any residential uses for any part of the proposed development on Blocks 1, 2 or 3, the owner shall convey, in fee simple to a non-profit housing provider, Block 4 consisting of a minimum area of 7700 square metres for the purpose of constructing at least 58 affordable housing units as follows:
 - (1) Block 4 is serviced to the lot line and able to be connected to existing services;
 - (2) A Record of Site Condition suitable for residential development has been obtained, and any needed soil remediation required to retain a residential Record of Site Condition has been undertaken or alternatively, provisions for the owner to pay for that soil remediation have been secured.
 - (3) All planning and development-related approvals to proceed with the construction of the affordable housing units are in place, save for final issuance of site plan approval conditions,
 - (4) The owner will enter into an agreement with the non-profit provider to the satisfaction of the Chief Planner and Executive Director in consultation with the Director, Affordable Housing Office, to implement the provisions

of sub-clauses c.(1) , (2) and (3) above, prior to the issuance of the first above-grade residential building permit for any purpose;

5) The non-profit provider will enter into one or more delivery agreements with the City for the affordable housing units, and will agree to build the 58 affordable units and following application by the owner, including the furnishing of site plan application fees, obtain site plan approval and approved building permits for the stacked townhouse units.

d. Upon the earlier of the registration of the plan of subdivision or prior to the first above grade building permit for any residential uses for any part of the proposed development on Blocks 1, 2 or 3, the owner shall convey, in fee simple, Block 5 consisting of a minimum area of 7500 square metres to the City for the purposes of constructing at least 62 affordable rental units as follows:

1) Block 5 is serviced to the lot line and able to be connected to existing services; and

2) A Record of Site Condition suitable for residential development has been obtained, and any needed soil remediation required to obtain a residential Record of Site Condition has been undertaken or alternatively, provisions for the owner to pay for that soil remediation have been secured.

7. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an agreement pursuant to Section 37 of the *Planning Act*, such Agreement to be registered on title to the lands at 411 Victoria Park and 2450 Gerrard Street East in a manner satisfactory to the Chief Planner and Executive Director City Planning and the City Solicitor to secure the following as a legal convenience:

a. 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 at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, as further amended by City Council from time to time.

Attachment 9: Conditions of Draft Plan of Subdivision

1. The Owner shall enter into the City's standard Subdivision agreement and satisfy all of the pre-registration conditions contained therein (required in most cases to secure the construction of the provision of municipal services, parkland, planning issues related to warning clauses etc.).
2. The Owner shall provide to the Director of Community Planning, Scarborough District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to section 40 of the assessment Act or the provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal.
3. If the subdivision is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City of Toronto for approval.
4. The Owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and 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.

Engineering and Construction Services

5. The Owner to submit a financial guarantee (amount to be determined) for the required functional design plan at the intersection Victoria Park Avenue/Musgrave Street/Street A if the modification work required for the design of Street A; and
6. Prior to registration of the plan of subdivision, the Owner to lift or remove all existing easements within the proposed road allowance.
7. The Owner to dedicate all roads, corner rounding, and road widenings shown on the plan.
7. The Owner to submit a financial guarantee (amount to be determined) for the required median extension on Victoria Park Avenue to restrict Street B to right-in right-out movements only.
8. The Owner will need to make satisfactory arrangements with the Traffic Systems Delivery unit, Transportation Services, for the electrical design and implementation of the signal modifications at the intersection of Victoria Park Avenue/Musgrave Street/Public Street A.

9. Should the recommended signal timing changes be accepted by the City, the Owner must submit a payment (amount to be determined) to the City of Toronto for the programming of the recommended signal timing modifications.

10. The Owner to convey all necessary easements (internal and external), if it is determined that are required during the design, to the City.

11. The Owner to prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services in consultation with the City Solicitor.

12. The Owner to submit a draft Reference Plan of Survey to the Chief Engineer and Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:

a) be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System) and the 3 degree Modified Transverse Mercator projection;

b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and

c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.

13. The Owner to pay all costs for preparation and registration of reference plan(s).

14. The owner to apply stormwater management techniques in the development of this subdivision to the satisfaction of Engineering and Construction Services.

15. Prior to issuance of a site plan Notice of Approval Condition (NOAC) for each Block or Building within the Plan of Subdivision, the Owner of the block must apply for short and long term discharge agreement to the City sewer system. As part of the discharge agreement, a completed Hydro Geological Report, prepared according to the City's terms of reference for short and long terms discharge of private water, and actual pump rate must be submitted to the City. If the pump's discharge rate for each block is more than the volume identified in the final accepted Stormwater Management and Functional Servicing Report during Re-Zoning Planning review, then the downstream analysis downstream analysis, and a servicing report and drawings shall be submitted to the City to demonstrate how each block and building can address the City requirements in terms of private water and to the satisfaction of the General Manager, Toronto Water, and Chief Engineer and Executive Director of Engineering and Construction Services.

16. Prior to release for construction of the proposed public roads and services, Water Balance and quantity control requirements of stormwater management in all blocks must be overcompensated to address the requirements for public roads.

17. The Owner to conduct an environmental site assessment for lands to be conveyed to the City in accordance with the terms and conditions of the standard subdivision agreement including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).
18. The Owner to pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.
19. The Owner to pay for the construction of any municipal infrastructure improvements and make necessary arrangements with Engineering and Construction Services to carry out the work.
20. Prior to the earlier of the release for construction or the registration of the plan of subdivision, the Owner shall make satisfactory arrangement with Toronto Hydro Energy Systems Inc. and Toronto Hydro-Electric System Ltd. for the provision of the electrical distribution system and street lighting, respectively, to service the Subdivision.
21. Prior to the earlier of registration of the plan of subdivision or release for construction of services, the Owner shall provide the City with financial security in the amount of 130% of the value of the cost estimate of the street lighting required to be installed to service the subdivision, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.
22. Proposed Municipal Roads (16.5 m, 18.5 m, and 20 m ROW) must be designed and constructed in accordance with the City of Toronto Development Infrastructure Policy and Standards (DIPS).
23. Proposed municipal watermain must be restrained in the existing fill area according to the City Design Criteria. The existing fill area must be determined based on geotechnical report.
24. Prior to issuance of a site plan Notice of Approval Condition (NOAC) for each block, the owner agrees and acknowledges to hire a qualified professional engineer in municipal engineering to compare the required Fire Flow, Peak hour and Maximum day vs. the volumes estimated during Planning Approval and engineering design of the public roads.
25. Prior to the earlier than the registration of subdivision, release for construction of municipal services, issuance of Notice of Approval Condition or, any Building Permit and excavation and shoring permit, the Owner shall submit for review and acceptance to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services and the General Manager of Toronto Water, the plans, studies and results of field investigations to determine the required location of the existing infrastructure in relation to the proposed blocks, buildings and public roads to be conveyed to the City and provide the minimum required easement width of 15m or additional easements all to the satisfaction of the City in accordance with the Design Criteria for Sewers and Watermains (January 2021).

26. The Owner shall acknowledge and agree that revisions to the buildings, blocks and the Draft Plan of Subdivision may be required resulting from these easement requirements.

Urban Forestry

27. Prior to the registration of the plan of subdivision, the Owner agrees to submit an Arborist Report, Tree Preservation Plan and Landscape Plan, to the satisfaction of the General Manger of Parks, Forestry and Recreation.

28. Prior to the registration of the plan of subdivision, the Owner agrees to provide a street tree planting plan, in conjunction with a Composite Utility Plan that indicates the species, size and location of all proposed street trees, as these relate to the location of any roads, sidewalks, driveways, street lines and utilities, to the satisfaction of the General Manager of Parks, Forestry and Recreation.

29. Prior to the registration of the plan of subdivision, the Owner agrees to provide a Composite Utility Plan, indicating the location of all underground and above ground utilities, as well as proposed tree planting locations, to the satisfaction of the General Manager of Parks, Forestry and Recreation and Engineering and Construction Services.

30. Prior to the registration of the plan of subdivision, the Owner agrees to submit an application and pay the required fees and to provide 70 mm diameter caliper replacement trees for the removal of trees that are subject to the City's Private Tree By-law and associated regulations in effect on the date of draft approval of the plan of subdivision. The ratio of replacement trees will be determined by Urban Forestry. Replacement trees will be planted on site in accordance with Urban Forestry Services requirements, or if no suitable location on site can be provided, the Owner may pay cash-in-lieu of planting, to the satisfaction of the General Manger of Parks, Forestry and Recreation.

31. Prior to the registration of the plan of subdivision, the Owner shall post a Letter of Credit equal to 120% of the value of the street trees, to guarantee the planting and maintenance by the Owner of the new street trees for a period of two years after the planting date, to the satisfaction of the General Manager of Parks, Forestry and Recreation.

32. Prior to the registration of the plan of subdivision, the Owner agrees to prepare an information booklet outlining the tree planting strategy within the community and the ongoing responsibilities of the homeowners and the City in order to achieve a successful urban tree planting strategy within the Subdivision. The booklet will be prepared to the satisfaction of the General Manger of Parks, Forestry and Recreation and will be distributed to all homeowners for all dwellings within the Subdivision.

33. The Owner agrees that the following clause will be included in all agreements of purchase and sale and/or rental/lease agreements for any lands within the proposed plan of subdivision:

“The Purchaser(s) and/or Tenant(s) are hereby advised that they may not receive a street tree in front of their property.”

34. Prior to the registration of the plan of subdivision, the Owner agrees to provide its Solicitor’s confirmation to the City advising that the above clause has been included in all agreements of purchase and sale and/or rental/lease agreements within the plan of subdivision to ensure that future occupants are aware that they may not receive a street tree in front of their property and be registered on title to the satisfaction of the City Solicitor.

35. Prior to any site work, the Owner agrees to protect all existing trees associated with the Subdivision for which approval to remove or injure has not been granted, in accordance with the approved Arborist Report and Tree Preservation Plan, to the satisfaction of the General Manger of Parks, Forestry and Recreation.

36. Prior to any site work, the Owner agrees to install tree protection barriers and signage for trees to be preserved in accordance with the approved Arborist Report and Tree Preservation to the satisfaction of Parks, Forestry and Recreation and to maintain the barriers in good repair until removal has been authorized by Urban Forestry, on behalf of General Manger of Parks, Forestry and Recreation.

37. The Owner shall agree in the subdivision agreement to notify all builders, contractors and agents of all tree protection requirements where any part of the development will be carried out by them on behalf of the Owner to the satisfaction of the General Manager of Parks, Forestry and Recreation.

38. The Owner agrees to Urban Forestry prior to commencement of planting trees on City road allowance and on private property or within common areas. The Owner further agrees to plant trees in accordance with the approved Landscape Plan and Composite Utility Plan, to the satisfaction of the General Manger of Parks, Forestry and Recreation.

39. Following the planting of street trees, the Owner agrees to provide a Certificate of Completion of Work and an as-installed plant list in the form of a spreadsheet identifying street trees, as shown on the approved planting plan, by street addresses. The as-installed plant list shall also include tree species, caliper, condition and specific location of the trees by identifying two points of references (i.e., distances in meters from the curb, sidewalk, driveway, utility pole or pedestal).

CITY PLANNING

38. Prior to the earlier of the registration of the plan of subdivision or acceptance of final engineering drawings, the Owner agrees to provide a detailed fencing plan and landscape plan, (inclusive of details related to the materiality of the fencing), and to make satisfactory arrangements including securities for the installation of the privacy fencing and landscaping, to the satisfaction of the Chief Planner and Executive Director.

39. Prior to the registration of the plan of subdivision, the Owner shall post a Letter of Credit as security for the installation of privacy fences, equal to 120% of the value of such items to the satisfaction of the Chief Planner and Executive Director.

PARKS, FORESTRY AND RECREATION

Parkland Dedication

40. As per [Toronto Municipal Code Chapter 415-28](#), prior to the issuance of the first above grade building permit, the Owner shall convey parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation (PF&R).

41. The Owner will be required to convey both Blocks 7 and 8 (totalling 23,680 square metres) of the development site for public parkland purposes. The subject parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, PF&R.

42. Prior to the issuance of the first above grade building permit, the Owner will be required to satisfy the 871 square metre short-fall of parkland dedication through a cash-in-lieu payment. This parkland payment is required under Section 42 of the *Planning Act*, and is required as a condition of the building permit application process

43. 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.

Limiting Distance

44. Prior to the transfer of fee simple of the Park Block to the City, the Park Block shall nonetheless be deemed to be parkland in respect of the limiting distance requirements of the Ontario Building Code Act, 1992. Parks, Forestry and Recreation staff advises that the applicant must design the building to achieve Ontario Building Code (OBC) setbacks related to fire separation on their own site on the portions of the building that abut the park. A 5 m setback will apply to any building located next to the Park or, the required setbacks which meet the Ontario Building Code for fire separation, whichever is greater. Prior to the issuance of any above grade building permit, the applicant will be required to demonstrate adequately that the OBC requirements have been achieved to the satisfaction of the General Manager, PF&R.

Environmental Assessment

45. Prior to conveying the parkland to the City, the Owner must:

- a) Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the applicant's Qualified Person, as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with O.

Reg. 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director, Engineering and Construction Services and copy to the General Manager, PF&R. (see the [Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City](#) under the Planning Act adopted by City Council on February 10 and 11, 2015);

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

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

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

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

ii) To the extent that the opinion in 5.4.1.1 is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.

e) The letter referenced in d) above will also state that land to be conveyed to the City meets either:

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

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

f) The Qualified Person's statement, referenced in condition a) above, will include a Reliance Letter that is dated and signed by the applicant's Qualified Person, as

defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of Engineering and Construction Services.

g) For conveyance of lands requiring a Record of Site Condition (RSC):

- i) File the Record of Site Condition (RSC) on the Ontario Environmental Site Registry; and
- ii) Submit the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, to the Executive Director, Engineering and Construction Services and to the General Manager, PF&R.

Park Construction

Base Park Improvements

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

- a) grading inclusive of topsoil supply and placement, minimum of 150 mm depth;
- b) sodding #1 nursery grade or equivalent value of other approved park development;
- c) fencing, where deemed necessary to the satisfaction of PF&R;
- d) drainage systems, including connections to the municipal services as required;
- e) electrical and water connections (minimum 50 mm) to street line including backflow preventers, shut off valves, water and hydro chambers, including meters;
- f) street trees along all public road allowances which abut future City-owned parkland;
- g) standard park sign (separate certified cheque required); and
- h) demolition, removal and disposal of all existing materials, buildings and foundations.

47. All work is to be completed to the satisfaction of the General Manager, PF&R.

48. Prior to the issuance of the first above grade building permit, the Owner shall submit a cost estimate and any necessary plans for the Base Park Improvements of Blocks 7 and 8, to the satisfaction of the General Manager, PF&R.

49. Prior to issuance of the first above grade building permit, the Owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for Blocks 7 and 8 (parkland) to the satisfaction of the General Manager,

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

50. The construction of the Base Park Improvements on Block 7 shall be completed prior to the issuance of the first above grade building permit to the satisfaction of the General Manager, PF&R. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, PF&R when determining a revised delivery date for the park block.

51. Should the Owner undertake Base Park Improvements on the park block following conveyance of the park block to the City, the Owner must obtain a Park Occupation Permit (POP) from PF&R's Planning, Design and Development section. The POP will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, PF&R. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.

Temporary Fencing

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

Parkland Grading and Drainage

53. The Owner shall ensure that the grading and drainage of the adjacent development blocks are compatible with the grades of the parkland to the satisfaction of the General Manager, PF&R.

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

Credit against DC's for Above Base Park Improvements

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

The Owner agrees to design and construct the Above Base Park Improvements to the new park Blocks 7 and 8 for a development charge credit against Parks and Recreation component of the Development Charges to the satisfaction of the General Manager, PF&R. 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, PF&R, 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, PF&R, and a letter of credit equal to 120%

of the Parks and Recreation Development Charges payable for the development. The design, cost estimate and ultimately the letter of credit will be required prior to the issuance of the first above grade building permit.

Above Base Park Improvements

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

57. Prior to the issuance of the first above grade building permit for the development of the site, the Owner is required to submit working drawings, specification and landscape plans showing the scope and detail of the work for the Above Base Park improvements of Blocks 7 and 8 for review and approval by the General Manager, PF&R.

58. The construction of Above Park Improvements on Block 7 (park block) shall be completed prior to the issuance of the first above grade building permit to the satisfaction of the General Manager, PF&R. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, PF&R when determining a revised delivery date for the park block.

59. The construction of Above Park Improvements on Block 8 (park block) shall be completed prior to the issuance of the Registration of the first Condominium to the satisfaction of the General Manager, PF&R. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, PF&R when determining a revised delivery date for the park block

59. Should the Owner undertake Above Base Park Improvements on the park block following conveyance of the park block to the City, the Owner must obtain a Park Occupation Permit (POP) from PF&R's Park Supervisor for that Ward. The POP will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, PF&R. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.

Warranty

60. The Owner, upon satisfactory completion of the construction and installation of the Base Park Improvements shall be required to guarantee such work and associated materials. The Owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. Should the cost to construct the Above Base Park Improvements as approved by the General Manager, PF&R be less than the Parks and Recreation component of the Development Charges for the development, the difference shall be paid to the City by certified cheque

prior to a reduction of the Above Base Park Improvement Letter of Credit. Upon the City's acceptance of the certificate, the Letter(s) of Credit will be released less 20% which will be retained for the 2 year guarantee known as the Parkland Warranty Period.

61. Upon the expiry of the Parkland Warranty Period, the outstanding park security shall be released to the Owner provided that all deficiencies have been rectified to the satisfaction of the General Manager, Parks, Forestry and Recreation (PF&R).

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

63. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to PF&R.

Attachment 10: Summary of Public Consultation

September 23, 2019 (prior to first submission) Birchcliff Bluffs Unity Church (33 East Road)

- Approximately 100 community members attended the update meeting hosted by Councillor Gary Crawford's office. Create TO, Diamond Kilmer and City Parks and Planning staff were in attendance and answered questions following the presentation.
- Many community members (during and after the meeting) expressed support for the new park location and the removal of the road connection onto Gerrard Street. Many expressed their support for revitalizing the land and addressing the legacy issues from the former Quarry use.
- Attendees expressed concerns related to traffic management, environmental condition and remediation practices. Attendees posed questions regarding anticipated building heights, and density, among other topics.
- Access to the development lands and the surrounding commercial uses (particularly Victoria Crossing, were raised as important issues. Similarly questions were raised about whether schools could handle the increased population and how the play facilities in the generous parkland would be decided upon.
- Local resident discussed his experience living in the St. Lawrence Market area 17-years ago when the same environmental concerns were being raised. He cited the St. Lawrence Market area, the West Don Lands and Corktown as great examples of areas that have transformed from dirty industrial lands to great places to live. He said now the environmental tools are even better – “we know how to do it, and it can be done safely”

December 9, 2019, (after application first submitted) Birchcliff Bluffs United Church

- Approximately 30 community members attended the community update meeting hosted by Councillor Gary Crawford's office. As an update to the September 23, 2019 meeting, Diamond Kilmer introduced their detailed master plan to the community and requested feedback. Create TO, Diamond Kilmer and City Parks and Planning Staff were in attendance.
- Generally, community members expressed support for the configuration of the site and proposed parkland and noted it reflected many of the community priorities expressed in previous consultations.
- Attendees asked questions on housing tenure (the difference between Housing Now and Habitat for Humanity), sustainability, environmental condition of the lands and circulation/movement on site. Questions were also asked about the parking ratios

and whether the presence of transit was enough to justify lower parking requirements.

- Questions were also raised about the nature of the development on adjacent lands (approvals for 20+ storeys) being advanced by a different landowner. Staff were aware of the context and the proponent had had conversations with the adjacent landowner.

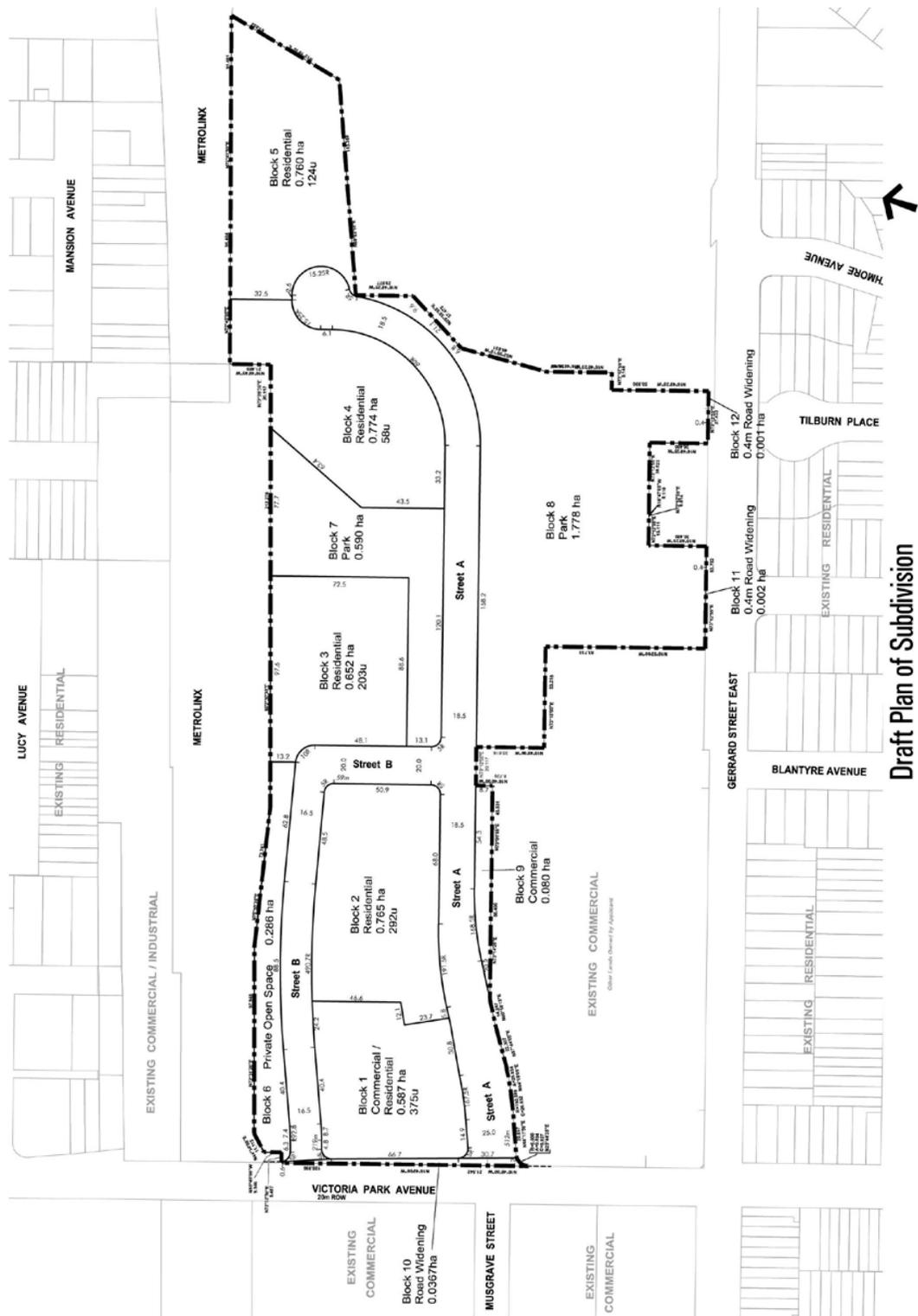
**December 1, 2020 (prior to third submission)
Held Virtually via Webex, lead by City Planning Staff**

- Approximately 25 community members attended the community meeting, which primarily focused on the key changes between the first development application submitted in December 2019, and the second submission in August 2020. Councillor Gary Crawford, Create TO, Diamond Kilmer and City Parks and Planning Staff were in attendance.
- Generally, community members did not express concern around changes to the site, specifically the increase in units. Most questions focused on traffic, structure / quality of affordable housing, sustainability, and environmental condition of the lands.
- The proponent explained that the change in development design and increase in units from the previous proposal were largely driven by the deletion of large format retail which freed up significant servicing and traffic capacity.
- Questions were also raised about the nature of planting to be provided, given the area has naturalized overtime with a lot of native plants and pollinators - through the site plan process it was suggested the applicant and city would work to ensure native vegetation could be provided, as well as exploring this issue during the park design process.
- Attendees again raised questions on the nature of the park design and when/how public input could be provided. The park is not yet designed and it was assured that there will be a lot of consultation citing City has guidelines that will need to be adhered to. The applicant pledged to work with the community to identify priorities including off-leash dog areas if the park can accommodate it with the various parameters/operational requirements that will be placed on it.
- Further questions were asked about broader transportation concerns related to Gerrard Street and Clonmore Drive intersections, development approvals/reviews ongoing in the area as well as the need to ensure coordinated access to commercial uses in the area.

**April 26, 2021 (after the final submission)
Held Virtually via Zoom**

- Over 70 community members attended the community update meeting, which primarily focused on
 - the minor changes in the fourth OPA / ZBA submission (submitted April 2021)
 - the potential for an elementary school onsite;and
 - preliminary findings from the youth-focused parks design process presented by students of Blantyre Public School.
- Councillor Gary Crawford hosted the meeting, with facilitation support from Bousfields, Diamond Kilmer, CreateTO, key consultants (TACT, MBTW, BA Group, Urbantech), Habitat for Humanity, Evergreen, and City Parks, Planning, and Transportation staff were in attendance.
- Generally, community members did not express concern around the minor changes to the site and were supportive of the elementary school and youth-focused park design process. Most questions focused on details around the school, and the environmental condition of the lands.
- The proponent explained that if the school proposal were to emerge on the lands as described, the market units would be reduced, not the affordable units and the residential development would be limited to 849 units.
- City staff clarified that the applicant has not removed the Blantyre extension – the Blantyre extension has been protected through it is not needed for this proposal. As per the Birchcliff lands study, the new streets will slow down traffic on Gerrard, so if the Conservatory Group lands develop, their driveway will have the potential for signalization and the introduction of the lights will create some slow down. Staff also raised that the Blantyre extension is not a functional requirement to serve this development. It will be reintroduced as a public street when possible

Attachment 11: Draft Plan of Subdivision



Draft Plan of Subdivision

Attachment 12: Site Plan for Overall Development

