

Final Report - 3850 and 3900 Sheppard Avenue East and 2350 to 2362 Kennedy Road - Zoning By-law Amendment and Draft Plan of Subdivision Applications

Date: November 4, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District; Director, Housing Policy & Strategy, Housing Secretariat

Wards: 22 - Scarborough-Agincourt

Planning Application Number: 19 236435 ESC 22 OZ and 19 236443 ESC 22 SB

SUMMARY

This application proposes to amend City of Toronto Zoning By-law 569-2013 to permit the redevelopment of the lands located at 3850 and 3900 Sheppard Avenue East and 2350 to 2362 Kennedy Road.

The subject lands currently contain the Agincourt Mall and are approximately 10.6 hectares in size. The subject applications are required to implement Site and Area Specific Policy 572 (SASP 572) adopted by City Council in 2018 which provides for the replacement of the existing mall with a new community that will include a new road network, residential, commercial, parks and community uses. The proposal would result in 4,372 dwelling units, 10,333 square metres of office space (2.8% of total floor area) and 24,190 square metres of retail space (6.5% of total floor area) deployed in a number of mixed use buildings. The proposed total gross floor area of 371,325 square metres represents a density of approximately 3.5 times the lot area. A new 12,090 square metre public park is located at the west side of the site. A second park is located along Sheppard Avenue East and is 2,747 square metres in size. Four Privately-Owned Publicly Accessible Spaces (POPS) have been proposed to expand and enhance the public realm, creating additional open spaces and pedestrian/cycling connections through the site.

Staff have negotiated a number of community benefits which are recommended to be secured in an agreement pursuant to Section 37 of the *Planning Act*. The community benefits include:

- 272 of the proposed units to be secured as affordable housing, representing 10% of the increased residential permissions or 6.2% of the total units. Open Door Affordable Rental Housing Program incentives would be applied to the units to extend the affordability period from 15 to 40 years;

- a child care facility (62 child spaces) to be constructed in accordance with Children's Services requirements and conveyed to the City;
- a 1,200 square metre community agency space; and
- a financial contribution of \$250,000 to establish a public art program for the site.

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). It conforms to SASP 572, adding to the range and mix of residential units available in a compact form while maintaining a significant amount of non-residential space on the site. The redevelopment of the site from a mall with significant surface parking to a new neighbourhood is focused on public realm and pedestrian movement improvements. Further, the integration of significant retail and commercial uses into the new buildings insures these important functions continue to serve the broader community's day-to-day needs. Through the dedication of the parkland and securing of POPS space, the proposal creates a public realm around which the new complete community will emerge. Approval of the development would also secure a number of community benefits, outlined above, including a significant amount of new affordable housing units as provided for by Official Plan policies for sites greater than 5 hectares.

This report reviews and recommends approval of the application to amend the Zoning By-law, subject to the Bills being held from enactment to allow for the Owner to enter into a Section 37 Agreement and finalize matters to the satisfaction of Engineering and Construction Services. This report also recommends the approval of financial incentives pursuant to the City's Open Door Affordable Housing Program.

RECOMMENDATIONS

The City Planning Division and Housing Secretariat recommends that:

1. City Council amend City of Toronto Zoning By-law No. 569-2013 for the lands at 3850 and 3900 Sheppard Avenue East and 2350 to 2362 Kennedy Road substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council authorizes the City Solicitor to make such stylistic and technical changes to draft Zoning By-law Amendments as may be required.
3. City Council accept an on-site parkland dedication (the "Parkland") pursuant to Section 42 of the Planning Act, by the owner having a total area of not less than 14,580 square metres, generally as shown as Blocks 8, 9 and 10 in the Draft Plan of Subdivision found in Attachment 17, with the exact size, location and configuration of the Parkland to be to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR), and such Parkland to be transferred to the City, free and clear, above and below-grade, of all easements, encumbrances and encroachments, in an acceptable environmental condition, and in a phased manner in accordance with Recommendation 4 of this report and pursuant to the registration of a phased plan of subdivision as set out in Recommendation 10 of this report.

4. The Parkland shall be conveyed to the City in phases, and shall be improved with Above Base Park Improvements, generally as follows:

a. Sheppard Park (2,480 square metres) generally as shown as Block 8 in Attachment 17 shall to be conveyed in Phase 1 prior to the issuance of above grade building permit for any uses on the lands;

b. Central Park (12,100 square metres) is to be conveyed in 2 park blocks generally as shown as Blocks 9 & 10 in Attachment 17;

c. Block 9 shall be conveyed prior to the issuance of any above grade building permits for residential uses on Blocks 1 or 2 generally as show on Attachment 17; and

d. Block 10 will be conveyed prior to the issuance of any above grade building permit for residential uses on Block 3 in Phase 4.

5. The Owner shall design and construct Base and Above Base Park Improvements on each of the Blocks comprising the Parkland. Prior to the issuance of any above-grade building permit for any part of the Development, the owner shall submit a design and cost estimate for the Above Base Park Improvements, to be approved by the General Manager, PFR, and a letter of credit equal to 120 percent of the Parks and Recreation Development Charges payable for the development.

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

7. City Council approve a development charge credit against the Child Care component of the Development Charges for the design and construction by the owner of the Child Care Centre (as defined in Recommendation 10), to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Children's Services. The development charge credit shall be in an amount that is the lesser of (1) the cost to the owner of designing and constructing the Child Care Centre minus \$3,666,719.00, and (2) the Child Care component of the Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time

8. City Council approve a development charge credit against the Parks and Recreation component of Development Charges for the design and construction by the owner of the Community Agency Space (as defined in Recommendation 10), to the satisfaction of the Chief Planner and Executive Director, City Planning. The development charge credit shall be in amount that is the lesser of (1) the cost to the owner of designing and

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constructing the Community Space minus \$1,000,000.00, and (2) 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.

9. Prior to introducing the necessary bills to City Council for enactment the owner shall, at its sole cost and expense,:

a. submit a revised Functional Servicing and Stormwater Management Report, Hydrogeological Report and supporting documents (the "Engineering Reports"), including confirmation of water and fire flow, sanitary and storm capacity, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services in consultation with the General Manager, Toronto Water;

b. address all outstanding engineering issues, and any other comments that may arise further to the review of materials submitted as part of the process to address the issues set out in the memorandum from Engineering and Construction Services, and the General Manager, Transportation Services;

10. Prior to introducing the necessary Bills for enactment, City Council require the Owner to enter into an Agreement pursuant to Section 37 of the *Planning Act*, to secure the following facilities or matters, which shall also be secured in the Zoning By-law Amendment, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:

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

1. the design, construction, finishing, maintenance and provision of at least 272 affordable rental housing dwelling units comprised of at least 16,864 square metres of residential Gross Floor Area on the lands at 3850 and 3900 Sheppard Avenue East and 2350 to 2362 Kennedy Road (the "Affordable Housing Units"), provided that the Affordable Housing Units approved for the City of Toronto's Open Door Affordable Housing Program incentives all to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the Executive Director, Housing Secretariat, in accordance with the following terms:

aa. at least thirty (30) of the Affordable Housing Units shall be a three-bedroom or four-bedroom rental unit with a minimum unit size of 84 square metres and an average size of 92 square metres;

bb. at least eighty-six (86) of the affordable rental dwelling units shall be two-bedroom rental units with a minimum unit size of 60 square metres and an average size of 67 square metres;

cc. at least one hundred fifty-six (156) of the Affordable Housing Units shall be one-bedroom rental units with a minimum unit size of 48 square metres and an average size of 55 square metres;

dd. the Affordable Housing Units shall be phased such that 114 of the Affordable Housing Units shall be provided on Block 5 and Block 6 as part of Phase 1, 101 of the Affordable Housing Units shall be provided on Blocks 1, 2 and 3 as part of Phase 2 of the development and any remaining Affordable Housing Units shall be provided on Block 4 as part of Phase 3 of the development;

ee. the location and layouts of the Affordable Housing Units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;

ff. The owner shall provide and maintain the Affordable Housing Units as secured rental housing for a minimum period of 40 years beginning from the date that each such unit is first occupied (the "Affordability Period"). During the Affordability Period, no Affordable Housing Unit shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be made to demolish any Affordable Housing Unit or to convert any Affordable Housing Unit to a non-residential rental purpose. Upon the expiration of the Affordability Period, the owner shall continue to provide and maintain the units as rental dwelling units, unless and until such time as the owner has applied for, and obtained, all approvals necessary to do otherwise;

gg. The owner shall provide and maintain the Affordable Housing Units with Affordable Rents for the Affordability Period. The initial rent (inclusive of utilities) charged to the first tenants of any Affordable Housing Units shall not exceed 100% of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;

hh. If an Affordable Housing Unit becomes vacant and is re-rented to a new tenant during the Affordability Period, the initial rent (inclusive of utilities) charged to the new tenant shall not exceed 100% of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;

ii. After the first year of occupancy of any Affordable Housing Units, the rent (inclusive of utilities) charged to the first tenants or new tenants occupying such unit may be escalated annually by not more than the annual provincial rent guideline, regardless of whether such guideline is applicable to the units under the Residential Tenancies Act or any successor legislation governing residential tenancies in Ontario, until the tenancy ends;

jj. Notwithstanding the annual rent increases permitted in i. above, the rent (inclusive of utilities) charged to any first tenants or new tenants occupying an Affordable Housing Unit shall not be increased to an amount that

exceeds 100% of the average rent for the same unit type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;

kk. At least six months in advance of any new Affordable Housing Units being made available for rent to the general public, the owner shall develop and implement a Tenant Access Plan to ensure units are rented to eligible households in consultation with, and to the satisfaction of, the Executive Director, Housing Secretariat.

ll. The new Affordable Housing Units shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units erected on each phase as described in d. above are available and ready for occupancy, or to the satisfaction of, the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat.

mm. The owner shall provide all tenants of the Affordable Housing Units with access to, and use of, all indoor and outdoor amenities in the development at no extra charge.

nn. Access to, and use of, these amenities shall be provided on the same terms and conditions as any other resident of the building in which the Affordable Housing Units are located, without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings.

oo. The owner shall provide all tenants of the Affordable Housing Units with laundry facilities on the same basis as other units within building in which the Affordable Housing Units are located at no extra charge.

pp. The owner shall provide all tenants of the Affordable Housing Units with access to permanent and visitor bicycle parking/bicycle lockers on the same terms and conditions as any other resident of the building in which the Affordable Housing Units are located, and in accordance with the Zoning By-law.

2. the design, construction, finishing and equipping of a non-profit licensed child care facility to be located in the second floor of the building on Block 2, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the General Manager, Children's Services, to accommodate at a minimum 62 children, including infants, toddlers and preschoolers, comprising a minimum of 1,060 square metres of interior space and approximately 347 square metres of exterior space adjacent to the interior space including outdoor storage and four (4) parking spaces reserved for the exclusive use of the child care facility for pick-up/drop-off operations, (the "Child Care Centre"), including:

aa. the conveyance of the Child Care Centre at no cost to the City, in fee simple, prior to first occupancy of the Building on Block 2;

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

cc. a letter of credit in an amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and handover of the Child Care Centre complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the General Manager, Children's Services and the Chief Financial Officer and Treasurer, will be provided to the City prior to the issuance of the first above grade building permit for the building on Block 2, to secure the Child Care Centre;

dd. a one-time cash contribution in the amount of \$150,000.00 to be used toward start-up costs to be paid prior to the issuance of the first above grade building permit for the building on Block 2;

ee. a one-time cash contribution in the amount of \$150,000.00 to the Child Care Capital Reserve Fund, to replace appliances and large equipment due to wear and tear, to be paid prior to the issuance of the first above grade building permit for the building on Block 2;

ff. all cash contributions shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto calculated from the date of the Section 37 Agreement to the date of payment

gg. four (4) dedicated parking spaces will be provided free-of-charge for the exclusive use of the child care facility for pick-up/drop-off operations. These spaces to be assigned accordingly, and be located in close proximity to the elevators providing the shortest route between the underground parking garage and the Child Care Centre, which shall be barrier-free. A parking pass will be provided for officials conducting inspections of the child care facility;

hh. any other details related to the Child Care Centre such as timing, location, obligations and any matters necessary to implement the Child Care Centre, which have not been addressed in the Recommendations of this report will be finalized between the owner and the City and will be substantially in accordance with the City of Toronto's Child Care Development Guidelines (2021) and to the satisfaction of the Executive Director, Corporate and Real Estate Management, the General Manager, Children's Services, and the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor;

3. Prior to the earlier of condominium registration and the first residential use of any residential building for Block 2, the owner shall substantially complete construction of 1,090 square metres of Community Agency Space to be located on the ground floor of the building on Block 2 (the "Community Agency Space"), which is to be provided to the City at no cost for public use and subject to the following:

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

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

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

4. the preparation of a public art plan, in accordance with City Planning's Percent for Public Art process, and with approval from City Council, including that:

aa. prior to the issuance of the first above-grade building permit for Block 7, the owner shall submit a public art plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, detailing the design and construction of an on-site public art installation with a minimum value of \$250,000.00, with such value upwardly indexed in accordance with the Non-Residential Construction Price Index for the Toronto, calculated from the date of the Section 37 Agreement to the date of delivery of the financial security required by this Recommendation;

bb. prior to the issuance of the first above grade building permit for Block 7, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated indexed cost of the design and construction of the public art to be installed in accordance with the public art plan;

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

1. prior to the earlier of the issuance of the first above grade building permit for Block 6 and Block 7, the owner shall provide to the city the municipal services necessary for Phase 1, and convey to the City the Park Block 8, all associated with the first phase registration of the plan of subdivision pursuant to the approval of application 19 236443 ESC 22 SB;

2. prior to the earlier of the issuance of the first above grade building permit for Block 1, Block 2 and Block 4, the owner shall provide to the city the municipal services necessary for Phase 2, and convey to the City the Park Block 9, all associated with the second phase registration of the plan of subdivision pursuant to the approval of application 19 236443 ESC 22 SB;

3. prior to the earlier of the issuance of the first above grade building permit for Block 3 the owner shall provide to the city the municipal services necessary for Phase 3, and convey to the City the Park Block 10, all associated with the third phase registration of the plan of subdivision pursuant to the approval of application 19 236443 ESC 22 SB;

4. the owner shall develop the site in accordance with the following sequence:

- aa. Phase 1 as described in the Phasing Plan shall be the first phase;
- bb. Phase 2 as described in the Phasing Plan shall be the second phase;
- cc. Phase 3 as described in the Phasing Plan shall be the third phase,
- dd. But in any event, construction of a subsequent phase shall not commence prior to the owner having satisfied the requirements of Recommendation 10(b)1. Through 10(b)3, inclusive

5. the construction and maintenance, at the owner's expense, an area of not less than 2,348 square metres across the north side of Blocks 1 and 7, connecting Public Street "D" with Public Street "F," for use by the general public as Privately Owner Publicly Accessible Open Space (POPS) with the specific location, configuration, and design to be determined and secured in the context of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning;

6. the construction and maintenance, at the owner's expense, an area of not less than 665 square metres at the south end of Block 7 near the intersection of Public Street "A" and Public Street "B," for use by the general public as Privately Owner Publicly Accessible Open Space (POPS) with the specific location, configuration, and design to be determined and secured in the context of Site

Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning;

7. the construction and maintenance, at the owner's expense, an area of not less than 385 square metres at the southeast corner of Block 5 near the intersection of Kennedy Road and Sheppard Avenue East for use by the general public as Privately Owner Publicly Accessible Open Space (POPS) with the specific location, configuration, and design to be determined and secured in the context of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning,;

8. the construction and maintenance, at the owner's expense, an area of not less than 2,366 square metres on the lands along the west side of Public Street "C," for use by the general public as Privately Owner Publicly Accessible Open Space (POPS) with the specific location, configuration, and design to be determined and secured in the context of Site Plan Approval for Block 3 to the satisfaction of the Chief Planner and Executive Director, City Planning;

9. as a pre-approval condition to Site Plan Approval for any block on the development site which includes a POPS as described in Recommendation 9a., the Owner shall convey to the City, for nominal consideration, on terms set out in the Section 37 Agreement, easement(s) in favour of the City in perpetuity, including support rights as applicable, for public use of the POPS, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

10. The Development Charge Credits referred to in Recommendations 6, 7 and 8;

11. The design and construction the above base park improvements to the new park by the owner in exchange for Development Charge Credit against Parks and Recreation component of the Development Charges;

12. Prior to issuance of Notice of Approval Conditions for the first residential development of the lands the Owner shall produce Urban Design Guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning Division that will ensure a high quality public realm, allow for the incremental development of each phase and foster design excellence including innovative architecture and landscape design;

13. Prior to the issuance of the first building permit for any part of the site, including permits for excavation and shoring, the owner shall enter into a municipal capital facility agreement with the City ("Contribution Agreement"), for the Affordable Housing Units that are approved for Open Door incentives, on terms satisfactory to the Executive Director, Housing Secretariat and in a form satisfactory to the City Solicitor. The owner shall provide such Affordable Housing Units in accordance with such agreement(s);

14. 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.

15. the owner shall include warning clauses and signage of the Toronto Catholic District School Board and the Toronto District School Board in the conditions of site plan approval and subsequently within any agreements of purchase and sale or tenant lease agreements for the proposed units, to the satisfaction of the Chief Planner and Executive Director, City Planning;

11. City Council authorize the Executive Director, Housing Secretariat, to negotiate and execute a municipal capital facility agreement (Contribution Agreement) with the owner for the provision of Open Door Incentives, for 272 affordable rental dwelling units at 3850 and 3900 Sheppard Avenue East and 2350 to 2362 Kennedy Road to secure rents at or below 100% of the average rent by bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report, for a minimum period of 40 years, together with any security, financing or other documents required, as well as any amendments thereto required from time to time, on terms and conditions acceptable to the Executive Director, Housing Secretariat, in a form satisfactory to the City Solicitor.

12. City Council approve the provision of financial incentives pursuant to the City's Open Door Affordable Housing Program in relation to the Affordable Housing Units as follows:

a. City Council exempt the 272 affordable rental dwelling units at 3850 and 3900 Sheppard Avenue East and 2350 to 2362 Kennedy Road from taxation for municipal and school purposes for the 40-year term of the municipal capital facility agreement;

b. City Council exempt the 272 new affordable rental dwelling units at 3850 and 3900 Sheppard Avenue East and 2350 to 2362 Kennedy Road from the payment of development charges, planning application fees, park dedication payments and building permits fees under existing City policy and with the exception of fees already paid.

13. City Council authorize the City Solicitor to execute, postpone, confirm the status of and discharge any City security documents registered with respect to the delivery of the affordable rental housing dwelling units as required by normal business practices.

14. City Council authorize City staff to cancel or refund any taxes paid pursuant to the by-law exempting the property from taxation if authority is given for an exemption from taxation as set out in Recommendation 12 above.

15. City Council require the Owner to enter into a financially secured Subdivision Agreement to secure the construction of any necessary improvements to the municipal infrastructure arising from the review of the material referenced in Recommendation 6a.
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above to the satisfaction of the Chief Engineer & Executive Director of Engineering and Construction Services; and General Manager, Toronto Water.

FINANCIAL IMPACT

Affordable Housing

This report recommends City Council approval of incentives under the Open Door Affordable Housing Program for the 272 affordable rental dwelling units to be created at 3850 and 3900 Sheppard Avenue East and 2350 to 2362 Kennedy Road.

Were the City to accept the proposed affordable housing units solely as a Section 37, contribution, the anticipated affordability period would have been only 15 years. However, in exchange for receiving Open Door program incentives for these affordable rental units, the applicant has agreed to extend the affordable rental period to 40 years. This extended affordability period reflects the value of these incentives.

The proposed incentives include relief from development charges, planning and building permit fees, and property taxes for 40 years. Based on applicable fees, charges, and tax relief estimates, an additional investment of approximately \$17.95 million in City incentives is proposed as outlined in Table 1 below.

Table 1: Breakdown of Value of Open Door Incentives

Affordable Rental Homes	Estimated Affordability Period	Estimated Development Charges*	Estimated Planning Fees and Charges**	Estimated Net Present Value of Property Taxes†	Estimated Total Value of Incentives
272	40	\$11,131,796	\$511,987	\$6,308,201	\$17,951,984

*Calculated using November 2020 rates

**Includes estimated 2020 building permit fees of \$384,993, and 2021 planning fees of \$126,994.

†Calculated using 2021 property tax rates.

At 2020 rates, the value of the annual property tax exemption is estimated at \$272,908. The net present value of this tax relief over the 40-year term that the incentives would be in effect is estimated at \$6,308,201, as summarized in Table 2 below.

A tax exemption would have no net present impact to the City for the educational portion of taxes remitted to the Province.

Table 2: Value of Property Tax Exemption

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Property Tax	Annual	NPV: 40 Years
City	\$ 201,568	\$ 4,659,202
Education	\$ 68,337	\$ 1,579,597
City Building	\$ 3,003	\$ 69,402
Total:	\$ 272,908	\$ 6,308,201

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact statement.

DECISION HISTORY

Previous Application

An application to amend the Official Plan to permit the redevelopment of the property for a mixed-use development was filed with the City on June 15, 2017. At its meeting on July 16, 2019, City Council approved Official Plan Amendment No. 459 (OPA 459) and related Site and Area Specific Policy No. 572 (SASP 572) to guide the comprehensive redevelopment of the subject site. The City Council decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.SC7.2>

The decision of City Council was appealed by a third party on August 2, 2019 (OLT Case No. PL190407). The appeal was withdrawn by the appellant on June 10, 2020 and OPA 459 came into full force and effect.

Current Applications

The subject application was submitted on October 15, 2019, with additional material filed on November 20, 2019. The application was deemed complete as of November 20, 2019.

A Preliminary Report was adopted by Scarborough Community Council on December 3, 2019 authorizing staff to schedule a community consultation meeting for the application. Community Council's decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.SC11.6>

PROPOSAL

These applications seek to amend the Zoning By-law to permit the redevelopment of the lands located at the northwest corner of Sheppard Avenue East and Kennedy Road. The proposed development will create a new community that will include a new public street network, private road network, a mix of residential building types and employment uses (retail, office and commercial). Additionally, the proposed development sets out two new public parks and privately owned, publicly accessible spaces (POPS) with pedestrian walkways throughout the site connecting components of the public realm.

The development applications have been filed to implement the vision of City Council and the policies contained in Site and Area Specific Policy 572 (SASP 572). The proposed development is organized by way of a Draft Plan of Subdivision that proposes to create new streets and development blocks for the orderly development of the lands. The redevelopment of the lands will occur in three phases deployed over seven mixed-use development blocks. At its completion, the application proposes 4,372 residential dwelling units and 24,190 square metres of retail uses, 10,333 square metres of office uses. Included in the unit count are 272 affordable rental units.

A total of 14,562 square metres of public parkland and 5,765 square metres of POPS are to be conveyed, in addition to land to be conveyed as public and private roads outlined in the table below. A publicly-owned community space consisting of approximately 1,090 square meters in size will be located on the ground floor of Block 2. The project also includes a new non-profit child care space which will consist of approximately 1,060 square metres of indoor space and approximately 347 square metres of outdoor space.

Subdivision of Lands

The subject site is proposed to be divided into 13 blocks, with six new public streets. Please refer to Attachment 17, Draft Plan of Subdivision. Table 1 below provides a summary of the different blocks along with the proposed use and area.

Table 1 - Draft Plan of Subdivision Statistics

Proposed Use	Proposed Block(s)	Area (Hectares)
Mixed Use	Blocks 1, 2, 3, 4, 5, 6 and 7	6.217
Park	Blocks 8, 9 and 10	1.458
Reserve	Blocks 11, 12 and 13	0.282
Public Streets		2.581

Public Realm, Built Form and Project Statistics

The proposal is organized into a series of mid-rise to tall buildings ranging in heights from 11 storeys to 43 storeys (36 metres to 137 metres). Please refer to Attachment 6 - Site Plan.

The site has been organized around a new street and block network, with a focus on enhanced public realm that is pedestrian oriented and supporting active uses at grade. Non-residential uses are proposed to front Public Street "A" and Public Street "B" with deep setbacks and special street cross sections provided to support the retail uses (including large format retail) incorporated into the base of the mixed use buildings. The new public park (2,747 square metres in size) fronting Sheppard Avenue East will be connecting a POPS space at the intersection of Public Street 'A' and Public Street 'B' with a specially designed retail promenade along Public Street "B" . This promenade could be programmed to include boulevard café uses, enhanced landscaping and gathering spaces adding vibrancy to support non-residential uses.

The larger Central Park (12,090 square metres in size) to the west of the site has been located to ensure that it is the focus of the residential-only redevelopment. It is located south of Block 2, bound to the general south and east by Public Street 'D' and to the west by Public Street 'C'. The park is an extension of a public realm network linking Ron Watson Park to the northwest to Sheppard Park which has direct frontage on Sheppard Avenue East to the south, New POPS and cycling and pedestrian connection routes have been provide throughout the site. The community agency space and child care facility have been located within Block 2, adjacent to the existing Agincourt Public Library and proposed Central Park creating a common area of community uses.

In addition to the public parks, there are four Privately-Owned Publicly Accessible Spaces (POPS) provided throughout the site as required by SASP 572. The first is approximately 665 square metres and is located in the middle of the site, at the base of Block 7, which will act as a retail square. The second POPS is 385 square metres and located at the southeast corner of the site, adjacent to the existing office building at 2330 Kennedy Road. There are also two POPS connectors which are landscaped open spaces that will improve connectivity within the site. The first is 2,348 square metres and is located across the north end of the site, adjacent to Block 1 & 7, providing a link between Ron Watson Park and the Agincourt GO station. It will also provide a connection between Central Park and the Kennedy/Bonis POPS and accommodate a multi-use path. The second POPS connector is located for the lands on the west side of Allanford Road and is 2,366 square metres in size.

The proposed development includes a total of 24,190 square metres of grade related retail uses, and a total of 10,333 square metres of office uses. The applicant has proposed a mix of both larger format retail spaces such as the existing Wal-Mart and grocery store, as well as smaller restaurant and retail spaces that have been incorporated at the base of buildings. The new community service space will be located in the ground floor of Block 2. Table 2 sets out the key project statistics.

Table 2 – Key Project Statistics of Applicant’s Submission

Key Project Statistics	
Residential GFA	334,630.1 square metres
Retail GFA	24,190 square metres
Office GFA	10,333 square metres
Recreational/Community GFA	2,150 square metres
Total GFA	371,302.1 square metres
Floor Space Index	3.5 (excluding GFA of community space)
1-bedroom Units	2,515 (58%)
2-bedroom Units	1,385 (32%)
3-bedroom Units	472 (11%)
Total Units	4,372
Indoor Amenity Space	10,079 square metres
Outdoor Amenity Space	9,968 square metres
Total Vehicular Parking	4,686
Total Bicycle Parking	3,491
Total Loading	20 spaces (8 Type-B, 7 Type-G, 3 Type-A and 2 Type-C)

The proposed development integrates a variety of built forms across the site including low-rise townhouses, mid-rise buildings and tall towers. As illustrated on the site plan, the proposed height regime generally steps building height from lower midrise scale development along the western edge of the site to taller buildings located centrally along Public Street "A" and Public Street "B". The built form and heights proposed for each building (referenced by Block as labelled the Draft Plan of Subdivision) is summarized in the Table below.

Table 3 – Built Form and Height Summary

Block	Building	Built Form	Height	
			Storeys	Metres
1	Podium	Mixed-use (incl. 2-level townhouses)	7 storeys	25.0 m
	Tower 1A	High-rise, residential	24 storeys	76.0 m
	Tower 1B	High-rise, residential	38 storeys	122.0 m
2	Building 2A	Mid-rise, residential and community space	11 storeys	37.0 m
3	Building 3A	Mid-rise, Mixed-use (incl. 2-level townhouses)	11 storeys	36.0 m
4	Podium	Mixed-use (incl. grocery store and 2-level townhouses)	7 storeys	25.0 m
	Tower 4A	High-rise, residential	25 storeys	82.0 m
	Tower 4B	High-rise, residential	36 storeys	116.5 m
5	Podium	Mixed-use	5 storeys	19.0 m
	Tower 5A	High-rise, residential	43 storeys	137.0 m
	Tower 5B	High-rise, residential	37 storeys	118.5 m
	Building 5C	Mid-rise, office	8 storeys	34.5 m
6	Podium	Mixed-use	5 storeys	19.0 m
	Tower 6A	High-rise, residential	32 storeys	106.0 m

Block	Building	Built Form	Height	
	Tower 6B	High-rise, residential	40 storeys	128.0 m
7	Podium	Mixed-use (incl. Walmart)	5 storeys	19.0 m
	Tower 7A	High-rise, residential	43 storeys	137.0 m
	Tower 7B	High-rise, residential	25 storeys	82.5 m

Public and Private Streets

The proposal will include a new network of public providing access to the lands and address for the new development blocks created through the subdivision process. All new Public Streets will accommodate two-way traffic and have sidewalks on both sides of the street. The new streets, to be constructed and conveyed to the City through the Draft Plan of Subdivision process are described as follows:

- **Public Street "A"** is oriented in an east-west direction through the centre of the site, extending from Kennedy Road on the east to Public Street "D" to the west. The road alignment curves to the south. It has a planned right-of-way (ROW) of 26.0 metres from Kennedy Road to Public Street F and 23.0 metres from Public Street F to Public Street D. These dimensions will accommodate a large sidewalk on the north side of the street ensuring space for high-quality public realm and landscaping.
- **Public Street "B"** is oriented in a north-south direction and extends from Sheppard Avenue East to Public Street A. It has a planned ROW of 23.0 metres and includes opportunities for significant pedestrian realm opportunities and potential boulevard cafes supporting restaurants and other commercial uses within the base of mixed use developments.
- **Public Street "C"** provides for the northerly extension of Allanford Road from Sheppard Avenue East to Bonis Avenue along the westerly limit of the site. It has a planned ROW of 23.0 metres. Two-way cycling lanes will be accommodated within the Public Street "C" ROW.
- **Public Street "D"** wraps around the Central Public Park, intersecting with Bonis Avenue on the east side of the existing Agincourt Library. Public Street "D" has a planned ROW of 20.0 metres.
- **Public Street "E"** will extend between Sheppard Avenue East and Public Street D. It has a planned ROW of 18.5 metres. Public Street F will extend between Public Street A and Bonis Avenue. It has a planned ROW of 18.5 metres.

In addition to the development of the new public street network, two private roads are proposed to define the development blocks and provide access to the new buildings. Private Road A will extend between Sheppard Avenue East and Public Street A, providing loading and vehicle access to Block 5 of the subject lands along with access to the existing underground parking garage and loading spaces for 6 storey medical office building at 2330 Kennedy Road. Private Road B will extend easterly from Public Street D, providing loading and vehicle access to Blocks 1 and 7. A pedestrian and cycling connection will be secured along Private Road B to connect Public Street "D" to Public Street "F" and Bonis Avenue.

Parking Bicycle Parking and Loading

There are 4,686 vehicular parking spaces proposed comprised of 3,796 resident spaces and 890 commercial spaces. Parking is located in a number of shared underground parking garages for the various blocks. The existing surface parking will be retained and relocated as required during construction to allow the retail operations to continue operations. Parking spaces are also to be made available for use by visitors/employees of the existing 6 storey medical office building at 2330 Kennedy Road as outlined in the terms of an existing easement agreement registered over the subject lands.

The proposal includes a total of 3,491 bicycle parking spaces consisting of 3,067 long-term and 424 short-term bicycle parking spaces. The proposal also includes a total of loading spaces through the site comprised of 8 Type 'B' spaces, 7 Type 'G' spaces, 2 Type 'C' space and 3 Type 'A' spaces.

Development Phasing

The mixed-use community will be developed over a number of years (2 to 15) and will be implemented in phases. The applicant has provided an anticipated phasing plan of how the build out will occur, which will include the necessary public infrastructure to support the development plan. The phasing is described generally as follows:

- **Phase 1** includes Blocks 5, 6, 7 and 8 which includes the 8-storey office building and a total of 27,143 square metres of retail/office uses. This phase also includes a total of 2,300 residential units in the form of six residential towers. An interim retail building is proposed to be constructed on Block 5. A total of 114 affordable housing units will be provided in Phase 1.

The existing Walmart will be demolished as part of Phase 1 and relocated into the interim retail building on Block 5 until the new store is open in the base of the mixed use development on Block 7. Demolition of the standalone plaza at Kennedy and Bonis Avenue is also contemplated as part of the first phase of construction. The balance of the existing mall and grocery store will continue to operate during this phase of the redevelopment process.

The first phase of development will proceed concurrently with the conveyance of Block 8 for Sheppard Park, as well as the introduction of the two proposed POPS spaces and the retail square, which will be secured at the Site Plan Approval stage.

Phase 1 will also include the construction of the eastern segment of Public Street "A" and full construction of Public Streets "B" and "F".

- **Phase 2** will include Blocks 1, 2, 4 and 9 which includes the community agency space, child care, retail and a total of 1,740 residential units in the form of 4 residential towers, 1 mid-rise and three storey townhouses. Phase 2 will also include the conveyance of Block 9 for the northern portion of Central Park, and the POPS that extend along Block 1 and 7. A total of 101 affordable units will be provided in Phase 2.

During Phase 2 the balance of the mall will be demolished, however the food storey (No Frills) will continue to operate until a new grocery store is constructed, likely in the base of Block 4. Agincourt Library will continue to operate and a construction management plan will be required as a condition of Draft Plan of Subdivision approval to ensure there is appropriate vehicular access to the library during construction. Phase 2 will also secure transportation improvements as well as the remaining segment of Public Streets "A" and a segment of Public Street "D", and Private Road B.

- **Phase 3** will include Block 3 which includes approximately 355 residential units and 1,800 square metres of non-residential uses. This phase of development will also include the conveyance of Block 10 for the remaining portion of Central Park, and the Allanford POPS. 57 affordable units will be provided in Phase 3. The remaining segments of the Public Street Network are proposed to be constructed and conveyed as part of Phase 3.

Site and Surrounding Area

The site is located at the northwest corner of Sheppard Avenue East and Kennedy Road. The site is approximately 10.54 hectares in area and has frontages on Sheppard Avenue East, Kennedy Road and Bonis Avenue. The site is currently occupied by Agincourt Mall, which includes retail and office space, and a freestanding retail building along Kennedy Road. Approximately two thirds of the site is used for surface parking.

Surrounding land uses are as follows:

North: To the direct north there is residential along Bonis Avenue which includes two apartment towers of 20 and 22-storeys in height, and three-storey stacked townhouse units; four condominium apartment buildings ranging in height from 16 to 24-storeys and 2 to 4 storey townhouse units; the Agincourt District Library (155 Bonis Avenue) and associated surface parking area. North and north-west of Bonis Avenue is the Tam O'Shanter Golf Course, Ron Watson Park and Tam O'Shanter Junior Public School.

East: To the immediate east of the site there is a 6-storey medical office building. Further east there are two 5-storey office buildings and a 3 storey commercial/retail building (2347 Kennedy Road and 4002 Sheppard Avenue West) and a 20-storey residential apartment building (2365 Kennedy Road). Further east is the West Highland Creek and townhouse forms. Further east is the Agincourt GO Station

South: Apartment and commercial/retail forms that range in height from 4 to 17-storeys.

West: Shepherd Village seniors' complex, comprised of buildings ranging in height from 5 to 11-storeys and five 15-storey residential apartment buildings on Carabob Court.

Reasons for Application

The proposed development requires an Amendment to City-wide Zoning By-law No. 569-2013 to bring the entirety of the lands in the By-law and to permit the proposed comprehensive redevelopment of the subject lands. .

The Draft Plan of Subdivision application is required to create development blocks and secure lands for conveyance as future public parks and a network of public streets.

APPLICATION BACKGROUND

Application Submission Requirements

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

- Arborist Report;
- Architectural Drawings;
- Community Services and Facilities Study;
- Computer Generated Building Mass Model;
- Draft Plan of Subdivision;
- Draft Urban Design Guidelines;
- Draft Zoning By-law Amendment;
- Energy Strategy;
- Functional Servicing and Stormwater Management Report;
- Geotechnical Investigation;
- Housing Issues Report;
- Hydrogeological Investigation;
- Hydrological Review Summary Form;
- Landscape Plans;
- Noise Feasibility Study;
- Pedestrian Wind Study;
- Phase One Environmental Site Assessment;
- Phasing and Sequencing Plan;
- Planning Rationale;
- Public Consultation Strategy Report;
- Public Utilities Plan;
- Servicing Groundwater Summary Form;
- Sun/Shadow Study;
- Survey;
- Toronto Green Standards Checklist;
- Transportation Impact Study; and

- Tree Preservation Plan.

The material can be viewed at the Application Information Centre (AIC):

<http://app.toronto.ca/AIC/index.do?folderRsn=fHpHHY5talyXD3p9p3%2F8eA%3D%3D>

Agency Circulation Outcomes

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

Statutory Public Meeting Comments

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

POLICY CONSIDERATIONS

Planning Act

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

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

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

The Provincial Policy Statement (2020)

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

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

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

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

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

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

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

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

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

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Planning for Major Transit Station Areas

The Growth Plan (2019) 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. As required by the Growth Plan (2020), the City is currently undertaking a Municipal Comprehensive Review to update the Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

Toronto Official Plan

The application has been reviewed against the policies of the City of Toronto Official Plan and Site and Area Specific Policy 572 (SASP 572) which sets out the policy framework for the Agincourt Area. Key policies are noted below.

Public Realm

The Public Realm policies of Section 3.1.1 of the Official Plan recognize City streets as significant public open spaces. New and existing City streets are required to incorporate a Complete Streets approach and be designed to perform their diverse roles by balancing the needs and priorities of various users and uses, improving the quality and convenience of active transportation, reflecting the local context and character, and serving as community destinations and public gathering places. These policies aim to ensure that a high level of quality is achieved in layout, organization and massing of

private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

Policy 3.1.1.1 identifies that the public realm is comprised of all public and private spaces to which the public has access including streets and lanes, parks and open spaces, and the parts of private and public buildings that the public is invited into.

Public Realm policy 3.1.1.18 of the Official Plan requires that "new city blocks and development lots within them will be designed to:

- a) have an appropriate size and configuration for the proposed land use, scale of development and intended form of buildings and open space;
- b) promote street-oriented development with buildings fronting onto streets and park edges;
- c) provide adequate room within the block for parking and servicing needs; and
- d) allow for incremental, phased development."

The Public Realm policies require that new parks and open spaces be located and designed to connect and extend, wherever possible, to existing parks, natural areas, and other open spaces such as schools.

Policy 3.1.1.1 identifies that the public realm is comprised of all public and private spaces to which the public has access including streets and lanes, parks and open spaces, and the parts of private and public buildings that the public is invited into.

Policy 3.1.1.17 outlines provides that new streets should be public streets. Where private roads are appropriate they are to be designed to fit into the public realm. 3.1.1.18 requires that new city blocks be appropriately designed for context, fit and promote street-oriented development. Policy 3.1.1.19 outlines that new parks and open spaces will be located and designed to provide a comfortable setting for community events as well as individual use.

SASP 572 provides additional policy direction to ensure that the public realm will be designed to be a connected network of spaces. The connectivity of publicly accessible spaces will allow residents, employees and visitors to gather, interact and enjoy active and passive recreational opportunities while improving access to and from the surrounding community. Public streets will be designed to ensure pedestrian comfort and safety through the provision of generous landscape boulevards equipped with street furniture and public art. Potential POPS locations are identified in the SASP which are to be implemented at strategic locations to enhance the quality of the public realm.

Built Form

Policy 3.1.2.1 states that new development will be located and organized to fit with its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development through a number of ways including but not limited to locating main building entrances so that they are clearly visible and directly accessible

from the public sidewalk and providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces.

Policy 3.1.2.2 states that new development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces. This will be done by, amongst other considerations, consolidating and minimizing the width of driveways and curb cuts across the public sidewalk and providing underground parking where appropriate.

Policy 3.1.2.3 further states that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties. Buildings are to be massed to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion and create appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan. Further the policies direct that the provision of adequate light and privacy be secured by adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas.

Policies 3.1.2.4 and 3.1.2.5 require new development to be massed to define the edges of streets at good proportion and provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians. This can be achieved by the provision of adequate amenity and landscaped open space, coordinated landscape improvements in setbacks to create attractive transitions from the private to public realms and landscaped open space within the development itself, among others. The intention is to enable new developments to 'fit' within the context of the immediate neighbourhood, while also improving the character of the surrounding area.

Policy 3.1.2(6) states that significant multi-unit residential development will provide indoor and outdoor amenity space for residents of all new developments.

SASP 572 provides additional policy on built form to ensure appropriate transition to the surrounding context, ensuring nearby lands designated Neighbourhoods are not impacted. It contains two *Mixed Use Area* designation areas (*Mixed Use Areas 'A'* and *'B'*) to provide for specific built form character to each area. The areas designated *Mixed Use Areas 'A'* along the westerly portion of the Agincourt Mall lands are envisioned to be developed at a mid-rise scale, while the greatest building heights and densities will be located in *Mixed Use Area 'B'*, along the centre and easterly portion of the lands. The SASP ensures taller buildings are directed away from parks and adjacent lands designated *Neighbourhoods* to limit shadow impacts and provides for a variation of tower heights for a desired skyline.

SASP 572 also provides for built form to be appropriately separated to ensure adequate light and privacy but also ensures that shadow impact is adequately limited on existing uses but also new parks and open spaces. The built form regime provided for by the policies in the SASP ensure an appropriate deployment of a density of 3.5 times the Final Report - 3850 and 3900 Sheppard Ave. East and 2350 to 2362 Kennedy Rd.

area of the lot, while also requiring a minimum of 9,000 square metres of office space be provided and allowing publicly-owned and non-profit community service facilities will be excluded for the purposes of calculating FSI.

Building New Neighbourhoods

The Official Plan requires a comprehensive planning framework when developing new neighbourhoods. The policy framework should reflect the Official Plan's city-wide goals as well as the local context. Policy 3.3.1 of the Official Plan states that the framework should include, among other matters: the pattern of streets, development blocks, and open space; the mix and location of land uses; and a strategy to provide parkland. The Building New Neighbourhoods policies of the Official Plan also require that new neighbourhoods will be viable communities that are carefully integrated into the surrounding fabric of the City. A Master Plan for the site is required to provide a planning and design framework.

Tall Buildings

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

Housing

Section 3.2.1 of the Official Plan, states that current and future residents must be able to access and maintain adequate, affordable and appropriate housing. The City's quality of life, economic competitiveness, social cohesion, as well as its balance and diversity depend on it. Policy 3.2.1.1 requires that a full range of housing, in terms of form, tenure and affordability be provided. Policy 3.2.1.3 encourages investment in new rental housing, particularly affordable rental housing.

Policy 3.2.1.9 of the Official Plan states that on large sites, generally greater than 5 hectares in size, a minimum of 30% of the new housing units will be in forms other than single-detached and semi-detached houses, such as row housing, triplexes and multiunit residential buildings; and where an increase in height and/or density is sought, the first priority community benefit will be the provision of 20% of the additional residential units as affordable housing. The subject site is approximately 10.5 hectares in size and is subject to Policy 3.2.1.9.

Community Services and Facilities

The Official Plan recognizes the importance of community services and facilities in ensuring the quality of life and health and well-being of Toronto's communities, and encourages adequate and equitable access to community services and local institutions.

Policy 3.2.2(6) states that community services strategies and implementation mechanisms will be required in order to inform the range of facilities needed to support development in all new neighbourhoods and residential or mixed-use sites larger than 5 hectares in size. Policy 3.2.2(7) encourages the inclusion of community services facilities in all significant private sector development across the City through development incentives and public initiatives.

Parks and Open Spaces

Parks and open spaces are seen as being important elements in City-building as the City grows and changes. Section 3.2.3.1 identifies that new accessible well designed parks that are appropriately designed, as well as developing open space linkages are essential in maintaining and expanding the existing parkland system.

Land Use Designation

OPA 459 redesignated a portion of the site *Parks* on Land Use Map 19. The majority of the subject lands are designated *Mixed Use Areas* in the City of Toronto Official Plan. *Mixed Use Areas* achieve a multitude of planning objectives by combining a broad array of residential uses, offices, retail and services, institutions, entertainment, recreation and cultural activities, and parks and opens spaces. The intention is for *Mixed Use Areas* to support the ability to live, work, and shop in the same area, or even the same building, giving people an opportunity to depend less on their cars, and create districts along transit routes that are animated, attractive and safe. *Mixed Use Areas* are intended to absorb much of the city's new housing, retail, office and employment growth.

Policy 4.5.2 identifies a number of criteria for development within the *Mixed Use Area* designation. The policies require that new development create a balance of high quality commercial, residential and institutional that reduces automobile dependency. Development will locate and mass new buildings to provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks and a stepping down of heights. Policy 4.5.2(d) and (e) also require that shadowing from new development be limited and that buildings be appropriately massed to frame the edges of streets and parks.

Section 5.1.1 of the Official Plan allows the City to seek community benefits in exchange for height and/or density increases greater than permitted by the zoning by-law pursuant to Section 37 of the *Planning Act* for developments which exceed 10,000 square metres and increase the permitted density by at least 1,500 square metres and/or significantly increase the permitted height. The proposal is in excess of 10,000 square metres and proposes an increase of the permitted height.

Agincourt Secondary Plan Area Specific Policy 7 and OPA 459 (SASP 572)

The subject lands fall within the boundaries of the Agincourt Secondary Plan. However, OPA 459 removed obligations of the Agincourt Secondary Plan as it relates to the subject lands and brought forward a new Site and Area Specific Policy (SASP 572) to comprehensively guide the creation of a complete mixed-use community on the

Agincourt Mall site. SASP 572 provides for the lands to redevelop in multiple phases with a mix of residential uses, retail and commercial facilities, office uses, community service facilities and parks and open spaces at a density that will support adjacent existing and future higher order transit.

Policy 8(k) of OPA 459 and SASP 572 requires that affordable housing be provided as the first priority community benefit with the details to be determined at the Zoning By-law Amendment stage. Policy 8(d)ii. also notes that the first phase of development may proceed provided that it is preceded by, or developed concurrently with the provision of affordable housing as determined and secured through future applications for Zoning By-law Amendment approval.

Zoning

The subject lands are currently zoned under the Tam O'Shanter Community By-law No. 12360, as amended, of the former City of Scarborough. The subject lands are zoned Apartment Residential (A), Multiple Family Residential (M) and Community Commercial (CC) and are also subject to a holding (H) provision (see Attachment 6). Public parks are permitted in all zones under the Tam O'Shanter Community By-law.

Prior to and upon removal of the holding (H) provision the following uses are permitted: existing uses, as well as all uses permitted within the Community Commercial (CC) zone, including recreational uses and places of entertainment; bowling alley; billiard hall or pool hall; games arcade; community facilities, including, but not limited to, libraries; apartment buildings; multiple family dwellings; ancillary recreational/amenity uses; parking for libraries; hotels; and subway stations, transit and ancillary facilities.

Prior to the removal of the holding (H) provision, in whole or in part, a maximum of 36,850 square metres of non-residential gross floor area are permitted. Upon removal of the holding (H) provision, the maximum gross floor area for all uses on three sites, including the Agincourt Mall lands and lands that not subject to the recommended SASP that are municipally known as 175-215 Bonis Avenue and 2330 Kennedy Road, shall not exceed 1.55 times the area of the lands and a maximum of 1,063 dwelling units shall be permitted. The by-law further stipulates that 485 dwelling units shall be permitted on the northwest portion of the mall lands, south of the Agincourt Library, but only once building permits have been issued for a cumulative total non-residential gross floor area of not less than 80,000 square metres.

The holding provision may be removed in whole, or in part, when Council is satisfied as to the following:

- availability of transportation improvements which are necessary to accommodate the proposed stage of development and that any necessary agreements between the applicant and the City have been entered into; and
- that the proposed development of the lands will not preclude a subway station, transit and ancillary facilities on the lands.

The lands are not subject to Zoning By-law No. 569-2013, as amended.

Design Guidelines

City-Wide Tall Building Design Guidelines

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

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

Avenues and Mid-rise Buildings Study and Performance Standards

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

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

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

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

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

On July 28, 2020, City Council adopted the Growing Up Urban Design Guidelines ("Growing Up Guidelines") and directed City Planning staff to apply the Guidelines in the evaluation of new multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households,

including families with children living in vertical communities, at the neighbourhood, building and unit scale. The Guidelines indicate that a building should provide a minimum of 25% large units of which 10% should be 3-bedroom units, and 15% should be 2-bedroom units. The Guidelines are available at:

<https://www.toronto.ca/citygovernment/planning-development/planning-studiesinitiatives/growing-up-planning-forchildren-in-new-vertical-communities/>.

Retail Design Manual

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

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

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

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

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

The Tall Building Design Guidelines, The Avenues and Midrise Building Study and Performance Standards, Townhouse Guidelines, Growing Up Guidelines, Retail Design Manual and Pet Friendly Design Guidelines and Best Practices for new Multi-Unit Buildings have been used to inform the review of this application.

Site Plan Control

The proposed development is subject to site plan control. A site plan control application has not been submitted. It is anticipated that site plan applications for individual blocks will be submitted in accordance with the development's phasing plan.

COMMENTS

City Planning staff are recommending approval of an amendment to the Zoning By-laws to permit the proposed development which represents good planning.

Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest, including: the orderly development of safe and healthy communities; the adequate provision of a full

range of housing; the appropriate location of growth and development; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The proposal is in an appropriate location for development; is supportive of current and future transit including nearby transit improvements to Stouffville GO line (Agincourt Station) and the Sheppard Avenue East corridor. It represents an appropriate built form that provides a range and mix of housing including family sized and affordable units. The proposal provides commercial space at-grade, includes other non-residential uses and dedicates land to be used as a public park. Along with the proposed POPS the proposal encourages a sense of place by extending and promoting a vibrant public realm/streetscape.

It is staff's opinion that the proposed development has appropriate regard for the relevant matters of provincial interest outlined in the *Planning Act*.

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 noted below.

Provincial Policy Statement (2020)

The proposal is consistent with PPS (2020) Policy 1.1.1 as it is an efficient development that accommodates an appropriate range and mix of uses, a new park and other new open spaces that contribute to a complete community. The proposed intensification is in a compact built form, consistent with PPS 2020 direction to achieve cost-effective development patterns, optimization of transit investments and standards to minimize land consumption and servicing costs.

Policy 1.1.3.2 of the PPS (2020) directs that land use patterns shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for and efficiently use infrastructure which is planned or available; and are transit supportive and support active transportation. Consistent with this direction, the development is proposed in a compact built form along a major street in proximity to frequent transit along with existing and future higher order transit services in the area. The site is approximately 525 metres southwest of the Agincourt GO Station, which provides regional higher order transit service and of a similar distance to Sheppard Avenue East which has planned higher order transit and has seen recent incremental upgrades to surface transit frequency and reliability.

Furthermore, Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure. The development review

process has ensured that future service infrastructure will be in place to serve the projected population.

Policy 1.1.3.4 promotes appropriate development standards, which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. The proposal, as implemented through the draft Zoning By-law recommended for approval and subsequent approval of the draft Plan of Subdivision is consistent with this direction in the PPS (2020).

The PPS directs that healthy, livable and safe communities are achieved, amongst other means, by accommodating a range of residential, employment, institutional and other uses to meet long-term needs, facilitating all forms of residential intensification and redevelopment, promoting densities for new housing which efficiently use land, resources, infrastructure and public services, and support the use of public transit. By providing a range and mix of unit types, including two- and three-bedroom units, the proposal is consistent with Policy 1.4.3 of the PPS (2020) that requires an appropriate range of housing types and densities be provided to meet projected requirements of current and future residents. The proposed development includes 14,565 square metres of public parkland and 5,765 square metres of POPS space which will contribute to the amount of publicly accessible green space within the area and the provision of a complete community that is healthy and active, consistent with Policy 1.5.1.

Section 1.6 of the PPS includes policies on infrastructure and public service facilities. Policy 1.6.3 states that the use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to developing new infrastructure and public service facilities. With respect to transit and transportation systems, Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation. The proposal is consistent with these policies.

The proposal provides for the creation of a complete community that will include a new road network, residential, commercial, parks and community uses. The site is within a priority transit corridor, provides for a compact built form along two major streets and is within 500 - 800 metres of existing and planned transit stations. Based on the analysis of the policies, it is Planning staff's opinion that the application and the amending draft Zoning By-law is consistent with the PPS (2020) and address all the above noted policies.

The Growth Plan (2020)

The proposal conforms to the Growth Plan (2020) as it accommodates new growth within a built up area 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 proposal will result in a complete mixed-use community that includes residential, recreational, parks and open spaces, office and retail uses, all within a compact urban form in close proximity to existing and planned higher order transit. The proposed intensification and built form on the site conform to the direction of the Growth Plan as the range of uses and mix of densities further intensifies an underutilized site that is served by existing surface transit. This conforms with the Growth Plan (2020) Guiding Principles as well as policies which direct development to settlement areas with a priority on proximity to existing and planned higher order transit.

Furthermore, the site is located within a priority transit corridor close to existing and planned rapid transit. The proposed development implements a density appropriate for its transit context (both existing and future improvements) and implements a range and mix of housing, including affordable units conforming to Growth Plan (2020) policies.

The draft Zoning By-law amendment includes an affordable housing component and secures other community benefits including a daycare and community agency space. This conforms with Growth Plan policy direction as the complete community provided by the recommended SASP will optimize public investment in higher order transit along Sheppard Avenue East and the Agincourt GO Station. The proposal also implements a range of pedestrian and cycling improvements that will enhance connectivity to the surrounding area and to higher order transit and provides for intensification that is transit-supportive as directed by Policy 2.2.4 of the Growth Plan.

The proposal provides a high quality compact built form and also enhances the public realm through publically accessible open space that promotes pedestrian activity and vibrancy complementing the existing high density context. Through a detailed review of the application, staff have determined it conforms and does not conflict with the Growth Plan (2020).

Official Plan

This application has been reviewed against the Official Plan policies, including Site and Area Specific Policy 572 (SASP 572) described in the Policy Consideration Section of this Report as well as the policies of the Toronto Official Plan as a whole.

Land Use

The Agincourt Mall lands are largely designated *Mixed Use Areas* on Map 19 of the Toronto Official Plan with two parcels designated *Parks and Open Spaces*. The *Mixed Use Areas* designation provides for a broad range of commercial, residential, institutional and open spaces uses to accommodate an increase in population and jobs along transit lines.

The proposal fits within the planned context for the area and implements SASP 572 by deploying the mix of uses and required parkland appropriately and in accordance with the in-force land use designation. It provides a range of housing opportunities with

multiple unit types, form (mid-rise, tall building and base building townhouses) and tenure. The proposal also provides over 9,000 square metres of new office space as required by SASP 572.

The development has been phased which will allow residential growth to occur alongside the provision of new infrastructure, parks and affordable housing, while ensuring the site continues the important retail function it provides to the broader community. The phasing of the development has been coordinated so that the existing Wal-Mart and grocery stores are able to remain operating during construction while replacement retail is constructed and occupied.

Planning staff have concluded that the proposed land uses are appropriate for the subject site and can be supported.

Site Organization

The proposed streets and blocks plan conforms with the policies of the Official Plan and SASP 572, creating a complete community which appropriately integrates into the surrounding context. The subject lands are divided into 7 development blocks, the built form for each block being based on key principles of SASP 572. The design of the blocks allows for the orderly phased development of the site as they are of an appropriate size to accommodate the proposed level of development. The application also provides a new street network that defines the development blocks while creating public realm connections between the blocks and provide opportunities for animated street frontages. The new streets will accommodate street trees and wide sidewalks. Two new public parks and two POPS are located to enhance the public realm with open spaces. In addition, two POPS are included to act as connecting elements between the public streets to improve the connectivity through the site.

Public Realm

A key policy in the Official Plan is to maintain and enhance a safe and attractive public realm, which can include public sidewalks, midblock connections and privately-owned publicly-accessible spaces (POPS). SASP 572 provides additional policy direction to ensure that the public realm will be designed to be a connected network of spaces which will allow residents, employees and visitors to gather, interact and enjoy active and passive recreational opportunities while improving access to and from the surrounding community.

The proposed development advances both the Official Plan and SASP 572 policy objectives by creating a strong public realm strategy through the creation of two new parks, two POPS that will serve as plaza-style open spaces, two POPS that will be connecting elements between public streets. This will accompany the wide sidewalks and landscaping proposed that provides an attractive transition from the public to private realm.

The buildings have been massed to frame and support the public streets, the two public parks, and the four POPS. A streetwall height has been established along Sheppard Avenue East and Kennedy Road appropriate to the scale of the right of way and in

accordance with the provisions outlined in SASP 572. Setbacks have been provided to public spaces, ensuring that new buildings along the streets are appropriately set back from the streets to provide a generous pedestrian public realm for pedestrians and future public transit users along Sheppard Avenue East. Active commercial and residential uses will use clear glazing along the ground floor to support a lively and safe pedestrian oriented public realm.

Built Form

The proposed development has been massed appropriately and as directed by the Official Plan and SASP 572. The various building elements including the base buildings and towers respond to the surrounding context and have been designed to mitigate impacts on adjacent streets and open spaces. The development provides for appropriate transition in height and scale between lands designated *Mixed Use Areas 'A' and 'B'*

Base Buildings

The Official Plan and Tall Building Design Guidelines state that base buildings should be designed to fit harmoniously within the existing context of neighbouring building heights at the street, and to respect the scale and proportion of adjacent streets, parks, and public or private open spaces. The proposed development includes base buildings that range in height from 5 storeys to 7 storeys. A minimum stepback of 5 metres is provided from each base building to towers along the public streets and POPS space. The ground floor of each base building has been organized to properly animate the public realm and facilitate views to the adjacent streets and open spaces.

The design of the ground floor of the base buildings have been undertaken to maximize active uses to support the adjacent public realm, with an emphasis on retail entrances, residential lobbies and direct entrances to at-grade units. This will ensure a vibrant pedestrian experience on the proposed public streets and will be further refined at the site plan control stage.

Towers

The Official Plan generally requires tall buildings to be slender to allow for appropriate sky view and to ensure shadows are narrow and move quickly through the day. In order to limit visual impacts on surrounding areas, the Tall Building Design Guidelines restrict a typical residential tower floor plate to an area of 750 square metres or less and provide that towers should be separated by a minimum of 25 metres. The Official Plan states that new developments should transition down to neighbouring existing and/or planned buildings as well as providing a gradual transition in scale and density to low-rise properties designated *Neighbourhoods*.

The proposed development includes 10 towers ranging in height from 24- to 43-storeys. All of the towers will meet the minimum tower separation distance of 25 metres, with all but one tower being separated by a distance of 30 metres. The towers all have a maximum floor plate of 750 metres to ensure appropriate street proportion, which meets the intent of the Tall Building Design Guidelines. The proposed tower portions of the tall

buildings have been setback 5 metres from the edge of the base buildings to mitigate wind impacts on the adjacent public realm. The taller towers have been located within the development blocks designated as *Mixed Use Area 'B'* ensuring taller buildings are directed away from parks and adjacent lands designated *Neighbourhoods* to limit shadow impacts and provide appropriate transitions as required by SASP 572.

Staff are satisfied the proposed built form meets the policies of the Official Plan, SASP 572 and the Tall Building Design Guidelines in terms of transition, floor plate sizes, and tower separation distances.

Urban Design Guidelines will be developed to provide further direction as outlined in SASP 572. The Urban Design Guidelines will cover design excellence, land use, mobility, built form, public realm, and materiality. The guidelines will provide further direction for the preparation of development of these lands and will be secured as a matter of legal convenience as part of the Section 37 agreement.

Sun and Shadow

The Official Plan requires development to limit shadowing on streets, properties and open spaces and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility. It also requires new development to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

The proposed development would result in limited shadowing on lands designated *Neighbourhoods* located north east of the site between 4:18 p.m. and 6:18 p.m. in March and September. There are no shadows caused by the development in the morning or early afternoon, and no shadow impacts in the summer months. The proposed development allows for 7 hours of sunlight on lands designated *Neighbourhoods*.

The proposed development has been massed and organized in accordance with SASP 572 to limit shadows on the proposed on-site public parks. There will be a small amount of shadow on Central Park between 9:18 a.m. and 12:18 p.m. in March and September. There are no further shadow impacts created by the proposed development in the afternoon. In June, shadows affect a portion of Central Park between 9:18 a.m. and 11:18 a.m. The proposed development creates shadows on Sheppard Park between 4:18 pm and 6:18 pm in March and September. The buildings cause minimal shadowing on Sheppard Park in June between 4:18 and 6:18 p.m. These conditions are appropriate and conform to the tests provided for in SASP 572.

As it relates to shadowing on streets, the height and massing of the proposed development has been positioned to minimize shadow impact on the public realm and provide a minimum of five hours of sunlight on the opposite side of adjacent streets at the equinoxes, having regard for Section 1.4(a) of the Tall Building Design Guidelines.

The shadow impacts from the proposed development are considered acceptable and no further mitigation measures are required.

Unit Size and Mix

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

Much like the PPS (2020) and Growth Plan (2020), Official Plan Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. Council adopted the Growing-Up Guidelines to provide similar direction on the recommended mix of residential unit types and provide appropriate units sizes for multi-unit developments.

The development proposes a total of 4,372 dwelling units with a unit breakdown of 2,515 one-bedroom units (58%), 1,385 two-bedroom units (32%), and 472 three-bedroom units (10%). The Growing Up Guidelines state that multi-unit buildings should include 10% three-bedroom units and 15% two-bedroom units. The proposal exceeds that standard.

In addition to a mix of two and three bedroom units, the Growing Up Guidelines also set a range for unit size. Two bedroom units should be a size that ranges from 87 - 90 square metres, and three bedroom units should be a size that ranges from 100 to 106 square metres. Unit size details have not been provided by the applicant at this stage. As the detailed design of the site progresses, staff will continue to pursue a unit mix and unit sizes that support the objectives of the Growing Up Guidelines.

Affordable Housing

The Growth Plan (2020) contains policies 2.2.1.4, 2.2.4.9 and 2.2.6.3 to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes.

Affordable Housing and Smart Urban Growth are also key Strategic Actions for the City of Toronto. A key objective of the Official Plan is to ensure development contributes to livable, healthy and inclusive communities. Providing for a full range of housing and community services within neighbourhoods is a key component for achieving these objectives. Section 3.2.1 of the City's Official Plan states that a full range of housing will be provided and maintained to meet the needs of current and future residents. A full range of housing includes a mix of built forms, unit sizes, tenures and affordability.

Official Plan policies 3.3.1, 3.3.2 and 3.3.3. direct that new neighbourhoods should include, amongst other matters, strategies to provide community services and affordable housing. The policies also highlight the need to carefully integrate these neighbourhoods into the surrounding fabric of the city, while having community services and parks that fit within the wider system and a housing mix that contributes to the full range of housing.

Policy 3.2.1.9, requires that, on sites generally greater than 5 hectares in size, a minimum of 30% of the new housing units be in forms other than single and semi-detached housing and, as a first priority community benefit, the provision of 20% of the additional density be affordable housing. The subject site is approximately 10.5 hectares in size and qualifies as a "Large Site", as per Official Plan policy 3.2.1.9.

The provision of affordable housing may vary depending on the specific characteristics of each proposal and is reviewed and considered by the City on a site-by-site basis. Given the diversity in the manner in which affordable housing can be provided, the established practice is to vary the level of affordable housing to be provided based on whether land, units or permanent affordability are being achieved. The varying ratios reflect the cost to both the City and the developer in the delivery of the housing. Typically, the following affordable housing contributions are considered appropriate with respect to Policy 3.2.1.9:

- Where land is being provided, the expectation is land sufficient to provide 20 percent of the additional units will be conveyed to the City.
- In the case of delivery of built units, where the developer will maintain ownership of the units, 10 percent of the additional units are to be provided—typically these units are secured as affordable for at least 15 years.
- If units are to be conveyed to the City or directly to a non-profit housing organization for the purposes of long-term affordability, the affordable housing obligation is significantly reduced to recognize the additional value that ongoing affordability and ownership of the units provides.

Policy 8(k) of OPA 459 and SASP 572 requires that affordable housing be provided as the first priority community benefit with the details to be determined at the Zoning By-law Amendment stage. Policy 8(d)ii. also notes that the first phase of development may proceed provided that it is preceded by, or developed concurrently with the provision of affordable housing as determined and secured through future applications for Zoning By-law Amendment approval.

The applicant has offered to secure 272 affordable rental dwelling units through a Section 37 Agreement with the City as a community benefit as provided for by SASP 572. The 272 units represent 10% of the additional residential units permitted through this application as 2,717 of the 4,372 proposed units are the result of new permissions. The affordable rental units will be composed of a unit mix and unit sizes which reflect the unit mix and unit sizes of the proposed market units.

The applicant has agreed to a secured affordability period of 40 years, provided that the provision of such Affordable Housing Units will be funded in part through the City of Toronto's Open Door Affordable Housing Program and that such units will accordingly be exempt from planning application fees, development charges, parkland dedication fees, and residential property taxes. The City's current practice is to secure at least a 15 year affordability period. Extending the affordability period from 15 years to 40 years represents an enhancement to the affordable housing contribution that would have been secured through Policy 3.2.1.9 alone, and justifies the fee and tax exemptions recommended to be provided through the Open Door program. The owner will also be required to enter into a municipal capital facilities agreement (Contribution Agreement)

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which will include detailed requirements respecting the provision of affordable rental housing.

An affordable rental dwelling unit is a rental dwelling unit that is provided and maintained at affordable rent, as currently defined in the Official Plan as being rent where the total monthly shelter cost, including utilities (heat, hydro and hot water but excluding parking and cable television charges), is at or below the average City of Toronto rent (average market rent or AMR) as reported annually by the Canada Mortgage and Housing Corporation in the Fall Market Report for the City of Toronto, by Unit Type. Further details are found below in the Section 37 section of this report.

Community Services Assessment

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 communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community. A Community Services and Facilities Analysis was undertaken in preparation of SASP 572 which identified the need for non-profit licensed child care and multi-purpose community agency space to support growth on the subject lands.

Community Agency Space

As part of the proposed development, a community agency space of 1,090 square metres on the ground floor of the building on Block 2 will be constructed and conveyed to the City. This space will be made available to eligible non-profit organizations at below market rent to provide community, social, health, recreation and cultural programs under the City's Community Space Tenancy policy.

Child Care Facility

The proposed development also includes a new 1,060 square metre non-profit child care facility on the second floor above the community agency space. This facility will be delivered in accordance with the City's Child Care Development Guideline (2021), and will provide 62 child care spaces including dedicated outdoor play space on the second floor. The location of these community service facility, also in Block 2, is in proximity to the proposed park and existing Agincourt Library, creating a node of community activity and offers opportunity for shared-use and programming partnerships.

School Boards

The Toronto District School Board (TDSB) and Toronto Catholic District School Board (TCDSB) staff have advised there is currently enrollment pressures in the area. The phased nature of the development will require the issue to be monitored over time as applications for site plan control are submitted. Both school boards request that the owner be required to erect signs on-site to communicate the accommodation situation and include warning clauses related to this issue in purchase-of-sale/lease/rental/tenancy agreements.

Staff are recommending the TCDSB and TDSB obligations to erect signs and include warning clauses also be secured in the Section 37 Agreement as a legal convenience.

Amenity Space

The built form policies of the Official Plan require that every significant multi-unit residential development provide indoor and outdoor recreation space for building residents. The application proposes 10,080 square metres each of indoor amenity and 9,968 square metres of outdoor amenity area, for a total of 2.3 square metres of both indoor and outdoor amenity space per unit. Amenity space will be provided on each block and all outdoor amenity spaces will be adjacent to at least 40 square metres of indoor space. Planning staff support the amount of amenity space provided, and will secure its appropriate location with indoor and outdoor amenity space being located contiguous to one another where possible and adjacent to larger units, as detailed in the Growing Up Guidelines.

Open Space/Parkland

Public parks and open spaces perform a variety of critical functions that improve and maintain community and environmental health and wellbeing. They offer recreational opportunities which support active lifestyles, host spaces for social events and community gathering, and accommodate natural infrastructure which provides vital ecosystem services and helps 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 for residents and visitors.

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 0.8-1.56 hectares of local parkland per 1,000 people. The subject site is located in the third highest 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.

The applicant is proposing two on-site parkland dedications which total 1.458 hectares of parkland. Sheppard Park is approximately 0.25 hectares (2,480 square metres) and will contribute to an improved pedestrian environment along Sheppard Avenue East. Sheppard Park will be conveyed during Phase 1 of development. Central Park is 1.21 hectares (12,100 square metres) and will serve as a community focal point and gathering place for both the existing and future communities. This park will be conveyed in 2 park blocks in Phase 2 and Phase 3.

The location and size of the proposed parkland to be conveyed are acceptable to staff and the details of its conveyance, including its phasing, will be secured through the Section 37 Agreement. Staff also recommend the authorization of a development charge credit against the Parks and Recreation component of development charges in order to permit the applicant to design and construct the above base park improvements in exchange for said credit, to the satisfaction of Parks, Forestry and Recreation staff. The terms of the design and construction of the above base improvements will be secured through the Section 37 agreement.

Public Art

The applicant has proposed to prepare a public art plan for the subject site, which shall have a minimum cost of \$250,000.00. This contribution will form part of the Section 37 Agreement secured via a letter of credit to be provided by the owner to the City prior to the issuance of the first above grade building permit for the latter of Blocks 7.

Transportation

The Built Form policies of the Official Plan require that new development locate and organize vehicular access to minimize its impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets. *The Mixed Use* policies required that new development provide good site access and circulation and an adequate supply of parking for residents and visitors. The Public Realm policies require that new streets 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.

The proposed street network has been revised through the application process to address comments from City staff and local residents. The street network has been designed to encourage non-vehicular travel models and to meet the various needs of the development, area residents, and users of the commercial space on-site and the parks, while also meeting vehicular circulation, parking and loading requirements of the proposed development. All new and existing streets have been designed with large sidewalks and landscaping.

The proposed public street network is based on a new network of municipal roads as set out in SASP 572. The Public Street network is implemented in the draft plan of subdivision. Six new Public Streets will be provided through the site with rights-of-ways ranging from 18.5m to 26 metres. There are also two private roads. As part of the application, new signalized intersections will be introduced at Kennedy Road/Public Street "A", Bonis Avenue/Public Street "C" and Bonis Avenue/Public Street "D". Updates to the signalized intersection will be made at Sheppard Avenue East/Public Street "B" and Sheppard Avenue East/Allanford Road/Public Street "C". The proposed development includes a median extension on Bonis Avenue, west of Kennedy Road, as well as design improvements to the existing Kennedy Road/Bonis Avenue intersection.

As part of the redevelopment, new TTC bus stops will be located on Sheppard Avenue East and Kennedy Road, with improved boarding/alighting areas and bus shelter areas.

At least 15 vehicular parking spaces for car-share operators will be distributed throughout the site on different development blocks.

In terms of pedestrian infrastructure, new sidewalk facilities will be introduced on both the municipal and private roads. New municipal sidewalks are also proposed along a section of Cardwell Avenue (north side), Dowry Street and Allanford Road (west side). A new multi-use path connection is provided between Kennedy Road/Bonis Avenue and Bonis Avenue/Public Street "C" through development Blocks 1, 2, 6 and 7. A new multi-use path connection is also provided between Bonis Avenue/Municipal Street C and the existing trail in Ron Watson Park.

The new POPS and municipal parks will be designed to provide pedestrian connectivity and amenity. The public realm and pedestrian sidewalks along the site adjacent segments of Sheppard Avenue East, Kennedy Road and Bonis Avenue will be updated. Pedestrian intersection improvements will be undertaken at the Kennedy Road/Public Street "C", designated pedestrian crossings at the new signalized intersections improved pedestrian crossing facilities at the updated signalized intersections are proposed.

New bicycle lanes are proposed on Public Streets "C" and "D", as well as within the multi-use paths forming part of the POPS Connectors. Bicycle-related intersection improvements are proposed for the Kennedy Road/Bonis Avenue intersection, and bicycle facilities (lane markings) will be introduced on Cardwell Avenue and Dowry Street. New short-term bicycle parking will be located in accessible and convenient locations.

The dedication of public streets and parks and the details of the phasing will be secured through the draft plan of subdivision conditions, plan registration, and the subdivision agreement.

Traffic Impact

An Urban Transportation Considerations Report, prepared by BA Group, dated October 2019 with a subsequent addendum report dated July 2020, was submitted assessing the traffic impacts of the proposal.

The transportation report estimates that the new development will generate a total of 1,960, 1,865 and 2,325 two-way vehicle trips during the weekday morning, weekday afternoon and Saturday peak hours, respectively. Considering the existing uses generate a large amount of traffic, the proposed development would result in a new net site traffic volumes in the order of 965, 635 and 375 for the same time peak hours.

As the lands are intensified with residential uses the implementation and phasing of the new public streets will be secured through various development agreements. Signal warrant analyses undertaken to ensure the appropriate implementation of traffic control signals and other appropriate improvements are implemented as the new public streets are deployed on the lands. Single timing adjustments at existing intersections would also be secured.

Although traffic impact was part of the submitted report, a multi-modal approach to mobility was also analysed as the redevelopment of the lands supports transit improvements at Agincourt GO Station and planned higher order transit improvements for Sheppard Avenue East. Surface transit enhancements along Sheppard Avenue East (articulated buses and express buses between Don Mills station and Scarborough Centre) have been in place for a number of years and provide greater service levels until higher order transit is constructed on the corridor.

As discussed above, the cycling network will be enhanced by connecting local facilities to the wider City network and to key local destinations. Appropriate cycling infrastructure that is safe and comfortable for cyclists is proposed as part of the redevelopment of Agincourt Mall. As individual site plan control applications are submitted for the development blocks, Transportation Demand Management measures will be secured and monitored to ensure the continued emergence of mobility options as the site is redeveloped.

Parking

The proposal will provide an overall parking supply of 4,686 spaces (including 3,796 residential parking spaces, 890 non-residential spaces). A total of 957 parking spaces will be located in a 5-level below grade garage under the west development parcel. A total of 1,791 parking spaces will be located in a 4-level below grade garage under the east development parcel. No parking is located under the public street.

The parking requirements to be applied through the proposed Zoning By-law Amendments attached to this Report for the new development on the lands are consistent with those of Toronto Zoning By-law 569-2013, as amended, for Policy Area 4. Staff are satisfied that this level of parking would adequately serve the needs of residents and visitors.

The proposed bicycle parking supply of 3,067 bicycle parking spaces, including 424 short-term and 3,067 long-term bicycle parking spaces, meets the Toronto Green Standards Version 3.0, Tier 1, Zone 2.

Loading

The Official Plan requires that new developments will locate and screen service areas, ramps and garbage storage to minimize impact on adjacent streets and residences. The proposed development includes a total of 20 loading spaces, consisting of 8 Type-B, 7 Type-G, 3 Type-A and 2 Type-C loading spaces. All loading spaces are to be located fully within the proposed buildings. The locations of the loading spaces are appropriate as they reduce interactions with pedestrians on the public street frontages and minimize visual impacts on the public realm.

The proposed number, location, and type of loading spaces are acceptable. Prior to full build out loading spaces may be shared between development blocks. Detailed design of loading areas will be secured through the Site Plan Applications for each phase of the development.

Servicing

As part of the Official Plan Amendment application, the landowner submitted a comprehensive analysis of the surrounding area which detailed adjustments to pressure districts and other infrastructure upgrades necessary to support the development. In support of this subject application, the applicant submitted a Functional Servicing Report, updated August 2021, prepared by Sabourin Kimble & Associates Ltd., which confirmed through various levels of analysis that downstream infrastructure, as previously recommended for upgrade, could accommodate the proposed development.

Engineering and Construction Services staff continues to review the Hydrogeologic Assessment and corresponding sections of the Functional Servicing Report to confirm the nature of maximum short-term and long-term discharge levels at a block-by-block level to insure that all blocks can meet the City's requirements for groundwater discharge volumes. Should this review determine changes in groundwater quantity from what was previously analysed through the Functional Servicing Report, a revised report will be required to review sewer capacity with the additional discharge rates. In addition to this issue, staff have requested an update to the engineering material to confirm assumptions on the water servicing strategy.

Engineering and Construction Services has requested that prior to the enactment of Bills by City Council the owner submit to the Chief Engineer & Executive Director of Engineering and Construction Services for review and acceptance, a revised Hydrogeological Report, and updates to the Functional Servicing Report to determine the storm water runoff, sanitary flow, temporary or permanent groundwater discharge and water supply demand resulting from this development and its ability to be serviced in accordance with the previously accepted servicing analysis.

Privately-Owned Publicly Accessible Open Space (POPS)

There are four Privately-Owned Publicly Accessible Spaces (POPS) provided on the site as required by SASP 572. The first is approximately 665 square metres and is located in the middle of the site, on Block 7 near the intersection of Public Streets "A" and "B" and will function as a retail square. The second POPS is 385 square metres and located at the southeast corner of the site adjacent to the existing office building at 2330 Kennedy Road. The proposed location of the POPS are appropriate and enhance the public realm.

There are also two POPS connectors which are landscaped open spaces that improve the connectivity within the site. The first is 2,348 square metres and is located across the north end of the site, along the northern edges of Block 1 & 7 to extend the public realm links between Ron Watson Park and the Agincourt GO station. It will also provide a connection between Central Park and the intersection of Kennedy Road and Bonis Avenue through the provision of a multi-use path. The second POPS connector is located for the lands on the west side of Public Street "C" (the extension of Allanford Road) and is 2,366 square metres in size. The POPS connectors improve the connectivity within the site and the surrounding areas.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813, Articles II (Street Tree By-law) and III (Private Tree By-law). The applicant is proposing to remove 11 City-owned trees (two of which are deceased and considered exempt) and 13 privately-owned trees. Urban Forestry is in receipt of the required Application to Injure or Destroy Trees and the applicable fee for permission to remove/injure the aforementioned trees. Urban Forestry has no objection to the application.

The Landscape Plan submitted in support of the revised proposal contemplates a total of 282 new trees, including 175 new street trees within the City's existing and future road allowances and 107 trees within the site. The application is also required to comply with the tree planting elements of the Toronto Green Standard (TGS) Version 3, which based on the area of the site, requires 10,677m³ of soil volume. The submitted landscape plans specify soil volumes above the required amounts, including a combined total of 282 proposed new trees on the private and public portions of the site. These tree planting plans will, with minor modifications and details, be satisfactory to Urban Forestry. The submission of satisfactory plans and refinements will be a condition of Urban Forestry's approval of the subsequent Site Plan Control application on a block by block basis.

Phasing of the Development

The proposed development will be built out over time in three phases as described previously. A conceptual phasing plan has been developed through the application process, and with feedback from the community.

A key principle of the phasing is to minimize impacts to the ongoing retail function of the site as it serves a broader community. The proposed phasing must also ensure that as the new development is deployed on site, it is accompanied by new local infrastructure (streets, sewers and watermains) needed to support it along with appropriate levels of community infrastructure (parks, community facilities and services, and affordable housing). Each phase of development should be able to function without the provision of future phases.

Staff are generally satisfied with the phasing of the development as retail uses are redeployed within new buildings, particularly within an interim retail building to be constructed in the first phase of development. The affordable housing secured is also being phased through the development as described previously, and generally is deployed at the same pace as the market housing units. Parkland is being provided with the initial development and the incremental build out of the public street network is contemplated such that they connect to existing public streets and ensure full connectivity even while segments are being constructed in subsequent phases. However, specific details related to the conveyance of parkland and the phased registration of the plan of subdivision (and conveyance of new public streets) will be refined through further review and secured through the implementing development agreements as reference in other parts of this report.

Plan of Subdivision

An application for Draft Plan of Subdivision approval has been submitted in order to ensure the orderly development of the site, creation of development blocks and parks, and the provision of new Public Streets and infrastructure to support development.

The draft Plan of Subdivision (found at Attachment 17) has been reviewed by City staff and is generally acceptable, with further review and refinements necessary to ensure it can be registered in phases to allow for required public streets and park blocks to be conveyed to the City and ensure orderly development. Additional information will be submitted to allow staff to finalize the draft list of subdivision conditions that would need to be addressed in order to support the development of the site. These draft conditions would include, but are not limited to ensuring the lands conveyed into public ownership are of an appropriate environmental standards, the construction of municipal infrastructure is financially secured and phasing is appropriately implemented. Approval of the draft Plan of Subdivision, including conditions, has been delegated to the Chief Planner.

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 and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the TGS. Tiers 2, 3, and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement.

The applicant is 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. Staff recommend that the TGS obligation be secured in the Section 37 Agreement for implementation during the Site Plan approval process.

Toronto Transit Commission

TTC staff have reviewed the application and have advised that they will require a widening along Sheppard Avenue East as an outcome of the design of the Sheppard LRT to be utilized as a queue jump lane and farside bus bay. TTC has further advised that they will be implementing a number of changes to several stop locations to ensure efficient bus stop spacing along transit routes and will be aligned with the new Public Street network implemented through these applications. This will involve relocating select stops along Sheppard Avenue and Kennedy Road. Any work in the City boulevard would be required to meet AODA requirements.

Community Consultation

A community consultation meeting was held on February 13th, 2020 and was attended by approximately 60 members of the community. Specific comments related to the proposed development included:

- Proposed building height and density;
- Concerns relating to transition of new buildings to surrounding context;
- Shadow and wind impacts resulting from the proposed towers;
- Whether the proposed amount of retail is adequate to support the increase in population;
- Pedestrian linkages and connectivity;
- Traffic concerns and how the proposed road network will improve existing conditions;
- Phasing and timing of construction, including the delivery of the proposed parks and community facilities; and
- Servicing capacity and infrastructure.

Staff worked with the applicant to address these needs as outlined in the report, including the reduction of height and density from what was originally proposed, and formal review of transportation and servicing reports.

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, including SASP 572, and thus constitutes good planning.

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

1. the design, construction, finishing, maintenance and provision of at least 272 affordable rental housing dwelling units comprised of at least 16,864 square metres of residential Gross Floor Area on the lands at 3850 and 3900 Sheppard Avenue East and 2350 to 2362 Kennedy Road (the "Affordable Housing Units"), provided that the Affordable Housing Units approved for the City of Toronto's Open Door Affordable Housing Program incentives all to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the Executive Director, Housing Secretariat, in accordance with the following terms:

a. at least thirty (30) of the Affordable Housing Units shall be a three-bedroom or four-bedroom rental unit with a minimum unit size of 84 square metres and an average size of 92 square metres;

b. at least eighty-six (86) of the affordable rental dwelling units shall be two-bedroom rental units with a minimum unit size of 60 square metres and an average size of 67 square metres;

c. At least one hundred fifty-six (156) of the Affordable Housing Units shall be one-bedroom rental units with a minimum unit size of 48 square metres and an average size of 55 square metres;

d. the Affordable Housing Units shall be phased such that 114 of the Affordable Housing Units shall be provided on Block 5 and Block 6 as part of Phase 1, 101 of the Affordable Housing Units shall be provided on Blocks 1, 2 and 3 as part of Phase 2 of the development and any remaining Affordable Housing Units shall be provided on Block 4 as part of Phase 3 of the development;

e. the location and layouts of the Affordable Housing Units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;

f. The owner shall provide and maintain the Affordable Housing Units as secured rental housing for a minimum period of 40 years beginning from the date that each such unit is first occupied (the "Affordability Period"). During the Affordability Period, no Affordable Housing Unit shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be made to demolish any Affordable Housing Unit or to convert any Affordable Housing Unit to a non-residential rental purpose. Upon the expiration of the Affordability Period, the owner shall continue to provide and maintain the units as rental dwelling units, unless and until such time as the owner has applied for, and obtained, all approvals necessary to do otherwise;

g. The owner shall provide and maintain the Affordable Housing Units with Affordable Rents for the Affordability Period. The initial rent (inclusive of utilities) charged to the first tenants of any Affordable Housing Units shall not exceed 100% of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;

h. If an Affordable Housing Unit becomes vacant and is re-rented to a new tenant during the Affordability Period, the initial rent (inclusive of utilities) charged to the new tenant shall not exceed 100% of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;

i. After the first year of occupancy of any Affordable Housing Units, the rent (inclusive of utilities) charged to the first tenants or new tenants occupying such unit may be escalated annually by not more than the annual provincial rent guideline, regardless of whether such guideline is applicable to the units under the Residential Tenancies Act or any successor legislation governing residential tenancies in Ontario, until the tenancy ends;

j. Notwithstanding the annual rent increases permitted in i. above, the rent (inclusive of utilities) charged to any first tenants or new tenants occupying an Affordable Housing Unit shall not be increased to an amount that exceeds 100% of the average rent for the same unit type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;

k. At least six months in advance of any new Affordable Housing Units being made available for rent to the general public, the owner shall develop and implement a Tenant Access Plan to ensure units are rented to eligible households in consultation with, and to the satisfaction of, the Executive Director, Housing Secretariat.

l. The new Affordable Housing Units shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units erected on each phase as described in d. above are available and ready for occupancy, or to the satisfaction of, the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat.

m. The owner shall provide all tenants of the Affordable Housing Units with access to, and use of, all indoor and outdoor amenities in the development at no extra charge.

n. Access to, and use of, these amenities shall be provided on the same terms and conditions as any other resident of the building in which the Affordable Housing Units are located, without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings.

o. The owner shall provide all tenants of the Affordable Housing Units with laundry facilities on the same basis as other units within building in which the Affordable Housing Units are located at no extra charge.

p. The owner shall provide all tenants of the Affordable Housing Units with access to permanent and visitor bicycle parking/bicycle lockers on the same terms and conditions as any other resident of the building in which the Affordable Housing Units are located, and in accordance with the Zoning By-law.

2. the design, construction, finishing and equipping of a non-profit licensed child care facility to be located in the second floor of the building on Block 2, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the General Manager, Children's Services, to accommodate at a minimum 62 children, including infants, toddlers and preschoolers, comprising a minimum of 1,060 square metres of interior space and approximately 347 square metres of exterior space adjacent to the interior space including outdoor storage and four (4) parking spaces reserved for the exclusive use of the child care facility for pick-up/drop-off operations, (the "Child Care Centre"), including:

a. the conveyance of the Child Care Centre at no cost to the City, in fee simple, prior to first occupancy of the Building on Block 2;

b. on, or prior to the conveyance of the Child Care Centre, the City and the owner shall enter into and register on title to, the appropriate lands, an Easement and Cost Sharing Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared

facilities, and the sharing of costs in respect thereof, or portions of the subject lands to be owned by the City and the owner as they pertain to the Child Care Centre;

c. a letter of credit in an amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and handover of the Child Care Centre complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the General Manager, Children's Services and the Chief Financial Officer and Treasurer, will be provided to the City prior to the issuance of the first above grade building permit for the building on Block 2, to secure the Child Care Centre;

d. a one-time cash contribution in the amount of \$150,000.00 to be used toward start-up costs to be paid prior to the issuance of the first above grade building permit for the building on Block 2;

e. a one-time cash contribution in the amount of \$150,000.00 to the Child Care Capital Reserve Fund, to replace appliances and large equipment due to wear and tear, to be paid prior to the issuance of the first above grade building permit for the building on Block 2;

f. all cash contributions shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto calculated from the date of the Section 37 Agreement to the date of payment

g. four (4) dedicated parking spaces will be provided free-of-charge for the exclusive use of the child care facility for pick-up/drop-off operations. These spaces to be assigned accordingly, and be located in close proximity to the elevators providing the shortest route between the underground parking garage and the Child Care Centre, which shall be barrier-free. A parking pass will be provided for officials conducting inspections of the child care facility;

h. any other details related to the Child Care Centre such as timing, location, obligations and any matters necessary to implement the Child Care Centre, which have not been addressed in the Recommendations of this report will be finalized between the owner and the City and will be substantially in accordance with the City of Toronto's Child Care Development Guidelines (2021) and to the satisfaction of the Executive Director, Corporate and Real Estate Management, the General Manager, Children's Services, and the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor;

3. Prior to the earlier of condominium registration and the first residential use of any residential building for Block 2, the owner shall substantially complete construction of 1,090 square metres of Community Agency Space to be located on the ground floor of the building on Block 2 (the "Community Agency Space"), which is to be provided to the City at no cost for public use and subject to the following:

a. the Community Agency Space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building

Condition, with the terms and specifications to be secured in the Section 37 Agreement, all satisfactory to the Executive Director, Social Development, Finance and Administration, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning and the City Solicitor, in consultation with the Ward Councillor;

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

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

4. the preparation of a public art plan, in accordance with City Planning's Percent for Public Art process, and with approval from City Council, including that:

a. prior to the issuance of the first above-grade building permit for Block 7, the owner shall submit a public art plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, detailing the design and construction of an on-site public art installation with a minimum value of \$250,000.00, with such value upwardly indexed in accordance with the Non-Residential Construction Price Index for the Toronto, calculated from the date of the Section 37 Agreement to the date of delivery of the financial security required by this Recommendation;

b. prior to the issuance of the first above grade building permit for Block 7, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated indexed cost of the design and construction of the public art to be installed in accordance with the public art plan.

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

1. prior to the earlier of the issuance of the first above grade building permit for Block 6 and Block 7, the owner shall provide to the city the municipal services necessary for Phase 1, and convey to the City the Park Block 8, all associated with the first phase

registration of the plan of subdivision pursuant to the approval of application 19 236443 ESC 22 SB;

2. prior to the earlier of the issuance of the first above grade building permit for Block 1, Block 2 and Block 4, the owner shall provide to the city the municipal services necessary for Phase 2, and convey to the City the Park Block 9, all associated with the second phase registration of the plan of subdivision pursuant to the approval of application 19 236443 ESC 22 SB;

3. prior to the earlier of the issuance of the first above grade building permit for Block 3 the owner shall provide to the city the municipal services necessary for Phase 3, and convey to the City the Park Block 10, all associated with the third phase registration of the plan of subdivision pursuant to the approval of application 19 236443 ESC 22 SB;

4. the owner shall develop the site in accordance with the following sequence:

- a. Phase 1 as described in the Phasing Plan shall be the first phase;
- b. Phase 2 as described in the Phasing Plan shall be the second phase;
- c. Phase 3 as described in the Phasing Plan shall be the third phase,
- d. But in any event, construction of a subsequent phase shall not commence prior to the owner having satisfied the requirements of Recommendation 10(b)1. Through 10b)3, inclusive

5. the construction and maintenance, at the owner's expense, an area of not less than 2,348 square metres across the north side of Blocks 1 and 7, connecting Public Street "D" with Public Street "F," for use by the general public as Privately Owner Publicly Accessible Open Space (POPS) with the specific location, configuration, and design to be determined and secured in the context of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning;

6. the construction and maintenance, at the owner's expense, an area of not less than 665 square metres at the south end of Block 7 near the intersection of Public Street "A" and Public Street "B," for use by the general public as Privately Owner Publicly Accessible Open Space (POPS) with the specific location, configuration, and design to be determined and secured in the context of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning;

7. the construction and maintenance, at the owner's expense, an area of not less than 385 square metres at the southeast corner of Block 5 near the intersection of Kennedy Road and Sheppard Avenue East for use by the general public as Privately Owner Publicly Accessible Open Space (POPS) with the specific location, configuration, and design to be determined and secured in the context of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning,;

8. the construction and maintenance, at the owner's expense, an area of not less than 2,366 square metres on the lands along the west side of Public Street "C," for use by the general public as Privately Owner Publicly Accessible Open Space (POPS) with the specific location, configuration, and design to be determined and secured in the context

of Site Plan Approval for Block 3 to the satisfaction of the Chief Planner and Executive Director, City Planning;

9. as a pre-approval condition to Site Plan Approval for any block on the development site which includes a POPS as described in Recommendation 9a., the Owner shall convey to the City, for nominal consideration, on terms set out in the Section 37 Agreement, easement(s) in favour of the City in perpetuity, including support rights as applicable, for public use of the POPS, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

10. The Development Charge Credits referred to in Recommendations 6, 7 and 8;

11. The design and construction the above base park improvements to the new park by the owner in exchange for Development Charge Credit against Parks and Recreation component of the Development Charges;

12. Prior to issuance of Notice of Approval Conditions for the first residential development of the lands the Owner shall produce Urban Design Guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning Division that will ensure a high quality public realm, allow for the incremental development of each phase and foster design excellence including innovative architecture and landscape design;

13. Prior to the issuance of the first building permit for any part of the site, including permits for excavation and shoring, the owner shall enter into a municipal capital facility agreement with the City ("Contribution Agreement"), for the Affordable Housing Units that are approved for Open Door incentives, on terms satisfactory to the Executive Director, Housing Secretariat and in a form satisfactory to the City Solicitor. The owner shall provide such Affordable Housing Units in accordance with such agreement(s);

14. 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.

15, the owner shall include warning clauses and signage of the Toronto Catholic District School Board and the Toronto District School Board in the conditions of site plan approval and subsequently within any agreements of purchase and sale or tenant lease agreements for the proposed units, to the satisfaction of the Chief Planner and Executive Director, City Planning;

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan.

Staff have concluded that the proposal is consistent with the PPS (2020), conforms and does not conflict with the Growth Plan (2020) and conforms with the Toronto Official Plan including SASP 572.

These applications advance a future of the Agincourt Mall lands as a new community, redeveloped over time in a master plan that was adopted by City Council in 2019 through OPA 459. The proposal intensifies the site with a mixed-use community that provides a variety of housing, with supporting retail, offices and community facilities. The proposed development contributes land for the provision of two public park and provides generous POPS to improve the open space condition in the area and provides improvements to the local road network and supports public transit. The secured affordable housing, community agency space, child care centre and further community benefits pursuant to Section 37 of the *Planning Act* ensure the continued evolution of the area into a complete community.

Staff recommend that City Council approve the application and Draft Zoning By-law Amendments subject to the conditions identified in the Recommendations section of this report.

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SIGNATURE

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City Planning Division

Valesa Faria, Director, Housing Policy & Strategy
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ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment

Applicant Submitted Drawings

- Attachment 6: Site Plan
- Attachment 7: East Elevation - Private Road "A" and Public Street "F"
- Attachment 8: East Elevation - Kennedy Road
- Attachment 9: East Elevation - Public Street "B"
- Attachment 10 - North Elevation - Public Street "A"
- Attachment 11 - North Elevation - Bonis Avenue and Private Road "B"
- Attachment 12 - South Elevation - Public Street "A"
- Attachment 13 - South Elevation - Sheppard Avenue East
- Attachment 14 - West Elevation - Public Street "B"
- Attachment 15 - West Elevation - Public Street "D"
- Attachment 16 - West Elevation - Public Street "C"
- Attachment 17 - Draft Plan of Subdivision

Attachment 1: Application Data Sheet

Municipal Address: 3850 SHEPPARD AVE E Date Received: October 15, 2019

Application Number: 19 236435 ESC 22 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Redevelopment of Agincourt Mall lands comprising of 8 new blocks on a plan of subdivision, new Public Streets and parklands. High density mixed-use buildings proposed on 6 blocks and parkland on 2 blocks. Proposal includes 4372 residential units, a day care facility, retail and office uses. Concurrent Plan of Subdivision application 19 236443 ESC 22 SB.

Applicant	Agent	Architect	Owner
BOUSFIELDS			PSPIB AGINCOURT INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: A, M, CC Heritage Designation:

Height Limit (m): Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 105,383 Frontage (m): 393 Depth (m): 272

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	26,949		40,732	40,732
Residential GFA (sq m):			334,630	334,630
Non-Residential GFA (sq m):	26,949		36,695	36,695
Total GFA (sq m):	26,949		371,325	371,325
Height - Storeys:	1		43	43
Height - Metres:	9		137	137

Lot Coverage Ratio (%): 38.65 Floor Space Index: 3.52

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 334,630
 Retail GFA: 24,190
 Office GFA: 10,333
 Industrial GFA:
 Institutional/Other GFA: 2,173

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			4,372	4,372
Other:				
Total Units:			4,372	4,372

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			2,515	1,385	472
Total Units:			2,515	1,385	472

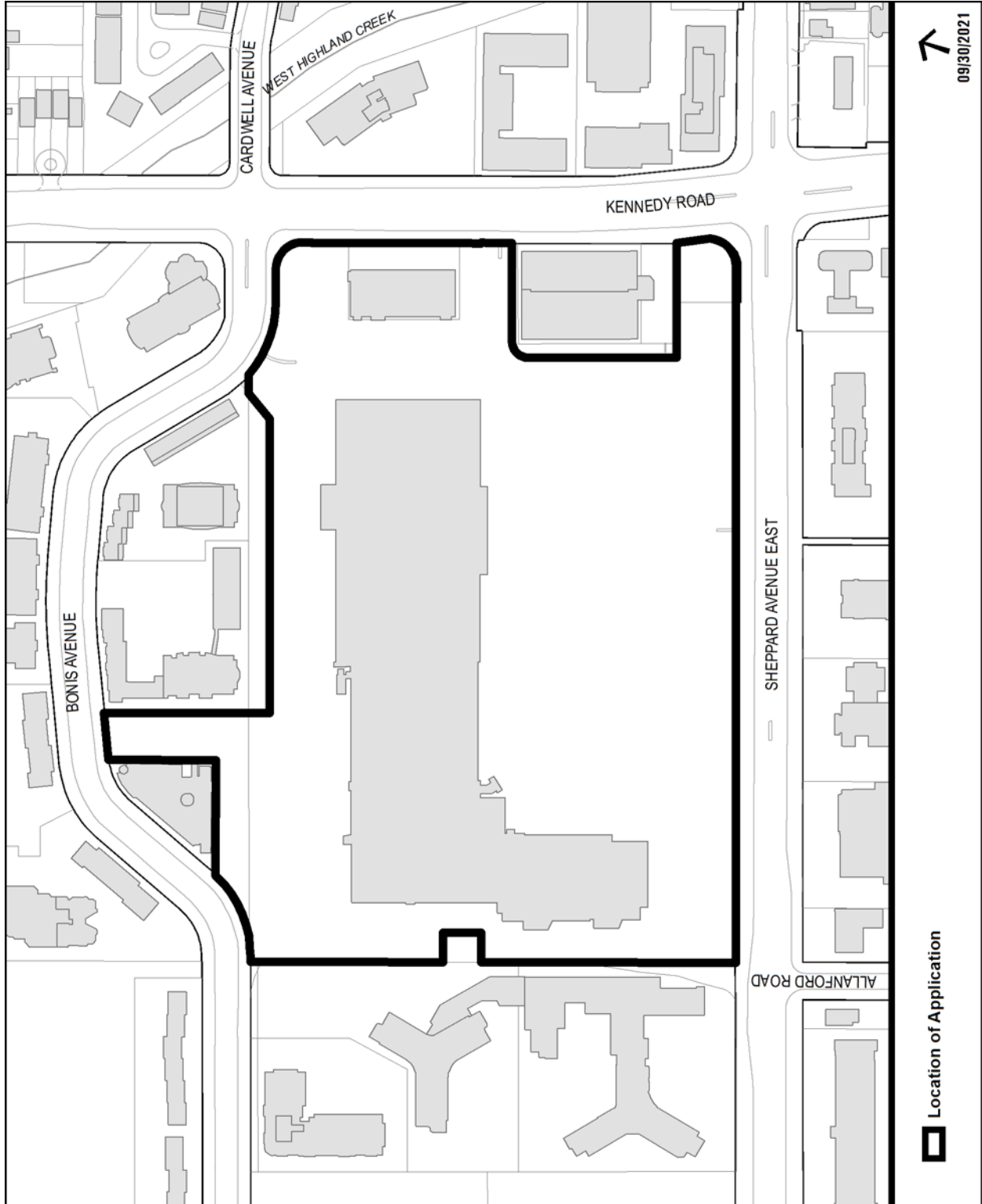
Parking and Loading

Parking Spaces: 4,686 Bicycle Parking Spaces: 3,491 Loading Docks: 20

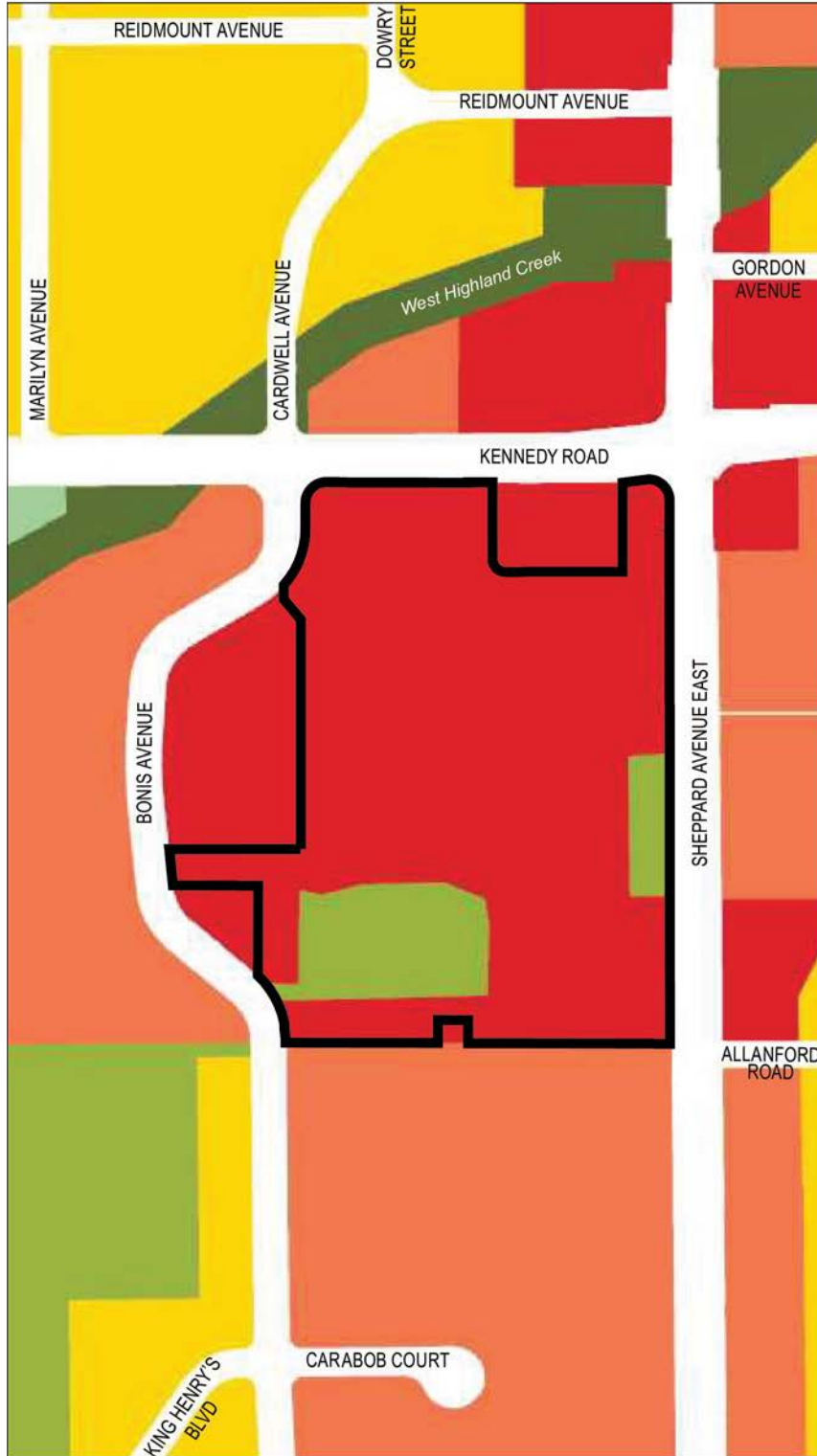
CONTACT:

Kelly Jones, Senior Planner
 (416) 392-4293
 Kelly.Jones@toronto.ca








Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map

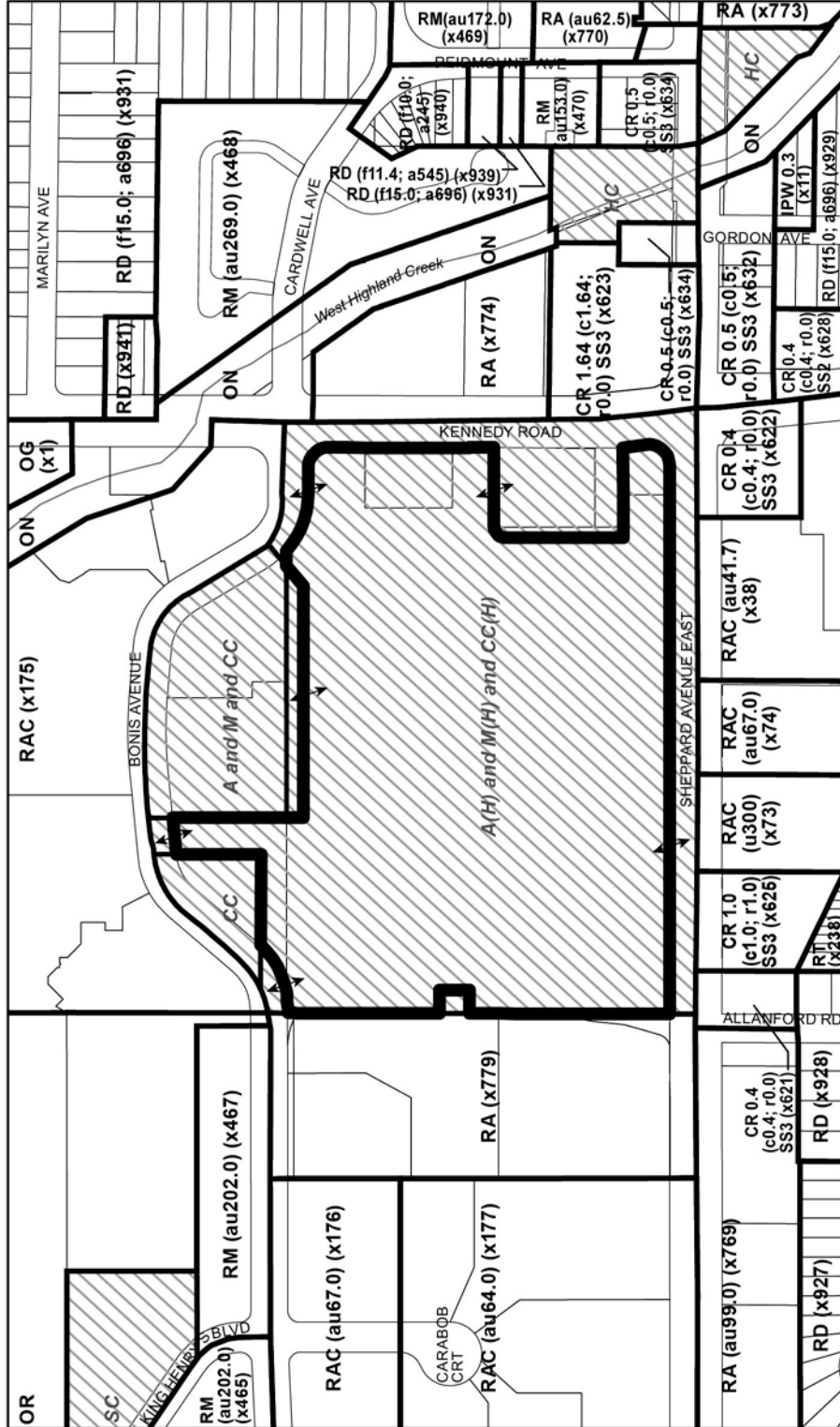


TORONTO
Official Plan Land Use Map 19
3850-3900 Sheppard Avenue East and 2350-2362 Kennedy Road
 File # 19 236435 ESC 22 0Z and 19 236443 ESC 22 SB

- Location of Application**
-  Location of Application
 -  Neighbourhoods
 -  Apartment Neighbourhoods
 -  Mixed Use Areas
 -  Natural Areas
 -  Parks
 -  Other Open Space Areas

↑
 Not to Scale
 11/04/2021

Attachment 4: Existing Zoning By-law Map



Toronto
Zoning By-law 569-2013
3850-3900 Sheppard Avenue East and 2350-2362 Kennedy Road
File # 19 236435 ESC 22 OZ and 19 236443 ESC 22 SB

- Location of Application
- Residential Detached
- Residential Townhouse
- Residential Multiple
- Residential Apartment
- Residential Apartment Commercial
- Commercial Residential
- Institutional Place of Worship
- Open Space Natural
- Open Space Recreation
- Open Space Golf Course
- CR
- IPW
- ON
- OR
- OG
- A
- M
- CC
- HC
- SC
- See Former City of Scarborough Tam O'Shanter Community By-law No. 12360
- Apartment Residential
- Multiple-Family Residential
- Community Commercial
- Highway Commercial
- School

↑
 Not to Scale
 Extracted: 09/30/2021

Attachment 5 - Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ##, as adopted by City of Toronto Council on ~, 2021

CITY OF TORONTO

BY-LAW NO. XXXX - 2021

To amend Zoning By-law No. 569-2013, as amended with respect to the lands known municipally known in the year 2020 as 3850-3900 Sheppard Avenue East and 2350-2362 Kennedy Road

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

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

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;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law, municipally known in the year 2020 as 3850-3900 Sheppard Avenue East and 2350-2362 Kennedy Road, are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: OR and CR 2.0 (c1.0; r2.0) SS3 (x413), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Area Overlay Map in Section 995.10.1, and applying the following Policy Area Overlay label to these lands: PA4, as shown on Diagram 3 attached to 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 Lot Coverage Overlay Map in Section 995.30.1, and applying the following Lot Coverage label to these lands: 33, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT 30, ST 10, as shown on Diagram 5 attached to this Bylaw.
7. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying no label.
8. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number x413 so that it reads:

Exception CR (x413)

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

Site Specific Provisions:

- (A) On 3850-3900 Sheppard Avenue East and 2350-2362 Kennedy Road, if the requirements of Section 10 and Schedule A of By-law [Clerks to supply by-law #] are complied with, a **building, structure**, addition, or enlargement or **public parking** may be used and erected in compliance with regulations (B) to (EE) below:

(B) Despite Regulation 40.10.20.40(1), **dwelling units are permitted in an Apartment Building, Mixed Use Building or Townhouse;**

(C) Despite Regulations 40.5.1.10(3) and 40.10.40.40(1), the maximum **gross floor area** permitted on the lands identified on Diagram 1 of By-law [Clerks to supply by-law #] must not exceed 369,200 square metres, of which:

(i) a minimum of 9,000 square metres is non-residential **gross floor area** dedicated to office use; and

(ii) a maximum of 360,200 square metres is residential **gross floor area;**

(D) Provided that the total **gross floor area** on the lands identified on Diagram 1 of By-law [Clerks to supply by-law #] does not exceed the maximum identified in (C) above, the maximum **gross floor area** permitted on each Block shown on Diagram 6 of By-law [Clerks to supply by-law #] is as follows:

(i) 65,000 square metres on Block 1;

(ii) 11,500 square metres on Block 2;

(iii) 32,000 square metres on Block 3;

(iv) 69,000 square metres on Block 4;

(v) 77,000 square metres on Block 5;

(vi) 60,500 square metres on Block 6; and

(vii) 62,000 square metres on Block 7;

(E) In addition to the **gross floor area** reductions listed in Regulations 40.5.40.40(1), (3) and (5), the **gross floor area** of any building is also reduced by the area in a building used for:

(i) community service facilities;

(ii) garbage room(s) in the basement and garbage shafts;

(iii) public parking located below ground level and at ground level;

(iv) all bicycle parking spaces at or above-ground;

(v) areas devoted to escalators;

(vi) all inset and projecting balconies;

(vii) all indoor **amenity space;**

(viii) enclosed pedestrian walkways that:

- a) provide direct access to streets, parks, public buildings or portions of buildings used for community service facilities, outdoor amenity space accessible to the public, public transportation uses, public parking or a similar walkway in an adjacent building;
- b) are within 8.0 metres of the ground;
- c) have a minimum width of 3.0 metres;
- d) provide direct access between streets or similar walkways in adjacent buildings, and are located at least 60.0 metres from any other pedestrian walkway; and

(ix) washrooms or sitting areas that have access to the enclosed pedestrian walkways described in (viii) above;

(F) for the purpose of this exception, community service facilities eligible for the exclusion in (E)(i) above are limited to the following uses: recreation use, **community centre**, library, **day nursery**, and spaces for the provision of public health services, human services, cultural services and employment services, including but not limited to: medical office, **wellness centre**, **club** and office uses;

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

(H) A minimum of 10% of the total **dwelling units** on the lands identified on Diagram 1 attached to By-law [Clerks to supply by-law #] must be 3-bedroom **dwelling units**;

(I) A minimum of 15% of the total **dwelling units** on the lands identified on Diagram 1 attached to By-law [Clerks to supply by-law #] must be 2-bedroom dwelling units;

(J) Despite Regulations 40.5.40.70(1), 40.10.40.70(3), and 40.10.40.80(2) the required minimum **building setbacks** are shown in metres on Diagram 6 of By-law [Clerks to supply by-law #] and no **angular planes** or related **main wall setback** requirements apply;

(K) Despite Regulation 40.10.40.80(2), a tower or towers may be located in any area identified as a "tower area" as shown on Diagram 6 of By-law [Clerks to supply by-law #] provided that:

(i) if a line projected at a right angle from a main wall of a tower on each of Blocks 1, 2, 3, 5, 6 and 7 intercepts another main wall of a tower on the same Block, those main walls must be separated by a minimum of 30.0 metres; and

(ii) if a line projected at a right angle from a main wall of a tower on Block 4 intercepts another main wall of a tower on Block 4, those main walls must be separated by a minimum of 25.0 metres;

(L) Despite Regulations 5.10.40.70(1) and 40.10.40.80(2), Clauses 40.5.40.60 and 40.10.40.60, and (I) and (J) above, the following are permitted to encroach into the required **building setbacks**, separation distances between towers, separation distances between **main walls** and minimum separation distances shown on Diagram 6 of By-law [Clerks to supply by-law #]:

(i) balconies, bay windows, terraces, cornices, window sills, parapets, trellises, pillars, patios, decks, guardrails, balustrades and railings, ornamental elements, architectural features, art and **landscape** features, pilasters, eaves, light fixtures and standards, ornamental elements and railings may encroach to a maximum of 2.5 metres;

(ii) awnings and canopies may encroach to a maximum of 3.0 metres;

(iii) stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, air vents and air intakes, elevated pedestrian bridge, wind mitigation elements, and underground garage ramps and associated **structures** may encroach; and

(iv) despite (i) above, balconies may not project into the minimum building setback to the south lot line identified on Diagram 6 of By-law [Clerks to supply by-law #] on Block 4;

(M) Despite Regulations 40.5.40.10(1) and (2) and for the purpose of this exception, the height of a **building** or **structure** on a Block shown on Diagram 6 of By-law [Clerks to supply by-law #], is the distance between the Canadian Geodetic Datum elevation in the year 2020, as identified below and the elevation of the highest point of a building or structure:

(i) 171.1 metres on Block 1;

(ii) 171.8 metres on Block 2;

(iii) 172.5 metres on Block 3;

(iv) 171.1 metres on Block 4;

(v) 171.1 metres on Block 5;

(vi) 171.0 metres on Block 6; and

(vii) 171.1 metres on Block 7;

(N) Despite Regulation 40.10.40.10(3), no portion of a **building** may exceed the height in metres specified by the numbers following the symbol “HT” on Diagram 6 of By-law [Clerks to supply by-law #];

(O) Despite (M) above:

(i) only one tower within a “tower area” on each Block as shown on Diagram 6 of By-law [Clerks to supply by-law #] is permitted to achieve the maximum height in metres specified by the numbers following the symbol “HT” on Diagram 6 of By-law [Clerks to supply by-law #]; and

(ii) Other towers within each “tower area” must be lesser in height than the maximum height in metres specified by the numbers following the symbol “HT” on Diagram 6;

(P) Despite Clause 40.5.40.10 and (M) above, the following **building** elements and **structures** are not subject to roof area or locational restrictions and may exceed the permitted maximum height limits shown on Diagram 6 of By-law [Clerks to supply by-law #]:

(i) equipment used for the functional operation of a **building** including electrical, utility, ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts and overruns, chimneys and vents, solar panels and related equipment, **building** maintenance units, site servicing features and window washing equipment and crane **structures** by a maximum of 6.5 metres; and

(ii) architectural features, parapets, planters, **landscaping** features, guard rails, screens, trellises, pergolas, pool equipment and associated decks and platforms, light standards, **green roofs**, seating areas, wheelchair ramps, retaining walls, public art, canopies and awnings, divider screens and unenclosed **structures** providing safety or wind protection to rooftop amenity space, flagpoles, antennae and satellite dishes by a maximum of 4.0 metres;

(Q) The permitted maximum floor area of any **storey** of a tower is 750 square metres measured from the exterior of the **main walls** of each floor level, excluding the area on each floor level devoted to:

(i) elevator shafts;

(ii) mechanical and electrical shafts;

(iii) garbage shafts; and

(iv) exit stairwells;

(R) For the purposes of this exception and (Q) above, tower means the portion of a **building** which collectively encloses the entirety of a **storey** higher than 52.0 metres above the Canadian Geodetic Datum elevation identified for each Block in (J) above;

(S) Despite Regulations 40.5.80.1(1) and 200.5.1(2), Clause 200.5.10.1, and Table 200.5.10.1, **parking spaces** must be provided and maintained on the lands identified on Diagram 1 of By-law [Clerks to supply by-law #] in accordance with the following:

(i) **parking spaces** for residential visitors may be provided on a non-exclusive basis, for the shared use of visitors and non-residential uses and may be provided as **public parking**; and

(ii) no **parking spaces** are required for non-residential uses located at ground level in a **mixed use building**, except where the **gross floor area** for an individual **retail store** at the ground level is greater than 500 square metres;

(T) Despite Regulations 200.5.1.10(2)(A) and (D), electric vehicle infrastructure, including electrical vehicle supply equipment, does not constitute an obstruction to a **parking space**;

(U) For each car-share **parking space** provided on the lands, the minimum number of required **parking spaces** for residents required pursuant to Regulation 200.5.10.1(1) above may be reduced by four (4) **parking spaces**, up to a maximum of 1 car-share **parking space** per 60 **dwelling units**;

(V) For the purposes of (T) above:

(i) car-share means the practice whereby a number of people share the use of one or more vehicles that are owned and operated by a profit or non-profit car-sharing organization, and such car-share vehicles are made available to at least the occupants of the **building** for short term rental, including hourly rental; and

(ii) car-share **parking space** means a **parking space** exclusively reserved and signed for a car used only for car-share purposes;

(W) Despite Regulation 200.5.1.10(1), the **parking space** rates for uses in Policy 4 areas apply to the entirety of the lands;

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

(i) length of 5.6 metres;

(ii) width of 3.4 metres; and

(iii) vertical clearance of 2.1 metres;

(Y) Despite Regulation 200.15.1(3), the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle on one side of the accessible **parking space**;

(Z) Despite Regulations 200.15.1(4) and 200.15.1.5(1), an accessible **parking space** is not required to be the closest **parking space** to a barrier free entrance to a **building** or to a passenger elevator or be the shortest route from such entrance or elevator;

(AA) Despite Regulations 230.5.1.10(9) and (10) and Clause 230.50.1.20, "long-term" and "short-term" **bicycle parking spaces** may be provided in a **stacked bicycle parking space** arrangement, may be located in an enclosed room on any floor of a **building** above or below ground level and may be located more than 30 metres from a pedestrian entrance;

(BB) Despite Regulations 230.5.1.10(4) and (5), a **stacked bicycle parking space** must have the following minimum dimensions:

(i) length of 1.8 metres;

(ii) width of 0.45 metres; and

(iii) height of 1.2 metres;

(CC) None of the provisions of this exception will apply to prevent the existing **building(s)**, as of [Clerks to insert date of adoption of this By-law], on the lands outlined by heavy black lines on Diagram 1 to By-law [Clerks to supply by-law #], from being used for any purpose existing on such lands as of [Clerks to insert date of adoption of this By-law] or for any use listed as permitted under the letter "c" in Regulations 40.10.20.10(1) and 40.10.20.20(1);

(DD) None of the provisions of this exception or By-law 569-2013, as amended, will apply to prevent the use of **parking spaces** or **loading spaces** existing as of [Clerks to insert date of adoption of this By-law], on the lands outlined by heavy black lines on Diagram 1 to By-law [Clerks to supply by-law #], in conjunction with the use of an existing building permitted in (AA) above or to prevent such **parking spaces** or **loading spaces** to be provided elsewhere on the lands outlined by heavy black lines on Diagram 1 to By-law [Clerks to supply by-law #] on an interim basis;

(EE) The uses, **parking spaces** and **loading spaces** permitted in (CC) and (DD) above will continue to apply to the remaining portions of the **building(s)** after demolition of portions of the existing building(s); and

(FF) Additions to each existing **building** or portion thereof, is permitted and may be used for any purpose permitted by (CC) above, provided that the gross floor

area of the addition(s) to each **building**, or portion thereof, does not exceed 50% of the existing **gross floor area** of each building.

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

9. Despite any future severance, partition or division of the lands identified on Diagram 1 of By-law [Clerks to supply by-law #], the provisions of this By-law apply as if no severance, partition or division occurred.

10. None of the provisions of this By-law or By-law No. 569-2013, as amended, will prevent a sales office on the lands identified on Diagram 1 of By-law [Clerks to supply by-law #], where a sales office means **buildings, structures**, or premises, or portions thereof, used for the purpose of selling or leasing **dwelling units** and/or non-residential **gross floor area** on the lands identified on Diagram 1 of By-law [Clerks to supply by-law #].

11. None of the provisions of this By-law or By-law No. 569-2013, as amended, will prevent the erection or use of a pergola, shade structure, weather protection canopy, landscape features including planters and plantings, water features, furnishing elements, light fixtures, or public art in the areas identified as POPS on Diagram 6 of By-law [Clerks to supply by-law #].

12. 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 this__ __day of_____ __ ____, 2021.

JOHN TORY,
Mayor

JOHN ELVIDGE
City Clerk

(Corporate Seal)

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

1. the design, construction, finishing, maintenance and provision of at least 272 affordable rental housing dwelling units comprised of at least 16,864 square metres of residential Gross Floor Area on the lands at 3850 and 3900 Sheppard Avenue East and 2350 to 2362 Kennedy Road (the "Affordable Housing Units"), provided that the Affordable Housing Units approved for the City of Toronto's Open Door Affordable Housing Program incentives all to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the Executive Director, Housing Secretariat, in accordance with the following terms:

aa. at least thirty (30) of the Affordable Housing Units shall be a three-bedroom or four-bedroom rental unit with a minimum unit size of 84 square metres and an average size of 92 square metres;

bb. at least eighty-six (86) of the affordable rental dwelling units shall be two-bedroom rental units with a minimum unit size of 60 square metres and an average size of 67 square metres;

cc. at least one hundred fifty-six (156) of the Affordable Housing Units shall be one-bedroom rental units with a minimum unit size of 48 square metres and an average size of 55 square metres;

dd. the Affordable Housing Units shall be phased such that 114 of the Affordable Housing Units shall be provided on Block 5 and Block 6 as part of Phase 1, 101 of the Affordable Housing Units shall be provided on Blocks 1, 2 and 3 as part of Phase 2 of the development and any remaining Affordable Housing Units shall be provided on Block 4 as part of Phase 3 of the development;

ee. the location and layouts of the Affordable Housing Units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;

ff. The owner shall provide and maintain the Affordable Housing Units as secured rental housing for a minimum period of 40 years beginning from the date that each such unit is first occupied (the "Affordability Period"). During the Affordability Period, no Affordable Housing Unit shall be registered as a condominium or any other form of ownership housing that

provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be made to demolish any Affordable Housing Unit or to convert any Affordable Housing Unit to a non-residential rental purpose. Upon the expiration of the Affordability Period, the owner shall continue to provide and maintain the units as rental dwelling units, unless and until such time as the owner has applied for, and obtained, all approvals necessary to do otherwise;

gg. The owner shall provide and maintain the Affordable Housing Units with Affordable Rents for the Affordability Period. The initial rent (inclusive of utilities) charged to the first tenants of any Affordable Housing Units shall not exceed 100% of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;

hh. If an Affordable Housing Unit becomes vacant and is re-rented to a new tenant during the Affordability Period, the initial rent (inclusive of utilities) charged to the new tenant shall not exceed 100% of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;

ii. After the first year of occupancy of any Affordable Housing Units, the rent (inclusive of utilities) charged to the first tenants or new tenants occupying such unit may be escalated annually by not more than the annual provincial rent guideline, regardless of whether such guideline is applicable to the units under the Residential Tenancies Act or any successor legislation governing residential tenancies in Ontario, until the tenancy ends;

jj. Notwithstanding the annual rent increases permitted in i. above, the rent (inclusive of utilities) charged to any first tenants or new tenants occupying an Affordable Housing Unit shall not be increased to an amount that exceeds 100% of the average rent for the same unit type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;

kk. At least six months in advance of any new Affordable Housing Units being made available for rent to the general public, the owner shall develop and implement a Tenant Access Plan to ensure units are rented to eligible households in consultation with, and to the satisfaction of, the Executive Director, Housing Secretariat.

ll. The new Affordable Housing Units shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units erected on each phase as described in d. above are available and ready for occupancy, or to the satisfaction of, the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat.

mm. The owner shall provide all tenants of the Affordable Housing Units with access to, and use of, all indoor and outdoor amenities in the development at no extra charge.

nn. Access to, and use of, these amenities shall be provided on the same terms and conditions as any other resident of the building in which the Affordable Housing Units are located, without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings.

oo. The owner shall provide all tenants of the Affordable Housing Units with laundry facilities on the same basis as other units within building in which the Affordable Housing Units are located at no extra charge.

pp. The owner shall provide all tenants of the Affordable Housing Units with access to permanent and visitor bicycle parking/bicycle lockers on the same terms and conditions as any other resident of the building in which the Affordable Housing Units are located, and in accordance with the Zoning By-law.

2. the design, construction, finishing and equipping of a non-profit licensed child care facility to be located in the second floor of the building on Block 2, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the General Manager, Children's Services, to accommodate at a minimum 62 children, including infants, toddlers and preschoolers, comprising a minimum of 1,060 square metres of interior space and approximately 347 square metres of exterior space adjacent to the interior space including outdoor storage and four (4) parking spaces reserved for the exclusive use of the child care facility for pick-up/drop-off operations, (the "Child Care Centre"), including:

aa. the conveyance of the Child Care Centre at no cost to the City, in fee simple, prior to first occupancy of the Building on Block 2;

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

cc. a letter of credit in an amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and handover of the Child Care Centre complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the General Manager, Children's Services and the Chief Financial Officer and Treasurer, will be provided to

the City prior to the issuance of the first above grade building permit for the building on Block 2, to secure the Child Care Centre;

dd. a one-time cash contribution in the amount of \$150,000.00 to be used toward start-up costs to be paid prior to the issuance of the first above grade building permit for the building on Block 2;

ee. a one-time cash contribution in the amount of \$150,000.00 to the Child Care Capital Reserve Fund, to replace appliances and large equipment due to wear and tear, to be paid prior to the issuance of the first above grade building permit for the building on Block 2;

ff. all cash contributions shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto calculated from the date of the Section 37 Agreement to the date of payment

gg. four (4) dedicated parking spaces will be provided free-of-charge for the exclusive use of the child care facility for pick-up/drop-off operations. These spaces to be assigned accordingly, and be located in close proximity to the elevators providing the shortest route between the underground parking garage and the Child Care Centre, which shall be barrier-free. A parking pass will be provided for officials conducting inspections of the child care facility;

hh. any other details related to the Child Care Centre such as timing, location, obligations and any matters necessary to implement the Child Care Centre, which have not been addressed in the Recommendations of this report will be finalized between the owner and the City and will be substantially in accordance with the City of Toronto's Child Care Development Guidelines (2021) and to the satisfaction of the Executive Director, Corporate and Real Estate Management, the General Manager, Children's Services, and the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor;

3. Prior to the earlier of condominium registration and the first residential use of any residential building for Block 2, the owner shall substantially complete construction of 1,090 square metres of Community Agency Space to be located on the ground floor of the building on Block 2 (the "Community Agency Space"), which is to be provided to the City at no cost for public use and subject to the following:

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

Executive Director, City Planning and the City Solicitor, in consultation with the Ward Councillor;

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

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

4. the preparation of a public art plan, in accordance with City Planning's Percent for Public Art process, and with approval from City Council, including that:

aa. prior to the issuance of the first above-grade building permit for Block 7, the owner shall submit a public art plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, detailing the design and construction of an on-site public art installation with a minimum value of \$250,000.00, with such value upwardly indexed in accordance with the Non-Residential Construction Price Index for the Toronto, calculated from the date of the Section 37 Agreement to the date of delivery of the financial security required by this Recommendation;

bb. prior to the issuance of the first above grade building permit for Block 7, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated indexed cost of the design and construction of the public art to be installed in accordance with the public art plan;

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

1. prior to the earlier of the issuance of the first above grade building permit for Block 6 and Block 7, the owner shall provide to the city the municipal services necessary for Phase 1, and convey to the City the Park Block 8, all associated

with the first phase registration of the plan of subdivision pursuant to the approval of application 19 236443 ESC 22 SB;

2. prior to the earlier of the issuance of the first above grade building permit for Block 1, Block 2 and Block 4, the owner shall provide to the city the municipal services necessary for Phase 2, and convey to the City the Park Block 9, all associated with the second phase registration of the plan of subdivision pursuant to the approval of application 19 236443 ESC 22 SB;

3. prior to the earlier of the issuance of the first above grade building permit for Block 3 the owner shall provide to the city the municipal services necessary for Phase 3, and convey to the City the Park Block 10, all associated with the third phase registration of the plan of subdivision pursuant to the approval of application 19 236443 ESC 22 SB;

4. the owner shall develop the site in accordance with the following sequence:

aa. Phase 1 as described in the Phasing Plan shall be the first phase;

bb. Phase 2 as described in the Phasing Plan shall be the second phase;

cc. Phase 3 as described in the Phasing Plan shall be the third phase;

dd. But in any event, construction of a subsequent phase shall not commence prior to the owner having satisfied the requirements of Recommendation 10(b)1. Through 10(b)3, inclusive;

5. the construction and maintenance, at the owner's expense, an area of not less than 2,348 square metres across the north side of Blocks 1 and 7, connecting Public Street "D" with Public Street "F," for use by the general public as Privately Owner Publicly Accessible Open Space (POPS) with the specific location, configuration, and design to be determined and secured in the context of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning;

6. the construction and maintenance, at the owner's expense, an area of not less than 665 square metres at the south end of Block 7 near the intersection of Public Street "A" and Public Street "B," for use by the general public as Privately Owner Publicly Accessible Open Space (POPS) with the specific location, configuration, and design to be determined and secured in the context of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning;

7. the construction and maintenance, at the owner's expense, an area of not less than 385 square metres at the southeast corner of Block 5 near the intersection of Kennedy Road and Sheppard Avenue East for use by the general public as Privately Owner Publicly Accessible Open Space (POPS) with the specific location, configuration, and design to be determined and secured in the context

of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning,;

8. the construction and maintenance, at the owner's expense, an area of not less than 2,366 square metres on the lands along the west side of Public Street "C," for use by the general public as Privately Owner Publicly Accessible Open Space (POPS) with the specific location, configuration, and design to be determined and secured in the context of Site Plan Approval for Block 3 to the satisfaction of the Chief Planner and Executive Director, City Planning;

9. as a pre-approval condition to Site Plan Approval for any block on the development site which includes a POPS as described in Recommendation 9a., the Owner shall convey to the City, for nominal consideration, on terms set out in the Section 37 Agreement, easement(s) in favour of the City in perpetuity, including support rights as applicable, for public use of the POPS, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

10. The Development Charge Credits referred to in Recommendations 6, 7 and 8;

11. The design and construction the above base park improvements to the new park by the owner in exchange for Development Charge Credit against Parks and Recreation component of the Development Charges;

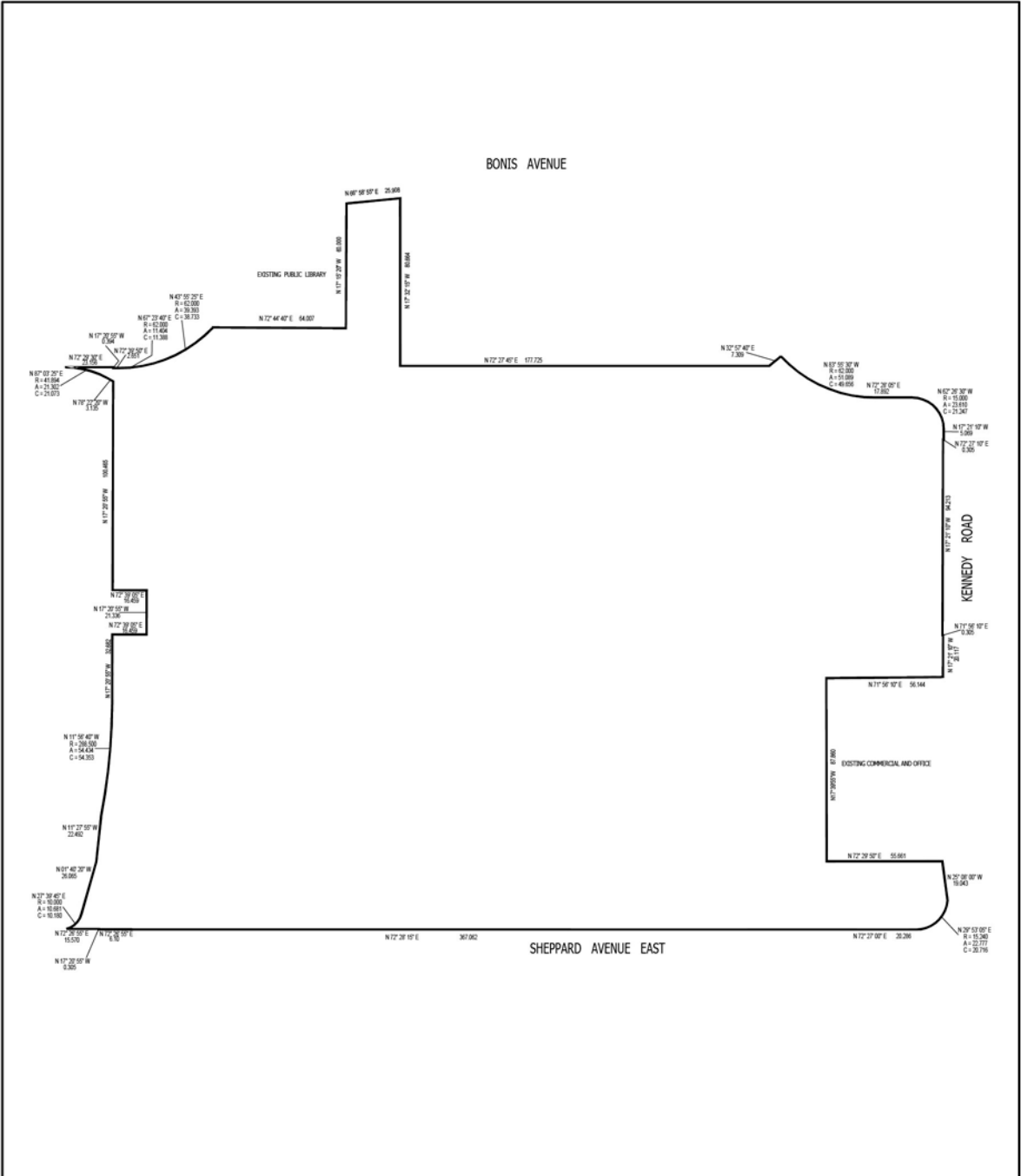
12. Prior to issuance of Notice of Approval Conditions for the first residential development of the lands the Owner shall produce Urban Design Guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning Division that will ensure a high quality public realm, allow for the incremental development of each phase and foster design excellence including innovative architecture and landscape design;

13. Prior to the issuance of the first building permit for any part of the site, including permits for excavation and shoring, the owner shall enter into a municipal capital facility agreement with the City ("Contribution Agreement"), for the Affordable Housing Units that are approved for Open Door incentives, on terms satisfactory to the Executive Director, Housing Secretariat and in a form satisfactory to the City Solicitor. The owner shall provide such Affordable Housing Units in accordance with such agreement(s);

14. 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.

15. the owner shall include warning clauses and signage of the Toronto Catholic District School Board and the Toronto District School Board in the conditions of

site plan approval and subsequently within any agreements of purchase and sale or tenant lease agreements for the proposed units, to the satisfaction of the Chief Planner and Executive Director, City Planning;

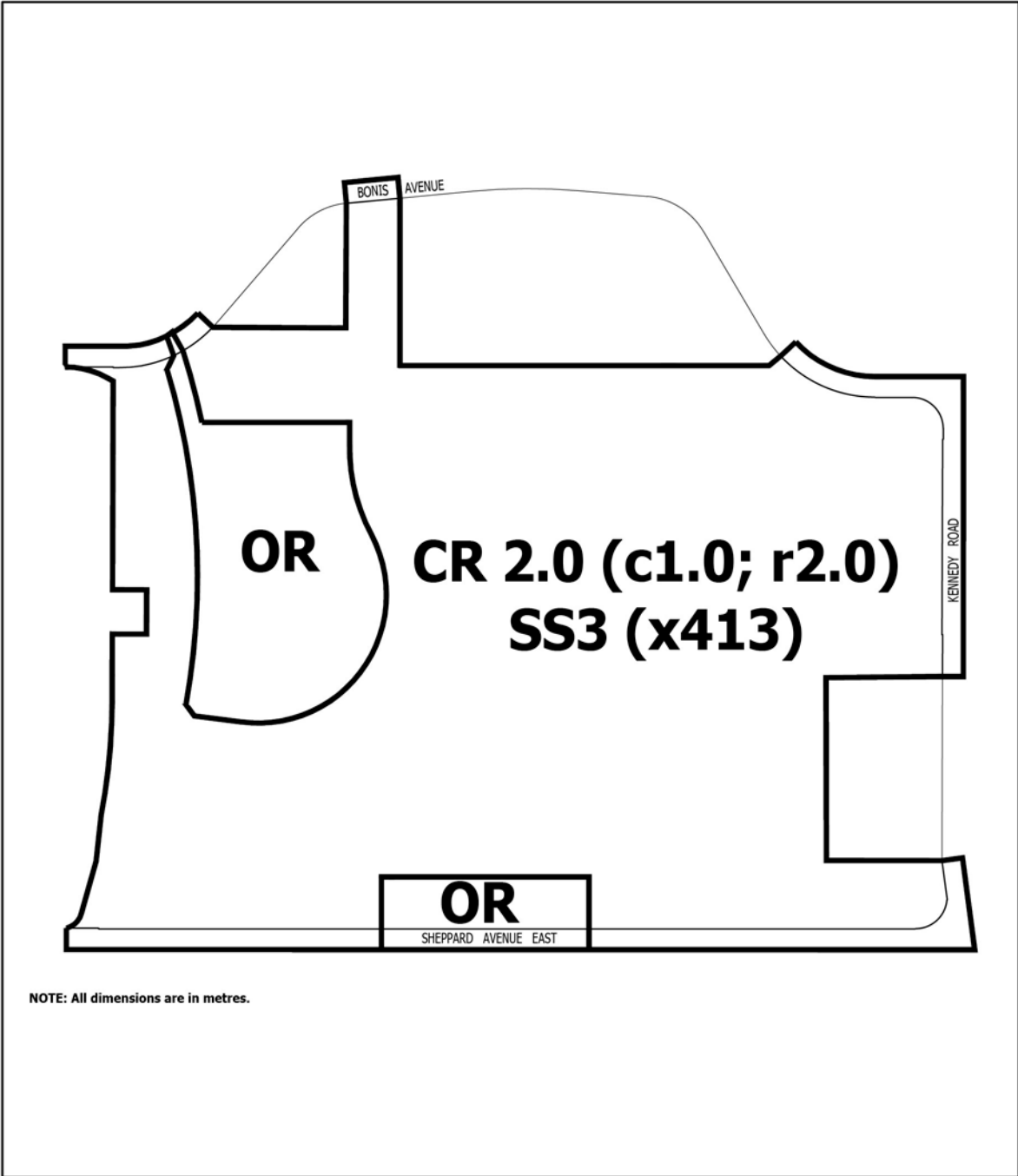


Toronto
Diagram 1

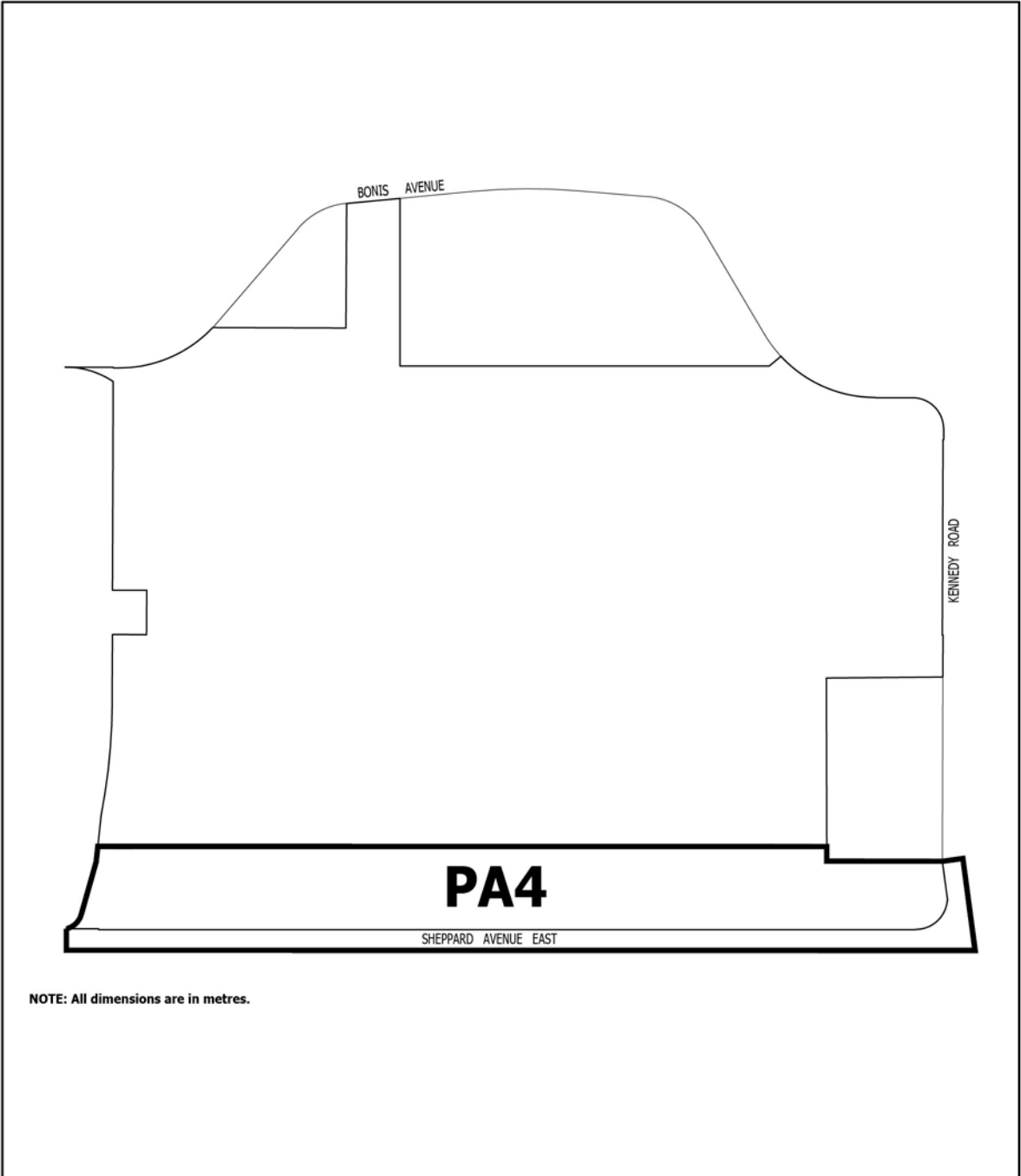
**3850-3900 Sheppard Avenue East
 and 2350-2362 Kennedy Road**

File # 19 236435 ECS 22 02

City of Toronto By-law 569-2013
 Not to Scale
 10/28/2021



NOTE: All dimensions are in metres.

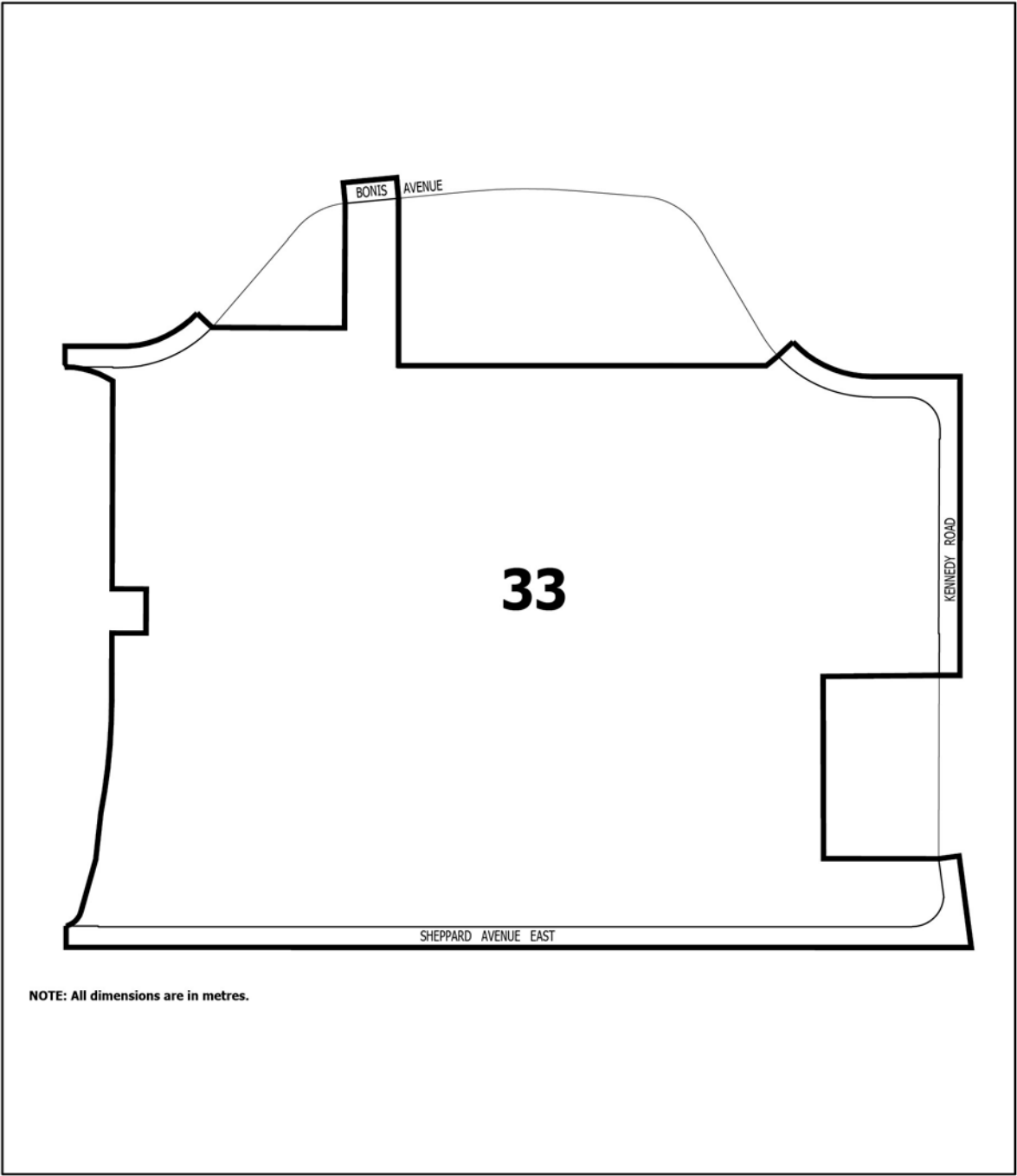


TORONTO
Diagram 3

**3850-3900 Sheppard Avenue East
 and 2350-2362 Kennedy Road**

File # 19 236435 ECS 22 02

City of Toronto By-law 569-2013
 Not to Scale
 10/28/2021



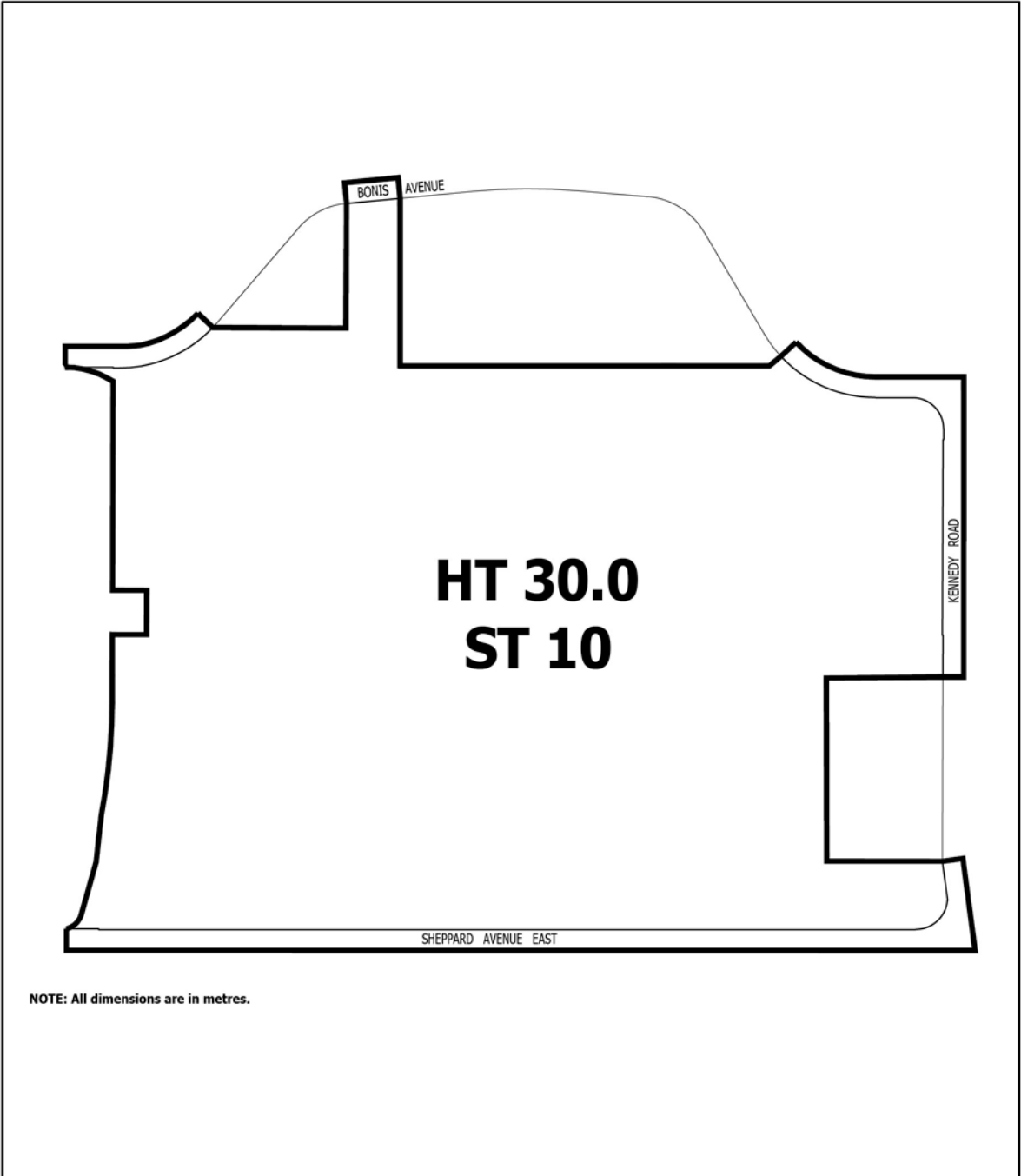
NOTE: All dimensions are in metres.



3850-3900 Sheppard Avenue East and 2350-2362 Kennedy Road

File # 19 236435 ECS 22 02

City of Toronto By-law 569-2013
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10/28/2021

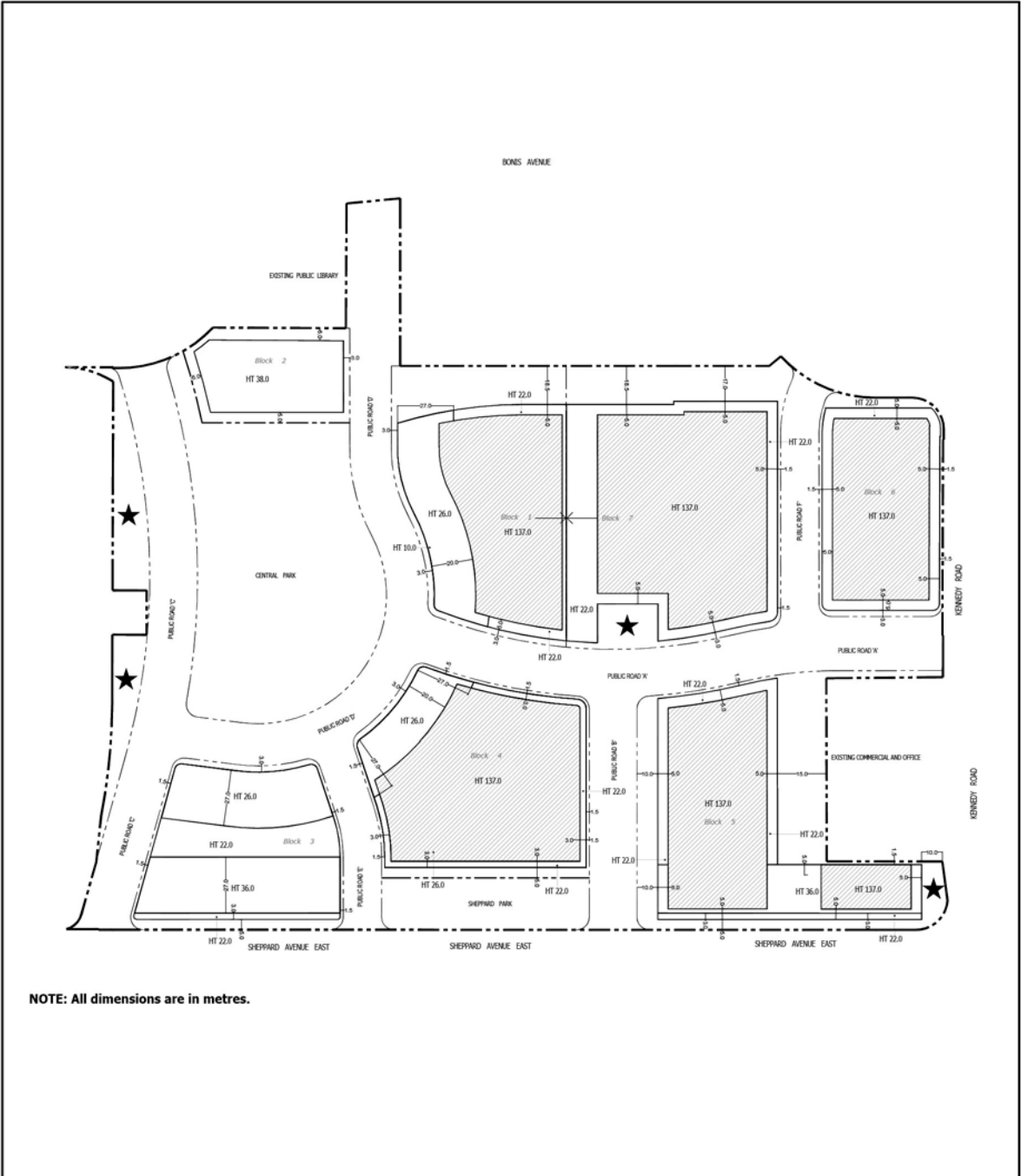


TORONTO
Diagram 5

**3850-3900 Sheppard Avenue East
and 2350-2362 Kennedy Road**

File # 19 236435 ECS 22 02


 City of Toronto By-law 569-2013
 Not to Scale
 10/28/2021



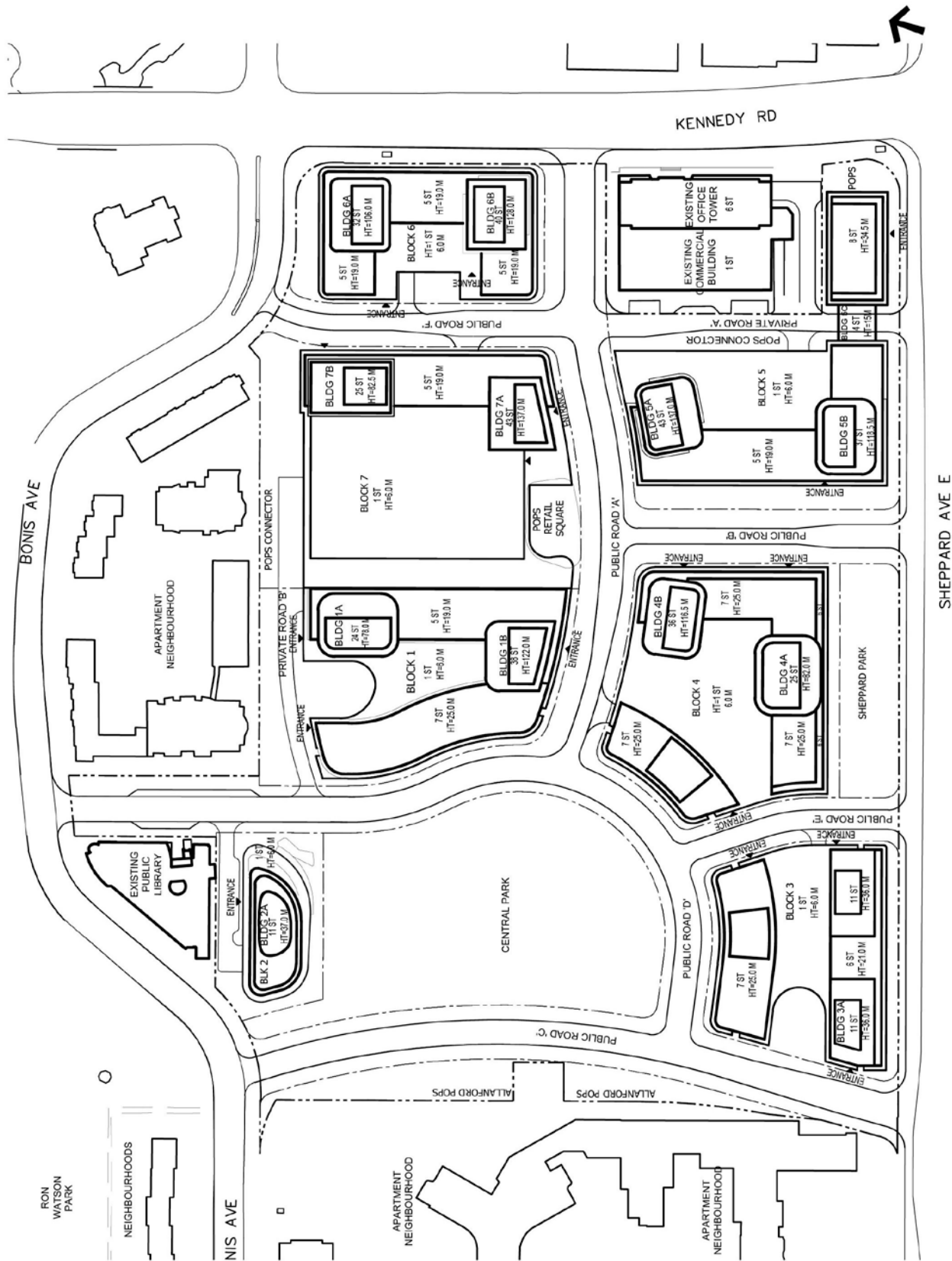
TORONTO
Diagram 6

**3850-3900 Sheppard Avenue East
and 2350-2362 Kennedy Road**

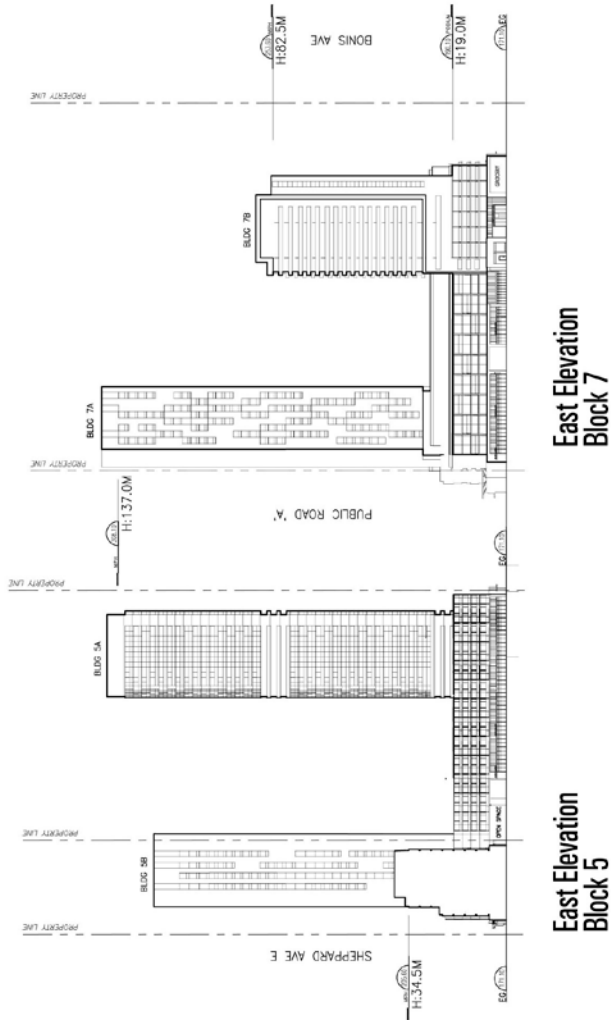
File # 19 236435 ECS 22 02


 City of Toronto By-law 569-2013
 Not to Scale
 10/28/2021

Attachment 6: Site Plan

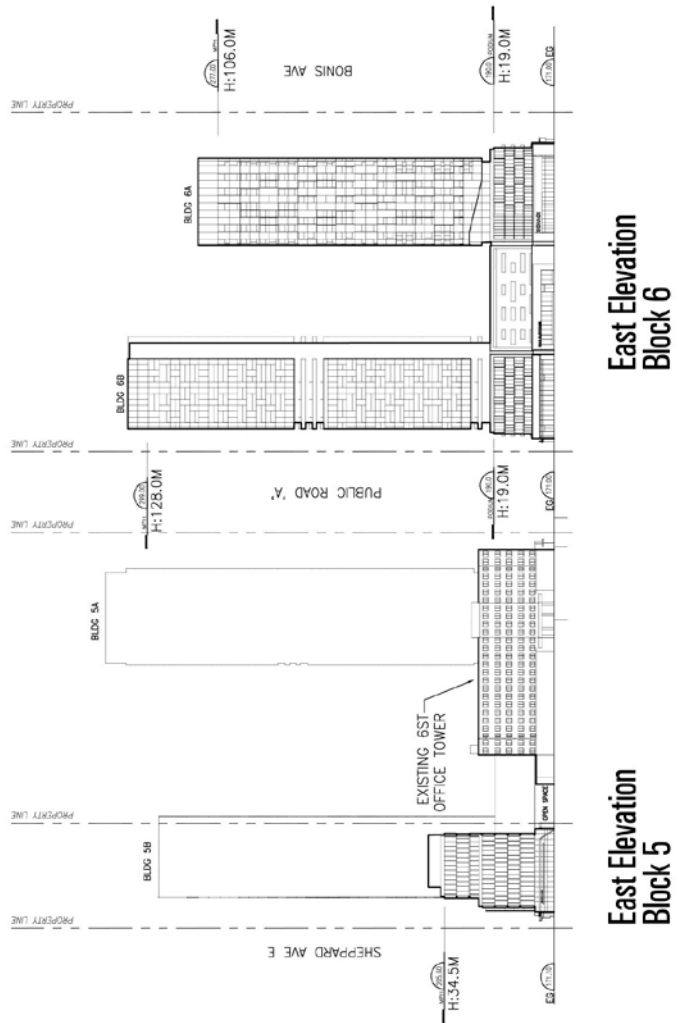


Attachment 7: East Elevation - Private Road "A" and Public Street "F"



East Elevation - Private Road "A" and Public Road "F"

Attachment 8: East Elevation - Kennedy Road

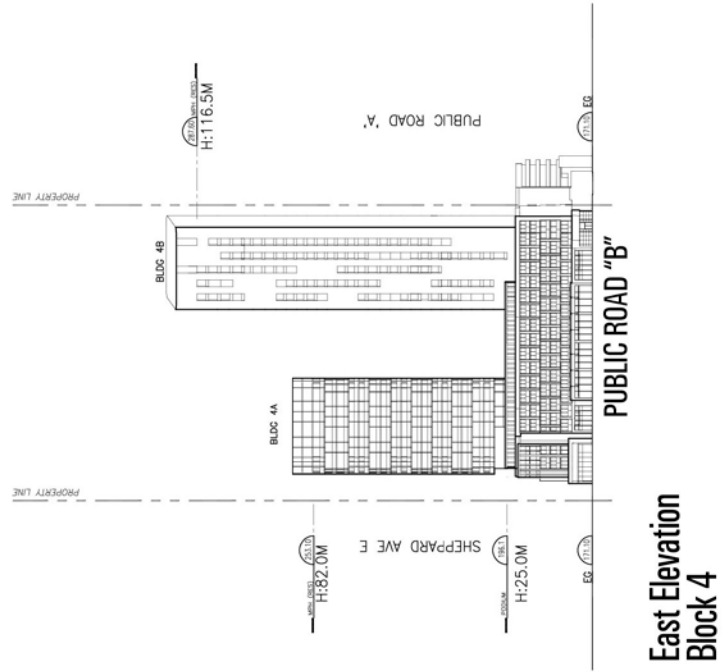


East Elevation
Block 6

East Elevation
Block 5

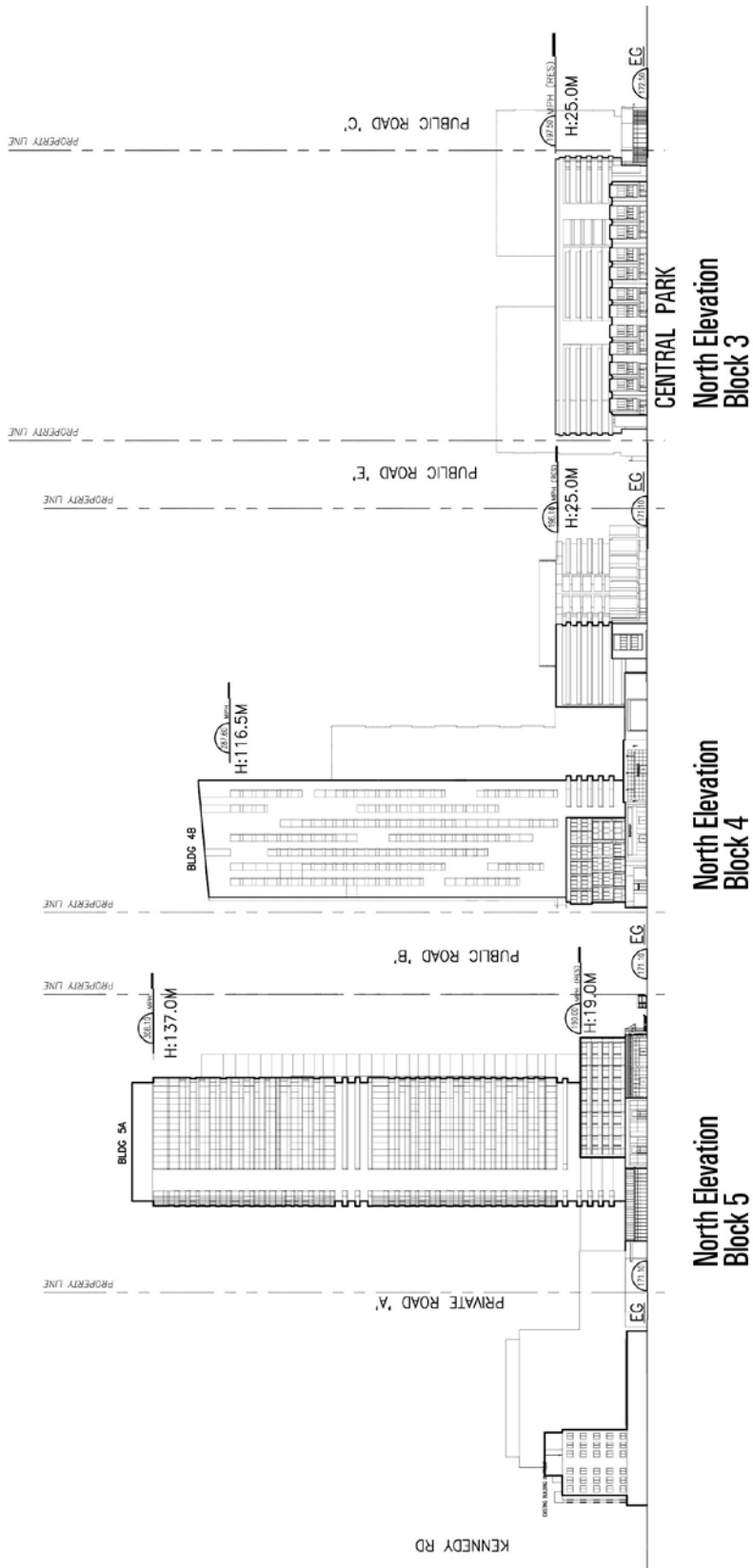
East Elevation - Kennedy Road

Attachment 9: East Elevation Public Street "B"



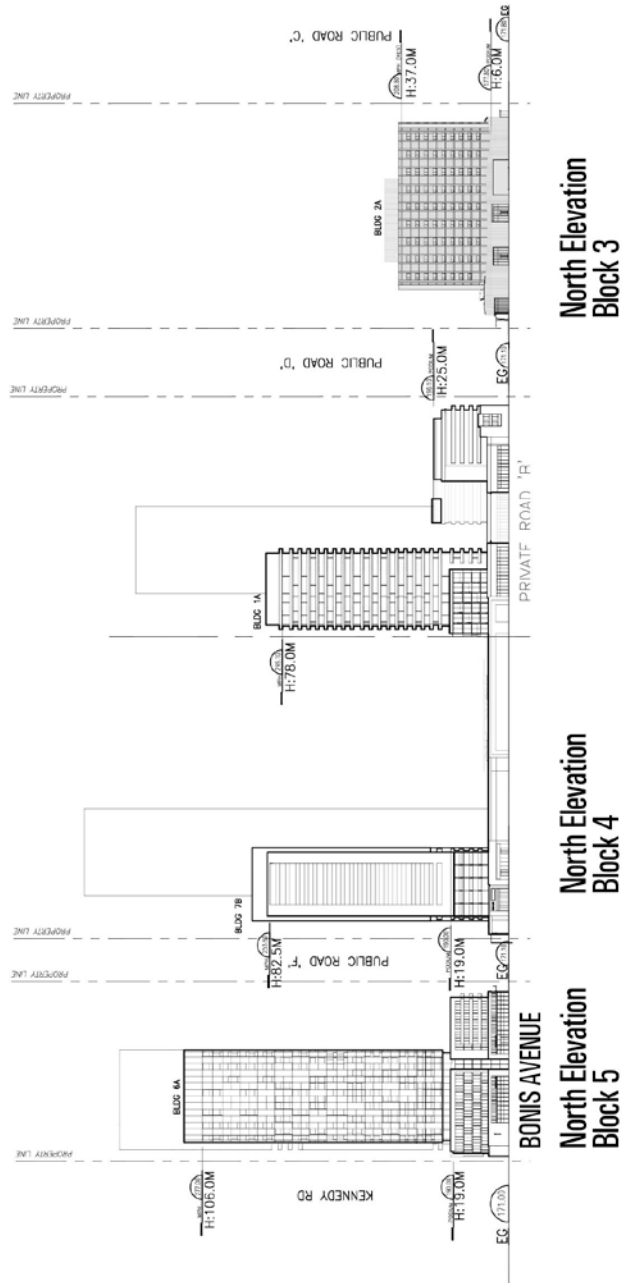
East Elevation - Public Road "B"

Attachment 10 - North Elevation - Public Street "A"



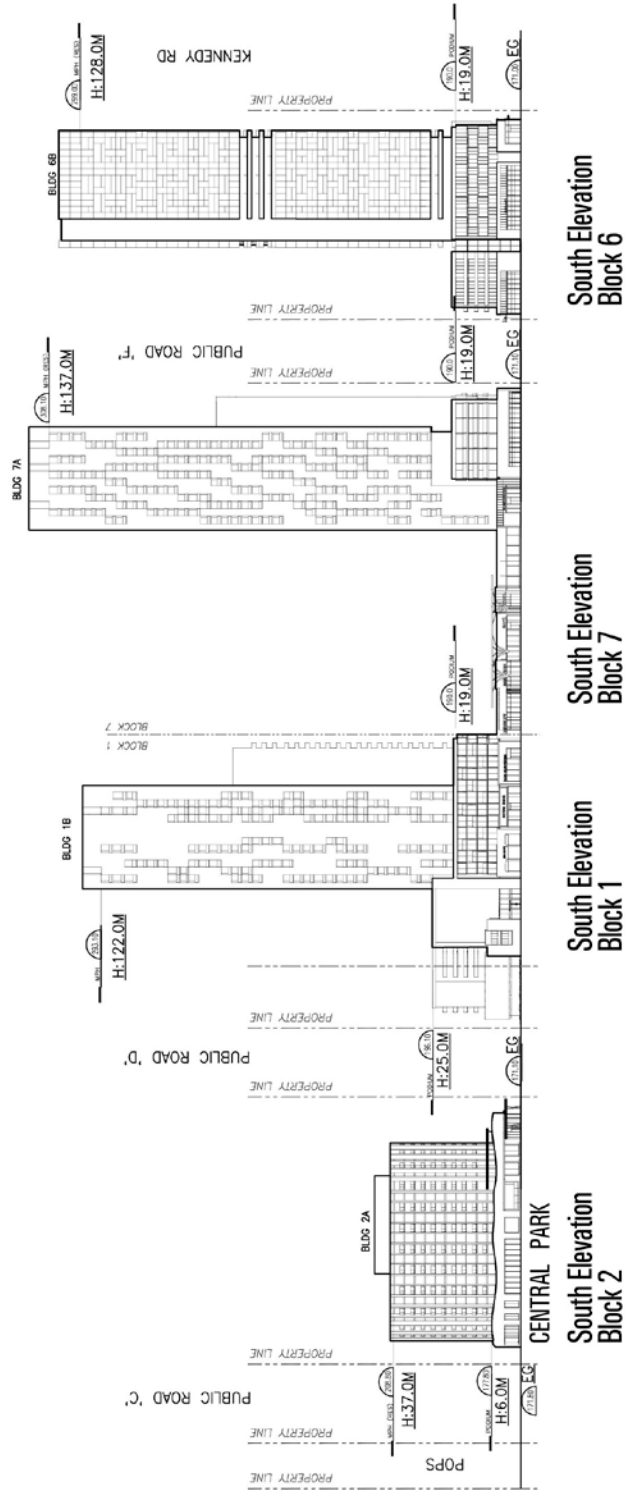
North Elevation - Public Road "A"

Attachment 11 - North Elevation - Bonis Avenue and Private Road "B"



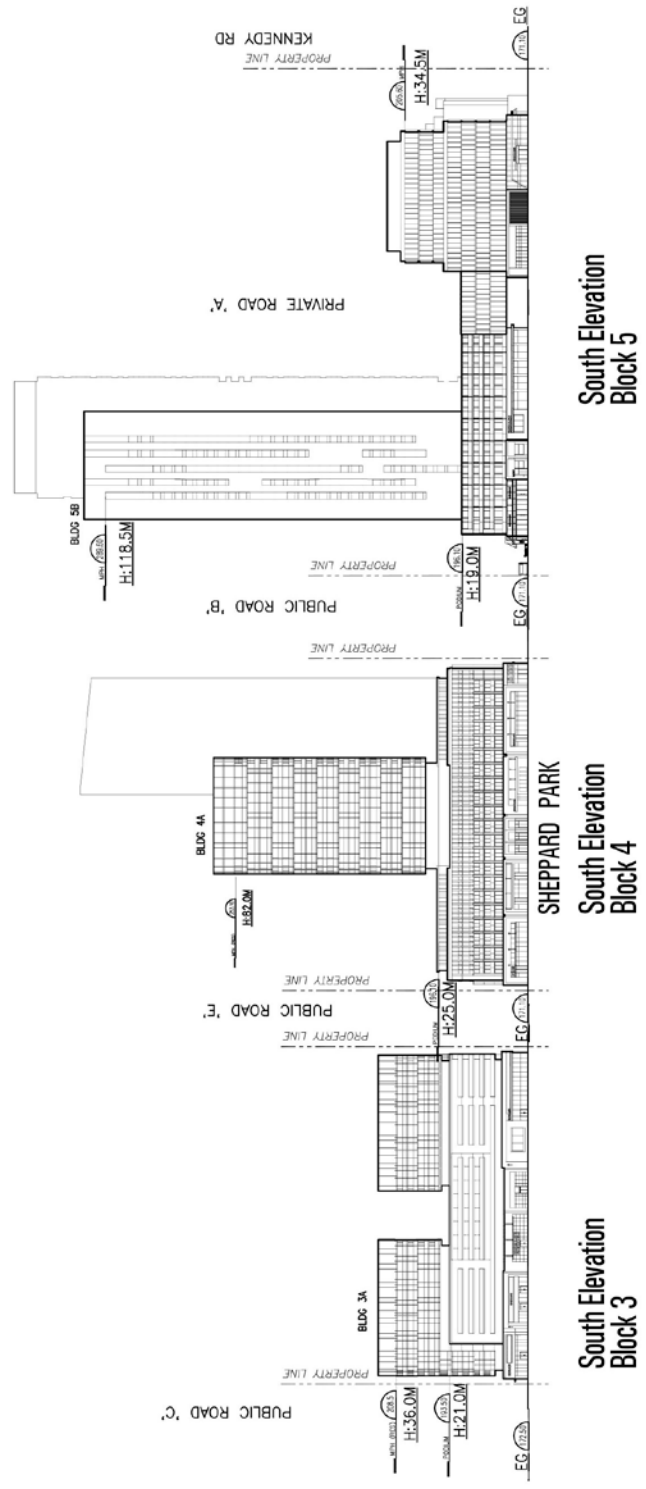
North Elevation - Bonis Avenue and Private Road "B"

Attachment 12 - South Elevation - Public Street "A"



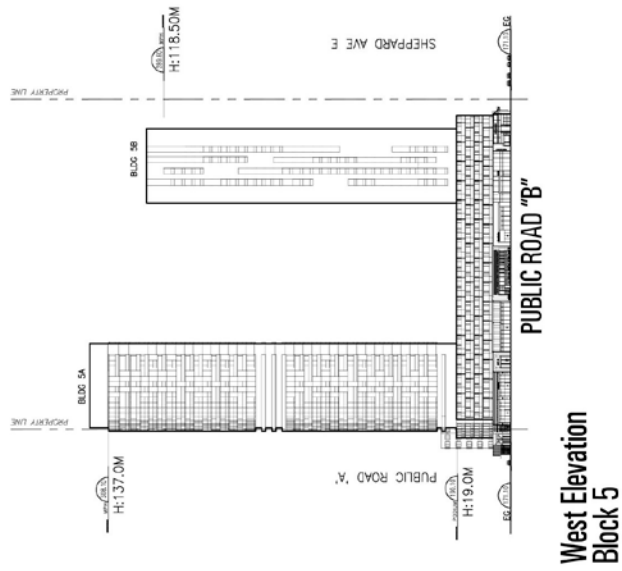
South Elevation - Public Road "A"

Attachment 13 - South Elevation - Sheppard Avenue East



South Elevation - Sheppard Avenue East

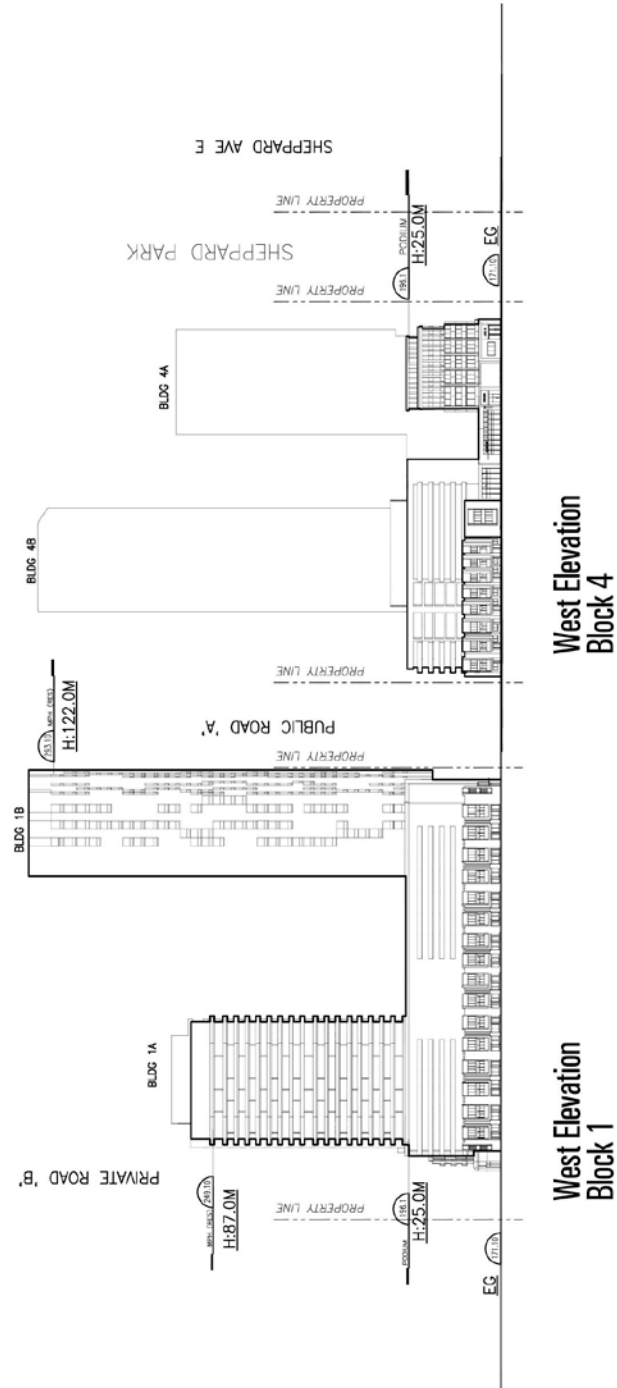
Attachment 14 - West Elevation - Public Street "B"



West Elevation
Block 5

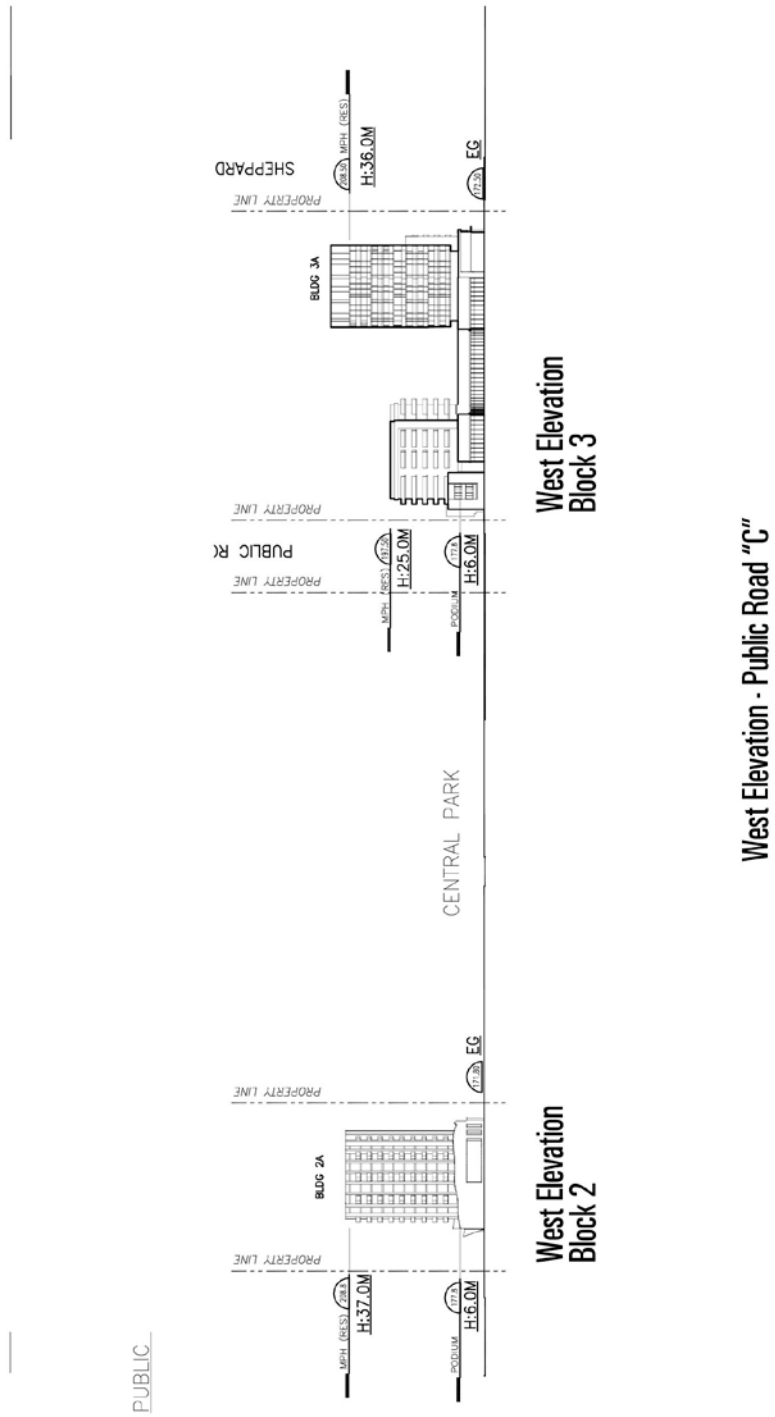
West Elevation - Public Road "B"

Attachment 15 - West Elevation - Public Street "D"



West Elevation - Public Road "D"

Attachment 16 - West Elevation - Public Street "C"



Attachment 17 - Draft Plan of Subdivision

