

1978 – 2002 Lake Shore Boulevard West – Zoning By-law Amendment Application – Final Report

Date: June 13, 2022

To: Toronto and East York Community Council or Council

From: Director, Community Planning, Toronto and East York District

Ward: 4 - Parkdale-High Park

Planning Application Number: 17 278471 WET 13 OZ

SUMMARY

This application proposes to amend the Zoning By-law 569-2013 to permit a mixed-use building with two towers, 20 and 36-storeys on a 5-storey base building at 1978-2002 Lake Shore Boulevard West with 611 residential units, 154 square metres of retail uses at grade and 262 parking spaces.

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), conforms to the relevant policies of the Official Plan and maintains the intent and purpose of the applicable design guidelines.

This report reviews and recommends approval of the application to amend the Zoning By-law. The report also recommends approval of Open Door Affordable Rental Housing Program incentives for 61 new affordable rental homes in the development.

RECOMMENDATIONS

The City Planning Division and Housing Secretariat recommend that:

1. City Council amend Zoning By-law 569-2013 for the lands at 1978-2002 Lake Shore Boulevard West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to report (June 13, 2022) from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

3. City Council authorize the City Solicitor to submit the necessary bill to implement the foregoing recommendations provided the City Solicitor is satisfied that the appropriate legal mechanisms are in place to ensure that no building permit will issue until such time as the Section 37 Agreement is executed and registered.
4. City Council require Marlin Springs (carrying on business as Winlake Developments Limited) (or a related corporation) ("the Owner") the Owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:
 - a) The Owner's section 37 contribution consists of providing and maintaining sixty-one (61) new affordable rental dwelling units on the lands at 1978-2002 Lake Shore Boulevard West (the "Affordable Housing Units");
 - b) The Affordable Housing Units are to be conveyed to Community Affordable Housing Solutions or another non-profit affordable housing provider chosen by the City in its sole discretion (the "Provider") as a stratified freehold parcel;
 - c) The Affordable Housing Units shall be in accordance with the following:
 - i. at least one (1) of the Affordable Housing Units shall be a three-bedroom unit with a minimum unit size of 83.1 square metres and an average size of 83.1 square metres;
 - ii. at least twelve (12) of the affordable rental dwelling units shall be two-bedroom rental units with a minimum unit size of 58.3 square metres and an average size of 63.8 square metres;
 - iii. no more than sixteen (16) of the Affordable Housing Units shall be one-bedroom rental units with a minimum unit size of 44.8 square metres and an average size of 53.5 square metres;
 - iv. no more than thirty-two (32) of the Affordable Housing Units shall be studio rental units with a minimum unit size of 30 square metres and an average size of 35.4 square metres;
 - v. The unit sizes described in recommendations 4.c.i to 4.c.iv may vary by a maximum of three percent (3%), but only as a result of reasonable adjustments which may be required for the purposes of accommodating final structural or

mechanical design. All such adjustments must be made to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;

- vi. the Affordable Housing Units shall all be located on one contiguous floor within the podium of the development;
- vii. the 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;
- viii. the Affordable Housing Units shall be provided and maintained for a minimum period of ninety-nine (99 years) from the date the units are first occupied (the "Affordability Period");
- ix. the initial rent (inclusive of utilities) charged to the first tenants of any Affordable Housing Units shall not exceed 100 percent 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;
- x. 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 percent 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;
- xi. after the first year of occupancy of any Affordable Housing Units, the rent (inclusive of utilities) charged to 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;
- xii. notwithstanding the annual rent increases permitted in ix. above, the rent (inclusive of utilities) charged to any tenants occupying an Affordable Housing Unit shall not be increased to an amount that exceeds 100 percent 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;

- xiii. 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;
- xiv. the new Affordable Housing Units shall be made ready and available for occupancy no later than the date by which seventy (70) percent of the new market dwelling units 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;
- xv. the Owner shall provide all tenants of the affordable rental dwelling units with access to, and use of, all indoor and outdoor amenities in the building in which such tenant resides at no extra charge;
- xvi. 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;
- xvii. 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; and
- xviii. the Owner shall provide all tenants of the Affordable Housing Units with air conditioning facilities on the same basis as other units within building in which the Affordable Housing Units are located at no extra charge; and
- xix. 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.

- d) The Owner shall enter into an agreement with the Provider and the City, being the municipal housing project facility agreement (the "Contribution Agreement") referenced in Part 8, no later than 180 days after Zoning By-law Amendment(s) permitting the Development becomes final and binding or within such longer period of time as the City and the Owner may agree to, but in any case before Development Charges for the Affordable Housing Units would otherwise be due;
- e) The Owner shall enter into an agreement of purchase and sale ("APS") for the conveyance of the Affordable Housing Units to the Provider and the City (with the City as a contingent transferee) at the discounted maximum total purchase price of \$17,019,896 prior to the issuance of the first above grade building permit for the development, which APS shall be subject to the following terms:
 - i. the APS shall be assignable by the City of Toronto to another Provider at the City of Toronto's sole discretion; and
 - ii. the City of Toronto shall not be liable to pay any deposit penalty, or liquidated damages to the Owner or the Provider in the event the City terminates the APS for any reason, including failure of the Provider to close on the transaction, a lack of funding to complete the transaction, or the City being unsuccessful in identifying an alternate Provider;
- f) The Owner and the Provider will enter into a shared facilities agreement for 99 years, on the following terms:
 - i. the shared facilities agreement will allocate costs proportionately based on each party's actual share of the shared facilities;
 - ii. the Owner shall discount the Provider's share of the shared facilities costs under the shared facilities agreement for 99 years;
 - iii. the Owner (including any condominium corporation or other assignee) shall not have the right to unilaterally amend the shared facilities agreement, nor shall the shared facilities agreement be amended to directly or indirectly increase the share of costs that the Provider is responsible for paying under the shared facilities agreement for the 99 year term; and

- iv. the shared facilities agreement shall otherwise be on commercially reasonable terms.
 - g) if the Owner fails to enter into the APS as required or the conveyance of the Affordable Housing Units to the Provider does not close for any reason, the Owner shall provide and maintain the Affordable Housing Units in accordance with this Part 4.
- 5. City Council also direct that the following be secured in the Section 37 Agreement as a legal convenience to secure matters required to support the development:
 - a) The Owner shall provide a minimum of 10 percent of all new units in the proposed development as three-bedroom units;
 - b) The Owner shall provide a minimum of 30 percent of all new units in the proposed development as two-bedroom units;
 - c) A privately owned publicly accessible open space (POPS) of approximately 200 square metres along Lake Shore Boulevard West and Windermere Avenue, whereby as a pre-approval condition to Site Plan Approval for the development, the Owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the POPS and any required public access easements to connect the POPS to adjacent POPS and/or public rights-of-way, where necessary; and the Owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the POPS shall be determined in the context of a site plan approval, including retail/commercial spill out uses on terms and conditions satisfactory to the Chief Planner and Executive Director, City Planning, pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;
 - d) The Owner will construct and maintain the Development Site in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the Development Site;

- e) The location of the amenity space will be determined through the Site Plan Approval process to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - f) Implementation of all recommended mitigation measures included in all reports, studies, and plans submitted by the Owner, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the appropriate City official;
 - g) The Owner shall submit a comprehensive Construction Management Plan for each stage of the construction process, to the satisfaction of the General Manager, Transportation Services, the Chief Building Official and Executive Director, Toronto Building and the Ward Councillor. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the General Manager, Transportation Services, in consultation with the Ward Councillor.
 - h) The Owner shall submit financial contributions/payments in the form of a letter of credit or certified cheques, indexed upwards in accordance with the Construction Price Index from the date of the Section 37 Agreement and/or provide additional documentation for the implementation of a Transportation Demand Management (TDM) plan. These provisions include, but are not limited to:
 - i. A payment of \$50,000 for bike-share station implementation on-site or in the area surrounding the subject site;
 - ii. A minimum of three (3) car-share spaces on-site;
 - iii. One (1) car-share and/or bike-share membership per unit, offered for the first year of occupancy; and
 - iv. A minimum of one (1) bike repair station/area provided on-site
6. 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 authorize the 61 affordable rental units to be constructed on the lands known as 1978-2002 Lake Shore Boulevard West to be eligible for waivers of fees for planning application, building permit, parkland dedication and development charges exemptions.
 - b) City Council authorize an exemption from taxation for municipal and school purposes for 99 years, for the up to 61 affordable rental units to be constructed on the lands known as 1978-2002 Lake Shore Boulevard West.
- 7. City Council authorize the Executive Director, Housing Secretariat to negotiate and enter into, on behalf of the City, a municipal housing project facility agreement (the "Contribution Agreement") with Winlake Developments Limited (or a related corporation) and/or Community Affordable Housing Solutions (or a related corporation), or a non-profit housing provider Owner approved by the Executive Director, Housing Secretariat, at their sole discretion (the "Provider"), for the development of the affordable housing to be constructed on the lands known as 1978-2002 Lake Shore Boulevard West, to secure the financial assistance being provided and to set out the terms of the operation of the new affordable rental housing, on terms and conditions satisfactory to the Executive Director, Housing Secretariat and in a form approved by the City Solicitor.
- 8. City Council authorize the Controller to cancel or refund any taxes paid after the effective date of the exemption from taxation for municipal and school purposes as set out in the Contribution Agreement.
- 9. City Council authorize the Executive Director, Housing Secretariat to execute, on behalf of the City, any security or financing documents required by the Owner or the Provider to secure construction and conventional financing and subsequent refinancing, including any postponement, tripartite, confirmation of status, discharge or consent documents of any City security documents where and when required during the term of the municipal housing facility agreement, as required by normal business practices, and provided that such documents do not give rise to financial obligations on the part of the City that have not been previously approved by Council.
- 10. City Council authorize the City Solicitor and appropriate City staff to take such necessary steps, as required, to implement City Council's decision.
- 11. City Council authorize the City to be a party to the agreements of purchase and sale contemplated to be entered into for the Affordable Housing Units as a contingent transferee, in order to ensure the benefit of

- the Affordable Housing Units is secured for the intended purposes until the transaction is complete.
12. City Council authorize the Executive Director, Housing Secretariat to execute the agreements of purchase and sale and any other documents required to complete the purchase of the Affordable Housing Units, including an assignment of the agreements of purchase and sale for the Affordable Housing Units to the Provider.
 13. City Council authorize the Executive Director, Housing Secretariat to administer and manage the transaction relating to the Affordable Housing Units in consultation with the Executive Director, Corporate Real Estate Management, including the provision of any consents, approvals, waivers and notices, provided that they may, at any time, refer consideration of any such matters (including their content) to City Council for consideration and direction, all as may be required.

FINANCIAL IMPACT

This report recommends City Council approval of financial incentives under the Open Door Affordable Housing Program of approximately \$4,635,142 to support the development of 61 affordable rental homes at 1978-2002 Lake Shore Boulevard West.

The proposed incentives through the Open Door Affordable Housing Program includes exemptions from development charges, planning and building permit fees, and property taxes for 99 years. Based on applicable fees, charges, and tax exemption estimates, the average of these incentives is \$75,986 per unit, for a total investment of approximately \$4,635,142 in City incentives as outlined in Table 1 below. As this project is in the final planning approval stages, the applicable planning application fees have already been paid by the developer and will not be waived.

The provision of the affordable homes is proposed to be supported by both a community benefit contribution under Section 37 of the Planning Act, and the City's Open Door Program. Were the City to accept the proposed affordable housing units solely as a Section 37 contribution, the anticipated affordability period would have been 15 years. In exchange for receiving Open Door Program incentives for these affordable rental units, the Owner, Winlake Developments Limited, has agreed to transfer Ownership of the affordable housing units to Community Affordable Housing Solutions (CAHS) and extend the affordable rental period to 99 years. This extended affordability period reflects the value of the City's incentives.

These incentives are not a direct capital payment from the City but rather foregone revenues that the City waives or forgives under the Open Door Affordable Housing Program. Values are based on 2022 tax rates, 2022 AMR rates, November 2021 development charge rates, 2022 building permit fees and 2022 planning fees.

Table 1 - Breakdown of Value of Open Door Program Incentives

Affordable Rental Homes	Affordability Period	Estimated Development Charges*	Estimated Planning Fees and Charges**	Estimated Net Present Value of Property Taxes	Estimated Total Value of Incentives
61	99	\$2,438,836	\$412,516	\$1,783,791	\$4,635,142

At current 2022 rates, the value of the annual property tax exemption is estimated at \$56,544. The net present value over the 99 year-term is estimated at \$1,783,791 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 - Property Tax Exemption

Property Tax	*Annual	Net Present Value (NPV): 99 Years
City	\$ 42,238	\$ 1,332,486
Education	\$ 13,690	\$ 431,881
City Building	\$ 616	\$ 19,423
Total:	\$ 56,544	\$ 1,783,791

In the event of default, the Contribution Agreement will provide that the by-law providing the property tax exemption be repealed.

The Chief Financial Officer and Treasurer have reviewed this report and agrees with the financial impact information provided.

DECISION HISTORY

On May 17, 2011 City Council adopted item GM3.21, "Transfer of Properties to Build Toronto and Declaration of Surplus – Second Quarter" from the Chief Corporate Officer, approving the terms for transfer to Build Toronto, without strata limitations, 1978 and part of 2000 Lake Shore Boulevard West. The Ward

Councillor indicated a preference for a strata limit being required with respect to the whole of the property. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.GM3.21>

On April 3, 2013 City Council adopted item GM20.6, "Property Transfers to Build Toronto – Enhanced Process" from the Chief Corporate Officer that directed the Chief Corporate Officer to implement an enhanced process for property transfers to Build Toronto to augment the declared surplus and disposal process. The report and associated materials can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.GM20.6>

The enhanced process required consultation with City Planning, the local Ward Councillor, Real Estate staff and any current leaseholder. Although part of the site at 1978 and part of 2002 Lake Shore Boulevard West was transferred to Build Toronto prior to this process coming into effect, the remainder of the site was subject to the enhanced consultation process.

On July 16, 2013, City Council adopted item GM 23.8, which authorized the transfer of a stratified portion of 2000 and 2002 Lake Shore Boulevard West to Build Toronto and that the previous transfer (noted above) of 1978 and part of 2000 Lake Shore Boulevard West (GM3.21) be amended to provide that only a stratified portion, limited to 65 metres above grade, be transferred to Build Toronto. The report and associated material can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.GM23.8>

On December 21, 2017 a Zoning By-law Amendment application was submitted for the lands at 1978-2002 Lake Shore Boulevard West. The application was initially marked as incomplete and a Notice of Incomplete Application was provided to the applicant on January 22, 2018 identifying the outstanding materials required for a complete application.

On February 21, 2018, Etobicoke York Community Council adopted item EY28.7, "1978 – 2002 Lake Shore Boulevard West - Zoning By-law Amendment Application - Preliminary Report" with a recommendations directing staff to schedule a Community Consultation meeting for the subject site to be hosted together with the Ward Councillor. The Preliminary Report and Community Council's decision are available at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY28.7>

A full resubmission was made May 13, 2020 and the application subsequently deemed complete on July 30, 2020.

SITE AND SURROUNDING AREA

The subject site is located on the north side of the westbound lanes of Lake Shore Boulevard West on the north east corner of the Lake Shore Boulevard

West and Windermere Avenue intersection. The site is irregular in shape and has an approximate size of 4,505 square metres. The site has a frontage of approximately 181 metres along Lake Shore Boulevard West, and a depth of approximately 27 metres along Windermere Avenue.

Land uses that surround the subject site include:

North: North of the subject site is the eastbound lane of the Gardiner Expressway.

South: South of the subject site is comprised primarily of the westbound and eastbound lanes of Lake Shore Boulevard West. South of Lake Shore Boulevard West is a Green P Parking Lot and portions of Sunnyside Park.

West: To the west of the site, along Lake Shore Boulevard West there are on ramps to the Gardiner Expressway. The south west of the site also includes lands that comprise part of the western waterfront, including Sunnyside Park and the Humber Bay Arch Bridge.

East: To the east of the development site along Lake Shore Boulevard West, there are a number of residential buildings ranging from approximately 18 to 38-storeys including the Park Lake (1900 Lake Shore Boulevard West) and Mirabella (1926 Lake Shore Boulevard West) condominiums, now built and under-construction respectively in the adjacent block to the east between Windermere and Ellis Avenues.

THE APPLICATION

The initial application submitted proposed to amend the Zoning By-law to allow for the construction of two residential towers, 21 and 26-storeys in height, rising from a three to six storey base building with a partial seven storey element in between (the "Original Proposal"). The Original Proposal accommodated approximately 607 residential units and proposed 526 vehicle parking spaces.

The current proposal has been revised to allow for the construction of two residential towers of 20 and 36-storeys (65 and 115 metres) on a five storey (20 metre) base building. The proposal also includes a total Gross Floor Area (GFA) of 46,762 square metres which includes 154 square metres of retail space at grade, 616 residential units and 245 vehicle parking spaces. This revised proposal equates to a density of 10.4 times the area of the lot.

The current proposal has also been revised to incorporate a 50 metre separation distance between the two tower components of the building and both towers have also been revised to incorporate maximum floor plate sizes of 750 square metres.

In addition to the built form, density and units outlined above, the application also proposes 1,232 square metres of indoor amenity space and 1,537 square metres of outdoor amenity space. The amenity space would be located on the first and sixth floor with outdoor amenity space on the roof of the five storey base building.

Finally, the application also proposes a plaza style open space on the eastern edge of the building that has an overall size of approximately 200 square metres and provides an interface with the pedestrian realm along Windermere Avenue.

See Attachment No. 1 to this report for the location map, Attachment No. 2 for the project data, Attachment No. 7 for the site plan, Attachments No. 8a and 8b for a three dimensional representation of the current proposal in context, and Attachments No. 9-12 for the elevations.

Other details, including changes made from the original proposal are listed in the following table.

Category	Original	Revised
Site Area	4,505 m ²	4,505 m ²
Frontage/Depth	Frontage (Lake Shore Blvd): 181 m Depth (Windermere Ave): 27 m	Frontage (Lake Shore Blvd): 181 m Depth (Windermere Ave): 27 m
Building Height	21 and 26 storeys (73.5 and 88.5 m) 3 to 7 (25 m) storey base building	20 and 36 storeys (65 and 115 m) 5 storey (20 m) base building
Gross Floor Area	Residential: 47,043 m ² Non-Residential: 988 m ²	Residential: 46,608 m ² Non-Residential: 154 m ²
Density	10.6	10.4
Residential Units	One-bedroom: 367 (60%) Two-bedroom: 179 (30%) Three-bedroom: 61 (10%) Total: 607 (100%)	One-bedroom: 303 (50%) Two-bedroom: 233 (38%) Three-bedroom: 80 (13%) Total: 616 (100%)
Vehicular Parking	Residents: 496 spaces Visitors: 91 spaces Total: 526 spaces	Residents: 207 spaces Visitors: 38 spaces Total: 245 spaces

Category	Original	Revised
Bicycle Parking	Long-term: 608 spaces	Long-term: 556 spaces
Loading	1 Type 'C' 1 Type 'B/G'	2 Type 'C' 1 Type 'B/G'
Amenity Space	Indoor: 1,214 m ² Outdoor: 1,214 m ²	Indoor: 1,232 m ² Outdoor: 1,537 m ²

Reasons for Application

An amendment to City of Toronto Zoning By-law 569-2013 is required to create appropriate performance standards to facilitate the development, including, but not limited to: maximum permitted height, density and building setbacks.

Site Plan Control

The proposal is subject to Site Plan Control. As of the date of this report, a Site Plan Control application has not been submitted.

Provincial Land Use Policies

The application has been reviewed to determine its consistency with the Provincial Policy Statement (2020) (PPS), conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan), and conformity to the City's Official Plan. 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. The Growth Plan, builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region.

Please see Attachment 6 for the comprehensive policy considerations.

Agency Circulation

The application together with the reports/studies submitted in support of the application have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

COMMUNITY CONSULTATION

Due to the history of development related activity on this site and the longstanding development application being considered through this report, extensive consultation has been conducted with the local community on the different components of the proposal.

Following the initial Zoning By-law Amendment application in 2017, a Community Consultation Meeting hosted by City Planning together with the Local Ward Councillor was scheduled and notice was sent to residents and landowners within 120 metres of the subject site. This meeting was held on March 20, 2018. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format meeting.

Following this meeting, additional targeted community stakeholder consultation and engagement meetings and workshops were held between May and June 2018 with representatives from the Ward Councillor, Swansea Area Ratepayers Association and existing condominium boards and residents of the NXT and Windermere-by-the-Lake condominiums to the north along The Queensway.

Additionally, in October 2018, City staff and the applicant team presented the proposal to the City's Design Review Panel. No vote was held but the Chair and Panel Members provided their initial comments and advice to the City and applicant. The Chair and Panel recognized that the Site presented a special opportunity for a gateway moment and that there was significant potential not yet addressed given such a prominent site, which demands the highest quality design and public realm.

Comments and feedback from these meetings and processes helped to inform the eventual resubmission that was made in May 2020.

Leading up to the 2018 City of Toronto Municipal Election, the Provincial Government passed Bill 5 which received Royal Assent on August 14, 2018. This bill had the effect of reducing the number of City Wards and Councillors from 47 to 25. Based on these changes, the application was now located within Ward 4 Parkdale – High Park.

Following the comprehensive resubmission made in May 2020, a new public consultation strategy was prepared to support to the revised development concept.

On June 2, 2021 an online Community Information Session was hosted by the applicant with the Local Ward Councillor and City staff to provide an overview of the changes made to the proposal to date. The meeting was attended by approximately 110 members of the community. Through the meeting, a number of issues were identified with the proposal, including:

- Overall height and built form;
- Views and impact to the height strata;
- Wind and shadowing impacts
- Unit mix, tenure, and affordability
- Traffic impacts and pedestrian safety
- Site access and parking
- Public realm, public facilities, and retail space
- Construction and project timeline

This session concluded with the decision to undertake a series of working group sessions to help resolve outstanding issues on the application. In total, four working group sessions were held to discuss the proposal. They were held on July 29, September 14, September 22 and November 1 of 2021 respectively. Issues discussed during the working group sessions included:

- Built form issues including, tower/podium height and tower separation;
- Height issues, including the height strata;
- Building design and public realm;
- Views and shadow impacts
- Pedestrian and cyclist safety and movement;
- Traffic and transportation impacts;
- Site access and organization;
- Retail and grade related components; and
- Pet relief areas.

The issues raised through community consultation and working group process have been considered through the review of the application. Comments with respect to the proposed built form, design and strata Ownership as well as site access, organization and traffic are addressed in the Comments section below.

The detailed building and landscape design, including proposed architectural expression and materials, and a construction management plan will be addressed during the Site Plan Control review process.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have had an opportunity to view the oral submissions made at the statutory public

meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

COMMENTS

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

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

Building Height and Strata

As previously noted, on May 17, 2011 City Council adopted item GM3.21, "Transfer of Properties to Build Toronto and Declaration of Surplus – Second Quarter" from the Chief Corporate Officer, which approved the terms for transfer to Build Toronto (now CreateTO), 1978 and part of 2000 Lake Shore Boulevard West.

Further, on July 16, 2013, City Council adopted item GM 23.8, which authorized the transfer of a stratified portion of 2000 and 2002 Lake Shore Boulevard West to Build Toronto and that the previous transfer (noted above) of 1978 and part of 2000 Lake Shore Boulevard West (GM3.21) be amended to provide that only a stratified portion, limited to 65 metres above grade ("Height Strata"), be transferred to Build Toronto.

The above noted Height Strata placed a limitation on the overall development height on the subject property so that only a stratified portion of 1978 Lake Shore Boulevard West and part of 2000 Lake Shore Boulevard West can be developed up to 65 metres above grade.

Through the Zoning By-law Amendment application, public consultation and community working group sessions, a built form strategy was developed to allow for an overall building height, which will require an amendment to the Height Strata as previously authorized by City Council. Through the application review process, a revised development concept was created that would provide a transition from height peak of the Mirabella towers to the east. One of the objectives of the Height Strata is to reduce the impact of the development on the lake views for the properties to the north.

The current proposal contains two residential towers of 20 and 36 storeys (65 and 115 metres) on a 5 storey (20 metre) base building. The east tower at 115 metres is at similar height to the Mirabella towers on the east of the Windermere Ave. The west tower is shorter at 65 metres and will remain in line with the 65 metre Height Strata.

In order to allow the development to proceed, City Council will be required to authorize an amendment to the Height Strata. CreateTO has indicated that they are supportive of this. However, in order to facilitate this amendment, CreateTO will be reporting to their Board of Directors with recommendations addressing the details of the proposed amended Height Strata.

In addition to this, City of Toronto Real Estate Management will also be reporting to the General Governance and Licensing Committee regarding the details of the previous land sale, and the changes being made to the Height Strata.

These reports are intended to be considered together, at the same City Council meeting.

Built Form

City Planning staff finds that the proposal conforms with the applicable Official Plan policies with respect to built form, massing and transition as well as the relevant design guidelines addressed further in this report.

The City Council adopted Tall Building Design Guidelines establish a unified set of performance measures for the evaluation of all tall building development applications city-wide. These guidelines focus on how the design of new tall buildings should be evaluated and carried out to ensure that tall buildings fit within their existing and/or planned context and limit local impacts.

The proposal has been assessed in the context of the Tall Building Design Guidelines, as well as the Windermere Village Urban Design Guidelines and Western Waterfront Master Plan. Though the site is not located within the Windermere Village Urban Design Guidelines study area, the key view corridors identified by the guidelines were considered in the site plan and building design.

Key issues assessed through the review of this proposal include fit within the existing and planned context, tower separation distances, floor plate size and shape, building setbacks, and pedestrian impacts, including shadow and wind.

The existing and planned context features a number of existing towers to the north along Windermere Avenue and adjacent to the site to the east along Lake Shore Boulevard West. The current proposal incorporates an east tower with an overall height of 115 metres, which is consistent with the as-built height of the

Mirabella towers located to the east of the site along Lake Shore Boulevard West and Windermere Avenue. The proposed west tower is lower in height at 65 metres (inclusive of mechanical penthouse) respecting the height strata and provides an appropriate transition from the height peak at the east down to the west mirroring a similar existing skyline pattern east of the Mirabella towers.

In addition to the tower heights, the height of the base building has been reduced to 5 storeys from 7 storeys in the original submission. This modification will help the building to fit more harmoniously within the streetwall scale of the existing tall building context along Lake Shore Boulevard West and creates a consistent pedestrian level experience with good street proportion.

The proposal has also been revised to incorporate a tower separation distance of 50 metres, which has been increased from the 35 metre separation distance proposed in the 2020 resubmission. This revision will help to minimize any potential negative impacts on the public realm and neighbouring properties, including potential shadow impacts, pedestrian-level wind, and loss of sky view. This generous tower separation also respects the view corridors identified in the Urban Design Guidelines for the Windermere Village area to the north. This change will also help to improve the environmental quality of building interiors, including daylighting, natural ventilation, and privacy for building occupants.

The Tall Building Design Guidelines identify a maximum 750 square metre floor plate sizes for tower portions of tall buildings. These floor plate sizes are intended to create smaller, , improve access to sky view, permit better views between buildings and through sites, and contribute to a more attractive skyline. The floor plates in the current proposal has been revised from the 2020 resubmission to have more regular shapes and have been reduced in size from 950 square metres to 750 square metres. Further development in the tower shape, orientation, architectural expression and energy performance will be advanced during the Site Plan Control review process.

These changes also respond to comments received from the Design Review Panel. Specifically, that the site is located at a "gateway moment" for the city both to and from the waterfront via Windermere Avenue, as well as from Lake Shore Boulevard and the Gardiner Expressway into the downtown.

In their review, the Panel also noted that the building articulation should be simplified and that the design should make the site feel bigger as opposed to overwhelmed by a "large single mass". The proposed changes to create more slender towers with a lower base building help to achieve this effect.

Finally, building setbacks have been incorporated along Windermere Avenue of 16 metres from the street line and to a maximum of 21 metres along Lake Shore Boulevard West. These increased setbacks will ensure that the ground floor uses

and pedestrian activities will be comfortably buffered by high quality landscapes from the arterial traffic volumes along Lake Shore Boulevard West.

Based on the above noted comments, staff are of the opinion that the application appropriately responds to and is in conformity with the Built Form policies of the Official Plan and meets the intent of the Tall Building Design Guidelines.

Public Realm

The current proposal incorporates a five storey pedestrian scale base building height that frames the public realm with good proportion. The proposal also includes generous ground floor setbacks along Windermere Avenue of 16 metre and along Lake Shore Boulevard West up to a maximum of 21 metres.

At the prominent southeast corner of the site, a proposed plaza space, to be secured as a privately owned publicly accessible space of approximately 200 square metres in size will expand the public realm and provide a positive interface along the important N-S pedestrian and cycling connection to the waterfront. The plaza also serves to invite pedestrians into the active retail frontage focused around the corner of Windermere and Lake Shore Boulevard West.

The ground floor of the proposal also includes residential lobbies located to the west along Lake Shore Boulevard West and related residential uses at-grade. The generous setbacks and ground floor uses will be further defined and detailed during the Site Plan Control review process to ensure activation and animation, pedestrian safety and comfort, good access and overlook to and from the public realm are achieved.

A Landscape Plan submitted in support of the application shows six new trees proposed on the private property as well as 27 new trees on the city road allowance. The plaza has also been designed to incorporate smaller trees, shrubs and planter beds, as well as street furniture and bike rings. Further detailed design of the public realm will be addressed during the Site Plan Control review process.

City staff are satisfied that the proposal is consistent with the applicable public realm policies of the Official Plan.

Affordable Housing

The previous sale of the subject lands contemplated the delivery of affordable Ownership housing with financial support from affordable housing programs operated by the City. At the time of negotiation, an 'Affordable Housing Delivery Agreement' was executed with Build Toronto (now CreateTO) and the City's Affordable Housing Office (now the Housing Secretariat) that intended to provide

up to 10% of the total units in the development as affordable. Based on the previously assumed Gross Floor Area and unit count at the time of purchase, the agreement referenced 36 units with an affordable Ownership tenure.

Through the application review process and in consultation with the local community and Ward Councillor, a revised affordable housing contribution was developed. This revised approach contemplates one podium floor containing 61 affordable rental units which would remain affordable for 99 years at a maximum rate of 100% of Average Market Rent (AMR), based on annual CMHC AMR data.

The Owner, Winlake Developments Limited, intends to transfer Ownership of the affordable housing to the non-profit housing provider Community Affordable Housing Solutions (CAHS) for a fixed and discounted price. CAHS will then operate the homes for the 99-year affordability term. In the event that CAHS or a substitute non-profit housing provider approved by the City is unable to purchase the housing, Winlake Developments Limited or a private operator approved by the City, will operate the homes under the same terms.

There are three layers to the affordable housing component for this site:

- The provision of affordable housing under section 37 of the Planning Act as it relates to the current proposal;
- Reconciliation of the previous agreement to provide affordable Ownership units as part of the agreement by Build Toronto to sell the Height Strata from the City to the current Owner; and
- The additional financial incentives obtained from the City through the Housing Secretariat through the Open Door Program.

In order to secure these affordable rental housing units, a revision to the initial Build Toronto agreement will be required to implement the change to the Height Strata and reconcile the original agreements intent. Through the previously noted reports to both the CreateTO Board of Directors and from Corporate Real Estate Management to the General Government and Licencing Committee recommendations regarding a revised agreement will be considered and if adopted, secured in appropriate agreements.

The provision of the affordable housing units is proposed to be supported by both an in-kind contribution under Section 37 of the Planning Act, and the City's Open Door Program. This report recommends that City Council approve Open Door Program incentives for 61 new affordable rental homes. The overall provision reflects the value of an appropriate community benefit secured through Section 37 of the Planning Act plus the incentives provided through the Open Door program. City Planning and Housing Secretariat staff have confirmed the affordable housing proposal recommended in this report with the Owner Winlake Developments Limited, and the intended Owner/operator of the affordable homes, Community Affordable Housing Solutions.

Rents for the 61 affordable rental homes are proposed to be set at a maximum of 100% Average Market Rent over the 99-year affordability term. Community Affordable Housing Solutions intends to operate the homes at lower rents,

pending financing confirmation. The affordable homes will be comprised of: 32 studio apartments; 24 1-bedroom apartments; 4 2-bedroom apartments; and, 1 3-bedroom apartment.

Unit Mix

A total of 616 residential units are proposed, consisting of 10 studio units (12.5%), 303 studio and one-bedroom units (50%), 233 two-bedroom units (38%), and 80 three-bedroom units (13%), comprising 46,608 square metres of residential gross floor area.

The unit mix meets the policy direction of the Official Plan to provide a full range of housing and meets the unit mix objectives of the Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines (Growing Up Guidelines) to provide a minimum of 15% two-bedroom units and 10% three-bedroom units within new developments. However, the unit sizes do not meet the unit size objectives of the Growing Up Guidelines, which City Planning staff will continue to encourage the applicant to provide through the Site Plan Control review process.

Amenity Space

Amenity space for building residents is currently proposed on the first and sixth floors with outdoor amenity space on the roof of the five storey base building at a rate that meets the minimum requirement of 4 square metres of amenity space per dwelling unit (of which at least 2 square metres shall be indoor) contained in Zoning By-law. A total of 1,232 square metres of indoor amenity space and 1,537 square metres of outdoor amenity space is currently proposed. The amount of amenity space provided is appropriate. The location of the amenity space will be reviewed in detail through the site plan process and reviewing alternative locations satisfactory to the Chief Planner.

Detailed design of the amenity space, including provisions for households with children (Growing Up Guidelines) and pets (Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings) will be reviewed and secured through the Site Plan Control review process.

Traffic Impact, Access, Parking and Loading

There are two vehicular access points proposed, one at the north side of the site off Windermere Avenue and one at approximately the mid-point of the site on Lake Shore Boulevard West. Parking is provided in a three levels underground parking garage containing a total of 207 parking spaces for building residents and 38 spaces for visitors. Access to one Type C loading space will be provided off of Lake Shore Boulevard West and access to the other Type C and Type B/G loading spaces will be from the driveway located off Windermere Avenue.

A total of 618 bicycle parking spaces are also proposed, including 556 bicycle parking spaces for residents and 62 bicycle parking spaces for visitors. The proposed bicycle parking spaces and loading space meet the Zoning By-law requirements.

Transportation Services staff have reviewed the Urban Transportation Considerations Report and accepted its conclusions. Additional comments related to site access arrangements, site circulation and layout, design of the proposed site entrance driveway and layout of the proposed parking supply will be provided through the Site Plan Control review process.

Servicing and Stormwater Management

Engineering and Construction Services staff have reviewed the submitted materials and have identified outstanding comments related to the capacity of the sewer and stormwater infrastructure required to support this development. Therefore, a Holding (H) by-law will be imposed on the Zoning By-law Amendment until such time as a Functional Servicing and Stormwater Management Report has been submitted to the City satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, including securing any required upgrades and/or construction to any municipal infrastructure to support the development.

Parkland

The City of Toronto Parkland Strategy is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The Strategy includes a new methodology to measure and assess parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the Strategy's methodology, the development site is currently in an area with 4 to 12 square metres of parkland per person, which is below the city-wide average provision of 28 square metres of parkland per person in 2016.

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 3.00 + hectares of local parkland per 1,000 people. The site is in the highest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. The residential component of this proposal is subject to a 10% parkland dedication while the non-residential component is subject to a 2% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813, Trees, Articles II (Trees on City Streets) and III (Private Tree Protection), commonly referred to as the 'Street Tree By-law' and the 'Private Tree By-law, respectively, Municipal Code Chapter 608 – Parks, Article VII (Trees), and the Toronto Green Standard. The applicant submitted an Arborist Report, Tree Preservation Plan, Landscape Plans, and Servicing Plan.

City staff note that there are five (5) City-owned trees, identified as trees in polygon P1, 415, 425, 427 and 428 that require permits to remove and another eight (8) City-owned trees, identified as trees #416–422 and 429 which will require protection as part of the proposed development.

The Landscape Plan reviewed also shows six (6) new trees proposed on private property and 27 new trees on the city road allowance. Urban Forestry have reviewed this plan and confirms that the plan is acceptable at this time.

Urban Forestry – Tree Protection & Plan Review staff do not object to the issuance of the Final Zoning By-Law Amendment Report to Council.

Ravine and Natural Features

Portions of the subject property are mapped within the City's Natural Heritage System as per Map 9 of the City's Official Plan. None of the subject site is mapped or regulated by provisions of the City of Toronto Municipal Code Chapter 658 – Ravine & Natural Feature Protection.

The application and associated plans have been reviewed by Urban Forestry Ravine and Natural Feature staff. Based on this review staff have indicated that they do not object to the application and the proposed Zoning By-law Amendment for this site.

The subject property is also located within a Toronto and Region Conservation Authority (TRCA) Regulated Area of the Humber River watershed and is regulated due to its siting within a spill area of the Regulatory Floodplain. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shoreline and Watercourse Regulation), a permit will be required from the TRCA prior to any development taking place on the property.

As part of their review of the application TRCA staff specifically identified that regrading of the site is required to ensure that the entire development site is regraded above the regional storm flood elevation identified at 78.40 metres above sea level, plus an additional 0.3 metres.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (the "TGS"). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the 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 required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Performance measures for the Tier 1 development features will be secured through the Site Plan Agreement.

As the site is located on the Waterfront and in the migratory bird's flight path to High Park, the highest standards of Bird-friendly treatments and biodiversity will be achieved to ensure that the development does not negatively impact the migratory bird species in the area.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020). Furthermore, the proposed development conforms with the relevant policies of the Official Plan. The land use is appropriate for *Mixed Use Areas*.

The proposed development would fit within both the existing and planned context, has an appropriate built form that provides a transition in height from the adjacent buildings and offers a positive relationship with to the surrounding public realm. Planning staff recommend City Council approve the Zoning By-law Amendment application.

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA,
Director, Community Planning, Toronto and East York District

ATTACHMENTS

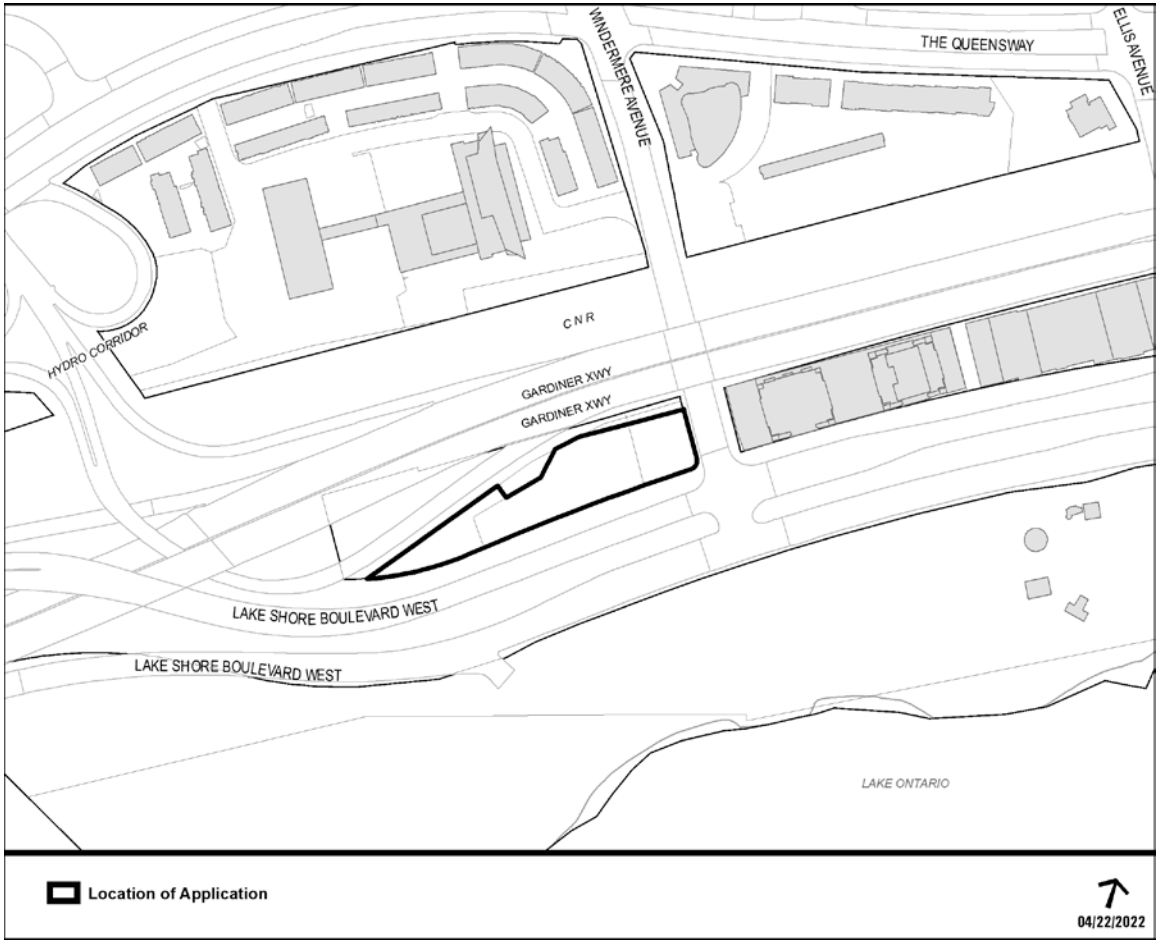
City of Toronto Data/Drawings

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment
- Attachment 6: Policy Considerations

Applicant Submitted Drawings

- Attachment 7: Site Plan
- Attachment 8a: 3D Model of the Proposal in Context Looking Northeast
- Attachment 8b: 3D Model of the Proposal in Context Looking Southwest
- Attachment 9: North Elevation
- Attachment 10: South Elevation
- Attachment 11: East Elevation
- Attachment 12: West Elevation

Attachment 1: Location Map



Attachment 2: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 1978 LAKE SHORE BLVD W **Date Received:** December 21, 2017

Application Number: 17 278471 WET 13 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Proposed development of a mixed-use building with two towers, 20 and 36 storeys on a 5 storey base building.

Applicant	Agent	Architect	Owner
WINLAKE DEVELOPMENTS LIMITED	MARLIN SPRING	GRAZIANI + CORAZZA ARCHITECTS	WINLAKE DEVELOPMENTS LIMITED

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: MCR Heritage Designation:

Height Limit (m): Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq m): 4,505 Frontage (m): 181 Depth (m): 27

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			2,691	2,691
Residential GFA (sq m):			46,608	46,608
Non-Residential GFA (sq m):			154	154
Total GFA (sq m):			46,762	46,762
Height - Storeys:			36	36
Height - Metres:			115	115
Lot Coverage Ratio (%): 59.69			Floor Space Index: 10.4	

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	46,608	
Retail GFA:	154	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			616	616
Other:				
Total Units:			616	616

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		35	268	233	80
Total Units:		35	268	233	80

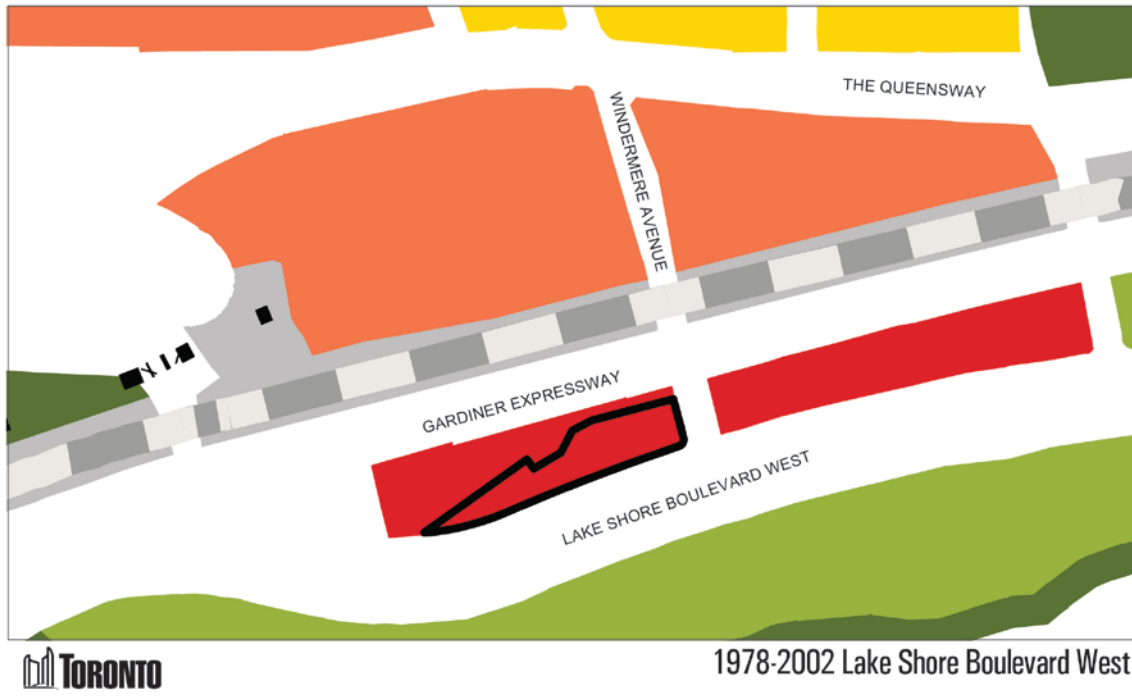
Parking and Loading

Parking Spaces: 245 Bicycle Parking Spaces: 556 Loading Docks: 3

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Attachment 3: Official Plan Land Use Map



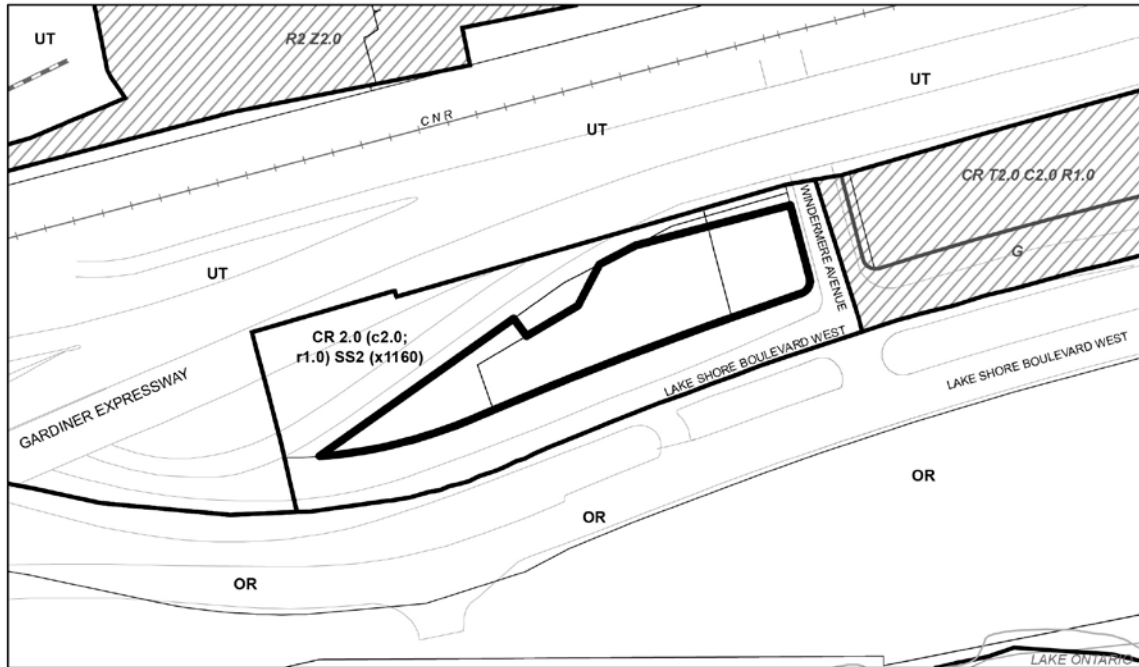
Official Plan Land Use Map #15

File # 17 278471 WET 13 0Z

- | | |
|--|---|
|  Location of Application |  Natural Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods |  Utility Corridors |
|  Mixed Use Areas | |

↑
Not to Scale
04/25/2022


Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

1978-2002 Lake Shore Boulevard West

File # 17 278471 WET 13 02

-  Location of Application
- CR Commercial Residential
- OR Open Space Recreation
- UT Utility and Transportation

- See Former City of Toronto By-law No. 438-86
- R2 Residential District
 - CR Mixed-Use District
 - G Parks District

↑
Not to Scale
Extracted: 04/22/2022

Attachment 5: Draft Zoning By-law Amendment

The draft By-law will be made available on or before the June 29/30, 2022
Toronto and East York Community Council meeting

Attachment 6: Policy Considerations

The Planning Act

Section 2 of the Act identifies matters of provincial interest to which a municipality shall have regard regarding carrying out its responsibilities under the Act. Amongst other matters this includes:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water, and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable, and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Identify appropriate locations and promote opportunities for transit supportive development, accommodating a significant supply and range of housing options, including affordable housing, through intensification and redevelopment where it can be accommodated;
- Residential development promoting a mix of housing, recreation, parks and open space, and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form, and by conserving features that help define local character.

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:

- encouraging a sense of place, by promoting well-designed built form;
- 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 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated, and long-term planning is best achieved through official plans."

Provincial Plans

Provincial plans are intended to be read in their entirety, and relevant policies are to be applied to each situation. The policies of the provincial 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 to 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 to 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 that better connect transit to where people live and work;
- Public service facilities and public services should be co-located in Community Hubs, and integrated to promote cost-effectiveness;
- 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 to the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform to the Growth Plan (2020).

Toronto Official Plan

The Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. The Official Plan directs growth towards the Downtown, Centres, Avenues and Employment Areas.

The City of Toronto Official Plan can be found here:

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

On September 11, 2020, the Ministry of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. The OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan.

The Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>.

The Zoning By-law Amendment application for this site was submitted prior to the approval of OPA 470 and OPA 480 and has therefore been reviewed in the context of the previously approved sections of the Official Plan as well as OPA 479 and OPA 480.

The Site Plan Control application for this site was submitted following the adoption of OPA 479 and OPA 480 and is therefore subject to the currently in effect policies. For the purposes on this report, the following appendix provides a summary of the current in effect policies including OPA 479 and 480.

Section 2.3.1 Healthy Neighbourhoods

The Healthy Neighbourhoods policies of the Official Plan (Section 2.3.1) require new development within Mixed Use Areas to provide a gradual transition of scale and density. This may be achieved through maintaining adequate light and privacy and the stepping down of buildings towards stable areas of the city.

Section 2.4 Transportation

Section 2.4 of the Official Plan addresses the differing transportation demands between areas targeted for growth and those other parts of the City where little physical change is foreseen. This section of the Plan provides a policy framework to make more efficient use of the City's infrastructure and to increase opportunities for walking, cycling and transit use and support the goal of reducing car dependency throughout the City. Policies also state that planning for new development will be undertaken in the context of reducing auto dependency and the transportation demands and impacts of such new development assessed in terms of the broader social and environmental objectives of the Official Plan.

Chapter 3 – Building a Successful City

Section 3.1.1 The Public Realm

The public realm is the fundamental organizing element of the city and its neighbourhoods and plays an important role in supporting population and employment growth, health, liveability, social equity and overall quality of life. It is a key shared asset that draws people together and creates strong social bonds at the neighbourhood, city and regional level. The public realm and the buildings that frame it convey our public image to the world and unite us as a city. They contribute to Toronto's cultural heritage and are fundamental to defining our urban form and character. They set the stage for our festivals, parades and civic life as well as for daily social interaction. Quality design of our public spaces enhance people's sense of community identity.

The public realm policies in section 3.1.1 of the Official Plan place emphasis on providing the organizing framework and setting for development, fostering complete, well-connected walkable communities and employment areas that meet the daily needs of people and support a mix of activities, active transportation and public transit use. They also promote the provision of a comfortable, attractive and vibrant, safe and accessible setting for civic life and daily social interaction and contribute to the identity and physical character of the City and its neighbourhoods.

Section 3.1.2 Built Form

Our quality of life and personal enjoyment of the public realm depend in part on the buildings that define and support the edges of our streets, parks and open spaces. The scale and massing of buildings define the edges of, and give shape to, the public realm. The ground floor uses, entrances, doors, windows, materiality and quality of these building edges help to determine the visual quality, activity, comfortable environment and perception of safety in those public spaces. Individual building façades that are visible from, and form the edges of streets, parks or open spaces are read together as the walls that define and support the public realm.

They should be conceived not only in terms of individual building sites and programs, but also in terms of how sites, buildings and their interface with the public realm fit within the existing and/or planned context of the neighbourhood and the city. Each new development should be designed to make a contribution to the overall quality of urban design in the city.

Section 3.1.2 of the Official Plan, ensures that development will be located and organized to fit within its existing and planned context. It will frame and support

adjacent streets, lanes, parks and open spaces to promote civic life and the use of the public realm, and to improve the safety, pedestrian comfort, interest and experience, and casual views to these spaces from the development.

Policy 3.1.2.5 also states that development will be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm. Development will accomplish this by providing streetwall heights and setbacks that fit harmoniously with the existing and/or planned context and by stepping back building mass and reducing building footprints above the streetwall height.

Policy 3.1.2.6 and 3.1.2.7 also note that development will be required to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm and that transition in scale will be provided within development sites and measured from shared and adjacent property lines.

Policy 3.1.2.9 provides that the design of new building facades visible from the public realm will consider the scale, proportion, materiality and rhythm of the façade to ensure fit with adjacent building facades, contributes to a pedestrian scale by providing a high quality of design on building floors adjacent to and visible from the public realm and break up long facades in a manner that respects and reinforces the existing and planned context.

Finally, Policy 3.1.2.11 also specifies that new indoor and outdoor shared amenity spaces shall be provided as part of multi-unit residential developments and are encouraged to be high quality, well designed, and consider the needs of residents of all ages and abilities over time and throughout the year.

Section 3.4 Natural Environment

The subject property is located within a Toronto and Region Conservation Authority (TRCA) Regulated Area of the Humber River watershed and is regulated due to its siting within a spill area of the Regulatory Floodplain. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shoreline and Watercourse Regulation), a permit will be required from the TRCA prior to any development taking place on the property.

The subject site is also partially located within the Natural Heritage System on Map 9 of the Official Plan. The property is also partially contained within a floodplain.

Policy 3.4.11 states that development is generally not permitted within the natural heritage system. Policies 3.4.3 and 3.4.13 require that a study be provided to assess a development's impact on the system and provide measures to reduce negative impacts on and/or improve the system.

Further, Policy 3.4.1 b) states that to support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly, based on: b) sustaining, restoring and enhancing the health and integrity of the natural ecosystem, supporting biodiversity in the City and targeting ecological improvements, paying particular attention to: vi. seasonal movements of migration species; vii. opportunities for additional habitat provided by the built environment. The subject site is located within a migratory bird bath flyway. Through the Site Plan approval process, the development will be designed to the highest quality requirement for Bird Friendly Development design. Further, mitigation measures will be explored to control light spillage that may attract migratory birds.

Chapter 4 - Land Use Designations

The site is designated Mixed Use Areas on Map 15 - Land Use Plan (see Attachment 7) of the City's Official Plan. Mixed Use Areas anticipate a broad array of residential uses, offices, retail services, institutions, entertainment, recreation and cultural activities, and parks and open spaces. Consistent with Policy 4.5.2 of the Official Plan, new development in Mixed Use Areas will:

- create a balance of uses that reduce automobile dependency and meet the needs of the local community;
- be massed in a way that provides a transition between areas of different development intensity and scale;
- provide an attractive, comfortable and safe pedestrian environment; and
- take advantage of nearby transit services;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Section 37

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

Section 37 has been altered and replaced with the New Community Benefits Charge regime. The new regime while in place in legislation, provides for a transition period. The continued use of the S.37 density bonusing framework remains in place and should be utilized where applicable until the City passes a Community Benefit Charge by-law.

Holding By-laws

Policy 5.1.2 of the Official Plan notes that there are instances where the intended use and zoning is known for lands but development should not take place until specific facilities are in place or conditions have been met. Under the Planning Act, Toronto City Council can pass a “holding” zoning by-law that places an “H” symbol over the zoning and spells out the conditions that must be met before the “H” symbol is removed and the lands can be developed.

These “holding” zoning by-laws go through the same full public process as other zoning by-laws, but once the conditions for removal of the “H” symbol are met and the Owner applies to lift the “H” symbol, there is no requirement for public meetings or opportunity to appeal to the Local Planning Appeal Tribunal except by the Owner.

Design Guidelines

Policy 5.3.2.1 of the Official Plan also contemplates that City Council will adopt guidelines to advance the vision, objectives and policies of the Plan.

Tall Building Guidelines

On May 8, 2013, City Council adopted the updated city-wide Tall Building Design Guidelines. The Guidelines integrate and build upon previous Council-adopted tall building guidelines and establish a unified set of performance measures for the evaluation of all tall building development applications city-wide.

The Tall Building Design Guidelines update and replace the “Design Criteria for the Review of Tall Building Proposals” (2006), as well as consolidate and substantially replace the “Downtown Tall Buildings Vision and Performance Standards Design Guidelines” (2012).

The Tall Building Design Guidelines can be found at the following link:
<https://www.toronto.ca/wp-content/uploads/2018/01/96ea-cityplanning-tall-buildings-may2013-final-AODA.pdf>.

Growing Up: Planning for Children in New Vertical Communities

The Council-adopted Growing Up: Planning for Children in New Vertical

Communities urban design guidelines provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments.

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

Guideline 3.0 of the Growing Up guidelines states that the ideal unit size for large units, based on the sum of the unit elements, is 90 square metres for two-bedroom units and 106 square metres for three-bedroom units. Also, the ranges of 87-90 square metres and 100-106 square metres represent an acceptable diversity of sizes for such bedroom types, while maintaining the integrity of common spaces to ensure their functionality.

The application was reviewed in the context of these guidelines to ensure an appropriate mix of units as well as the provision of adequately sized units to support housing choices and accommodation of larger households.

These guidelines can be accessed at this link:

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

Pet Friendly Design Guidelines for High Density Communities

City Planning has completed Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. The purpose of this document is to guide new development in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm through the provision of pet amenities in high density residential communities.

These Guidelines provide direction on the size, location and layout of pet friendly facilities, while identifying best practices to support pet friendly environments at the neighbourhood, building and unit scale. The Guidelines are available on the City's website at:

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

Retail Design Manual

On October 27, 2020, City Council adopted the Retail Design Manual. The Retail Design Manual supports the objectives of complete communities and vibrant streets which are closely tied to the provision of successful, resilient and dynamic retail uses.

The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing successful ground floor retail spaces by providing aspirational retail design best practices to inform, guide, inspire and educate those involved in the design and development of retail uses.

The Retail Design Manual can be found here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-157291.pdf>

Toronto Green Standard (Climate Mitigation and Resilience)

Climate change mitigation and resilience are key concerns of the City. On October 2, 2019, City Council declared a Climate Emergency and set a new goal to achieve net zero greenhouse gas emissions by 2050 or sooner.

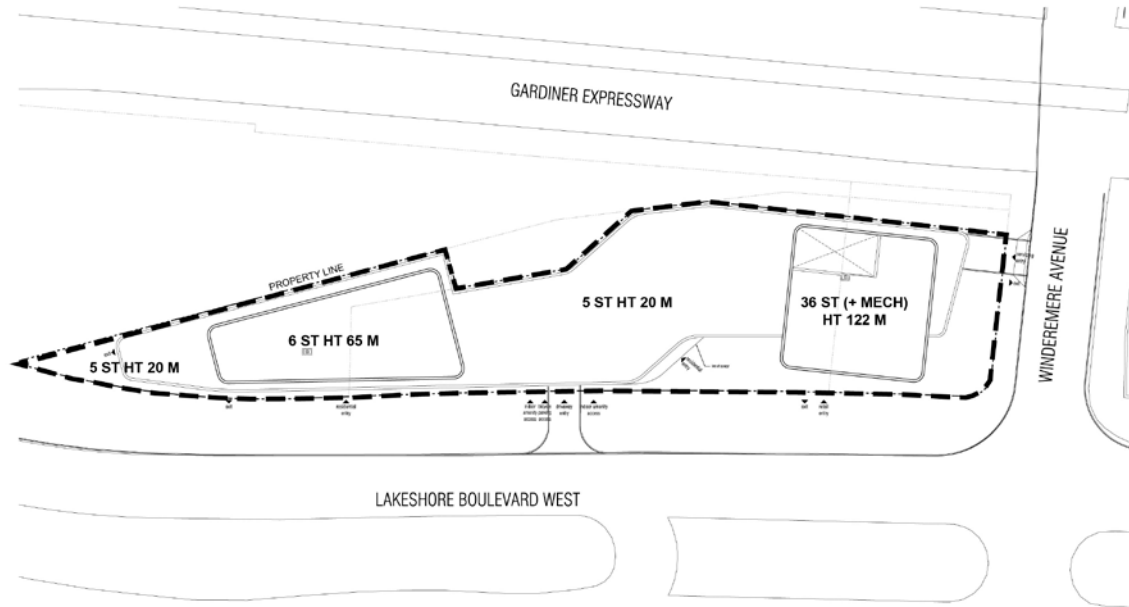
The Toronto Green Standard (the "TGS") sets out the key sustainable performance measures new developments are required to meet to address climate mitigation and resilience. The TGS is a critical component of the City's efforts to achieve zero emissions buildings by 2030, to meet 2050 citywide greenhouse gas reduction targets, and to build a more resilient city. The TGS also supports other City-wide strategies related to environmental sustainability, including TransformTO, the Resilience Strategy, Ravine Strategy and Biodiversity Strategy.

Applications for zoning by-law amendments, draft plans of subdivision and site plan control are required to meet and demonstrate compliance with Tier 1 of the TGS. Tier 1 performance measures are secured on site plan drawings and through a site plan agreement or registered plan of subdivision. Tiers 2+ are voluntary higher levels of performance with financial incentives (post-construction development charge refunds) intended to facilitate the foregoing objectives. Applicants are strongly encouraged to pursue higher tiers of the TGS wherever possible.

Applications must use the documentation required for the version of the TGS in effect at the time of the initial site plan application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018. TGS Version 4.0 will apply to all new applications submitted on or after May 1, 2022.

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

Attachment 7: Site Plan



Site Plan



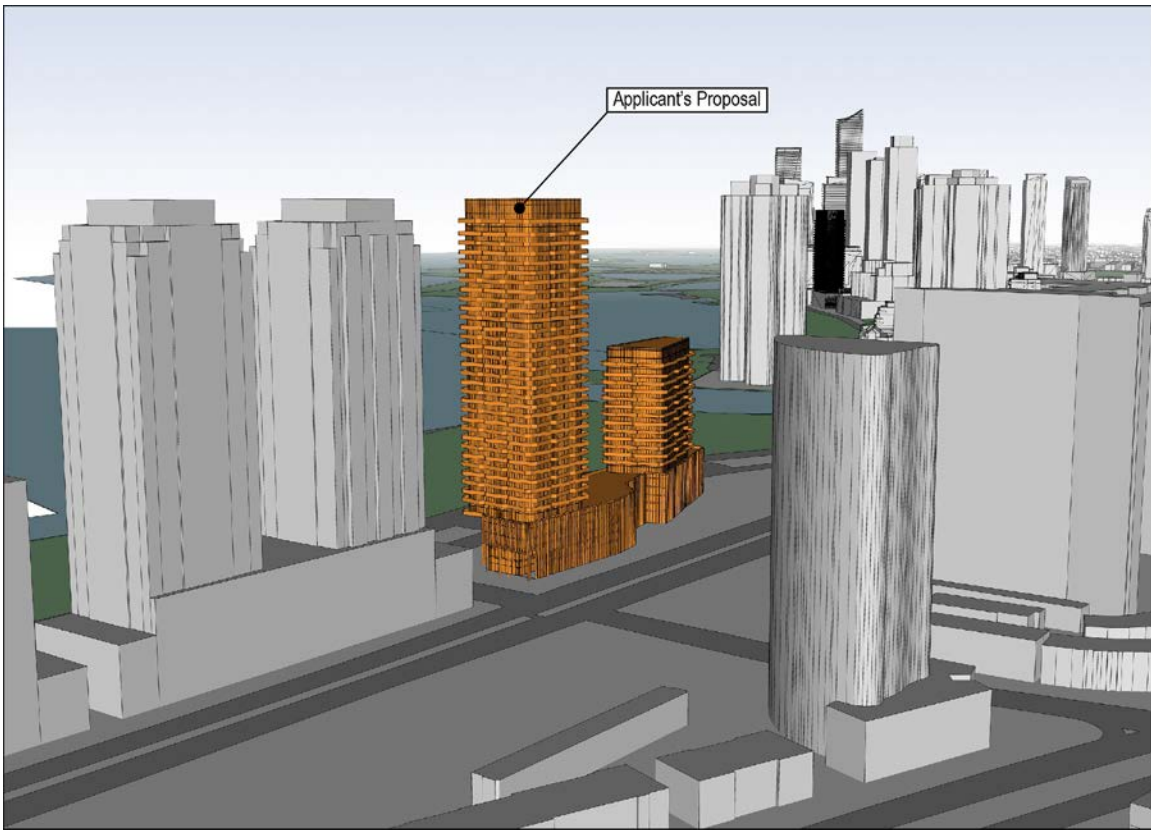
Attachment 8a: 3D Model of the Proposal in Context Looking Northeast



View of Applicant's Proposal Looking Northeast



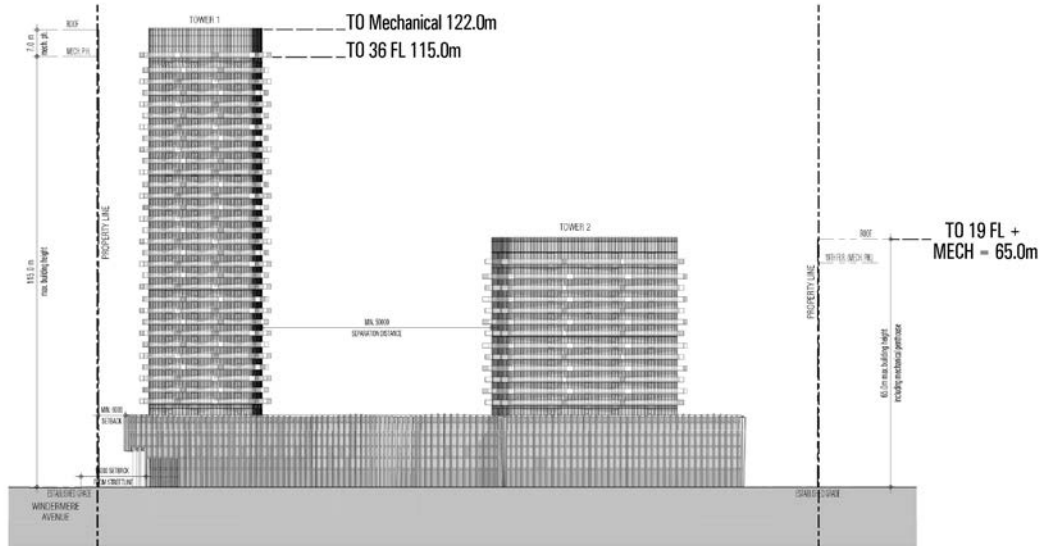
Attachment 8b: 3D Model of the Proposal in Context Looking Southwest



View of Applicant's Proposal Looking Southwest

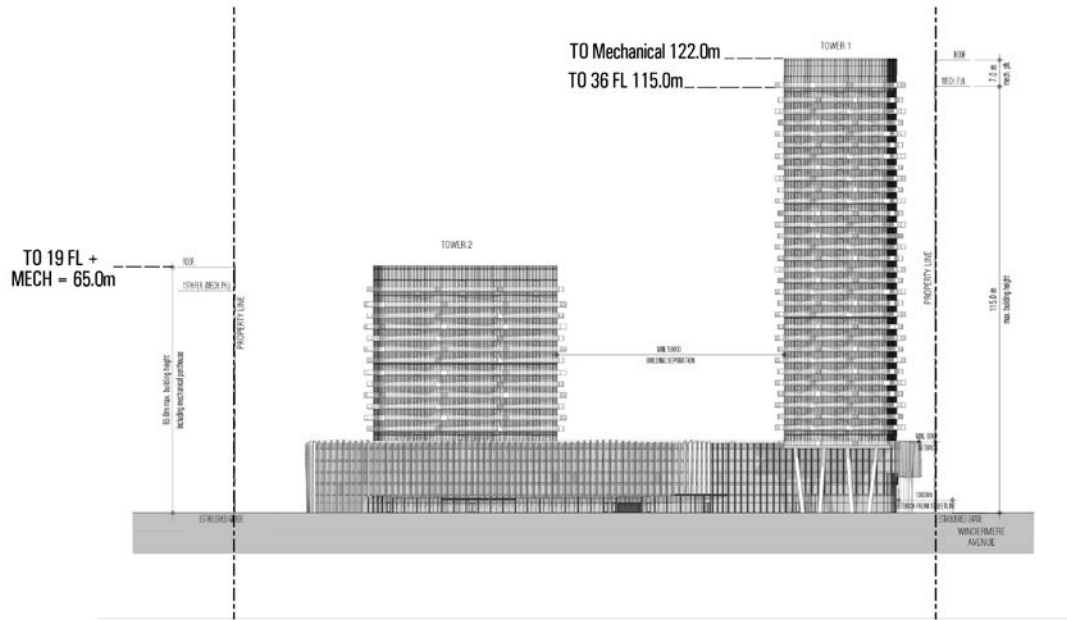
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04/25/2022

Attachment 9: North Elevation



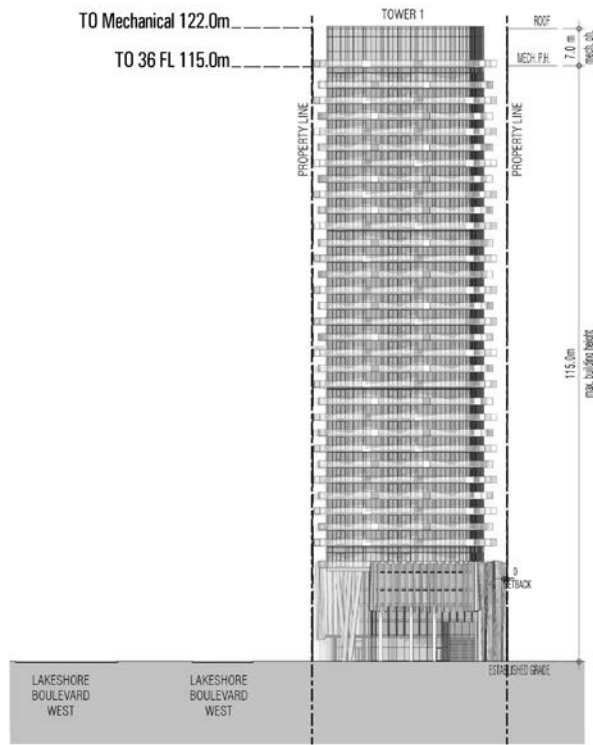
North Elevation

Attachment 10: South Elevation



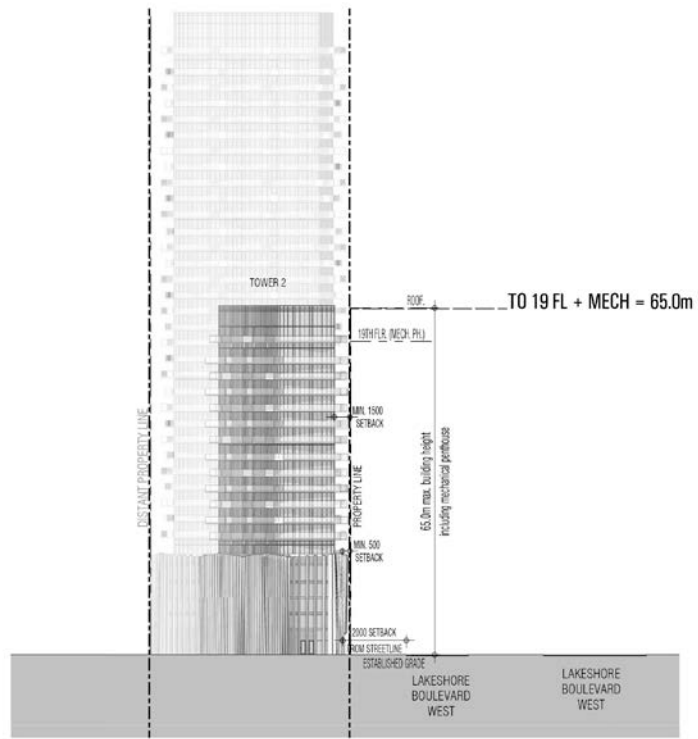
South Elevation

Attachment 11: East Elevation



East Elevation

Attachment 12: West Elevation



West Elevation