

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 25, 2023

CASE NO(S): OLT-22-001933

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	2130254 Ontario Inc.
Appellant:	Amexon Realty Inc.
Appellant:	Cadillac Fairview Corporation Limited
Appellant:	Fima Development (Queensway and North Queen Street); and others
Subject:	Proposed Official Plan Amendment No. OPA 469
Municipality:	City of Toronto
OLT Case No.:	OLT-22-001933
Legacy Case No.:	PL190596
OLT Lead Case No.:	OLT-22-001933
Legacy Lead Case No.:	PL190596
OLT Case Name:	Amexon Realty Inc. v. Toronto (City)

Heard: August 15, 2023 by video hearing

APPEARANCES:

Parties

Counsel

Amexon Realty Inc.

M. Flynn-Guglietti

Calloway REIT (Etobicoke) Inc. and
Calloway REIT (Etobicoke-Index) Inc.

M. Lakatos-Hayward
D. Bronskill (*in absentia*)

2637092 Ontario Inc. (assumed by
690 Evans Ave. Dev Nominee Inc.)

R. Houser
M. Laskin

Cadillac Fairview Corporation Limited

J. Dawson
M. Schuman

C. MacDougall (*in absentia*)
B. Smith (*in absentia*)

Home Depot of Canada Inc.

J. White
D. Tang (*in absentia*)

City of Toronto

D. Elmadany
L. Bisset (*in absentia*)

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. BRAUN AND C. HARDY
ON AUGUST 15, 2023 AND ORDER OF THE TRIBUNAL**

BACKGROUND/PROCEDURAL HISTORY

[1] This decision and Order arises out of a motion by the City of Toronto (“City”) to settle two appeals of its decision to adopt the Sherway Area Secondary Plan (“Secondary Plan”), as filed by Calloway REIT (Etobicoke) Inc. and Calloway REIT (Etobicoke-Index) Inc., as well as 2637092 Ontario Inc. (assumed by 690 Evans Ave. Dev Nominee Inc.).

[2] On October 29-30, 2019, through By-law No. 1535-2019, the City adopted the Secondary Plan and associated amendments to its Official Plan (“OP”) through Official Plan Amendment 469 (“OPA 469”). The Secondary Plan is a comprehensive planning framework for the lands in the Sherway Area of Etobicoke bounded by Highway 427, the Queen Elizabeth Way, the Etobicoke Creek ravine and the Canadian Pacific Rail corridor. It directs anticipated growth to appropriate locations, secures public realm amenities and identifies community facilities necessary to meet the existing and future needs of residents and workers. The Secondary Plan is intended to transform this area from an auto-oriented, primarily retail destination into a complete mixed-use community.

[3] Given the overall size of the Secondary Plan area, which is approximately 136 hectares, a precinct-based planning approach was taken to respond to the specific conditions and desired character of each of the Plan’s six distinct precincts and the need to acknowledge existing uses and required phasing of development. The

Secondary Plan will allow development to proceed in a predictable and consistent manner while ensuring precinct-specific conditions can be addressed.

[4] Nine appeals of the City’s decision to adopt OPA 469 were filed pursuant to s. 17(24) of the *Planning Act*. What follows is a brief procedural history of the matters which, since August 13, 2021, have been the subject of a number of Case Management Conferences (“CMC”) held before panels of the Tribunal, differently constituted. At those previous hearing events, certain matters were adjourned or settled, the unappealed portions of OPA 469 (along with certain modifications which resolved some of the Appellants’ issues) were confirmed as being in force and effect as of July 29, 2022, and, initially, a seven-week hearing commencing on October 30, 2023, was scheduled. At the most recent hearing event held on March 22, 2023, given the adjournment and scoping of certain matters, the previously scheduled hearing was reduced in length to 13 days and rescheduled to commence on November 20, 2023, at the request of the Parties.

[5] The following chart provides a helpful overview of the current status of all nine appeals.

	Appellant	Property Address	Status of Appeal
1	Amexon Realty Inc.	701-703 Evans Avenue	Settled – as reflected in Tribunal’s decision issued June 22, 2023
2	Calloway REIT (Etobicoke) Inc. Calloway REIT (Etobicoke-Index) Inc.	165-179 North Queen St. and 98 Index Road	Subject of the settlement proposal presently before the Tribunal. Pending approval, this appeal will be partially resolved, with the site-specific part of the appeal relating to 98 Index Road (150 and 162 North Queen Street) to be adjourned pending a decision by the Minister of Municipal Affairs and Housing on OPA 591 - Conversion request No. 91
3	690 Evans Ave. Dev Nominee Inc.	690 Evans Avenue	Subject of the settlement proposal presently before the Tribunal. Pending approval, this appeal will be resolved in its entirety
4	Cadillac Fairview Corporation Limited	25 The West Mall	Adjourned – as reflected in the Tribunal’s decision issued April 11, 2023

5	FIMA Development	200 Sherway Drive	Settled – as reflected in the Tribunal’s decision issued September 9, 2022
6	FIMA Development	1750-1900 The Queensway and 290-300 North Queen Street	Settled – as reflected in the Tribunal’s decision issued September 9, 2022
7	Home Depot of Canada Inc.	193 North Queen Street	Settled - as reflected in the Tribunal’s decision issued September 9, 2022
8	Queens Walk Inc.	2217 The Queensway	Withdrawn – February 2, 2022
9	2130254 Ontario Inc.	51 Manstor Road	Adjourned pending a decision by the Minister of Municipal Affairs and Housing on OPA 591 – Conversion Request No. 63 (as reflected in the Tribunal’s decision issued September 9, 2022).

MOTION TO SETTLE APPEALS NO. 2 AND 3

[6] As a result of further and ongoing discussions between the Parties, the Tribunal was advised that the City had reached an agreement with Calloway REIT (Etobicoke) Inc. and Calloway REIT (Etobicoke-Index) Inc. to resolve Appeal No. 2 and had also reached an agreement to resolve Appeal No. 3 with 2637092 Ontario Inc. (assumed by 690 Evans Ave. Dev Nominee Inc.).

[7] Counsel for the City advised that, should the proposed settlements of Appeal Nos. 2 and 3 be approved, Appeal No. 3 would be resolved in its entirety and Appeal No. 2 would be partially resolved, with the site-specific portion thereof relating to 98 Index Road (150 and 162 North Queen Street) being adjourned. Accordingly, he indicated that the 13-day hearing currently scheduled to commence on November 20, 2023, would no longer be required and could therefore be released from the Tribunal’s calendar.

[8] In support of the proposed settlement, the Tribunal heard testimony and received an affirmed Affidavit (Exhibit 1) from Melanie Melnyk, a Registered Professional Planner holding the position of Project Manager, Strategic Initiatives with the City’s Planning Division, who was qualified by the Tribunal to provide land use planning opinion evidence.

[9] Because Ms. Melnyk's Affidavit and the previous decision of the Tribunal (dated September 9, 2022) provide a detailed summary of the history of OPA 469 and interrelated matters including, but not limited to, appeals of Official Plan Amendments 231 and 591, which relate to the conversion of land uses in this area from Employment Areas to Mixed Use Areas, it is unnecessary to reiterate same in this decision. However, it is noted that, as a result of a pending decision by the Minister of Municipal Affairs and Housing on conversion requests in relation to OPA 591, Appeal No. 9 in this matter was previously adjourned and, as part of the presently proposed settlement of Appeal No. 2, the site-specific portion of the appeal relating to 98 Index Road (150 and 162 North Queen Street) would also be adjourned.

[10] Ms. Melnyk testified that the present settlement proposal narrowly focuses upon modifications to Policy 5.9A, for which the Tribunal's approval is required. She explained that the purpose of Policy 5.9A was to allow for consideration of residential and other sensitive land uses in areas designated as Mixed Use, provided it can be demonstrated through satisfactory analysis and mitigation measures that it is safe and appropriate to do so, given the nearby major transportation area, which includes two highways and a highway interchange.

[11] She provided a detailed overview of the proposed modifications to the wording of Policy 5.9A, characterizing same as minor changes intended to build in some measure of flexibility as well as to clarify the intent, and avoid misinterpretation, of Policy 5.9A. The proposed modifications include the addition of the phrase "including across a street", the effect of which is to clarify that residential neighbourhoods or residential uses may continue across a street where it can be demonstrated that it is appropriate and safe to do so. In her Affidavit, Ms. Melnyk explains that, because public streets do not have a land use designation, a concern was raised that, as originally worded, it could be interpreted that an adjacent land use being separated by a public street would make Policy 5.9A inapplicable. A further minor wording modification replaces the word "and" with "and/or" in relation to mitigation measures. The effect of this modification would be to allow for mitigation measures to include either a land use buffer and/or appropriate distance separation from major transportation facilities.

[12] Ms. Melnyk testified that the proposed modifications to OPA 469 allow flexibility for potential land use changes over time to achieve a strong, sustainable and complete community, ensuring an efficient use of land and resources as well as the coordination of planning issues and the protection of public health and safety. Accordingly, she provided an overall opinion that the modifications proposed maintain the intent of the Secondary plan and the City's OP, are representative of good planning in the public interest, have appropriate regard for matters of Provincial interest, are consistent with the Provincial Policy Statement 2020, and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

ANALYSIS AND DISPOSITION

[13] Based upon the uncontradicted land use planning testimony and affirmed Affidavit of Ms. Melnyk, the Tribunal is satisfied that the proposed modifications to OPA 469 satisfy all requisite legislative tests and are representative of good planning in the public interest. Accordingly, the Tribunal approves the proposed settlement of Appeals No. 2 and 3, as reflected in the Order below.

[14] The Tribunal directed counsel for the City to provide an email status update to the Case Coordinator, no later than **Thursday, February 15, 2024**, with respect to the portion of Appeal No. 2 adjourned in accordance with the settlement proposal and the previously adjourned Appeal No. 9. With respect to Appeal No. 4, which was also previously adjourned, the Tribunal was advised that a CMC is currently scheduled in a related matter (OLT-22-002175) for March 8, 2024, and, at that time, the Tribunal will be provided with an update on both.

ORDER

THE TRIBUNAL ORDERS as follows:

[15] The appeals by Calloway REIT (Etobicoke) Inc. and Calloway REIT (Etobicoke Index) Inc. and 2637092 Ontario Inc. (assumed by 690 Evans Ave. Dev Nominee Inc.)

are allowed in part and the Tribunal confirms certain sections, non-policy text, policies and maps of the City of Toronto Official Plan Amendment No. 469 (“OPA 469”) are in force and effect as of August 15, 2023, as described in Table 1 below, except as those parts were appealed, as set out in Attachment “B” to this Order of the Tribunal, as follows:

1a. The parts of OPA 469 listed in Row 1 are in force by operation of subsection 17(50) of the Planning Act on a plan-wide basis and approved as modified;

1b. The parts of OPA 469 listed in Rows 2 to Row 6, inclusive are in force by operation of subsections 17(30) and (30.1) of the Planning Act on a plan-wide basis, precinct-basis or site-specific basis, as the case may be, without modification;

Table 1

Row	In Effect Date	Parts of OPA 469
1	August 15, 2023 (Plan wide basis)	Policy 5.9A
2	August 15, 2023 (Plan-wide basis)	4.6.5, 4.9, 6.1, 6.2, 7.18
3	August 15, 2023 (Queensway Mixed Use Precinct Specific basis)	5.5, 5.10, 5.15, 5.17, 5.18, 9.1.4, 9.4.1, 10.11, 10.11.1, 10.11.2
4	August 15, 2023 (Sherway Gardens Precinct Specific basis)	5.5
5	August 15, 2023 (site-specific, 165-179 North Queen Street)	5.7, 5.9, 5.9A, 5.12, 5.12A, 5.14, Map 43-5
6	August 15, 2023 (site-specific, 690 Evans Avenue)	Section 12 (to add a policy for the site), Map 43-5

2. Attachment "A" to the Order of the Tribunal in OLT-22-001933, dated April 11, 2023, is replaced with the updated and consolidated version attached hereto as Attachment "A" to this Order to reflect the matters in force and effect in accordance with the above Order and Tribunal Decision and Order in OLT-22-002343/OLT-22-001933 issued June 22, 2023 respecting 701-703 Evans Avenue.
3. Attachment "B" to the Orders of the Tribunal in OLT-22-001933 dated September 9, 2022 and dated April 11, 2023, are replaced with the updated Attachment "B" to this Order reflecting the scope of the remaining appeals of certain non-policy text, policies and maps of OPA 469 as set out in Attachment "B" to this Order.
4. Appeal No. 2 to OPA 469 has been resolved in its entirety, except as adjourned on a site-specific basis as specified in Attachment "B" to this Order, and Appeal No. 3 to OPA 469 has been resolved in its entirety.
5. Notwithstanding Orders 1 and 3 above, the dark blue highlighted policy, non-policy text and/or maps are asserted as being under appeal by the Cadillac Fairview Corporation Limited, but which assertion is disputed by the City and which dispute will be adjudicated at a later date, if necessary; and such Orders or any other disposition in this matter related to such Orders are without prejudice to such later adjudication and to the positions of the City and the Cadillac Fairview Corporation Limited in such later adjudication.
6. This Order shall be strictly without prejudice to, and shall not have the effect of limiting:
 - a. the rights of all parties to seek to modify, delete or add to the unapproved portions of OPA 469;
 - b. the jurisdiction of the Tribunal to consider and approve modifications, deletions or additions to the unapproved or deferred portions of OPA 469 on a plan-wide, precinct-specific or site-specific basis, as the case may be, or to

render future decisions that deviate from or are inconsistent with those portions of OPA 469 partially approved, including on a plan-wide, precinct-specific or site-specific basis, in the future, as the case may be;

c. the ability of the Cadillac Fairview Corporation Limited to seek to consolidate its appeal of OPA 469 with its appeal, pursuant to Subsection 22(7) of the *Planning Act*, of a privately-initiated Official Plan Amendment for the lands municipally known as 25 The West Mall (OLT-22-002175); the ability of the City of Toronto to take any position with respect to the consolidation of said appeals; and the jurisdiction of the Tribunal to make a determination in respect of the consolidation of said appeals; and

d. the ability of the City of Toronto to request that the Tribunal make a ruling with respect to the scope of the appeal by Cadillac Fairview Corporation Limited of OPA 469, as identified in Attachment "B"; the ability of the Cadillac Fairview Corporation to take any position with respect to said request; and the jurisdiction of the Tribunal to make a determination on said request.

7. This Order is without prejudice to the positions that may be taken by the parties in respect of the appeals, as scoped in Attachment "B" to this Order of the Tribunal so that if those appeals proceed to a hearing, the City will not take the position that the Tribunal ought not to approve site-specific modifications to the affected portions of OPA 469 on the basis that they deviate from or are inconsistent with such approved portions of OPA 469 on a Plan-wide basis or Precinct basis (or as approved in respect of other lands). However, this does not affect the City's right to assert that the approved portions of OPA 469 should be applied to the specific sites or precincts without modification on the basis that they are consistent with the Provincial Policy Statement, conform with provincial plans and that they constitute good planning.

8. Part of the appeal of OPA 469 as specified in Attachment "B" to this Order by Calloway REIT (Etobicoke) Inc., and Calloway REIT (Etobicoke-Index) Inc., for lands municipally known as 98 Index Road (150 and 162 North Queen Street), is adjourned

sine die, until such time as the Minister of Municipal Affairs and Housing (the "Minister") has made a decision respecting Official Plan Amendment No. 591 (adopted by City Council on July 19-22, 2022 through By-law 1106-2022), which is before the Minister for a decision as the approval authority and for which the Minister has not rendered a decision at the time of this Order. This Order is without prejudice to the rights of the City or the Appellant regarding such appeal.

[16] Counsel for the City shall provide an email status update to the assigned Case Coordinator on adjourned Appeal Nos. 2 and 9 no later than **Thursday, February 15, 2024.**

[17] Pursuant to confirmation by Counsel for the City that the hearing currently scheduled to commence on November 20, 2023 is no longer required, the Tribunal will release all 13 days previously set aside for same.

[18] The Panel may be spoken to should any issues arise with respect to the implementation of this Order.

[19] There will be no further notice and the Panel is not seized.

“S. Braun”

S. BRAUN
MEMBER

“C. Hardy”

C. HARDY
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

Attachment "A"

Authority: Etobicoke York Community Council
Item EY9.1, adopted as amended, by City of Toronto
Council on October 29 and 30, 2019

CITY OF TORONTO

BY-LAW 1535-2019

To adopt Amendment 469 to the Official Plan for the City of Toronto respecting the lands generally bounded by the Highway 427, the Queen Elizabeth Way, Etobicoke Creek and the Canadian Pacific Rail Corridor.

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

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

The Council of the City of Toronto enacts:

1. The attached Amendment 469 to the Official Plan is adopted pursuant to the Planning Act, as amended.

Enacted and passed on October 30, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

AMENDMENT 469 TO THE OFFICIAL PLAN
LANDS GENERALLY BOUNDED BY THE HIGHWAY 427, THE QUEEN ELIZABETH WAY, ETOBICOKE CREEK AND THE CANADIAN PACIFIC RAIL CORRIDOR

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

1. Chapter 7, Site and Area Specific Policies, including Map 26, is amended by deleting Site and Area Specific Policy 12, South of Trillium Health Centre, West of The West Mall in its entirety.
2. Chapter 7, Site and Area Specific Policies, including Map 26, Site and Area Specific Policies is amended by deleting Site and Area Specific Policy 13, Lands Bounded by the Queensway, The West Mall, Evans Avenue and the Queen Elizabeth Way in its entirety.
3. Chapter 7, Site and Area Specific Policies, including Map 26, Site and Area Specific Policies is amended by deleting Site and Area Specific Policy 19, Lands Bounded by the CP Rail Line, Highway 427, the Queen Elizabeth Way and Etobicoke Creek in its entirety.
4. Chapter 7, Site and Area Specific Policies, including Map 26, Site and Area Specific Policies is amended by deleting Site and Area Specific Policy 20, South of the CP Rail Line Between The West Mall and Highway 427 in its entirety.
5. Map 15, Land Use Plan, is amended by re-designating part of the lands located north of the Queen Elizabeth Way, West of The West Mall and south of Sherway Drive from *Mixed Use Areas* to *Mixed Use Areas* and *Natural Areas* as shown on the attached Schedule 1.
6. Schedule 2, The Designation of Planned but Unbuilt Roads, is amended by deleting the following planned, but unbuilt road:

Street Name	From	To
New Link	Intersection of North Queen Street and Manstor Road	The West Mall (north of the CP rail corridor)

7. Schedule 2, The Designation of Planned but Unbuilt Roads, is amended by adding the following planned, but unbuilt roads:

Street Name	From	To
Boncer Drive extension	Nova Road	Manstor Road
Nova Road extension	The Queensway	North Queen Street
New Link	Sherway Drive	Evans Avenue

8. Chapter 6, SECONDARY PLANS, is amended by adding Section 43, Sherway Area Secondary Plan as shown in the attached Schedule 2. *[Review Reader's Notice]*

READER NOTICE:

The un-highlighted policy, non-policy text, and maps are in force and effect as of November 29, 2019.

The **GREEN** highlighted policy, non-policy text and/or map is approved, as modified by the Tribunal, and hereby in force and in effect as of July 29, 2022 on a plan-wide basis, unless otherwise specified in Attachment "B" as under appeal on a site specific or precinct-specific basis. As it applies to the Sherway Gardens Precinct, Policies 5.5, 5.6, 5.9A, 5.10, 5.11, 5.12A, 7.6 (second sentence), 7.11 (first sentence), 7.13, 7.15 (3rd sentence) are approved, as modified by the Tribunal, and hereby in force and in effect as of March 22, 2023 on a Sherway Gardens Precinct-wide basis, unless otherwise specified in Attachment "B" as under appeal on a site specific basis.

The **LIGHT BLUE** highlighted policy, non-policy text and/or map is approved, as modified by the Tribunal, and hereby in force and in effect as of March 22, 2023 on a plan-wide basis, unless otherwise specified in Attachment "B" as under appeal on a site specific or precinct-specific basis.

The **GREY** highlighted policy, non-policy text and/or map is approved, as modified by the Tribunal or such appeals of such policy, non-policy text and/or map has been withdrawn and therefore such policy, non-policy text and/or map is hereby in force and in effect as of August 15, 2023 on a plan-wide basis, unless otherwise specified in Attachment "B" as under appeal on a site specific or precinct-specific basis.

The **YELLOW** highlighted policy, non-policy text and/or map remain under appeal on a plan-wide basis by appellants as specified in Attachment "B". Unless such **YELLOW** highlighted policy, non-policy text and/or map is approved and/or modified by the Tribunal, such policy and non-policy text, and/or map (or such specified part thereof) will not apply to lands subject of OPA 469.

The **PURPLE** highlighted policy, non-policy text and/or map remain under appeal only on a site specific and/or precinct specific basis by appellants as specified in Attachment "B". Unless such **PURPLE** highlighted policy, non-policy text and/or map is approved and/or modified by the Tribunal, such policy and non-policy text, and/or map (or such specified part thereof) will not apply to the specific site(s) and/or precinct(s) for lands in OPA 469 as identified in Attachment "B", but will apply to all other lands subject of OPA 469 and not subject of the site specific and/or precinct specific appeal identified in Attachment "B" as of November 29, 2019.

The **BLUE** highlighted policy, non-policy text and/or map are asserted as under appeal by Appellant 4 being The Cadillac Fairview Corporation Limited, but which assertion is disputed by the City and which dispute will be adjudicated at a later date, if necessary.

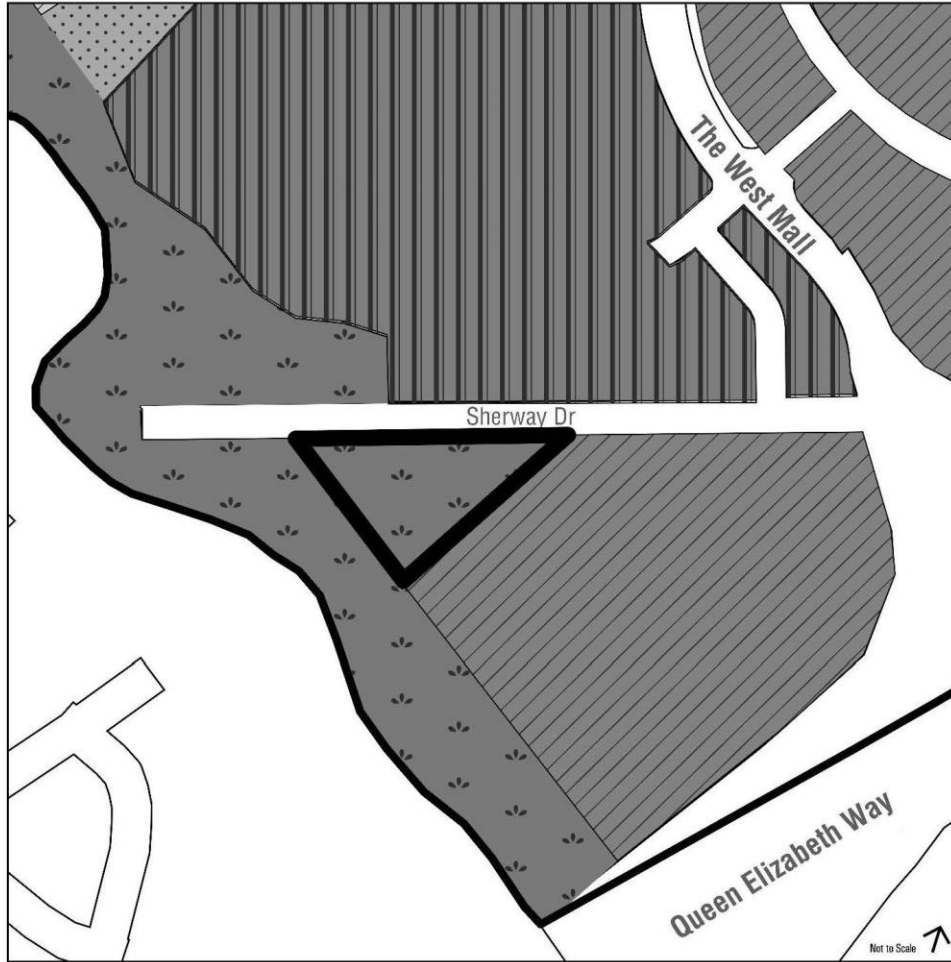
The broadest scope of an appeal of a policy, non-policy text and/or map has been reflected in this document in appropriate highlighting. This does not change, broaden or obligate a particular appellant with a narrower scope to a particular site or precinct to a plan-wide appeal, unless otherwise specified in Attachment "B". This also does not prejudice the City regarding the blue highlighted policies that are otherwise highlighted in another colour in addressing the appropriate scope of Appeal 4's appeal.

Please review Attachment "B" to understand what Maps and what parts of what Maps are under appeal and the related scope.

BY OPERATION OF THIS ORDER OF THE TRIBUNAL, THIS ATTACHMENT "A" TO THIS ORDER SUPERCEDES AND REPLACES ANY OTHER ATTACHMENT "A" TO THE ORDER OF THE TRIBUNAL. REFERENCE TO ATTACHMENT "B" IS TO THE UPDATED ATTACHMENT "B" TO THIS ORDER OF THE TRIBUNAL WHICH SUPERCEDES AND REPLACES ANY OTHER ATTACHMENT "B" TO THE ORDER OF THE TRIBUNAL.

4
City of Toronto By-law 1535-2019

SCHEDULE 1



Official Plan Amendment No. 469

Schedule 1

City of Toronto
Lands to be redesignated from
Mixed Use Areas to Natural Areas

-  Mixed Use Areas
-  Natural Areas
-  Institutional Areas
-  Utility Corridors

5
City of Toronto By-law 1535-2019

SCHEDULE 2

43

SHERWAY AREA SECONDARY PLAN

1 Interpretation

- 1.1 The policies of the Sherway Area Secondary Plan (the "Plan") apply to the area shown on Map 43-1.
- 1.2 The boundaries of the land use designations shown on Map 43-5 are approximate. Where the general intent of the Toronto Official Plan, including this Plan, is maintained, minor adjustments to such boundaries will not require amendment to this Plan.
- 1.3 The shaded text in Sections 1 to 12 contains the policies of this Plan. Unshaded text within this Plan is provided to give context and background and assist in understanding the intent of the policies but is not policy.

2 Vision and Guiding Principles

Vision for the Sherway Area

The Sherway Area has experienced several stages in its evolution, from agricultural lands, to lands developed with primarily institutional and industrial uses in the 1950s, through its emergence as a car-oriented, regional retail destination. The Sherway Area will build on its economic vitality through increased residential and commercial growth coordinated with infrastructure, amenities and services to support a new, prosperous and complete community at a local scale.

Investment in the Sherway Area will provide opportunities to create new streets, parks and open spaces, community facilities and municipal servicing to ensure safe, active, healthy and vibrant neighbourhoods where people will live, work and undertake activities of daily life. Over time, the Sherway Area will emerge as an urbanized node for southwest Toronto, subordinate in scale and massing to the Etobicoke Centre.

The Sherway Area Secondary Plan establishes a clear pattern of development blocks enriched by a system of public streets, parks and open spaces that are scaled to encourage pedestrian activity and movement. Development will occur incrementally, guided by detailed Precinct Plans, ensuring the ongoing functionality

Guiding Principles

- 2.1 Development in the Sherway Area will be informed by the following guiding principles to collectively advance the Vision.
- 2.2 Promote a Balanced Mix of Land Uses.
 - 2.2.1 The Sherway Area will shift to a more broadly balanced mix of land uses, to ensure the creation of a complete community, including the retention of existing, and/or the provision of new, office and employment uses.
 - 2.2.2 Development will be sited, designed and constructed to mitigate adverse effects from nearby *Employment Areas* and transportation infrastructure.
 - 2.2.3 Residential development will be introduced incrementally in appropriate locations, subject to compatibility and mitigation as required, to recognize and respond to existing and planned conditions.
- 2.3 Create a Green and Cohesive Environment
 - 2.3.1 New buildings will establish a cohesive, urban appearance, oriented toward street edges to provide a comfortable pedestrian realm.
 - 2.3.2 The Sherway Area will emerge as a green, safe and attractive place with a high quality public realm, including public streets, parks, promenades, streetscape improvements and Privately Owned Publicly-Accessible Spaces that create a connected neighbourhood and support a range of local social and recreation activities.

2.3.3 Natural areas within and adjacent to the Etobicoke Creek ravine will be protected, restored and enhanced; access to natural areas will be provided at appropriate locations to link them with the parks and open space network of the broader Sherway Area.

2.4 Support Community Vitality and Mobility

2.4.1 Development will support community-oriented activity and provide a diverse economic base for the area.

2.4.2 Safe and convenient movement through the area and to surrounding neighbourhoods will be enhanced by providing improved opportunities for walking, cycling and public transit use, addressing traffic and congestion issues, and creating new public streets and connections as redevelopment occurs.

2.4.3 Residential development in the area will be coordinated with the provision of new and/or enhanced parks, community services and facilities.

2.4.4 Sufficient water, wastewater and storm servicing infrastructure will be secured to accommodate new development and manage stormwater runoff, together with the integration of green infrastructure.

3 Structure

The Sherway Area covers a considerable land area of over 100 hectares. As new development introduces a growing residential and employment population, there are opportunities to improve the circulation, functionality and livability of the Sherway Area. The proposed urban structure will provide enhanced connections and permeability throughout the emerging community. Establishing a structure for the planned Sherway Area defines its intended character, and identifies priorities for investment in the public realm and necessary infrastructure.

- 3.1 The framework for the planning and long-term development of the Sherway Area is illustrated in Map 43-2 – Structure Plan.
- 3.2 The Structure Plan provides for new streets and development blocks; the creation of parks, trails and open spaces for the benefit of all users; and establishes a network of desired connections to enhance mobility options.
- 3.3 The Etobicoke Creek ravine system and utility corridors are structuring elements for the Sherway Area. The Structure Plan builds on these elements to establish an enhanced green network of parks, trails, cycling facilities, open spaces, streets and landscape treatments.
- 3.4 A new local street network, as shown in Map 43-3, will break up the existing large land parcels in the Sherway Area to increase permeability for public circulation, and encourage a scale of redevelopment that can accommodate a wide range of uses and built form.
- 3.5 Additional new streets and connections may be identified through the creation of Precinct Plans and/or the development application review process, at the earliest possible point in the process, without amendment to this Plan.
- 3.6 The new local street network will be phased incrementally over time as the existing lands develop to create new development blocks.

4 Parks, Open Spaces and the Public Realm

Ongoing development within the Sherway Area presents opportunities to provide significant green space, recreational amenity and connections to the adjacent natural areas. The parks and open space system for the Sherway Area will form a network that includes a variety of elements allowing for a range of uses and activities, including active and passive recreation and community gathering.

General

- 4.1 The Sherway Area will be transformed through the Greening Strategy illustrated in Map 43-4, which identifies the general location of key elements of the parks and open space network including: parks distributed throughout the area in a range of types and sizes to accommodate a variety of programming and activity to support the growing community; natural areas; Privately Owned Publicly-Accessible Spaces; trails; landscaped entrances and street tree planting.

Parks and Open Spaces

- 4.2 The network of parks and publicly-accessible open spaces in the Sherway Area will serve a range of functions, including: passive recreation and ecology; sport and play; and civic and community activity.
- 4.3 Preferred locations for new parks are shown on Map 43-4. Parkland is intended to be distributed throughout the Sherway Area to serve new and existing residents and workers. Alternative locations and/or consolidation of preferred locations for parkland may be considered at the Precinct Plan stage, provided it can be demonstrated to the satisfaction of the City that the policies of this Plan are met.
- 4.4 The network of new parks and publicly-accessible open spaces will
- 4.4.1 achieve parks that can accommodate a range of programs and have a functional size, shape and appropriate frontage as determined by the City;
 - 4.4.2 be functional, interesting and engaging spaces that are connected, safe, comfortable, multi-functional, and accommodate people of all ages and abilities year-round;
 - 4.4.3 reinforce historic places, including those places of Indigenous presence previously recognized or unrecognized;
 - 4.4.4 celebrate Indigenous histories and recognize cultural and natural heritage through placemaking, naming, wayfinding, monuments, interpretive features, public art, partnerships and programming;
 - 4.4.5 support Indigenous cultural and ceremonial practices through the provision of programmable spaces;
 - 4.4.6 encourage public life through site-specific placemaking and pedestrian amenities that foster social interaction, including but not limited to seating, landscaping, active uses at grade, wayfinding, public art and programming;

-
- 4.4.7 be developed as focal points in the community, which also provide opportunities for public art, heritage interpretation and cultural expression as well as recreational opportunities;
 - 4.4.8 provide a variety of active and passive functions;
 - 4.4.9 create a seamless relationship between streets, parks and other elements of the public realm;
 - 4.4.10 provide new and improved pedestrian and cycling connections to and through parks and the public realm through streetscape improvements, bridges, trails and bikeways;
 - 4.4.11 be planned to provide an interconnected network of parks, open spaces, trails and other recreational facilities;
 - 4.4.12 be designed and built with durable materials that support the intensity of use by residents, workers and visitors;
 - 4.4.13 provide amenities such as public washrooms and drinking water stations, where feasible;
 - 4.4.14 accommodate community and special events, where appropriate; and
 - 4.4.15 be supported by a community-based planning and design process, including the use of pilot projects to demonstrate and assess local benefits, impacts and use patterns of proposed improvements to parks and the public realm.
- 4.5 Additional parks and open spaces may be added to the network conceptually illustrated on Map 43-4, without amendment to this plan, as opportunities arise through the acquisition of land for park purposes, the Precinct Planning process, and/or the development review process.
- 4.6 Any parkland conveyed to the City must:
- 4.6.1 improve the quantity, quality, form, functionality and distribution of parks;
 - 4.6.2 be free of encumbrances, unless approved by Council;
 - 4.6.3 be highly visible and have prominent public street frontage;
 - 4.6.4 result in parks that are programmable and have a functional size, shape, configuration and topography;
 - 4.6.5 result in parks with good sunlight access to improve their usability, enjoyment and opportunities for vegetation growth, and should provide a minimum of seven hours of access to direct sunlight on public parks on March 21st and September 21st; and
 - 4.6.6 contribute to a fine-grain pedestrian network that offers multiple mobility choices through mid-block connections linking various elements of the public realm.

- 4.7 Parkland provision will be considered in the following order of priority:
- 4.7.1 on-site dedication;
 - 4.7.2 off-site dedication;
 - 4.7.3 cash-in-lieu of parkland.
- 4.8 Parkland dedication that is immediately adjacent to an existing park or within a location that enhances the system of parks and open spaces will be prioritized.
- 4.9 In addition to any parkland dedications, within each of the Precincts described in Section 10 of this Plan, a minimum of 10 per cent of the net site area will be at-grade landscaped open space. The calculation of the net site area is determined after conveyances of land to the City, including parkland dedication, right-of-way widenings and new public streets and conveyances to the conservation authority for natural heritage areas. The minimum landscaped open space may include Privately Owned Publicly-Accessible Spaces and outdoor amenity areas at grade level.
- 4.10 *Natural Areas*, public uses within *Utility Corridors* and Privately Owned Publicly-Accessible Spaces shall not be used to satisfy parkland dedication.
- 4.11 As development proceeds over time, parkland is encouraged to be consolidated to provide for significant parks within the Precincts as described in Section 10 of this Plan. Where appropriate, and to the City's satisfaction, parkland provided through dedication may be located at a mutual property line, to facilitate its eventual expansion to adjacent parcels.
- 4.12 Privately Owned Publicly-Accessible Spaces (POPS) are encouraged at the ground level of development to supplement the parks and open space network; increase the variety of public spaces with a range of uses and amenities for the enjoyment of all users; and provide transitions between buildings and the public realm.
- 4.13 New and existing streets will include generous streetscaping and street tree planting, as conceptually shown on Map 43-4, ensuring adequate soil volume to grow trees to maturity on both sides of the street, to create green corridors and linkages connecting the open space network.
- 4.14 Landscaped pathways and mid-block pedestrian connections, generally indicated on Map 43-2 will be encouraged in new development to contribute to the public realm network and enhance pedestrian connectivity through large blocks.
- 4.15 Landscaped Points of Entry, characterized by elements such as tree planting, generous landscape beds, wayfinding, seating and public art, will be utilized to identify the main entry points into the Sherway Area, generally as shown on Map 43-4.

- 4.16 Opportunities to augment, expand and naturalize the public realm and trail network through *Utility Corridors* will be pursued, subject to technical approval by Hydro One and by Enbridge, or such respective successors, as may be required. Vehicular parking within *Utility Corridors* will be limited so as not to preclude the potential creation of multi-use trails where feasible.
- 4.17 Public art will be located in prominent, publicly accessible locations including Landscaped Points of Entry, parks, Privately Owned Publicly-Accessible Spaces and near major building entrances, to enhance placemaking and wayfinding in the Sherway Area.
- 4.18 Development will provide active and animated street frontages incorporating a variety of grade-related uses that encourage pedestrian comfort, safety and movement throughout the Sherway Area.

Natural Areas

- 4.19 Existing natural areas will be incorporated into the parks and open space network in a manner which provides for appropriate public access and passive recreational use while protecting, restoring and enhancing their integrity, ecological health and ecological functions.
- 4.20 New trail connections and sightlines into the Etobicoke Creek valley will increase access into the ravine at appropriate locations to integrate it with the community and provide for the protection and enhancement of the natural areas.
- 4.21 Development will be set back from the long term stable top of slope of the Etobicoke Creek ravine and any contiguous vegetation, as required by the Official Plan, or such greater setback as may be required, to maintain and/or enhance the scenic quality, including views from within, the visual and physical continuity of the ravine, and public access to and through it in accordance with the City of Toronto Official Plan, Ravine and Natural Feature Protection By-law and the policies of the Toronto and Region Conservation Authority.
- 4.22 Trails along the Etobicoke Creek ravine edge will be appropriately set back from the long term stable top of slope, and such trails will also be appropriately buffered from adjacent development through additional green space.

5 Land Use

The Plan provides a framework for a range of compatible uses, balanced to achieve a dynamic place to live, work, shop and play at a local level. New residential development will be integrated with commercial, employment, institutional and recreational uses that provide amenity, services and jobs, adding vibrancy to the neighbourhood. The existing stand-alone, large format retail uses will transition to appropriate locations as the Precincts gradually redevelop. Regional shopping destinations will be complemented with locally-oriented retail located in the base buildings of new mixed use development, which will be designed to promote pedestrian movement, animate the street frontage and provide 'eyes on the street' over public spaces while offering amenity for new and existing residents of the Sherway Area.

The Sherway Area will include a variety of land use designations, including *Mixed Use Areas*, *Core Employment Areas*, *General Employment Areas*, *Institutional Areas*, *Utility Corridors* and *Natural Areas*. While additional residential redevelopment is anticipated, continued development of employment uses, including office uses and denser forms of compatible light industrial employment are encouraged to balance the land use mix in the Sherway Area. Special attention will be paid to the transition between uses to ensure compatibility and/or mitigation of impacts, within the Sherway Area, lands adjacent to the Sherway Area and lands adjacent to Highway 427 and the Queen Elizabeth Way.

General

- 5.1 Land use designations in the Sherway Area Secondary Plan are shown on Map 43-5. The land use policies and development criteria of the Official Plan continue to apply. The following policies also apply and in the case of conflict, the policies in this Secondary Plan will prevail.

Mixed Use Areas 'A' – Residential

- 5.2 *Mixed Use Areas 'A' - Residential* are primarily residential areas where new neighbourhoods will be focused. A range of uses, including residential and other sensitive land uses, institutional, parks and open spaces, public transit facilities, retail uses and office uses are encouraged that will serve the local community and contribute to the vibrancy of the public realm.
- 5.3 *Mixed Use Areas 'A' – Residential* will have a predominantly mid-rise built form character, with some low-rise residential building types where appropriate and tall buildings permitted consistent with Policy 7.15.
- 5.4 Retail, service, office, commercial and community uses that meet the needs of local residents are permitted in base buildings.
- 5.5 On any part of a development site designated *Mixed Use Areas 'A' – Residential*, residential uses are permitted to a maximum floor space index of 2.5 times the gross site area of the part so designated.
- 5.6 On any part of a development site designated *Mixed Use Areas 'A' – Residential*, retail, service, office and commercial uses are permitted to a maximum floor space index of 0.2 times the gross site area of the part so designated.

Mixed Use Areas 'B' – Office Commercial

- 5.7 *Mixed Use Areas 'B' – Office Commercial* are primarily office commercial lands in proximity to Highway 427 and the Queen Elizabeth Way that will serve as a land use buffer and separation between the highways and the rest of the Sherway Area. Permitted uses include office, commercial, institutional, retail, service, cultural and entertainment uses, as well as parks and open spaces.
- 5.8 *Mixed Use Areas 'B' – Office Commercial* will have a predominantly low- to mid-rise character, with tall buildings permitted consistent with Policy 7.15.
- 5.9 Residential and other sensitive land uses, including child care centres, senior facilities, places of worship and educational uses, are not permitted in *Mixed Use Areas 'B' – Office Commercial*. Prior to the development of office commercial uses, interim non-residential uses may be permitted provided it can be demonstrated to the City's satisfaction that:
- 5.9.1 the proposed interim non-residential use would generate an equal or lesser impact on the transportation capacity of the existing and planned road network at full buildout as contemplated by this Plan, and
- 5.9.2 the nature of the proposed interim non-residential use would not preclude the future development of the lands for office commercial uses.
- 5.9A Despite Policy 5.9, residential and other sensitive land uses may be permitted on part of the lands designated *Mixed Use Areas 'B'* that are immediately adjacent to, including across a street from, lands designated *Mixed Use Areas 'A'*, where a sufficient non-residential land use buffer and/or separation from major transportation facilities is provided for in *Mixed Use Areas 'B'*, and provided it has been demonstrated that:
- 5.9.A.1 the liveability of the proposed residential dwelling units and/or occupancy of other sensitive land uses will not be adversely impacted with respect to noise, odour, vibration and air quality, existing and planned adjacent land uses; and
- 5.9.A.2 there is sufficient municipal servicing and transportation capacity to serve residential units proposed in *Mixed Use Areas 'B'*
- 5.10 On any part of a development site designated *Mixed Use Areas 'B' – Office Commercial*, office and commercial uses are permitted to a maximum floor space index of 1.5 times the gross site area of the part so designated. The permitted maximum floor space index in this policy may partially include residential and other sensitive uses as may be permitted by Policy 5.9A.
- 5.11 On any part of a development site designated *Mixed Use Areas 'B' – Office Commercial*, retail and service commercial uses are permitted to a maximum floor space index of 0.2 times the gross site area of the part so designated.

Mixed Use Areas 'C' – Retail

5.12 *Mixed Use Areas 'C' - Retail* are lands with an existing or emerging concentration of retail uses, where expansion or intensification of retail, service and commercial uses will continue over time.

5.12A Despite Policy 5.12, a hotel use may be considered on part of the lands designated *Mixed Use Areas 'C'* that are immediately abutting *Mixed Use Areas 'A'*, where a sufficient non-residential land use buffer and separation from major transportation facilities is provided for in *Mixed Use Areas 'C'*, and provided it has been demonstrated that:

5.12.A.1 the liveability and hospitality of the proposed hotel use will not be adversely impacted with respect to noise, odour, vibration and air quality, existing and planned adjacent land uses, and

5.12.A.2 there is sufficient municipal servicing and transportation capacity to serve hotel uses proposed in *Mixed Use Areas 'C'*.

5.13 *Mixed Use Areas 'C' – Retail* will predominantly consist of low to mid-rise buildings.

5.14 Residential uses are not permitted in *Mixed Use Areas 'C'*.

5.15 On any part of a development site designated *Mixed Use Areas 'C' – Retail*, retail uses are permitted to a maximum floor space index of 0.5 times the gross site area of the part so designated. The permitted maximum floor space index in this policy may partially include hotel uses as may be permitted by Policy 5.12A.

5.16 Notwithstanding Policy 5.15, on the lands designated *Mixed Use Areas 'C'* known as the Sherway Gardens shopping centre, retail uses are permitted to a maximum floor space index of 0.8 times the gross site area of the lands so designated.

Core Employment Areas

5.17 On any part of a development site designated *Core Employment Areas*, office and commercial uses are permitted to a maximum floor space index of 1.5 times the gross site area of the part so designated.

General Employment Areas

5.18 On any part of a development site designated *General Employment Areas*, office and commercial uses are permitted to a maximum floor space index of 1.5 times the gross site area of the part so designated.

5.19 On any part of a development site designated *General Employment Areas*, retail and service commercial uses are permitted to a maximum floor space index of 0.5 times the gross site area of the part so designated.

17
City of Toronto By-law 1535-2019

Institutional Areas

- 5.20 Lands designated *Institutional Areas* are anticipated to accommodate the continued use and expansion of the hospital and ancillary uses, pursuant to Section 4.8 of the Official Plan.

6 Development Capacity

The Sherway Area is currently not served by higher-order transit, and has significant barriers including the Canadian Pacific rail corridor, Gardiner Expressway, Queen Elizabeth Way and Etobicoke Creek limiting entry points from the surrounding area. At the same time, the introduction of a wider range of uses to the area provides opportunities to create a complete and balanced community. To ensure that development is appropriately balanced, distributed, and served by transportation and servicing infrastructure, development capacity will be regulated on an overall basis as well as within each Precinct of the Sherway Area.

- 6.1 To achieve the long-term goal of a balanced and sustainable mixed-use community throughout the Sherway Area, the distribution of density limits will be informed by
 - 6.1.1 the land use designations illustrated on Map 43-5;
 - 6.1.2 the gross site area densities applicable to each land use designation listed in Section 5; and
 - 6.1.3 the built form policies outlined in Section 7 of this Plan.
- 6.2 Minor increases to the density limits in this Plan, up to five per cent, may be considered on a site-by-site basis without amendment to this Plan where it can be demonstrated to the City's satisfaction that development will proceed in accordance with the guiding principles and policies of this Plan.
- 6.3 Development that would result in exceeding any of the density limits in this Plan, beyond five per cent, will not be permitted to be approved until a Development Capacity Study has been undertaken of the entire applicable Precinct as illustrated on Map 43-9 that examines the matters identified in Policy 6.4 of this Plan. In addition to the required plans, drawings, studies and reports identified in Official Plan Policy 5.5.2 and Schedule 3 of the Official Plan, the Development Capacity Study must be completed for the applicable Precinct accompanied with an Official Plan Amendment application.

- 6.4** Through the City's review of a Development Capacity Study on a Precinct basis, submitted with an Official Plan Amendment, consideration may be given to an increased density beyond the density limits provided in this Plan provided it has been demonstrated that:
- 6.4.1. the proposed density and development proposal will not exceed the capacity of the physical infrastructure, including water, wastewater, sanitary, transportation network planned for the Sherway Area;
 - 6.4.2. the proposed density and development proposal will ensure that development does not exceed the existing or planned capacity for community service facilities;
 - 6.4.3. the proposed built form conforms to the public realm and built form policies of the Official Plan and this Plan, and the type and scale of development will be contextually appropriate with the planned context;
 - 6.4.4. the proposed development will support the achievement of a complete community including land uses provided for in this Plan and provide sufficient open space; and
 - 6.4.5. the proposed density will not preclude the approved and planned development of other lands within the Sherway Area.
- 6.5** Notwithstanding Policy 6.3, development that would result in exceeding the maximum retail density limits listed in Section 5 may be permitted, provided that it can be demonstrated to the City's satisfaction that:
- 6.5.1. the excess gross floor area is an interim condition that is part of a phasing strategy in a Precinct Plan whereby an equal or greater amount of retail gross floor area will be eliminated within the same development site in the current or future phase; and
 - 6.5.2. the transportation network has sufficient capacity to support this interim condition.

7 Built Form

The Sherway Area will evolve into an urbanized mixed-use community and represents an opportunity to establish a new built form context. To achieve this vision for the area, buildings will be appropriately scaled and massed, with a fine grain of pedestrian entrances, generous spacing between tall buildings, and built form edges sited toward the street that are at an appropriate height to support a comfortable pedestrian environment.

The Built Form and Public Realm Policies of the Official Plan continue to apply in addition to the policies of this Plan.

General

- 7.1 Development will be sited toward new and existing streets to collectively provide a consistent and contiguous street edge, giving a strong architectural presence and sense of enclosure for the comfort of pedestrians in the public realm, with appropriate setbacks to allow for street tree planting, pedestrian clearways and furnishing zones.

7.2 [DELETED]

- 7.3 Development adjacent to a park will:

7.3.1. be set back to allow the building and any of its exterior features and amenities, including access and egress, to be provided and maintained on the development site;

7.3.2. provide an appropriate interface between public and private lands;

7.3.3. be oriented to maximize public access and views to the park;

7.3.4. be designed to have an attractive façade with animated uses at grade;

7.3.5. provide for casual overlook, increasing the passive surveillance and safety of the park; and

7.3.6. [deleted]

7.3.7. not locate loading and servicing areas adjacent to the park.

- 7.4 Development will contribute to the establishment of a fine-grained pattern of narrow building frontages and multiple entrances. Buildings fronting all streets are encouraged to include street-related retail, service and other pedestrian-oriented uses at grade level.

7.5 Larger retail units located in the bases of new buildings can achieve the objective of Policy 7.4 by:

7.5.1. locating larger retail units on multiple levels of the building, with appropriately scaled and visible grade-related lobby areas;

7.5.2. wrapping larger retail units with smaller retail units along the building frontages;

7.5.3. designing retail units to include multiple entrances; and/or

7.5.4. providing appropriate glazing on storefronts and direct access to entrances from the public sidewalk, keeping views into and out of the retail unit open and clear.

Building Setbacks, Stepbacks and Height

7.6 Development will be required to set back from street-facing property lines to ensure a generous public realm at grade, to provide an appropriate building scale relative to the street, to support pedestrian, cycling and retail activity, and to respond to distance requirements from transportation and utility corridors, as applicable. Required minimum building setbacks for development along certain new and existing streets are indicated on Map 43-6.

7.7 Unless otherwise indicated on Map 43-6, the minimum required setback for development on any public street is 3.0 metres.

7.8 Development that includes tall building elements may be required to provide greater setbacks from new and existing streets than those indicated on Map 43-6.

7.9 Notwithstanding any setbacks indicated on Map 43-6, development will be set back a minimum of 5.0 metres from any park.

7.10 Notwithstanding any setbacks indicated on Map 43-6, additional building setbacks may be required adjacent to the base of transmission towers within the *Utility Corridors*.

7.11 Development will, through Zoning By-laws, include minimum and maximum streetwall heights to achieve a comfortable and consistent built edge to new and existing streets. Map 43-7 establishes a range of minimum and maximum streetwall heights to provide flexibility in building design, massing and built form transition. The conceptual areas denoted on Map 43-7 are not intended to represent potential building envelopes.

- 7.12 Where not identified on Map 43-7, the minimum streetwall heights for new development will be:
- 7.12.1. three storeys or 10.5 metres in *Mixed Use Areas A – Residential, Mixed Use Areas B – Office Commercial and Institutional Areas*; and
 - 7.12.2. two storeys or 7.5 metres in *Mixed Use Areas C – Retail, Core Employment Areas and General Employment Areas*.
- 7.13 Above the streetwall heights shown on Map 43-7, the following minimum building stepbacks are required:
- 7.13.1. 4.5 metres facing The Queensway;
 - 7.13.2. 3.0 metres facing all other streets, and
 - 7.13.3. 4.5 metres for the tower element of any tall building facing a street or park.
- 7.14 The predominant built form of the Sherway Area will be generally mid-rise in scale. Mid-rise buildings will be designed in accordance with the City's policies and guidelines pertaining to mid-rise development.
- 7.15 Notwithstanding Policy 7.14, tall buildings may be permitted in the Sherway Area where appropriate to provide more generous open space between buildings at grade level. Generally, the preferred locations for tall buildings are at key intersections and landmark sites where development activity is intended to be focused. Additional tall building locations may also be considered through the Precinct Planning process and/or development review process. Any proposed tall building must demonstrate that it meets the policies of the Official Plan, including this Plan and its density limits, to the satisfaction of the City.
- 7.16 The base building height of a tall building cannot exceed the maximum streetwall height as shown on Map 43-7, to ensure appropriate differentiation between the base building and the tower.
- 7.17 [DELETED]
- 7.18 A minimum tower separation distance of 30 metres is required between buildings.

8 Building a Complete Community

A complete community includes the services, facilities and amenities such as parks, child care centres, recreational facilities and libraries that are required to support a neighbourhood and ensure its livability. Future growth needs for community recreation will be met through the ongoing revitalization of existing facilities, advancing planned facilities in the surrounding community, and ongoing monitoring of the timing and amount of growth in the Sherway Area. Development will contribute toward the provision of new and enhanced facilities to serve the growing residential and employment population.

Residential development in the Sherway Area will contribute to a complete and inclusive community through a range of housing options. An appropriate mix of tenure, size and affordability will be achieved in order to offer housing options for a wide variety of households.

Community Services and Facilities

- 8.1. New and/or expanded community services and facilities will be required to support and meet the needs of residents and employees in the Sherway Area. Community services and facilities will be identified and reviewed by the City through the Precinct Planning process, in order of priority, with the provision of:
 - 8.1.1. new, expanded or retrofitted space for a specific community facility on-site;
 - 8.1.2. new, expanded or retrofitted space off-site within an appropriate distance in the Secondary Plan area; and/or
 - 8.1.3. a contribution toward a specific community service or facility that meets identified needs.
- 8.2. Community services and facilities will be:
 - 8.2.1. located within the Sherway Area, within walking distance to the resident and employment populations they serve;
 - 8.2.2. located in highly visible and accessible locations, on public streets with strong pedestrian, cycling and transit connections;
 - 8.2.3. designed in a manner that promotes flexible multi-purpose facilities that can be adjusted to meet the varied and evolving needs of the Sherway Area community; and
 - 8.2.4. delivered in a timely manner to support residential and non-residential growth.
- 8.3. Innovative approaches for providing community infrastructure will be encouraged, including shared uses and integrating facilities within private developments that maintain public accessibility.
- 8.4. Development that is phased will include required facilities as part of the first phase of development.

- 8.5. Community service and facility priorities identified for the Sherway Area include but are not limited to: child care centres; library enhancements; and community agency space.
- 8.6. As the Sherway Area develops, opportunities may be pursued to establish a central community facility adjacent to a significant public park, in a highly accessible location to serve area residents and workers. Such a facility may incorporate services including but not limited to recreation, community agency space, child care centre and school.

Housing

- 8.7. A full range of housing in terms of tenure, affordability and building type, including purpose-built rental housing, will be provided both within Precincts and over the entire Secondary Plan area.
- 8.8. New residential development will provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.
- 8.9. To achieve a balanced mix of unit types and sizes, development containing residential units will include:
- 8.9.1. a minimum of 15 per cent of the total number of units as 2-bedroom units;
 - 8.9.2. a minimum of 10 per cent of the total number of units as 3-bedroom units; and
 - 8.9.3. an additional 15 per cent of the total number of units being a combination of 2-bedroom, 3-bedroom and units with more than 3-bedrooms.
- 8.10. Indoor and outdoor amenity spaces provided in development containing residential uses are encouraged to be suitable for a range of households, including families with children and pet owners.

9 Mobility

The addition of residential uses and the intensification of retail and employment uses will result in many more people moving within the area, as well as moving to and from it. The Sherway Area will evolve from a place that prioritizes vehicular travel, to one that safely accommodates and encourages pedestrian, cycling and transit movement in an attractive and comfortable environment.

Through its development, opportunities to create and improve transportation facilities and infrastructure within a more pedestrian-scaled built environment public street network and will make other modes of travel safe, attractive, convenient and preferable to car use. The provision of separated bike lanes and improved sidewalk connections will encourage walking and cycling, while improved local and regional bus service centred on a transit hub will increase mobility options for residents, shoppers, employees and employers in the Sherway Area. Development will accommodate the potential to introduce higher-order transit into the Sherway Area.

Streets

- 9.1. New public streets will be added to the transportation network of the Sherway Area, as indicated on Map 43-3, to improve connectivity, create new development blocks and provide frontages for new buildings, parks and open spaces. New and improved linkages within the Sherway Area will include:
 - 9.1.1. the completion of the approved North Queen Street Extension, including its north-south connection to The Queensway;
 - 9.1.2. the extension of Nova Road to the Queensway in the North Sherway Neighbourhood Precinct;
 - 9.1.3. the southerly extension of Boncer Drive through the North Sherway Neighbourhood Precinct;
 - 9.1.4. a grid of local public streets internal to the block bounded by North Queen Street, The Queensway and Highway 427, and private streets that complement the public street network may be considered in accordance with the Official Plan;
 - 9.1.5. a new public street linking The Queensway and The West Mall, through the Trillium Precinct; and
 - 9.1.6. the modification of the Evans Avenue/The West Mall intersection to reconnect Evans Avenue with Sherway Drive to the west of The West Mall.
- 9.2. Streets identified as Fixed shall be located as generally indicated on Map 43-3, subject to detailed design requirements to the satisfaction of the City.
- 9.3. Streets identified as Flexible should be oriented and located as conceptually shown on Map 43-3, with exact locations and configurations to be determined through the development application approval process to the satisfaction of the City.

- 9.4 All streets, whether new or existing, will:
- 9.4.1 be public streets, free of encumbrances, unless otherwise authorized by City Council, and may also include private streets that complement the public street network in accordance with the Official Plan;
 - 9.4.2 generally have a 20 metre right-of-way width unless otherwise indicated in the Official Plan;
 - 9.4.3 be designed and constructed to City standards, as amended from time to time;
 - 9.4.4 prioritize pedestrians, cyclists and public transit relative to private automobiles, informed by the application of design guidelines for Complete Streets as developed and applied by the City;
 - 9.4.5 accommodate a variety of users, abilities, and modes of mobility;
 - 9.4.6 include comfortable, wide sidewalks on both sides, within landscaped setbacks;
 - 9.4.7 be aligned at intersections to complete the street grid; and
 - 9.4.8 be designed to serve planned changes in use, intensity and character as redevelopment occurs over time.
- 9.5 Existing Private Streets indicated on Map 43-3 will be dedicated to the City, as contemplated through a Council-endorsed Precinct Plan, and redesigned to City standards as may be appropriate, to ensure appropriate access and linkages, building frontage and address as adjacent development proceeds. The location of these streets is flexible and all or part of the street may be realigned to the satisfaction of the City.
- 9.6 Main Streets are identified on Map 43-3. Main Streets will be the key corridors of activity, designed as vibrant, comfortable, pedestrian-oriented destinations in their own right to strengthen a sense of place for the Sherway Area. As an *Avenue*, The Queensway between The West Mall and Highway 427 will be the primary Main Street, serving as a central spine as well as a key connector linking beyond the Sherway Area.
- 9.7 Development fronting Main Streets is required to include street-related retail, service and other pedestrian-oriented uses at grade level, serving both local needs and destination shoppers.

Pedestrian Movement

- 9.8 Key elements to improving the pedestrian network in the Sherway Area are shown conceptually in Map 43-8. The pedestrian network will be enhanced and expanded through:
- 9.8.1 the development of pedestrian-scaled streets with broad sidewalks and generous street greening;
 - 9.8.2 mid-block pedestrian connections;
 - 9.8.3 additional signalized intersections where appropriate;

- 9.8.4. enhanced streetscape amenities such as street furniture and wayfinding elements;
- 9.8.5. new linkages to natural areas and multi-use trails; and
- 9.8.6. improved connections under highways and across the *Utility Corridors*.
- 9.9. The pedestrian network will be complete, with no missing links in sidewalks or street crossings.
- 9.10. Additional signalized pedestrian crossings at intersections will be introduced where feasible to improve pedestrian movement and enhance safety.
- 9.11. All new and existing streets will accommodate generous sidewalk zones on both sides, to provide greater pedestrian comfort and connectivity throughout the Sherway Area.
- 9.12. Multi-use trails throughout the Sherway Area will link to and complement pedestrian and cycling networks, and will facilitate connections to the existing trail network south of the Queen Elizabeth Way and across the Etobicoke Creek in the City of Mississauga, as generally shown on Map 43-8.

Cycling

- 9.13. Improvements to cycling facilities for the Sherway Area are shown in Map 43-8. The cycling network is intended to achieve safe, convenient and comfortable cycling connections within and beyond the area, to be implemented through development and street reconstruction opportunities.
- 9.14. Priority improvements to cycling infrastructure will include a variety of facilities, including but not limited to:
 - 9.14.1. on-street cycling facilities along North Queen Street and the North Queen Street Extension;
 - 9.14.2. on-street cycling facilities along The West Mall;
 - 9.14.3. on-street cycling facilities along Evans Avenue;
 - 9.14.4. a protected off-street cycling facility on The Queensway;
 - 9.14.5. cycling-supportive design on other existing and new streets;
 - 9.14.6. off-street trails within the utility corridors;
 - 9.14.7. connections to the Etobicoke Creek trail system; and
 - 9.14.8. the creation of cycling-friendly links from the Sherway Area to surrounding areas.

- 9.15 Bicycle parking facilities will be introduced on all streets to encourage local cycling activity.
- 9.16 Safe, convenient access and additional bicycle parking and end-of-trip bicycle amenities will be encouraged at important destinations including transit hubs, community spaces, parks and open spaces, and major retail and employment destinations.

Transit

- 9.17 A new transit hub will be established as a central point of transfer for all bus routes and/or future rapid transit serving the Sherway Area, in the general location of the site protected for the potential subway station, as shown on Map 43-2.
- 9.18 Transit connections will be improved through the addition, reconfiguration and/or improved frequency of bus routes serving the Sherway Area to maximize catchment potential, as new developments and connections are constructed, subject to consultation with all area transit authorities.
- 9.19 Street furniture and amenities will be provided at all transit stops in the Sherway Area to support current and growing ridership.
- 9.20 Transit authorities serving the Sherway Area will coordinate to improve access and service, where possible, to the existing subway stations and regional transit stations beyond the Sherway Area, and consider longer term transit service expansion to support a growing community.
- 9.21 New development will continue to protect for the viability of a future subway extension to a new West Mall Station in the vicinity of The Queensway/The West Mall intersection, including below-grade alignments, pedestrian entrances, passenger pick-up and drop-off facilities, emergency access tunnels surface transit connections and any setbacks above and below grade, as may be required by the City and the relevant transit authorities.

Parking

- 9.22 New above-grade parking structures are strongly discouraged. Where above-grade parking structure are determined to be appropriate, they will be designed to avoid blank walls, screen cars from view with high-quality architectural details, and incorporate active, grade-related uses in the facades where feasible, to animate the public realm.
- 9.23 Surface parking areas will be minimized and designed to include landscaping, tree planting and green infrastructure opportunities.

10 Precincts

The Sherway Area will comprise a collection of diverse Precincts that reflect existing and planned local characteristics. The following area-specific policies are intended to shape the cohesive development, public realm and built form character of each distinctive Precinct in the Plan.

General

- 10.1. The boundaries of the six precincts of the Sherway Area are delineated on Map 43-9.

North Queen Employment Precinct

10.2. Within the North Queen Employment Precinct, the retention and intensification of employment uses, with new public streets and an improved built form relationship to the public realm will be prioritized.

10.3. Industrial uses are restricted within enclosed buildings or to uses that involve limited outdoor storage and operate within acceptable Provincial levels of odour, dust, smoke, noise or vibration.

10.4. An applicant may propose, through a Zoning By-law Amendment application, an alternative to the CP Rail corridor setback indicated on Map 43-6, where those standards cannot be met due to topographical, geographical or other physical constraints subject to the following conditions:

10.4.1 the alternative will provide at least the same level of rail safety for nearby workers, residents, visitors and shoppers as the required 30 metre setback;

10.4.2 a development viability report bearing the stamp of a fully insured, qualified, professional structural engineer, in addition to the noise, air quality and vibration reports, is submitted to the City demonstrating that at least the same level of rail safety is to be achieved;

10.4.3 this report will be peer reviewed and accepted by a rail safety expert retained by and reporting to the City, at the expense of the applicant;

10.4.4 the report will also be reviewed and accepted by the Canadian Pacific Railway;

10.4.5 appropriate uses for the site will be determined as part of the Zoning By-law Amendment application, and will implement the policies for the Official Plan land use designation; and

10.4.6 if the development viability assessment is accepted by the City and the Canadian Pacific Railway, and the proposal is approved:

(a) construction and ongoing maintenance of the alternative mitigation measure will be secured through an agreement between the City and the landowner;

(b) warning clauses in all relevant documents should be registered on title to provide notice for future purchasers; and

(c) the landowner will enter into an agreement with the City to be registered on title, whereby the landowner and the qualified professional engineer whose stamp appears on the drawings for the alternative rail safety mitigation measures assume responsibility for, and indemnify the City from, damages to persons and property resulting from a derailment on the Canadian Pacific rail corridor.

North Sherway Neighbourhood Precinct

- 10.5. The North Sherway Neighbourhood Precinct is envisaged as predominantly residential with grade-related activity animating the streetscape. The North Sherway Neighbourhood Precinct will include a significant neighbourhood park, open spaces, local retail and commercial uses and community services and facilities to support the community.
- 10.6. The introduction of new public streets within and immediately adjacent to the North Sherway Neighbourhood Precinct will serve to organize the area into smaller development blocks, while providing access and linkages to the employment areas to the north, the mixed use precinct to the east, and the commercial precinct to the south.
- 10.7. The following streets must be included in the precinct planning for growth in the North Sherway Neighbourhood Precinct:
- 10.7.1. the extension of Nova Road to The Queensway
- 10.7.2. the extension of Boncer Drive through the Precinct, including the portion crossing the *Utility Corridors*, and
- 10.7.3. the portion of the north-south link of the North Queen Street Extension, crossing the *Utility Corridors*, between The Queensway and the east-west link of the North Queen Street extension.
- 10.8. A significant neighbourhood public park will be located within the North Sherway Neighbourhood Precinct.
- 10.9. The open space system will be supplemented with Privately Owned, Publicly-Accessible Spaces integrated with development.

Queensway Mixed Use Precinct

- 10.10. The Queensway Mixed Use Precinct will evolve into a pedestrian-scaled neighbourhood accommodating residential, office commercial and retail uses, with a new public street network and organization of smaller development parcels.
- 10.11. The introduction of new public streets within the Queensway Mixed Use Precinct will serve to organize the area into smaller development blocks, while providing access and linkages to the employment areas to the north and the mixed use precinct to the west, and the commercial precinct to the south. A conceptual representation of the potential Flexible Street network to implement this policy is shown on Map 43-3. Alternative locations and configurations may be considered through the Precinct Planning process and secured in the development review process. The street grid serving this area should include:

31
City of Toronto By-law 1535-2019

10.11.1. new north-south public street(s) which:

10.11.1.1. provides a link to the east-west portion of North Queen Street and

10.11.1.2. provides a link to The Queensway, the location of which is subject to consultation with the Ministry of Transportation, and

10.11.2. three new east-west public streets, of which:

10.11.2.1. at least two must provide a link from the north-south portion of North Queen Street, and

10.11.2.1. at least one of the new streets provided through Policy 10.11.2.1 above constitutes an eastward extension of Nova Road

- 10.12. Grade-related uses that animate the streetscape and provide amenities for both residents and businesses are encouraged throughout.
- 10.13. Grade-related retail and service uses are required along The Queensway and North Queen Street frontages to establish a local main street character.
- 10.14. Parkland will be consolidated whenever possible to enable the creation of a new neighbourhood park system that provides a central organizing feature for the Precinct.

Trillium Precinct

- 10.16. The Trillium Precinct is centred on Trillium Health Partners Queensway hospital, an important institutional use, employer and resource for the community. Planning for this Precinct will consider the adjacent lands south of The Queensway and west of The West Mall to provide for a coordinated approach to the network of new public streets, naturalized areas and access to the ravine trail system.
- 10.17. A new public street through the precinct will connect The Queensway to The West Mall.
- 10.18. Sherway Drive will be realigned to create a new public street connecting the vehicular entrance to the Trillium Health Partners hospital lands with the westward extension of Evans Avenue, west of The West Mall.
- 10.19. In recognition of the institutional use, and to meet the objective of Policy 10.17, the private street currently functioning as a service road to access the Trillium Health Partners hospital site will, through future development:
- 10.19.1. be planned to protect for a future public street that is designed and located to the satisfaction of the City;
- 10.19.2. be designed to create a sense of place within the site;
- 10.19.3. continue to be a private street as required to permit phased development of the site over time;

-
- 10.19.4. be conveyed to the City as a public street in accordance with the phasing specified in an updated master plan as approved by the Ministry of Health, or successor, pursuant to policy 10.19.5; and
 - 10.19.5. notwithstanding policy 11.16 and following completion of the first phase of development, the owner of the site will submit for approval to the Ministry of Health, or successor, an updated master plan, in accordance with provincial requirements, that specifies the location and conveyance of the future public street and the phases for its implementation, in consultation with the City.
 - 10.20. Future expansion of the Trillium Health Centre hospital will be developed in a manner that locates buildings closer to the street edges, where possible, and provides pedestrian amenity along both public and internal streets.
 - 10.21. Notwithstanding Policies 7.6, 7.10, 7.11, 7.12, 7.13, 7.14, and 7.18, on lands designated *Institutional Areas*, the City may consider alternative setbacks, streetwall heights and stepbacks, and building heights for new development provided the intent of Policy 10.20 is met.
 - 10.22. Open spaces such as courtyards, plazas and rooftop terraces will continue to be provided through hospital development in the Trillium Precinct to create an environment conducive to healing. These spaces will be designed to be publicly accessible wherever feasible and may be relocated as necessary to respond to program or operational requirements.
 - 10.23. Pedestrian and cyclist access points to the Etobicoke Creek trail system, generally illustrated on Map 43-8, will be established and clearly marked with signage for ease of wayfinding through the adjacent natural area.
 - 10.24. On the lands designated *Mixed Use Areas 'A' – Residential* located south of Trillium Health Partners hospital, west of The West Mall, the site area used to calculate gross density will exclude any lands below the top of bank.
 - 10.25. This Plan anticipates the Trillium Health Partners hospital will continue to operate as a regional health care facility. In the event the lands are considered for comprehensive redevelopment for non-institutional uses, a revised Precinct Plan shall be submitted that addresses the following matters to the satisfaction of the City:
 - 10.25.1. the allocation of land use, heights and density;
 - 10.25.2. the creation of a new public street network in a more urban pattern of streets and blocks;
 - 10.25.3. transportation and municipal infrastructure capacity;
 - 10.25.4. parks and open space; and
 - 10.25.5. community services and facilities.
 - 10.26. The revised precinct plan required by Policy 10.25 will be processed as part of an Official Plan Amendment, or by an alternative procedure acceptable to the City.

Sherway Gardens Precinct

- 10.27. The defining element of the Sherway Gardens Precinct, the Sherway Gardens shopping centre is the central retail hub with a significant contribution to the economic vitality of the Sherway Area and beyond. Over time, the existing surface parking lots fronting The Queensway, The West Mall and Sherway Gardens Road will be redeveloped with a mix of uses surrounding the shopping centre to create a walkable and more hospitable pedestrian environment.
- 10.28. Opportunities to establish a new multi-use trail accommodating pedestrian and cycling movement will be pursued, potentially within the existing utility easement located along the south side of The Queensway between The West Mall and Highway 427.
- 10.29. Buildings will be set back a minimum of 3.0 metres from the south limits of the utility easement referred to in Policy 10.28 to allow for street tree planting.
- 10.30. Grade-related retail and service uses are required along The Queensway frontage, and generally extending around The Queensway/The West Mall intersection, as illustrated in Map 43-7.
- 10.31. Public parkland will be distributed throughout the Sherway Gardens Precinct, generally as shown on Map 43-4, to be located within walking distance of new residential communities. At least one public park will be of a significant size to serve the neighbourhood.
- 10.32. The Sherway Gardens ring road currently functions as a private service road to access the Sherway Gardens Shopping Centre. Through development incrementally over time, the Sherway Ring Road will:
- 10.32.1. be designed to City standards, reconstructed to provide a comfortable pedestrian environment to accompany its continued vehicular use and dedicated as a public street;
 - 10.32.2. provide access to new mixed-use development, and
 - 10.32.3. be fronted with development that addresses the street edge, minimizing vehicular service and access areas and screening them from view.
- 10.33. This Plan anticipates the Sherway Gardens shopping centre will continue to operate as a regional retail destination. In the event the Sherway Gardens shopping centre is considered for comprehensive redevelopment, a revised Precinct Plan shall be submitted that addresses the following matters to the satisfaction of the City:
- 10.33.1. the allocation of land use, heights and density;
 - 10.33.2. the creation of a new public street network in a more urban pattern of streets and blocks;
 - 10.33.3. transportation and municipal infrastructure capacity;
 - 10.33.4. parks and open space; and
 - 10.33.5. community services and facilities.

34
City of Toronto By-law 1535-2019

10.34. The revised Precinct Plan required by Policy 10.33 will be processed as part of an Official Plan Amendment, or by an alternative procedure acceptable to the City.

QEW Office Precinct

10.35. The QEW Office Precinct will be maintained as an area where office commercial uses will be prioritized pursuant to policies in the Plan. *Policy 10.35 in effect in accordance with OLT-22-002343 issued on June 22, 2023.

11 Implementation

Managing the growth contemplated in this Plan is essential to ensuring the development of a complete community. The transformation of this area, particularly with regard to residential development, must be undertaken with careful consideration for issues of phasing, land use compatibility, air quality, provision of community services, parks and open space, and necessary improvements to the transportation system and transit options to support an increased residential and employment population.

The implementation policies of this Plan include a number of strategies to manage growth through the expansion and enhancement of the transportation network, the comprehensive planning of large sites and the appropriate sequencing of development. Regulatory tools under the *Planning Act* and *City of Toronto Act*, Precinct Plans and the review of Zoning By-law Amendment, Plan of Subdivision and Site Plan Control applications will be used to fully implement the vision for the Sherway Area over time.

Development Guidelines

- 11.1. Council-adopted City-wide standards, implementation plans and guidelines, as well as the Council-adopted *Sherway Area Urban Design and Streetscape Guidelines*, as may be amended from time to time, will be used as a tool to inform the review of development applications in the Sherway Area.
- 11.2. Where the standards of the City-wide guidelines differ from the *Sherway Area Urban Design and Streetscape Guidelines*, the latter document will prevail.
- 11.3. Development will protect for the long term vision and implementation of the Secondary Plan.
- 11.4. The City may, at its discretion, require an easement on private land to secure public access to the public realm enhancements identified in this Secondary Plan, including, but not limited to, components of the public realm network, and mid-block connections and Privately Owned Publicly-Accessible Spaces secured through the development approval application process. Such public realm enhancements will be constructed and maintained by the owner.
- 11.5. For the purposes of implementing the policies of this Plan, development site(s) will be considered to be the size of the site(s) as they exist as of the date of adoption of this Plan, unless City Council is otherwise satisfied.
- 11.6. Where a crossing is proposed on or over, or where there are Landscaped Points of Entry within or adjacent to a Utility Corridor, the City and/or owners of lands proposed to be developed will consult with Infrastructure Ontario and Hydro One Networks Inc., or its successors, as early as possible in the development process.

36
City of Toronto By-law 1535-2019

Holding Provisions

- 11.7. A holding provision may be placed on lands where the ultimate desired use of the lands is specified but development cannot proceed until conditions set out in an implementing by-law, which may reference the policies of this Plan, are fulfilled to the satisfaction of the City.
- 11.8. Development that includes new residential or other sensitive land uses will be required to submit noise and air quality studies, following Terms of Reference specified by the City, which will be subject to third party peer review retained on behalf of the City at the applicant's expense.
- 11.9. Recommended mitigation efforts arising from a development application may be required as a condition to be met prior to the removal of a holding provision as set out in the Official Plan.

Precinct Plans

- 11.10. Within any Precinct, as part of a complete application for any development proposal that proposes a change in use and requires an Official Plan Amendment, Zoning By-law Amendment or Draft Plan of Subdivision, a Precinct Plan is required to be submitted unless a prior Precinct Plan has been endorsed by City Council for the Precinct. A Precinct Plan is required to demonstrate the following to the satisfaction of the City:
- 11.10.1. existing topography and a conceptual grading plan;
 - 11.10.2. location of any natural features, or natural hazards, including trees and vegetation and strategies to protect them;
 - 11.10.3. the layout and design of existing and proposed streets in plan and section including dimensions for sidewalks, trees and other street furniture;
 - 11.10.4. the location of parks, open spaces and Privately Owned Publicly-Accessible Spaces;
 - 11.10.5. a common approach to the design of the public realm and pedestrian circulation network;
 - 11.10.6. existing and proposed cycling routes, on public and private land;
 - 11.10.7. a precinct-wide transportation demand management strategy;
 - 11.10.8. local provision of community services and facilities;
 - 11.10.9. locations for public art;
 - 11.10.10. anticipated land uses throughout the Precinct;
 - 11.10.11. the layout of development parcels including setbacks, ground floor uses and building entrances;

- 11.10.12. the location and layout of proposed service areas including public lanes, service courts, shared driveways, ramps and loading areas;
- 11.10.13. proposed density, built form and massing including building heights setbacks and stepbacks;
- 11.10.14. relationships between buildings, illustrating shadow impacts, transition in scale between areas of differing intensity of use and spacing dimensions;
- 11.10.15. proposed unit breakdown, demonstrating the location and distribution of family-sized units;
- 11.10.16. opportunities for energy conservation, peak demand reduction, resilience to power disruptions, and small local integrated energy solutions that incorporate renewables, district energy, combined heat and power or energy storage, through development of a Energy Strategy at the Precinct level;
- 11.10.17. the location of and setbacks from the transmission towers within the *Utility Corridors*, where applicable;
- 11.10.18. demonstration of reasonable attempts to consult and coordinate with other landowners within the precinct; and
- 11.10.19. phasing of development and strategies to achieve appropriate infrastructure at each phase of development.
- 11.11. An acceptable Precinct Plan will be endorsed by City Council. The Council-endorsed Precinct Plan will have the status of guidelines, strategies and implementation plans, and will not constitute policy pursuant to the *Planning Act*, as contemplated by the *Official Plan*. The endorsed Precinct Plan will guide future development on adjacent lands within the Precinct, or inform applications for Site Plan Approval for development located within the Precinct.
- 11.12. Landowners within each Precinct are encouraged to enter into agreements with each other, and potentially the City, addressing their respective responsibilities regarding coordination, provision, financing, cost-sharing and phasing of infrastructure, community facilities, housing, parkland, public art or any other public amenities required to support development of the Precinct.
- 11.13. Precinct Plans endorsed by City Council are intended to provide direction for the applicable Precinct and will advance the vision, objectives and policies of the *Official Plan* and this *Plan*. Where significant changes are proposed to an endorsed Precinct Plan, City Council must be satisfied that these changes do not materially affect the endorsed Precinct Plan prior to endorsing a revised Precinct Plan.
- 11.14. Within the Trillium Precinct, the requirement for a Precinct Plan will be deemed to be met provided:
- 11.14.1 On lands designated *Institutional Areas*, a campus plan is provided in accordance with Official Plan Policy 4.8.5; and
- 11.14.2 On all other lands, a Context Plan is provided that indicates the location and phasing of streets, blocks, mid-block pedestrian routes and ravine connections relative to adjacent parcels.

Development Phasing and Infrastructure Provisions

- 11.15. Development in the Sherway Area may proceed in multiple phases, as determined through the Precinct Plan process. Development will be sequenced to ensure appropriate transportation and municipal servicing infrastructure along with community services and facilities are available to service development.
- 11.16. The expansion of the transportation network into a finer grid of streets and connections will occur incrementally with development as follows:
- 11.16.1 if a required public street, whether Fixed or Flexible, is fully within a development site or land assembly, the full required right-of-way will be secured with the approval of the first phase of development;
- 11.16.2 where a required public street, whether Fixed or Flexible, forms the boundary between development sites, the full conveyance of the right of way may be achieved in two stages provided interim measures to facilitate access and travel are established with the first development site to redevelop; or
- 11.16.3 if required transportation infrastructure does not form part of a development site or land assembly, financial contributions towards the acquisition of land and construction of transportation infrastructure off site may be secured through the development application approval process.

Existing and Interim Uses

- 11.17. While the ultimate redevelopment of the Sherway Area is anticipated to realize the vision set out in Section 2 of this Plan, it is acknowledged that existing uses not contemplated by this Plan may remain prior to large-scale redevelopment of the lands.
- 11.18. The following applies to uses, buildings and/or structures that are legally existing as of the date of adoption of this Plan:
- 11.18.1 Any addition or expansion of the building and/or structure that exceeds 10 per cent of the building footprint existing on the date of adoption of this Plan will require the submission of an Interim Development Strategy as part of a complete application for any proposal requiring a Zoning By-law Amendment or Site Plan Approval application for the interim use.

- 11.18.2 An Interim Development Strategy submitted pursuant to Policy 11.18.1 will demonstrate to the City's satisfaction that such interim development:
- 11.18.2.1 is not intended to be long-term and is appropriate over the short to medium term;
 - 11.18.2.2 does not preclude the long-term redevelopment of the site as envisioned by this Plan;
 - 11.18.2.3 does not preclude the achievement of the parks and public realm policies set out in Section 4 of this Plan, the general mobility policies set out in Section 9 of this Plan, and any applicable Precinct Plan endorsed by Council;
 - 11.18.2.4 does not exceed the maximum height permitted by the Zoning By-law in force at the time of application;
 - 11.18.2.5 does not include residential uses or underground parking structures; and
 - 11.18.2.6 conforms with the Built Form and Public Realm policies of the Official Plan
- 11.18.3 Any addition or expansion of the building and/or structure which does not exceed 10 percent of the building footprint existing on the date of adoption of this Plan is exempt from providing an Interim Development Strategy.
- 11.18.4 Any renovation within the building and/or structure existing on the date of adoption of this Plan is exempt from providing an Interim Development Strategy.

Monitoring

- 11.19. The City will monitor development applications in the Sherway Area on an ongoing basis as growth occurs, to:
- 11.19.1 track growth relative to the density limits listed in this Plan;
 - 11.19.2 assess the adequacy of parks and open spaces serving the area;
 - 11.19.3 evaluate the evolving needs of the area's population, to inform the delivery of new and enhanced community services and facilities; and
 - 11.19.4 review the adequacy of water, wastewater and storm servicing infrastructure and stormwater management measures to ensure appropriate levels of service.
- 11.20. A transportation monitoring program will be developed and undertaken with area stakeholders to monitor development levels and travel patterns as the transportation network and associated improvements are implemented through redevelopment. At appropriate times, the City will coordinate a monitoring program to inform Transportation Impact Studies submitted with development applications, and will include:
- 11.20.1 the travel characteristics of employees, residents and visitors including modal split, vehicular occupancy, trip distribution and peak hours of travel;
 - 11.20.2 an evaluation of trip volumes from a multi-modal perspective on public streets and at key intersections, and the future capacity of all transportation modes against development levels and network improvements provided for by this Secondary Plan;
 - 11.20.3 an evaluation of transit ridership and traffic volumes in the context of available capacity, new or approved transit availability, and the future total capacity of the transit network;
 - 11.20.4 an evaluation of existing, planned and proposed development as it relates to the Sherway Area Transportation Master Plan; and
 - 11.20.5 an evaluation of parking availability, usage and location in relation to land use, as well as the performance of shared mobility options.
- 11.21. The findings of the transportation monitoring program will inform future comprehensive transportation analysis supporting new transit infrastructure and/or improvements to transit service as well as any future reviews of this Plan. The findings will also be considered in the review of individual development applications to determine whether proposed land uses and densities are supported by the Sherway Area Transportation Master Plan; and in the implementation or refinement of required Transportation Demand Management (TDM) programs.

- 11.22. In the event that higher-order transit is approved and funded within the Sherway Area, the City will undertake a full review of this Plan to examine the appropriate land uses and densities that may be accommodated through improved transit access, with consideration for the community services and facilities, transportation and servicing capacity and other matters as may be necessary to serve additional development.

Complete Application Requirements

- 11.23. In addition to the plans/drawings and studies/reports identified in Official Plan Policy 5.5.2 and Schedule 3 of the Official Plan that are required for planning applications, the following will be required for the submission of a complete application, excluding minor variance or consent applications, within the Secondary Plan area:

11.23.1 Precinct Plan as described in Policy 11.10 of this Secondary Plan;

11.23.2 Air Quality Study for any proposals to introduce residential or sensitive land uses, which assesses the impact of air emissions by the surrounding environment on the proposed development as well as mitigation measures to reduce any negative impacts, and which may be subject to peer review to be funded by the applicant;

11.23.3 Noise Impact Study;

11.23.4 Vibration Study; and

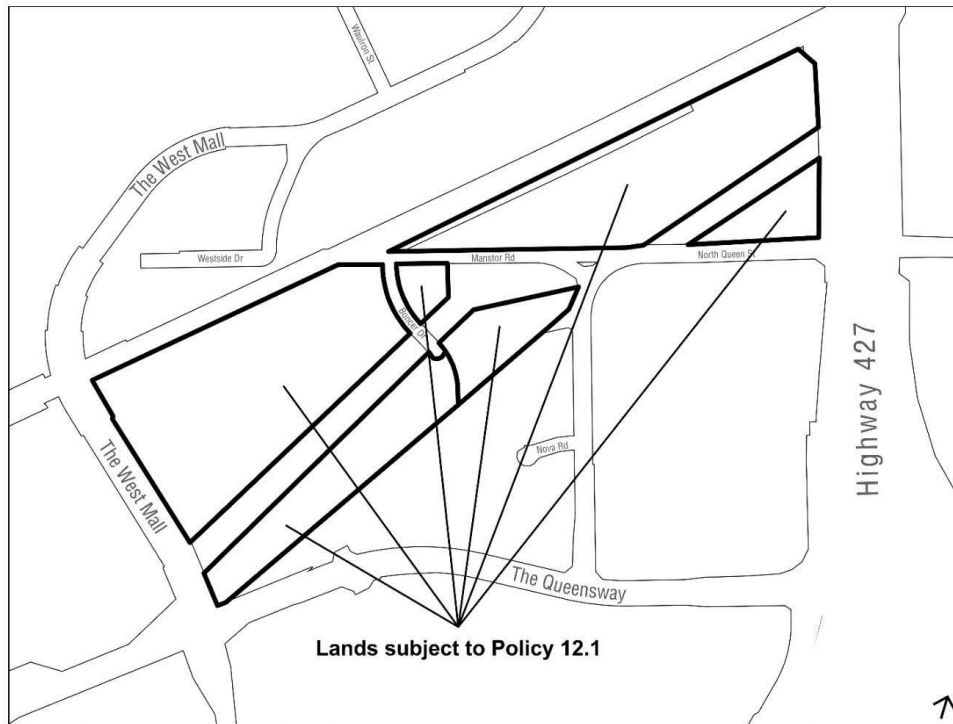
11.23.5 Transportation Demand Management Strategy as a component of the required Transportation Impact Study.

- 11.24. Where development is proposed on lands fronting The Queensway, between The West Mall and Highway 427, an Avenue Segment Study is not required to be submitted provided it can be demonstrated to the satisfaction of the City that the policies of this Plan are met.

12 Site and Area-Specific Policies

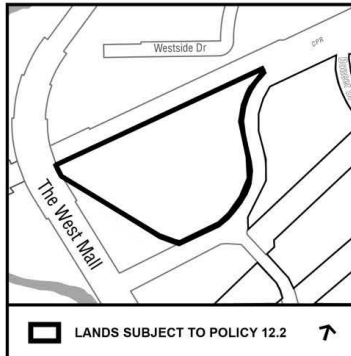
12.1 Lands South of the CP Rail Line Between The West Mall and Highway 427

12.1.1 Large-scale, stand-alone retail stores and entertainment, recreation, social and cultural facilities and associated existing surface parking are permitted.



12.2 **51 Manstor Road**

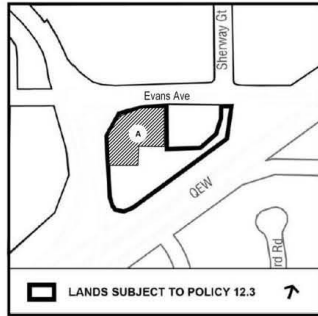
12.2.1 Outdoor storage uses are permitted provided such uses operate within acceptable Provincial levels of odour, dust, smoke, noise or vibration.

12.3 **701-703 Evans Avenue** *All of Policy 12.3 in effect in accordance with OLT-22-002343 issued on June 22, 2023.

12.3.1 Despite Policy 5.9, on the lands municipally known as 701-703 Evans Avenue, residential and other sensitive land uses may be considered on the portion of the lands identified as Area 'A' on Map 12.3 below, provided that:

- 12.3.1.1 a minimum office gross floor area of 19,673 square metres or 100 percent replacement of the existing office gross floor area, excluding any floor area associated with the existing above ground parking structure attached to the existing mid-rise building known as 703 Evans Avenue, whichever is greater, will be developed and/or retained on the lands prior to or concurrent with any residential or other sensitive land uses on Area 'A';
- 12.3.1.2 redevelopment of the remainder of the lands on Map 12.3 below will provide a sufficient non-residential land use buffer on the lands, and separation from adjacent major transportation facilities, to the City's satisfaction;
- 12.3.1.3 redevelopment of the lands will maintain singular access from Sherway Gate/Evans Court;
- 12.3.1.4 it is demonstrated that the liveability of the proposed residential dwelling units and/or occupancy of other sensitive uses will not be adversely impacted by excessive noise, odour, vibration, or poor air quality;
- 12.3.1.5 in addition to the minimum office gross floor area in 12.3.1.1 above, the maximum floor space index permitted for residential and other sensitive land uses on the lands will be determined in accordance with Policy 6.4 of this Plan through a zoning by-law amendment and in no event will the floor space index for residential and other sensitive land uses exceed 2.5 times the gross site area of the part of the site designated *Mixed Use Areas 'B'*;

12.3.1.6 any new development containing residential units in Area 'A' will secure a minimum amount of affordable housing as follows:



- i. if a condominium development is proposed, a minimum of 10 percent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum of 7 percent of the total new residential gross floor area shall be secured as affordable rental housing; or
- ii. if a purpose-built rental development is proposed after 2025, a minimum of 5 percent of the total new residential gross area shall be secured as affordable rental housing;
- iii. the affordable housing shall be secured at affordable rents or affordable ownership prices for a period of at least 99 years from the date of first residential occupancy of the unit; and
- iv. the unit mix of the affordable housing shall reflect the market component of the development, as appropriate, to achieve a balanced mix of unit types and sizes and support the creation of affordable housing suitable for families;

12.3.1.7 Where a complete application for a Zoning By-law Amendment has not been filed prior to January 1, 2025, the affordable rental housing required in Policy 12.3.1.6 i. will increase by 1.5 percent per year. Affordable ownership housing requirements will be set at one point four times the affordable rental housing requirements;

12.3.1.8 The provision of affordable housing required by Policy 12.3.1.6 shall be secured through one or more agreements with the City;

12.3.1.9 Conditions to be met prior to the removal of any holding ("H") provision on the lands shall include the following:

- i. Entering into a Municipal Housing Project Facility Agreement or such other agreement(s) as may be satisfactory to the City Solicitor to secure the provision of affordable housing; and
- ii. The submission and acceptance of a Housing Issues Report, to the satisfaction of the Chief Planner and Executive Director, City Planning that identifies the unit mix, unit sizes, and how affordable housing requirements will be met;

12.3.1.10 If an Inclusionary Zoning By-law takes effect and is applicable to development on the lands, then the Official Plan Inclusionary Zoning policies and by-law, as may be amended, will prevail, and the affordable housing requirements in Policy 12.3.1.6 and Policy 12.3.1.7 will no longer apply, but only provided the applicable Inclusionary Zoning policy and by-law requirements meet or exceed the requirements of Policy 12.3.1.6 and Policy 12.3.1.7 above; and

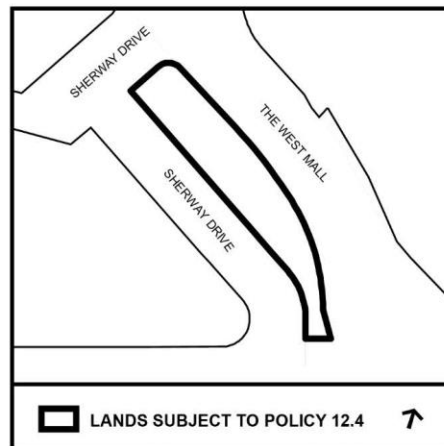
12.3.1.11 To achieve the intent of Policy 8.7 of this Plan, purpose built rental housing shall be encouraged on the lands.

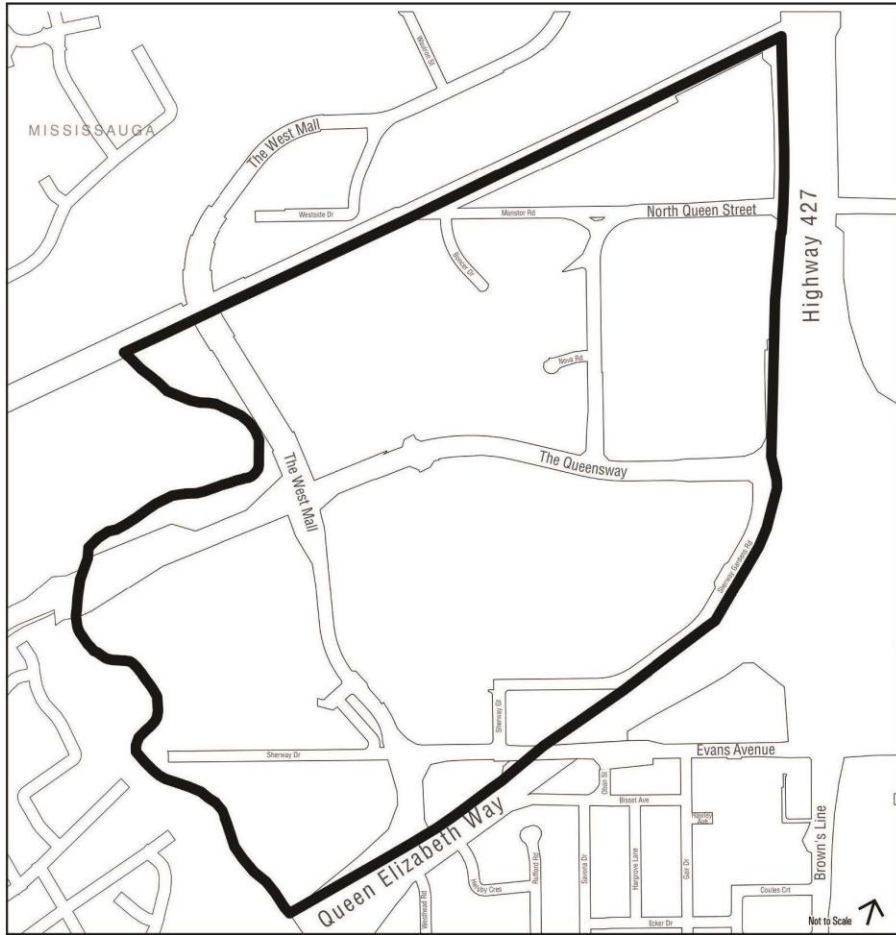
12.4 200 Sherway Drive

12.4.1 A maximum of 3,000 square metres of combined gross floor area of residential, with locally serving retail and/or commercial uses at grade, may be permitted on the lands in a low to mid-rise built form. Any new residential uses are encouraged to be associated with a health institution in the Trillium Precinct.

12.4.2 In addition to the plans/drawings and studies/reports identified in Official Plan Policy 5.5.2 and Schedule 3 of the Official Plan that are required for planning applications, any proposed residential uses are required to be evaluated through a Compatibility/Mitigation Study to ensure that the liveability of the proposed residential dwelling units will not be adversely impacted with respect to noise, odour, vibration and air quality, existing and planned adjacent land uses.

12.4.3 Any development on the lands will be coordinated with any approved Campus Plan provided in accordance with Official Plan Policy 4.8.5 for the other lands in the Trillium Precinct. Despite Policy 11.23.1, any development on the lands will provide a Block Context Plan that addresses the requirements in Policy 11.10 of this Plan.





Sherway Area Secondary Plan
MAP 43 - 1 Secondary Plan Boundary

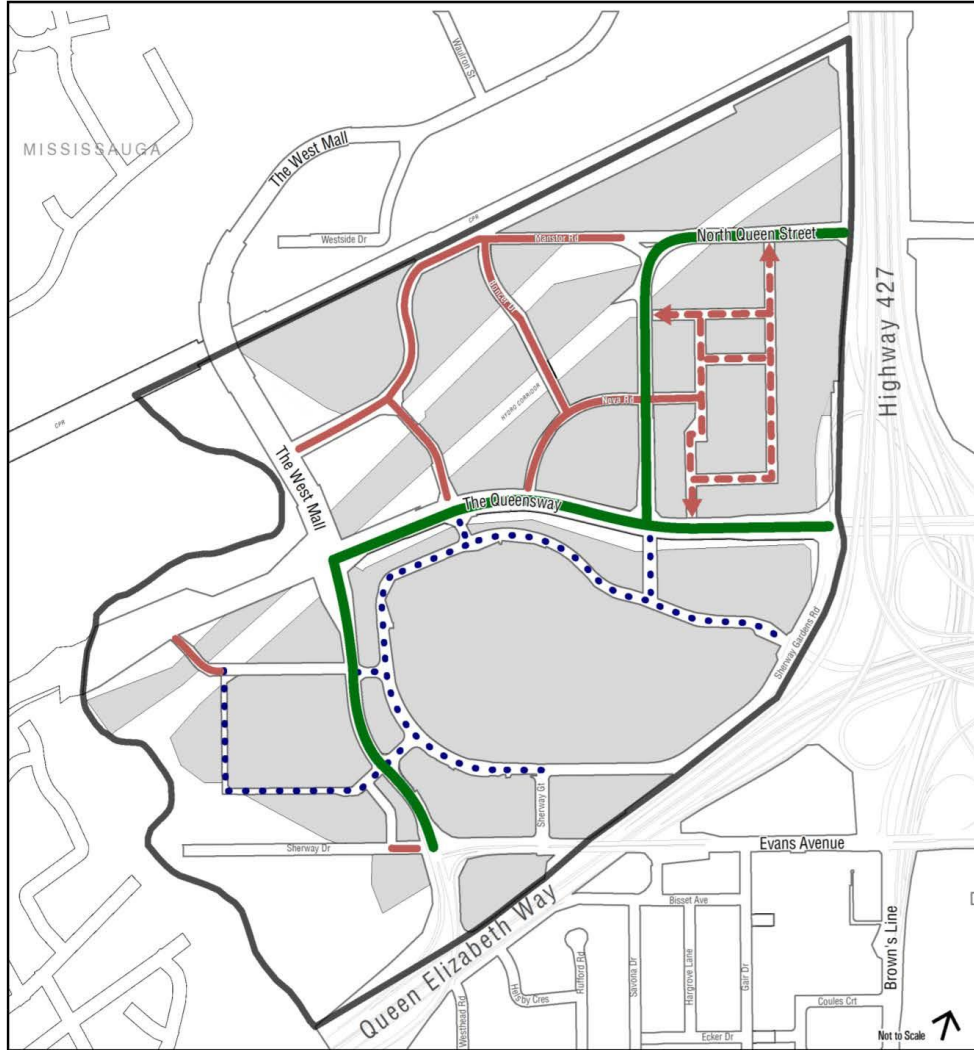
— Sherway Area Secondary Plan Boundary



Sherway Area Secondary Plan
MAP 43 - 2 Structure Plan

- Sherway Area Secondary Plan Boundary
- Mid-block Pedestrian Connection
- New Street: Fixed Location
- New Street: Flexible Location
- Potential TTC Transit Hub
- New Park - Preferred Location
- Trail
- Landscaped Points of Entry
- Utility Corridor
- Existing Parks and Open Spaces

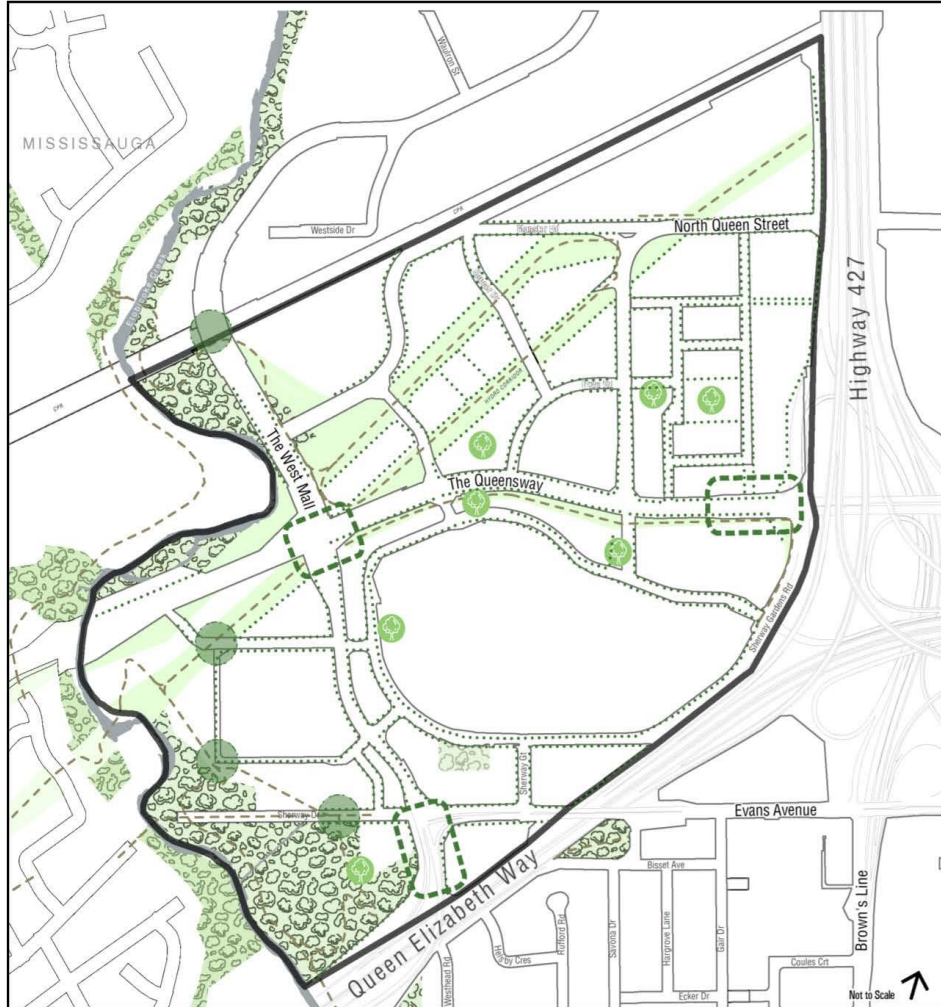
Not to Scale



Sherway Area Secondary Plan
MAP 43 - 3 Streets and Block Plan

- Sherway Area Secondary Plan Boundary
- New Street: Fixed Location
- - - New Street: Flexible Location
- Main Street
- • • Private Street - to become Public (Flexible Location)

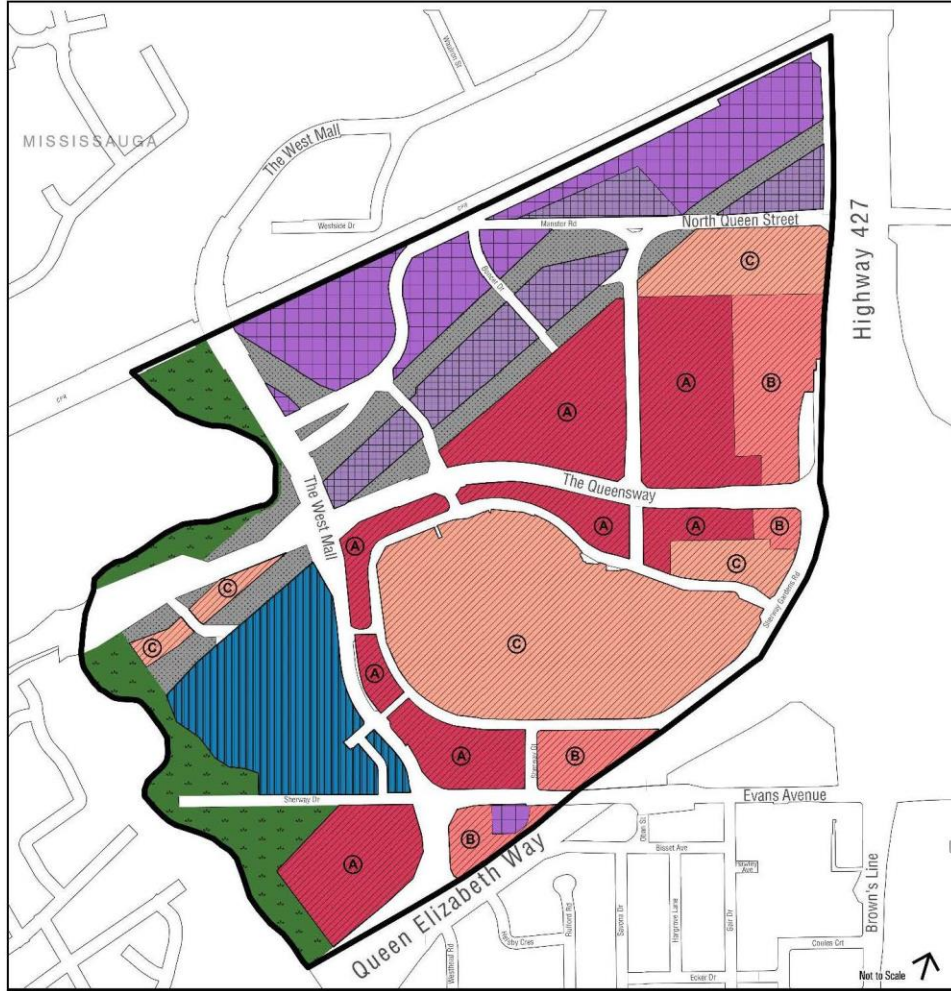
49
City of Toronto By-law 1535-2019



Sherway Area Secondary Plan
 MAP 43 - 4 Greening Strategy

- Sherway Area Secondary Plan Boundary
- Landscaped Points of Entry
- Existing Parks and Open Spaces
- Potential Ravine/Trail Connection
- New Park - Preferred Location
- Trail
- Utility Corridor

Not to Scale



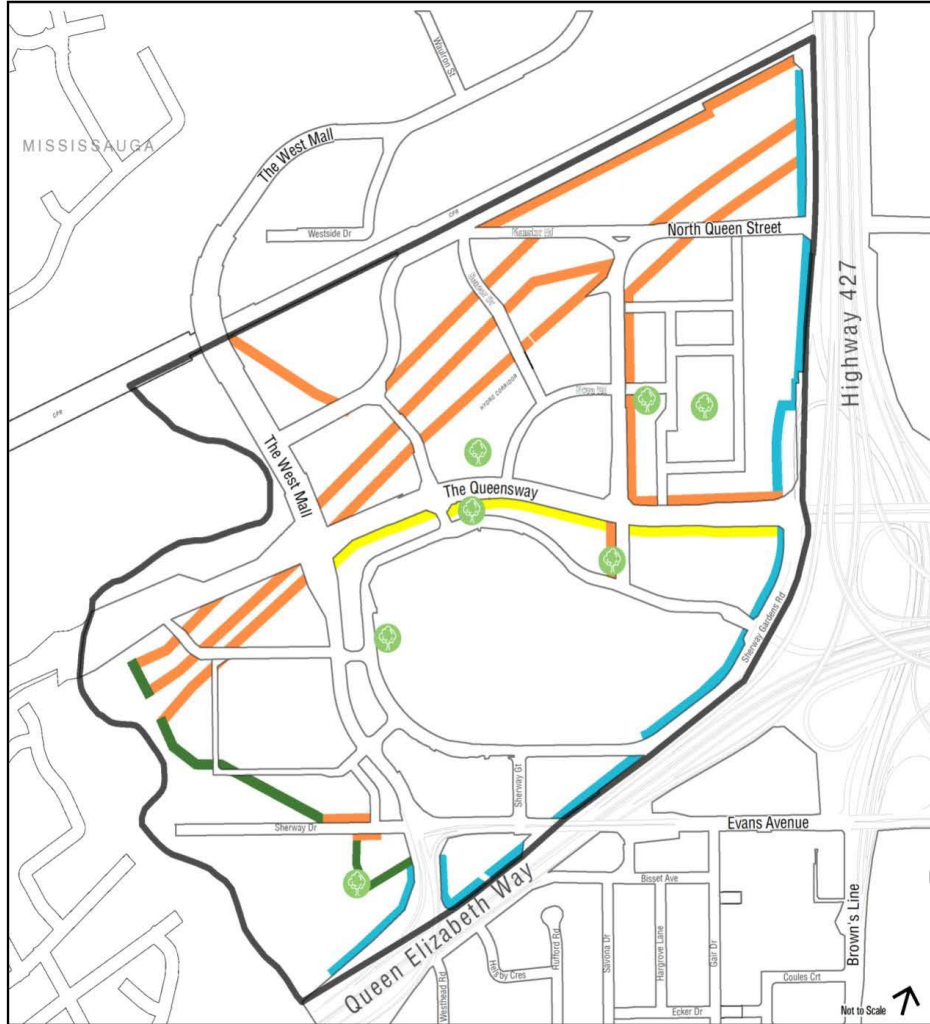
Sherway Area Secondary Plan
MAP 43 - 5 Land Use Plan

— Sherway Area Secondary Plan Boundary

- Mixed Use Areas A - Residential
- Mixed Use Areas B - Office Commercial
- Mixed Use Areas C - Retail
- Natural Areas

- Institutional Areas
- Core Employment Areas
- General Employment Areas
- Utility Corridors

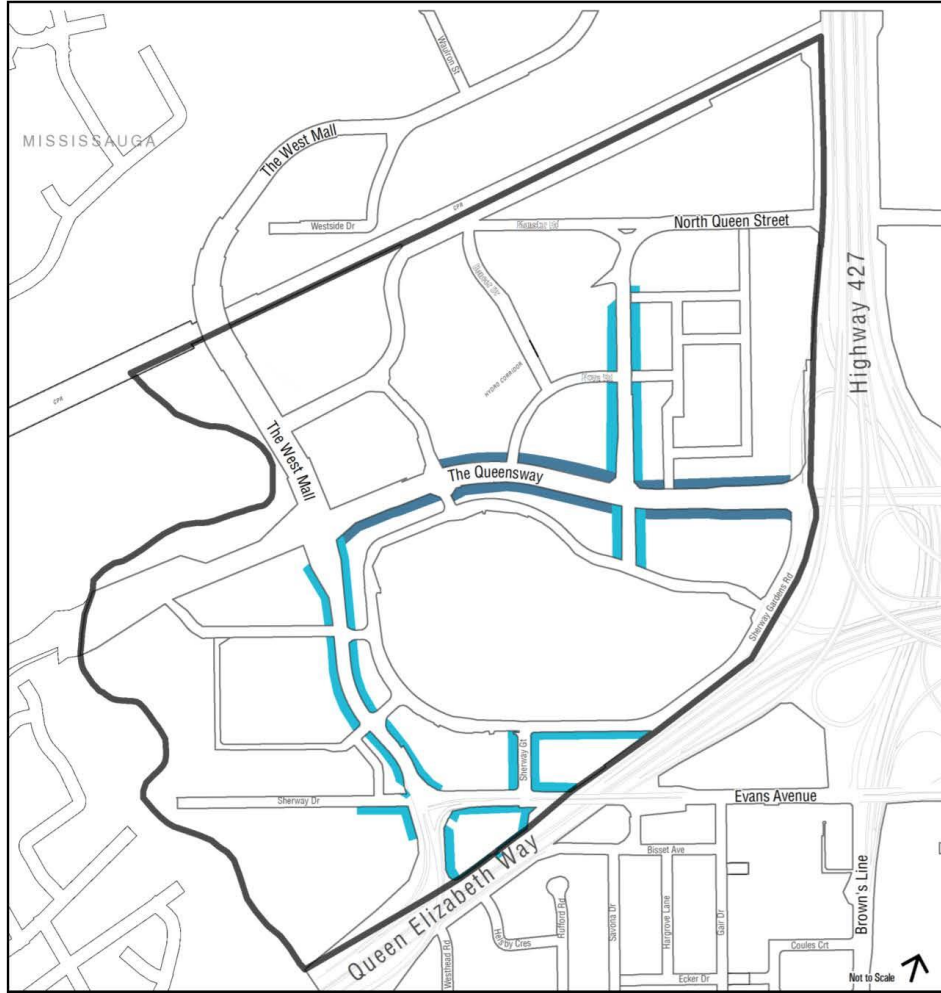
51
City of Toronto By-law 1535-2019



Sherway Area Secondary Plan

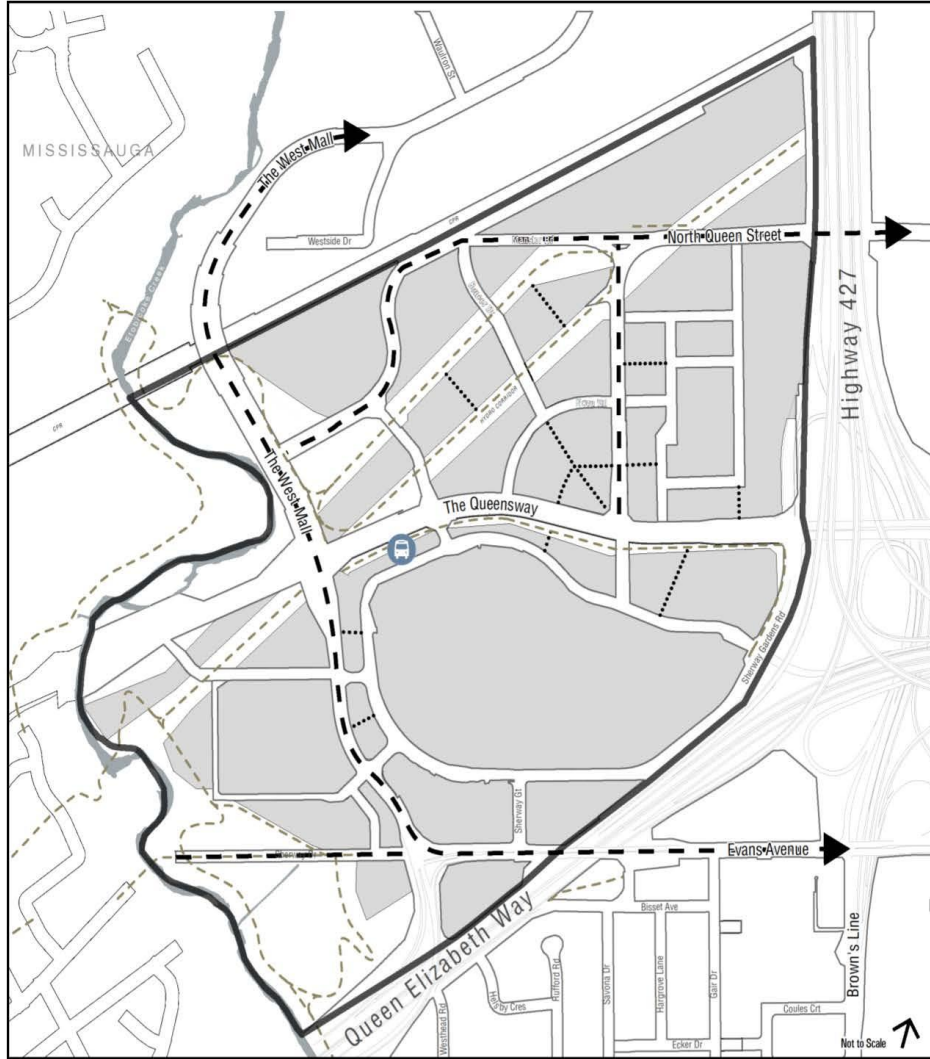
MAP 43 - 6 Building Setback Plan

- Sherway Area Secondary Plan Boundary
- 5.0m Setback
- 14m: Ministry of Transportation of Ontario Setback
- Eribridge Easement Location: Min. 3.0m Setback from South Limit of Easement
- 30m: CP Rail Corridor Setback
- Preferred Park Location - 5.0m Setback Required from Park
- Setback From Top of Bank as Required



Sherway Area Secondary Plan
MAP 43 - 7 Streetwall Height Plan

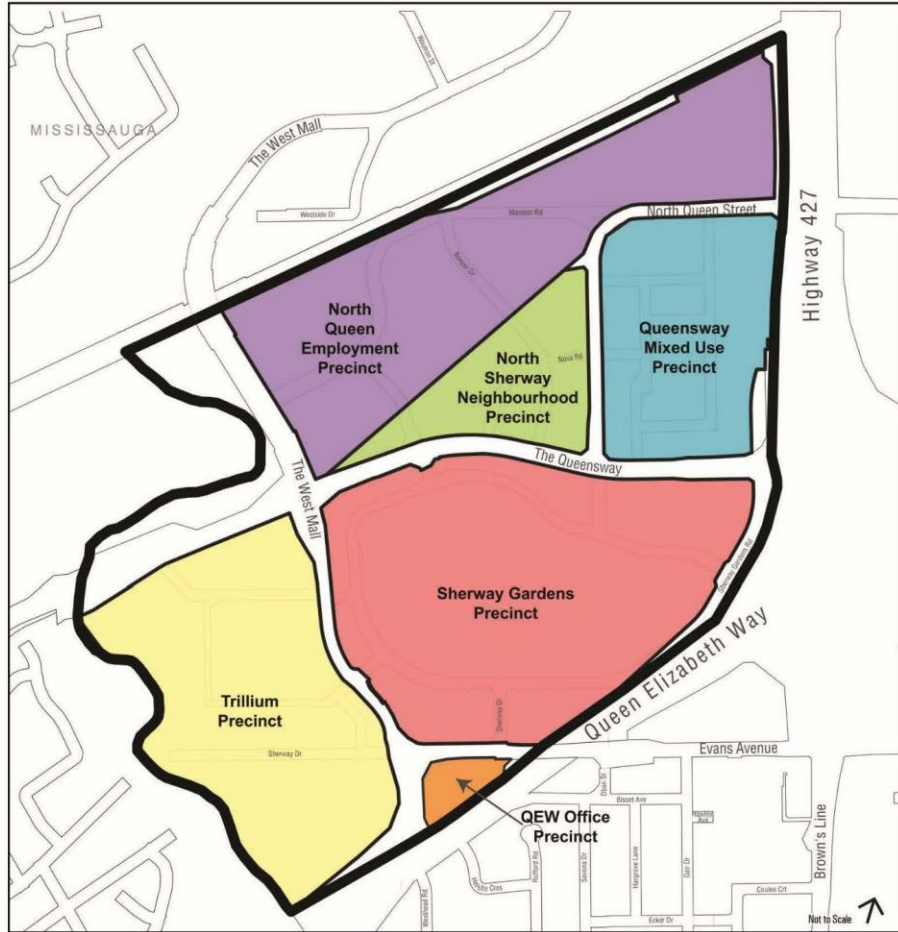
-  Sherway Area Secondary Plan Boundary
-  3 - 6 Storey Streetwall
-  5 - 7 Storey Streetwall



Sherway Area Secondary Plan

MAP 43 - 8 Pedestrian and Cycling Network

- Sherway Area Secondary Plan Boundary
- Midblock Pedestrian Connection
- Proposed On Street Cycling Facility
- Potential Off-Street Multi-Use Trail
- Potential TTC Transit Hub



Sherway Area Secondary Plan
MAP 43 - 9 Precincts

— Sherway Area Secondary Plan Boundary

- North Queen Employment Precinct
- North Sherway Neighbourhood Precinct
- QEW Office Precinct

- Trillium Precinct
- Queensway Mixed Use Precinct
- Sherway Gardens Precinct

ATTACHMENT "B" – PARTS OF OPA 469 REMAINING UNDER APPEAL

Appeal No.	Appellant	Policy/Non Policy Text/Map Under Appeal	Municipal Address
2	Calloway REIT (Etobicoke) Inc., and Calloway REIT (Etobicoke-Index) Inc.,	Adjourned, Site Specific: Map 43-5	98 Index Road (150 and 162 North Queen Street)
4.	Cadillac Fairview Corporation Limited	<p>Adjourned, Sherway Gardens Precinct wide basis: 10.31, 10.32</p> <p>Adjourned, Site Specific to 25 The West Mall: 4.6.5, 4.9, 5.3, 5.5, 5.6, 5.7, 5.9, 5.9A, 5.10, 5.11, 5.12A, 6.1, 6.2, 6.3, 6.4, 6.5, 7.6, 7.11, 7.13, 7.15, 7.18, 9.5, add a Policy in Section 12 for the site, Map 43-3 (only as it relates to private streets to become public), Map 43-4 (as it relates to new parks), Map 43-5, Map 43-6, Map 43-7</p> <p>Parts of Plan subject of determination of scope of appeal:</p> <ul style="list-style-type: none"> • Adjourned, Sherway Gardens Precinct Specific: 10.29, 10.30, 10.33, 10.34 • Adjourned, Site Specific to 25 The West Mall: 2nd paragraph non-policy text in Section 2; 2.4.3, 2.4.4, 3.5, 4.5, 4.6.1, 4.6.2, 4.6.3, 4.6.4, 4.7, 4.8, 4.10, 4.11, 4.13, 4.16, 4.17, 4.18, 5.1 (except for the first sentence), 5.15, 5.16, 1st paragraph non-policy text in Section 7, 7.3.1, 7.3.2, 7.3.3, 7.3.4, 7.3.5, 7.3.7, 7.4, 7.5, 7.7, 7.8, 7.9, 7.12, 7.14, 8 non-policy text, 8.1, 8.2, 8.4, 8.5, 8.6, 8.7, 8.8, 9.3, 9.4, 9.6, 9.7, 9.8.1, 9.8.2, 9.8.6, 9.9, 9.11, 9.14.2, 9.14.4, 9.14.5, 9.14.6, 9.15, 9.17, 9.19, 9.21, 9.22, 2nd paragraph non-policy text in Section 11, 11.2, 11.4, 11.5, 11.6, 11.7, 11.10, 11.11 (third sentence), 11.12, 11.13 (second sentence), 11.15, 11.16, 11.21, 11.23.1, 11.23.2, 11.24, Map 43-2, Map 43-8, Map 43-9 	25 The West Mall

OLT-22-001933

Appeal No.	Appellant	Policy/Non Policy Text/Map Under Appeal	Municipal Address
9	2130254 Ontario Inc.,	Adjourned, Plan wide: 10.4 Adjourned, Site Specific: 5.2, 5.3, 5.4. 5.5, 5.6, 5.17, 10.2, 10.5, 10.6, 10.7, 10.8, 10.9, Map 43-5, Map 43-9	51 Manstor Road

THIS ATTACHMENT "B" RESPECTING REMAINING APPEALS OF OPA 469 SUPERCEDES THE ORDERS OF THE TRIBUNAL DATED SEPTEMBER 9, 2022 AND APRIL 11, 2023.