

CITY OF TORONTO

BY-LAW No. 759-2006(OMB)

**To adopt Amendment No. 138-2005 to the Official Plan for the former City of Etobicoke
with respect to lands municipally known as 700 Evans Avenue.**

WHEREAS the Ontario Municipal Board, pursuant to its Order No. 3122 dated November 30, 2005, as amended by Order No. 2283 dated August 14, 2006, determined to amend the Official Plan of the former City of Etobicoke;

THEREFORE:

1. The text and map attached hereto as Schedule "A" are hereby approved as Amendment No. 138-2005 to the Official Plan of the former City of Etobicoke.

PURSUANT TO THE ORDER/DECISION NO. 3122 ISSUED ON NOVEMBER 30, 2005, AS AMENDED BY ORDER NO. 2283 ISSUED ON AUGUST 14, 2006, OF THE ONTARIO MUNICIPAL BOARD IN BOARD CASE NO. PL050120.

SCHEDULE “A”**OFFICIAL PLAN AMENDMENT****PART ONE - PREAMBLE****1.1 PURPOSE/LOCATION**

Official Plan Amendment No. 138-2005 applies to a 2.178 hectare parcel of land located on the north side of Evans Avenue, west of Sherway Gate and east of the West Mall and municipally known in the year 2005 as 700 Evans Avenue, as shown on Map 18.5.10.

The purpose of this Amendment is to amend Site Specific Policy 18.5.10 to specifically permit a residential development with ancillary retail uses, with a total of 990 units and a net FSI of 3.75 and to require the owner to provide facilities, services and matters pursuant to section 37 of the *Planning Act*.

PART TWO - THE AMENDMENT**2.1 INTRODUCTION**

All of this part of the Amendment, consisting of the following text, constitutes Amendment No. 138-2005 to the Official Plan for the Etobicoke Planning Area. The Plan is hereby amended as follows:

2.2 AMENDMENT

Section 18 of the Official Plan for the former City of Etobicoke is amended by the addition of the following text to Section 18.5.10 and by adding the attached Map 18.5.10:

“In addition, lands within the Mixed Use B designation on the west side of Sherway Gate, municipally known in the year 2005 as 700 Evans Avenue, as shown on Map 18.5.10, may be developed for residential and ancillary retail uses as follows:

Floor Space Index:	3.75
Residential Units:	990

Section 37 Agreement

The owner of the lands shall enter into an agreement with the City, pursuant to Section 37 of the *Planning Act*, to secure the following services, facilities, and matters in order to permit a mixed use development with a maximum floor space index of 3.75; a maximum number of dwelling units of 990:

- (a) Contribution of \$400,000 to the City to be used for improvements to the Etobicoke Creek Trail and to be paid as follows:
 - (i) \$100,000 prior to the issuance of the first above-grade building permit for the first building of the first phase of the development on the Lands;
 - (ii) \$100,000 prior to the issuance of the first above-grade building permit for the second building of the first phase of the development on the Lands; and
 - (iii) \$200,000 prior to the issuance of the first above-grade building permit for the first building of the second phase of the development on the Lands.
- (b) Contribution of \$59,000 to the City to be used for the following future road and public transit improvements to be paid prior to the issuance of the first above-grade building permit:
 - (i) \$5,000 for increasing the length of the southbound left turn lane at the north approach to the intersection of Sherway Gate and Evans Avenue; and
 - (ii) \$54,000 for the installation of three public transit shelters by the City in the vicinity of the Lands.

- (c) Conveyance of road widenings to the City as part of the site plan approval process and for a nominal sum, of the lands generally described below:
 - (i) A strip of land 2.5 metres wide along the entire Sherway Gate frontage of the Lands;
 - (ii) A strip of land 2.5 metres wide along the Evans Avenue frontage of the Lands, parallel to the Evans Avenue north curb line;
 - (iii) A strip of land 2.5 metres wide along The West Mall frontage of the Lands beginning at the west lot line adjoining the Sherway Gardens shopping centre parking lot, extending 70 metres to the south where it gradually tapers to 0.0 metres near the existing north bullnose of the right turn channelizing island at the east approach to The West Mall and Evans Avenue intersection; and
 - (iv) 8.0-metre right-of-way roundings at the southeast and northeast corners of the Lands, measured from the revised property limits.
- (d) Conveyance of land to the City, if requested by the City within 30 years of January 1, 2005 and for a nominal sum, of the lands generally described below:
 - (i) A strip of land between the proposed driveways on the Sherway Gardens shopping centre ring road that varies in width from a minimum of 2.0 metres near the driveway entrances, to a maximum of 5.0 metres in the centre area between the two driveways; and
 - (ii) A strip of land of 2.5 metres wide along the Sherway Gardens shopping centre ring road frontage of the Lands, extending from the Sherway Gardens shopping centre ring road and Sherway Gate intersection to the proposed east driveway.
- (e) Provision and maintenance of a minimum of 0.44 hectares of publicly accessible privately owned open space located generally as shown on Schedule "B" to the zoning by-law amendment and the granting of easements to the City to provide for pedestrian access over the publicly accessible privately owned open space and over the publicly accessible privately owned walkways on the Lands connecting Evans Avenue to the publicly accessible privately owned open space;
- (f) Completion of a minimum of \$350,000 in additional improvements to the publicly accessible privately owned open space shown on Schedule "B" to the zoning by-law amendment, beyond the standard of base park improvements. Prior to the issuance of the first above-grade building permit on the Lands, the owner will provide security relating to the first phase of the open space improvements, provided such open space improvements have been approved. Prior to the issuance of an above-grade building permit for the third building on the Lands, the owner will provide security relating to the second phase of the open space improvements;

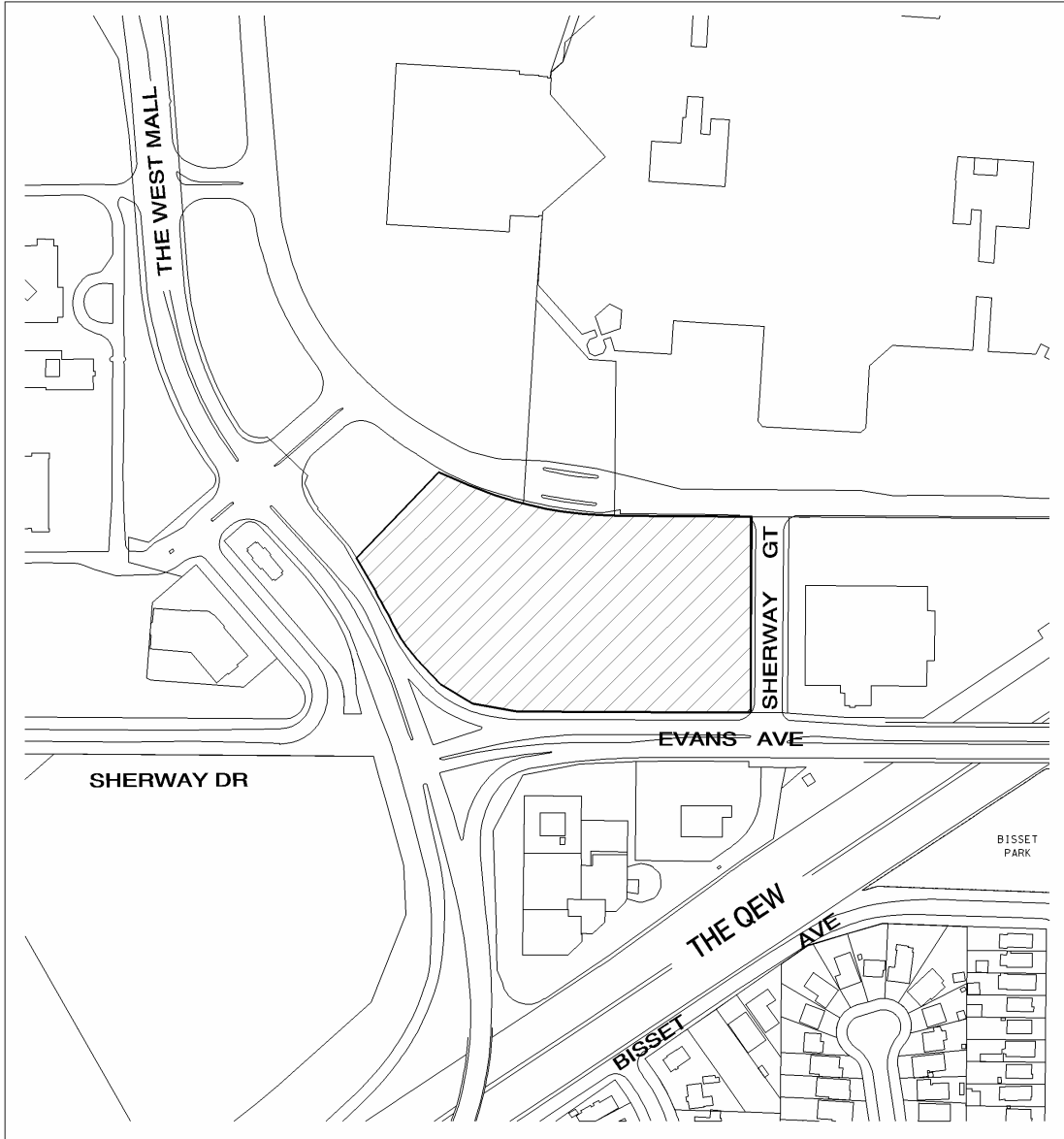
- (g) Provision and maintenance of public art in accordance with the City's public art program, with a minimum value of \$150,000. Prior to the issuance of an above-grade building permit for the first building on the Lands, the owner will provide security relating to the public art;
- (h) Payment of a cash-in-lieu of parkland dedication in an amount equal to the value of 5% of the land, which would otherwise be required to be conveyed to the City for park and other recreational purposes under section 42(1) of the *Planning Act*, in fulfillment of all City requirements for parkland dedication or cash-in-lieu of parkland payments under the *Planning Act*, the *Condominium Act, 1998*, or otherwise;
- (i) Redesign and reconstruction of the westbound lane configuration on Evans Avenue between Sherway Gate and The West Mall at the owner's expense. Prior to the issuance of an above-grade building permit for the first building on the Lands, the owner will provide security relating to the Evans Avenue improvements;
- (j) Redesign and reconstruction of the existing Toronto Transit Commission bus stop on the south side of the Sherway Gardens shopping centre ring road to the satisfaction of the City in consultation with the Toronto Transit Commission at the owner's expense. Prior to the issuance of an above-grade building permit for the first building on the Lands, the owner will provide security relating to the Toronto Transit Commission improvements;
- (k) Obtaining of consent from the owner of Sherway Gardens shopping centre for the access driveways to the Lands from the Sherway Gardens shopping centre ring road, to the satisfaction of the City Solicitor;
- (l) Compliance with the requirements of the Toronto District School Board regarding signage and warning clauses, and of the Toronto Catholic District School Board regarding development charges;
- (m) Incorporation of upgraded building materials in the exterior façade of the podium portions of the development on the Lands, which shall include a combination of brick masonry, stone accents, stone banding, glass, and metal, or such other materials as may be agreed to by the owner and the City; and
- (n) Compliance with the City's requirements regarding the environmental condition of the Lands and the lands to be dedicated to the City."

2.3 IMPLEMENTATION

The policy established by this Amendment will be implemented through a site-specific amendment to the Zoning Code, conditions to approval and the signing and registering of the appropriate agreements.

2.4 INTERPRETATION

The provisions of the Official Plan as they may be amended from time to time with respect to the interpretation of the Plan shall apply with respect to this Amendment.



 **TORONTO** City Planning
Map 18.5.10

700 Evans Avenue
File # 03_035379



Lands Subject to Amendment No. 138-2005



Not to Scale