

CITY OF TORONTO

BY-LAW No. 760-2006(OMB)

To amend Chapters 320 and 324, of the Etobicoke Zoning Code, with respect to certain lands located on the north side of Evans Avenue, west of Sherway Gate, and east of The West Mall, municipally known as 700 Evans Avenue.

WHEREAS the Ontario Municipal Board, by way of an Order No. 3122 dated November 30, 2005, as amended by Order No. 2283 dated August 14, 2006, determined to amend the Etobicoke Zoning Code in respect of lands known municipally in the year 2005 as 700 Evans Avenue;

The Ontario Municipal Board orders as follows:

1. That the zoning map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737, be and the same is hereby amended by repealing By-law No. 137 and 14508 and changing the classification of the lands located in the former Township of Etobicoke as described in Schedule 'A' annexed hereto from Limited Commercial (CL) to Sixth Density Residential (R6) provided the following provisions shall apply to the development of the (R6) lands identified in Schedule 'A' attached hereto.

2. Notwithstanding Sections 320-18 B and C, 320-52, 320-76 and 320-77 of the Etobicoke Zoning Code, the following development standards shall apply to the (R6) lands described in Schedule 'A'.

3. Definitions

The provisions of Section 304-3 Definitions of the Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law the following definitions shall apply:

“Streetwall” – means the exterior wall of a building abutting a public street, located within 3 metres of the minimum setback from the street line, as indicated on Schedule 'B'.

“Building Envelope” – means the building area permitted within the setbacks established in this By-law, as shown generally on Schedule 'B'.

“Grade” known – means with respect to each building including an attached podium erected within a Building Envelope, the average geodetic elevation based upon City of Toronto benchmark E243A having a published elevation of 113.049 metres.

“Gross Floor Area” – shall have the same meaning as the Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: Mechanical Floor Area; Indoor Amenity Areas; Unenclosed balconies, and any buildings or structures erected and used for Public Open Space uses as permitted in Section 4 to this By-law.

“Height” – means, with respect to each building erected within a Building Envelope, the vertical distance between the geodetic Grade of such building and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, architectural elements, stairs and stair enclosures located on the roof of

such building provided the maximum height of the top of such elements, excluding decorative features, is no higher than 9 metres above the height limit otherwise applicable to the said building.

“Lands” – shall mean the lands described in Schedule “A” attached hereto; and for the purposes of this By-law shall be based on the Lands prior to land dedications and conveyances.

“Mechanical Floor Area” – means a room or enclosed area, including its enclosing walls within a building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators), elevator shafts or telecommunications equipment that serves only such building.

“Minor Projections” – means minor building elements which may project from the main wall of the building into required yards and Building Envelope setbacks, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, doors, including revolving doors, canopies, exterior stairs, wheelchair and covered ramps, parapets and vents to a maximum projection of 1.5 metres.

“Indoor Amenity Area” – means a common area or areas which are provided for the exclusive use of residents of a building for recreational or social purposes.

“Floor Plate Area” – means the gross floor area of each single floor measured from the exterior walls of a building or structure.

4. Permitted Uses

No building or structures shall be erected or used on the Lands, except for the following uses:

- (a) Apartment buildings, townhouses, senior citizen apartment buildings, and the following Public Open Space (OS) uses; public and private parks and their related recreation facilities, including arts and cultural facilities, skating rinks, playlots, playgrounds, community recreation buildings, publicly-accessible and privately-owned open space, public transportation uses including shelters and benches; and any services associated with these uses including roadways and parking areas required to support such uses.
- (b) Retail stores; banks; municipal uses; dry cleaners; administrative/business/professional offices; photographers; medical and dental offices; community centres; supermarket/convenience food stores, provided that the Gross Floor Area of such uses is not less than 250 square metres and not greater than 400 square metres and are located on the ground floor.
- (c) Accessory structures, including any of the accessory structures permitted under Section 320.76F of the Zoning Code, podiums, covered ramps, exterior stairs, garbage enclosures, stair enclosures, and ventilation shafts shall be permitted.

- (d) A temporary sales office for the purpose of marketing and sales related to use(s) permitted on the property within a building on the same Lands, without setback restrictions, until the completion of site development.

5. Maximum Number of Residential Dwelling Units

The maximum number of residential dwelling units permitted on the Lands shall be 990 dwelling units.

6. Gross Floor Area

The maximum Gross Floor Area, as defined herein, permitted on the Lands shall be 81,675 square metres. Of this total, a minimum gross floor area of 9,500 square metres shall be reserved for residential uses located within the first 3 storeys above grade.

7. Maximum Density

For the purposes of this By-law, the maximum Floor Space Index (FSI) permitted on the Lands shall be 3.75.

8. Minimum Number of Residential Dwelling Units Located at Grade.

The minimum number of residential dwelling units located within the first 3 storeys shall be not less than 90 units of which a minimum of 35 units shall be located on the first floor.

9. Minimum/Maximum Height

For the purposes of this By-law, the maximum building height to be permitted on the lands designated R(6) and identified on Schedule 'A', attached hereto, shall be as shown on Schedule 'B', attached hereto. The minimum building heights shall be 9 metres.

10. Setbacks/Floor Plate Restrictions/Building Envelope

- (a) No building or structure within the Lands shall be located other than within the Building Envelope shown on Schedule 'B'. The minimum length of a streetwall as defined under Section 3 shall be 70% of the frontage along Sherway Gate and 50% of the combined lot frontage along Evans Avenue and The West Mall. The streetwall shall be a minimum height of 9 metres from ground floor elevation.
- (b) The maximum Floor Plate Area for each building, as defined, shall be as shown on Schedule 'B' attached hereto.
- (c) Notwithstanding the provisions of Subsection 9(a) above, the tower portion of each Building may project into the required minimum setback from the podium by a length not exceeding 42 metres of projected linear façade area parallel to the podium for Building A and 25 metres of projected linear façade area parallel to the podium for Buildings B, C and D.

- (d) Notwithstanding the foregoing clauses, the following provisions shall apply:
 - (i) All below grade structures and ramps shall be exempt from Schedule 'B' setbacks; and
 - (ii) Notwithstanding any of the required building setbacks, Minor Projections shall be permitted to encroach into the required building setbacks.

11. Parking and Loading Requirements

Notwithstanding the provisions of Section 320-18.B and Section 320-76.G of the Zoning Code, the following requirements shall apply to the Lands:

- (a) Residential – a minimum rate of 1.2 parking spaces for each bachelor, one-bedroom or two-bedroom dwelling units, of which 0.20 parking spaces shall be reserved for visitor parking, and a minimum rate of 1.4 parking spaces for each three-or more bedroom dwelling unit, of which 0.20 parking spaces shall be reserved for visitor parking;
- (b) No person shall use any portion of a lot located between the main front wall of a building and the street, at or above the natural ground level of the ground, for the purpose of parking or storing a motor vehicle, with the exception of interior courtyards;
- (c) A minimum of one loading space shall be provided for combined Buildings A and B and one loading space shall be provided for combined Buildings C and D, with dimensions of 12metres in length, 3.0metres in width, and with a vertical clearance of 4.5metres; and
- (d) Retail/Commercial: Six surface visitor parking spaces shall be shared for the purposes of the first 250 square metres of retail uses permitted in Section 4(b). Section 320-18 C shall apply for any retail/commercial gross floor area in excess of 250 square metres.

12. Area Requirements

Notwithstanding the provisions of the Etobicoke Zoning Code, the following area requirements shall apply to the Lands:

- (a) Landscaped Open Space: a minimum 30% of the lot area shall be reserved for Landscaped Open Space; and
- (b) Indoor Amenity Space: a minimum 1.5 square metres per dwelling unit of Indoor Amenity Space shall be provided.

13. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.

14. Nothing in this By-law shall apply to prevent the phased construction of the development, provided that the minimum requirements of the By-law are complied with upon full development.

15. Section 37 Benefits

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; and heights as shown on Schedule 'B':

- (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) The section 37 agreement shall secure 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 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) The section 37 agreement shall secure the provision and maintenance of a minimum of 0.44 hectares of publicly accessible privately owned open space located generally as shown on Schedule 'B' 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) The section 37 agreement shall provide for completion of a minimum of \$350,000 in additional improvements to the publicly accessible privately owned open space shown on Schedule 'B', beyond the standard of base park improvements. Security for this obligation shall be provided as follows:
 - (i) 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. Notwithstanding this requirement, where such open space improvements have not been approved the section 37 agreement shall require security upon approval; and
 - (ii) 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) The section 37 agreement shall require 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 with a minimum value of \$150,000;
- (h) The section 37 agreement shall require 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. Such payment is to be paid in four parts with each part payable at the time of issuance of the first above-grade building permit for each of the four proposed buildings, in accordance with the section 37 agreement;

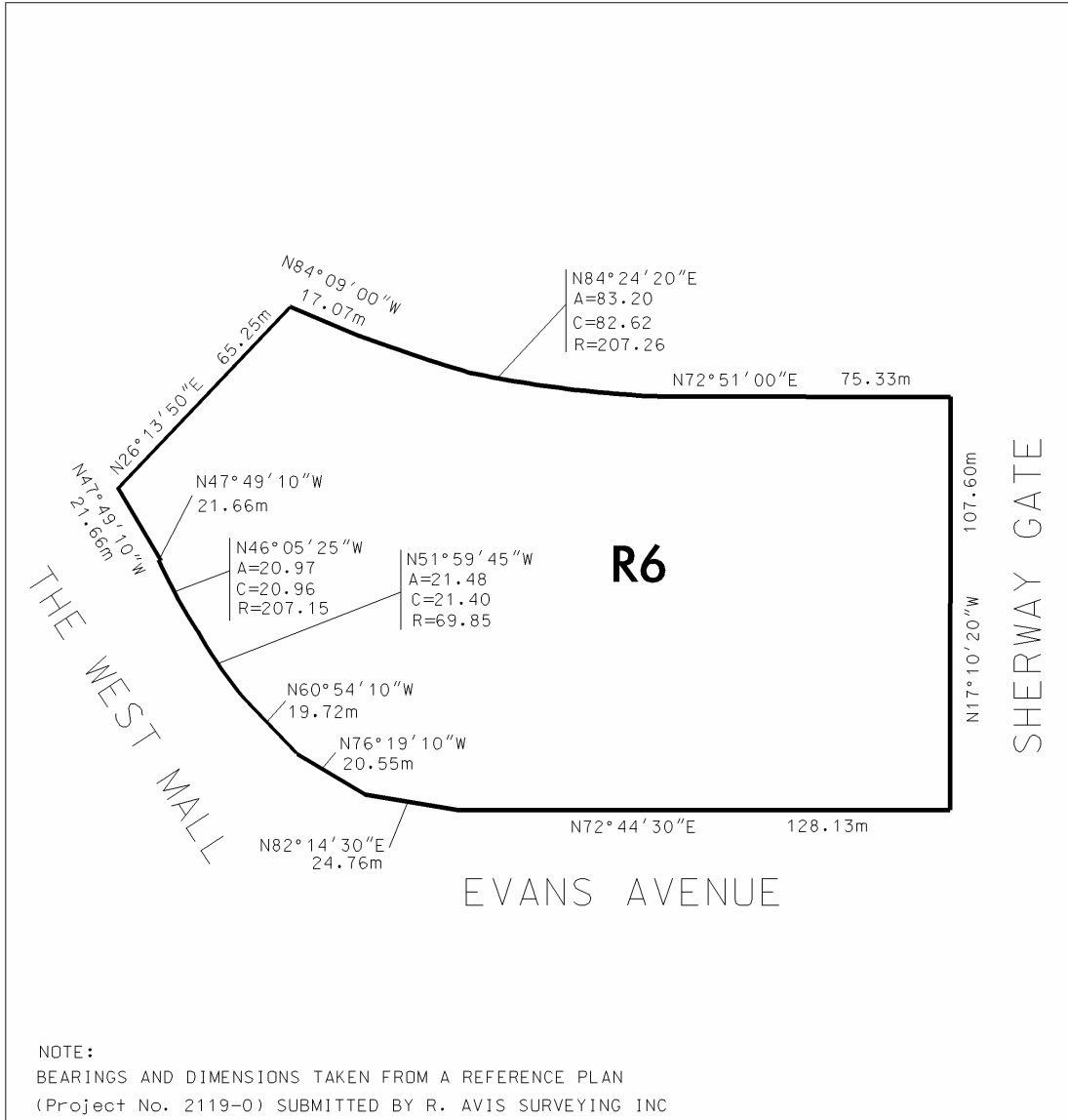
- (i) Prior to the issuance of an above-grade building permit for the first building on the Lands, the owner will provide security relating to the redesign and reconstruction at the owner's expense of the westbound lane configuration of Evans Avenue between Sherway Gate and The West Mall;
- (j) Prior to the issuance of an above-grade building permit for the first building on the Lands, the owner will provide security relating to the redesign and reconstruction at the owner's expense of the existing Toronto Transit Commission bus stop on the south side of the Sherway Gardens shopping centre ring road;
- (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) The section 37 agreement shall require 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) The section 37 agreement shall require compliance with the City's requirements regarding the environmental condition of the Lands and the lands to be dedicated to the City.

- 16.** Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
760-2006(OMB) August 14, 2006	Lands located on the north side of Evans Avenue, west of Sherway Gate, municipally known as 700 Evans Avenue.	To rezone 700 Evans Avenue from Limited Commercial (CL - site specific) to Residential Sixth Density (R6) subject to site specific development standards to permit a residential development and implement the policies of the Official Plan Amendment.

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.

Toronto Schedule 'A' BY-LAW

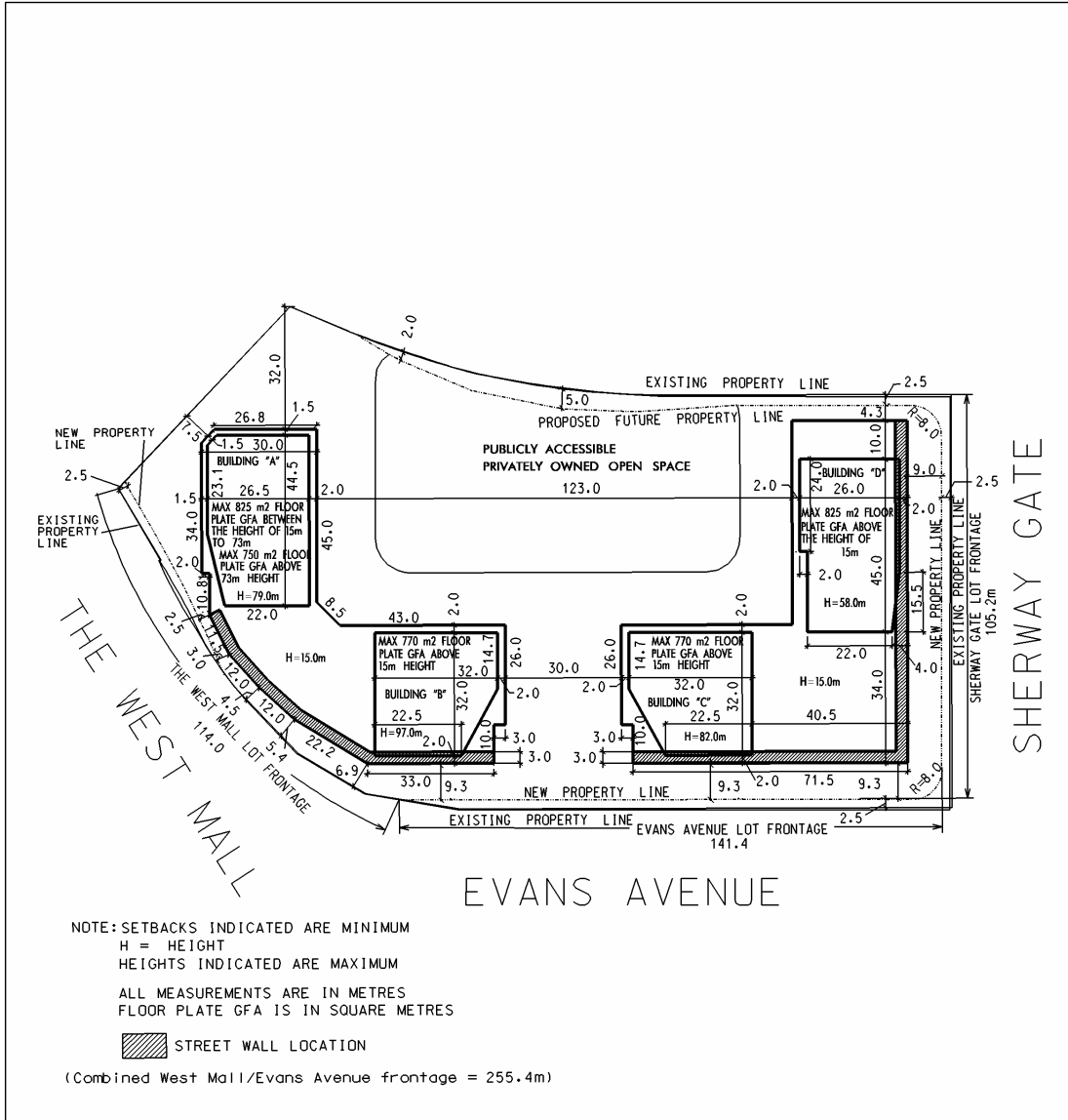


**PARTS OF LOTS 12 AND 13
CONCESSION 3, COLONEL SMITH'S TRACT
CITY OF TORONTO**

Applicant's Name:		SHERWAY GATE DEVELOPMENT CORP.	
Assessment Map C16	Zoning Code Map/s C16S		scale:
File No. 03_035379	Drawing No. 03_035379A	Drawn By: K.P.	



Toronto Schedule 'B' BY-LAW



**PARTS OF LOTS 12 AND 13
 CONCESSION 3, COLONEL SMITH'S TRACT
 CITY OF TORONTO**

Applicant's Name:		SHERWAY GATE DEVELOPMENT CORP.	
Assessment Map C16	Zoning Code Map/s C16S	scale:	
File No. 03_035379	Drawing No. 03_035379B		

