

CITY OF TORONTO

BY-LAW No. 867-2008(OMB)

To amend Zoning By-law No. 7625, as amended, of the former City of North York, with respect to lands municipally known as 1-12 Oakburn Crescent and 14-40 Oakburn Place.

WHEREAS the Ontario Municipal Board, by Decision No. 2863 issued on November 1, 2007, and its Order issued on July 7, 2008, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, upon hearing the appeal of K & G Oakburn Apartments I and II Limited, deems it advisable to amend Zoning By-law No. 7625 of the former City of North York, as amended;

The Ontario Municipal Board HEREBY APPROVES as follows:

1. Schedules "B" and "C" of By-law No. 7625 are amended in accordance with Schedule 1 of this By-law.

2. **SERVICES**

Within the lands shown on Schedule RM6(176) attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line of the gross site and the following provisions are complied with:

- (a) All new external public roads connecting to the gross site have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
- (b) All external water mains and sanitary sewers connecting to the gross site, and appropriate appurtenances, have been installed and are operational.

3. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

"64.20-A (176) RM6 (176)

DEFINITIONS

APARTMENT HOUSE DWELLING

- (a) For the purposes of this exception, "apartment house dwelling" shall mean a building containing more than four (4) dwelling units, each unit having access either from an internal corridor system other than a parking garage or direct access at grade, or any combination thereof, but does not include multiple attached dwellings. For greater certainty, where such a building contains any units having access from an internal corridor system other than a parking garage, all units in that building are apartment house dwelling units, including units in the building that have direct access at grade.

ESTABLISHED GRADE

- (b) For the purposes of this exception, “established grade” shall mean:
- (i) 171.50 metres Canadian Geodetic Datum for the multiple attached dwellings and one-storey garages within Block 1;
 - (ii) 170.50 metres Canadian Geodetic Datum for the multiple attached dwellings and one-storey garages within Blocks 2 and 3;
 - (iii) 174.3 metres Canadian Geodetic Datum for Block 6;
 - (iv) 174.30 metres Canadian Geodetic Datum for Blocks 5 and 7, but in the hatched areas of Blocks 5 and 7 as shown on Schedules RM6(176) and “RM6(176)B”, the established grade shall be 171.5 metres Canadian Geodetic Datum;
 - (v) 171.50 metres Canadian Geodetic Datum for Blocks 9, 10 and 11;
 - (vi) 174.30 metres Canadian Geodetic Datum for Block 12; and
 - (vii) 174.30 metres Canadian Geodetic Datum for Block 13;

DEVELOPMENT BLOCK

- (c) For the purposes of this exception, “development block” shall mean one of the numbered blocks on a registered plan of subdivision as generally shown on Schedule 2.

GROSS FLOOR AREA

- (d) For the purposes of this exception, “gross floor area” shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:
- (i) any part of the building used for mechanical floor area;
 - (ii) any space used for motor vehicle access or parking; and
 - (iii) the floor area of unenclosed residential balconies.

GROSS SITE

- (e) For the purposes of this exception and subject to subsection (dd), gross site” shall comprise a maximum total area of 48,362.7 m², which may include the following lands to be acquired by the owner:
- (i) Lands with an area of 1,334.7 m², being Parts A, B, C, E and F on draft plan of subdivision no. 30-04-039-33 dated October 16, 2007;
 - (ii) Lands with an area of 1,735 m², being Block 15 on draft plan of subdivision no. 30-04-039-33 dated October 16, 2007;
 - (iii) Lands with an area of 1,617 m² being Link Road 3 on draft plan of subdivision plan no. 30-04-039-33 dated October 16, 2007; and
 - (iv) Lands with an area of 4,919 m² being Part H on draft plan of subdivision no. 30-04-039-33 dated October 16, 2007.

MECHANICAL FLOOR AREA

- (f) For the purposes of this exception, “mechanical floor area” shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building such as heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment.

NET SITE

- (g) For the purposes of this exception and subject to subsection (dd), “net site” shall mean the gross site area minus any lands that have been conveyed to the City of Toronto for roads, or road widening and 0.3 m reserves, or public parks, or walkways, and comprising an area of 34,652 m². The net site consists of the Gross Site, minus the following:
- (i) lands with an area of 4,047 m² to be conveyed to the City for public park purposes for the park central to the development site, being Blocks 8, 14 and 15 on draft plan of subdivision map no. 30-04-039-33 dated October 16, 2007;
 - (ii) lands with an area of 241.3 m² conveyed to the City for walkway purposes, being Block 4 on draft plan of subdivision map no. 30-04-039-33 dated October 16, 2007;
 - (iii) Lands with an area of 9,405 m² conveyed to the City for public road purposes, being Link Road 1, Link Road 2, Link Road 3 and Part H identified on draft plan of subdivision map no. 30-04-039-33 dated October 16, 2007; and

- (iv) Lands with an area of 17.4 m² conveyed to the City for 0.3 m reserves.

RELEVANT RESIDENTIAL PROPERTY LINE

- (h) For the purposes of this exception, “Relevant Residential Property Line”, or RRPL, shall mean the relevant residential property line shown on Schedules RM6(176) and RM6(176)D.

PERMITTED USES

- (i) The only uses permitted shall be:
- (i) apartment house dwellings and uses accessory thereto including accessory private recreational uses;
 - (ii) multiple attached dwellings;
 - (iii) a sales office located within an apartment house dwelling building, within a multiple attached dwelling, or within one of the buildings existing on the site as of the date of the approval of this by-law, with such sales centre not to be located within 75 metres of the RRPL; and
 - (iv) public park.
- (j) Within 16 metres of the north property boundary, only one-storey garages accessory to the multiple attached dwellings located in Blocks 1, 2 or 3 are permitted. The required parking for Blocks 1, 2 and 3 shall be provided in one-storey garages located within the 16 metre setback shown on Schedules RM6(176) and RM6(176)D.
- (k) Notwithstanding subsection (i), only one row of dwellings is permitted in a north-south orientation on Blocks 1, 2 or 3, although the row may consist of back-to-back dwelling units with the rear units facing north. This row may consist of separate blocks of dwelling units.

EXCEPTION REGULATIONS

MAXIMUM GROSS FLOOR AREA

- (l) Subject to subsection (m), the maximum gross floor area permitted within each development block shall not exceed:
- (i) Blocks 1, 2, and 3: 6,915.5 m²;
 - (ii) Blocks 5 and 7: 9,569 m²;
 - (iii) Block 6: 26,389 m²;

- (iv) Blocks 9, 10 and 11: 39,574.5 m²;
 - (v) Block 12 and 13: 50,804 m².
- (m) Except as provided for in subsection (bb), and notwithstanding subsection (1), the maximum gross floor area permitted on the net site shall not exceed 96,725.4 m², being the Gross Site area times 2.0, consisting of:
- (i) 77,514.0 m² attributable to the existing site of area 38,757.0 m²;
 - (ii) 2,669.4 m² attributable to the owner's acquisition of lands with an area of 1,334.7 m² being Parts A, B, C, E and F on draft plan of subdivision map no. 30-04-039-33 dated October 16, 2007;
 - (iii) 3,470 m² attributable to the owner's acquisition of lands with an area of 1,735 m² being Block 15 on draft plan of subdivision map no. 30-04-039-33 dated October 16, 2007, to be subsequently conveyed to the City for public park purposes;
 - (iv) 3,234 m² attributable to the owner's acquisition of lands with an area of 1,617 m² being Link Road 3 on draft plan of subdivision map no. 30-04-039-33 dated October 16, 2007, to be subsequently conveyed to the City as the middle portion of the new link road; and
 - (v) 9,838 m² attributable to the owner's acquisition of lands with an area of 4,919 m² being Part H on draft plan of subdivision map no. 30-04-039-33 dated October 16, 2007;

NUMBER OF DWELLING UNITS

- (n) The maximum number of dwelling units shall be 1,195 units.

BUILDING HEIGHT

- (o) Minimum and Maximum Building Heights
 - (i) The maximum heights, and minimum heights where applicable, for all buildings and structures in metres and in storeys shall be as shown on Schedules RM6(176), RM6(176)A, RM6(176)B, RM6(176)C and RM6(176)D, subject to subsections 0(ii), 0(iii), 00 and o(v);
 - (ii) Notwithstanding subsection (o)(i), the maximum height of all buildings or structures shall not exceed one half of the horizontal distance between the building or structure or portions thereof and the Relevant Residential Property Line (RRPL) as shown on Schedule RM6(176), with the exception of the one-storey garages permitted along the north property boundary. For the purpose of establishing the maximum permitted heights in relation to the distance of buildings or structures from the RRPL, the

following Canadian Geodetic Datum elevations shall be used: 170.5 metres for Blocks 9, 10, 11 and 12 and 171.8 metres for Blocks 5, 6, 7 and 13.

- (iii) Within 75 metres of the RRPL, the height of all buildings or structures shall not exceed 11 metres or 3 storeys whichever is less and measured from Canadian Geodetic Datum of 171.5 metres for Block 1 and 170.5 metres for Blocks 2 and Block 3.
- (iv) Notwithstanding subsections (o)(i) to (iii), structures located on the roof of multiple attached dwellings used for open air recreation, safety, access or wind protection purposes, including stair enclosures and railings, may exceed the maximum building heights in metres and number of storeys provided the structures do not project more than 3 metres above such maximum building heights, the structures do not constitute a form of penthouse or other room or rooms, and the multiple attached dwelling are not located within Blocks 1, 2 or 3, or within the portion of Blocks 5, 7 and 9 that lies within 75 m of the RRPL. The interior or enclosed portion of such permitted rooftop areas shall not exceed 21 m² in area.
- (v) Notwithstanding subsections (o)(i) to (iii), architectural ornamental rooftop elements, parapets, stair enclosures and mechanical and elevator rooms located on the roof of apartment house dwellings may exceed the maximum building heights in metres and number of storeys provided they do not constitute a form of dwelling unit or indoor residential amenity space.

BUILDING ENVELOPES

- (p) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelopes identified on Schedule RM6(176), subject to the projection into the minimum yard setbacks of up to 2.5 metres for uncovered porches and decks, the projection of up to 0.6 metres for architectural cornices and pilasters and other projections permitted by subsection 6(9). Landscaping elements such as low walls, piers, railings and fences shall be permitted to project outside the building envelopes.
- (q) Notwithstanding subsection (p), on the north façade of any multiple attached buildings within Blocks 1, 2 or 3, balconies and decks are not permitted, with the exception that decks are permitted only at the first level above Established Grade and such decks may extend to a maximum of 3 metres beyond the rear (north) wall of the multiple attached dwellings located within Blocks 1, 2 or 3. Porches and decks located at grade level along any building facades within the development that directly abut public roads or public parks may not, combined, exceed 50% of the horizontal distance along the façade of the multiple attached dwelling unit or apartment house dwelling unit.

SETBACKS

- (r) Setbacks shall be provided in accordance with Schedules RM6(176), RM6(176)A, RM6(176)B, RM6(176)C and RM6(176)D.

LOT COVERAGE

- (s) Section 20-A.2.2 does not apply.

LOT FRONTAGE

- (t) There shall be no minimum lot frontage required for Block 6, and Section 20-A.2.3 shall not apply to Block 6, until such time as Link Road 1 on draft plan of subdivision map no. 30-04-039-33, dated October 16, 2007, has been dedicated by the City as a public highway.
- (u) For the purposes of calculating minimum lot frontage, Blocks 10 and 11 shall be treated as one lot.

PARKING

- (v) Parking for residential uses shall be provided above or below grade on the same development block as the residential use, or on a block immediately abutting the block containing the residential use provided that the abutting blocks are not separated by either a public road or a public park, at the following rates:
 - (i) a minimum of 0.9 parking spaces per dwelling unit plus 0.1 parking spaces per dwelling unit for visitor use; and
 - (ii) a maximum of 1.3 parking spaces per dwelling unit plus 0.1 parking spaces per dwelling unit for visitor use.
 - (iii) Notwithstanding subsection (v)(i), parking within development Block 6 shall be a minimum of 0.65 parking spaces per dwelling unit plus 0.1 parking spaces per dwelling unit for visitor use.
 - (iv) Notwithstanding subsection (v)(ii), parking within development Blocks 5 and 7 shall be a maximum of 1.9 parking spaces per dwelling unit plus 0.1 parking spaces per dwelling unit for visitor use, but the combined parking spaces for Block 5, 6, and 7 may not exceed the maximum rate set out in subsection (v)(ii).

LOADING

- (w) Notwithstanding subsections 6A(16)(a)(iv) and 6A(16)(c)(i), every residential building may have access to a shared loading space that serves both it and residential dwellings on one directly abutting block not separated by a public park or public road.

PRIVATE OUTDOOR AND INDOOR AMENITY SPACE

- (x) A minimum of 1.5 m² per dwelling unit of private outdoor amenity space shall be provided on the net site, and a minimum of 1.5 m² per dwelling unit within an Apartment House Dwelling of private indoor amenity space shall be provided on the net site. Section 15.8 does not apply to the Gross Site.

INCREASED DENSITY

- (y) Matters which are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, in order to permit the increased maximums in gross floor area authorized under subsection (bb) of this exception are as set out in subsection (z).

SECTION 37 AGREEMENT

- (z) The owner of the subject lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto in exchange for the increased density hereinafter set out, not to exceed an additional 31,919.38 m² on the basis of a proposed maximum gross site area of 48,362.7 m²:
 - (i) Prior to the earlier of the registration of a new plan of subdivision for any portion of the site or nine months after the approval of this by-law, the conveyance to the City, for a nominal sum and free and clear of all tenancies, title encumbrances and structures, of the property municipally known as 68 Avondale Avenue, of approximate area of 498.8 m². Notwithstanding the foregoing, the requirement that the property be conveyed to the City free and clear of all structures is dependent upon City Council's approval of the necessary demolition permit. In the event City Council does not approve the necessary demolition permit, the Owner shall terminate any existing tenancies and transfer the lands at 68 Avondale Avenue to the City in escrow, free and clear of financial encumbrances. Prior to the conveyance in escrow, the Owner shall provide to the City sufficient financial securities for the demolition of the existing structures on the site and for any environmental inspections and remediation work that may need to be done. The transfer of the lands at 68 Avondale Avenue to the City in escrow shall be deemed to meet the requirement of conveyance by the Owner to the City. The City shall be entitled to enter upon these properties in order to effect the demolition and remediation or to effect the remediation without demolishing the structures and thereafter may register the escrow transfer at any time in its discretion. In the event that the City decides that demolition and

remediation should proceed, the City may arrange for the Owner to complete the demolition work and the environmental work at the Owner's sole expense in conjunction with its development of the Lands;

- (ii) Prior to the earlier of the registration of a new plan of subdivision for any portion of the site or nine months after the approval of this by-law, the conveyance to the City, for a nominal sum and free and clear of all tenancies title encumbrances and structures, of the property municipally known as 12 Anndale Drive, of approximate area of 395.7 m². Notwithstanding the foregoing, the requirement that the property be conveyed to the City free and clear of all structures is dependent upon City Council's approval of the necessary demolition permit. In the event City Council does not approve the necessary demolition permit, the Owner shall terminate any existing tenancies and transfer the lands at 12 Anndale Drive to the City in escrow, free and clear of financial encumbrances. Prior to the conveyance in escrow, the Owner shall provide to the City sufficient financial securities for the demolition of the existing structures on the site and for any environmental inspections and remediation work that may need to be done. The transfer of the lands at 12 Anndale Drive to the City in escrow shall be deemed to meet the requirement of conveyance by the Owner to the City. The City shall be entitled to enter upon these properties in order to effect the demolition and remediation or to effect the remediation without demolishing the structures and thereafter may register the escrow transfer at any time in its discretion. In the event that the City decides that demolition and remediation should proceed, the City may arrange for the Owner to complete the demolition work and the environmental work at the Owner's sole expense in conjunction with its development of the Lands;
- (iii) Prior to the registration of a new plan of subdivision for any portion of the site, a monetary contribution, in the form of a certified cheque, towards the City's costs for the acquisition of lands for planned service roads, associated road network and buffer areas in the North York Centre. The amount of the monetary contribution shall be \$36.50 per square foot for the maximum additional gross floor area of 10,161 m² specified in subsection (bb)(iii);
- (iv) Prior to the registration of any new plan of subdivision for Blocks 1, 2 or 3, a monetary contribution, in the form of a certified cheque, towards the City's costs for the acquisition of lands for planned service roads, associated road network and buffer areas in the North York Centre. The amount of the monetary contribution shall be \$36.50 per square foot for the maximum additional gross floor area of 1,500 m² specified in subsection (bb)(iv);

- (v) Prior to the registration of any new plan of subdivision for Blocks 9, 10 or 11, a monetary contribution towards the City's costs for the acquisition of lands for planned service roads, associated road network and buffer areas in the North York Centre and towards the City's costs of providing parks and/or recreational facilities in Blocks 8, 14 and 15. The amount of the monetary contribution shall be \$36.50 per square foot for the maximum additional gross floor area of 13,096.38 m² specified in subsection (bb)(v); Notwithstanding the foregoing, the Owner's monetary contribution to fund a maximum additional gross floor area of 13,096.38 m² shall be provided and directed as follows:
 - (A) a monetary contribution to fund 428.8 m² of gross floor area (5% of the density attributable to the park blocks), with the funds to be provided in the form of a letter of credit, prior to the registration of the final condominium in Blocks 5, 7, 12 or 13, or within 3 years after the substantial completion of Building E, whichever is the earlier of the two, and directed toward the City's costs of providing parks and/or recreational facilities in Blocks 8, 14 and 15; and
 - (B) a monetary contribution to fund up to 12,667.55 m² of gross floor area, with the funds to be provided in the form of a certified cheque prior to the registration of any new plan of subdivision in Blocks 9, 10 or 11 and to be directed toward the City's costs for the acquisition of lands for planned service roads, associated road network and buffer areas in the North York Centre.
- (vi) a minimum of 2.25 m² per dwelling unit within an Apartment House Dwelling of indoor bicycle storage space, provided that no more than 1.5 m² per such dwelling unit is used for bicycle rack or locker area(s) and provided further that no more than 0.75 m² per such dwelling unit is used for access corridor to the bicycle rack or locker area(s); and
- (vii) a minimum of 1.5 m² per dwelling unit within an Apartment House Dwelling of indoor recreational amenity space, provided that the area is used exclusively for recreational purposes.
- (aa) In addition to the facilities, services and/or matters described in subsection (bb), the owner of the subject lands, at the owner's expense and in accordance with, and subject to the agreements referred to in subsection (bb), shall also provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto:
 - (i) The provision of a shuttle bus service between the site and the subway, for the sole use of the residents of the site, to operate every day during the morning and afternoon peak periods, except weekends and statutory holidays, for a period of 10 years; commencing upon the first occupation of a new unit within an Apartment House Dwelling on the site;

- (ii) the owner of the lands to which this By-law applies, at its expense and in accordance with, and subject to, the agreement pursuant to Section 37 of the *Planning Act* referred to in this By-law, shall enter into an agreement pursuant to Section 37 of the *Planning Act* to secure the following facilities, services and matters:
- (A) construct not less than 284 rental units with a unit mix and floor area comparable to those of the existing rental units and as set out in the Section 37 Agreement, of which 39 shall be new affordable rental units in the rental replacement building for 20 years calculated from the date this By-law comes into effect;
 - (B) shall not issue any Notices of Termination for the purposes of demolition to tenants in existing rental units within Blocks 5, 6, 7, 8, 12, 13 and 20 Oakburn Place encroaching in Block 11 until a full site plan application has been submitted to the City for the 284 replacement rental units;
 - (C) shall not demolish any existing buildings within Blocks 5, 6, 7, 8, 12, 13 and 20 Oakburn Place encroaching in Block 11 until a building permit application has been submitted to the City for the 284 replacement rental units, although the owner shall be entitled to demolish the existing buildings located at 32 and 34 Oakburn Place prior to the submission of its application for a building permit for the 284 replacement rental units;
 - (D) shall not demolish any existing buildings within Blocks 1, 2, 3, 9, 10 and 11 excluding 20 Oakburn Place encroaching in Block 11 until a building permit has been issued for the 284 replacement rental units;
 - (E) covenants and agrees that all of the 284 replacement rental units shall be ready and available for occupancy within six (6) months of the date that first unit of the other dwelling units to be constructed on the site is ready and available for occupancy;
 - (F) provide and maintain rents for the 39 new affordable rental units and for the 245 new replacement units in accordance with the terms and conditions set out in the Section 37 Agreement;
 - (G) follow the processes set out in the Section 37 Agreement to determine tenant eligibility, right to occupancy of a new rental replacement unit, and notification; and
 - (H) provide additional benefits to eligible tenants above the requirements set out in the *Residential Tenancy Act*, 2006, including a tenant assistance package.

- (iii) Prior to the earlier of the registration of a plan of subdivision for any portion of the site or nine months after the approval of this by-law, funding in the amount of \$150,000 in the form of a certified cheque for the provision of traffic signals at the intersection of Avondale Avenue and Tradewind Avenue;
- (iv) The provision of a demolition management plan and tenant communication strategy for each phase of the development, to the satisfaction of the City, prior to the issuance of the first demolition permit for any existing building within that phase; and
- (v) The provision of a construction management plan and tenant communication strategy for each phase of the development, to the satisfaction of the City, prior to the issuance of the first building permit for any building within that phase.
- (vi) Prior to the registration of any plan of subdivision in relation to Blocks 9, 10 or 11, the Owner shall have acquired from the City the Link Road 3 lands and shall have conveyed the Link Road 2 and Link Road 3 lands to the City for public road purposes, the Owner shall have acquired from the City the Block 15 lands and shall have conveyed the Block 15 lands to the City for public park purposes, and the Owner shall have acquired from the City the Oakburn Crescent lands and shall have conveyed the improved Oakburn Crescent lands to the City.

ADDITIONAL GROSS FLOOR AREA

- (bb) Notwithstanding subsection (m), and subject to subsection (g), additional gross floor area is permitted on the net site, limited to the following:
 - (i) A maximum of 1,745.8 m² attributable to density transferred from the off-site property municipally known as 68 Avondale Avenue;
 - (ii) A maximum of 1,385 m² attributable to density transferred from the off-site property municipally known as 12 Anndale Drive;
 - (iii) A maximum of 10,161 m² attributable to the payments specified in subsection (z)(iii) above;
 - (iv) A maximum of 1,500 m² attributable to the payments specified in subsection (z)(iv) above;
 - (v) A maximum of 13,096.38 m² attributable to the payments specified in subsection z(v) above; and

- (vi) A maximum of 2.25 m² per dwelling unit within an Apartment House Dwelling of indoor bicycle storage space, provided that no more than 1.5 m² per such dwelling unit is used for bicycle rack or locker area(s) and provided further that no more than 0.75 m² per such dwelling unit is used for access corridor to the bicycle rack or locker area(s).
- (vii) A maximum of 1.5 m² per dwelling unit within an Apartment House Dwelling of indoor recreational amenity space, provided that the area is used exclusively for recreational purposes.
- (cc) Any gross floor area permitted by subsections (bb)(iii), (bb)(iv) and (bb)(v) may be permitted anywhere on the Net Site, as long as the maximum areas in subsection (l) are not exceeded. The payments referred to in subsections (z)(iii), (z)(iv) and (z)(v) shall be attributable to the gross floor area required for the development of the applicable blocks, and any gross floor area that is not utilized may be redeployed on other blocks, as long as it is included in the payment required by subsection (z) for the block on which it is redeployed.

GROSS AND NET SITE

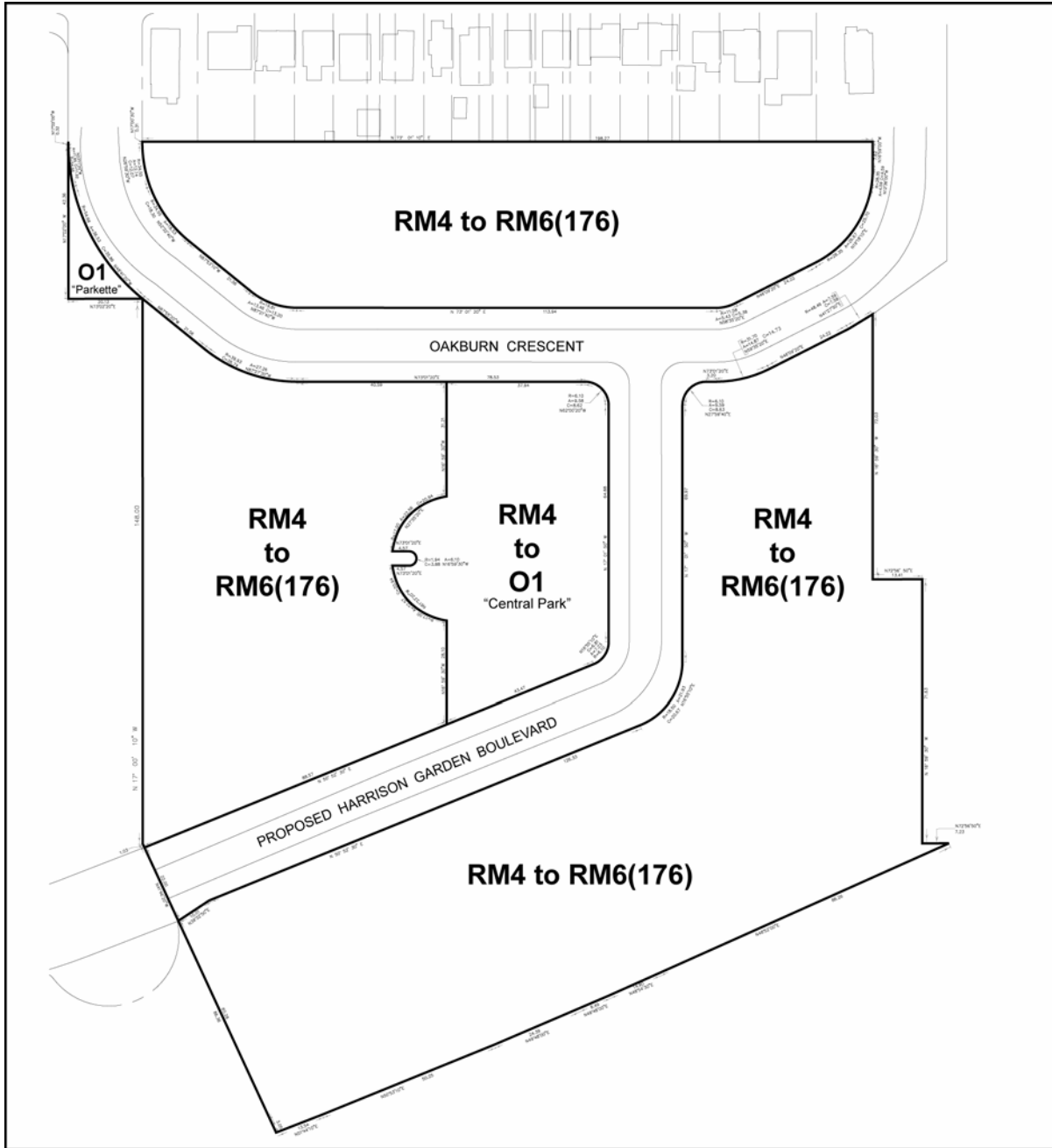
- (dd) The Gross Site is contingent on the acquisition of Oakburn Crescent and Oakburn Place by the landowner and the Net Site is contingent on the conveyance of roads, road widenings, 0.3 m reserves, or public parks to the City in subsection (m), as may be applicable. If any of these conveyances do not occur, and the related base gross floor area permission and incentive gross floor area permission shall be adjusted to ensure that the base gross floor area does not exceed 2.0 times the area of the Gross Site, and that the incentive gross floor area does not exceed an additional 1.33 times the area of the Gross Site, notwithstanding 3(l), 3(m), 3(z) and 3(bb) above.

Because the site area is proposed to change over time due to proposed land acquisitions and conveyances, prior to any foundation or above-grade building permit being issued for the development, the Gross Site and Net Site areas shall be confirmed in relation to the maximum permitted base and incentive densities.

SEVERANCE

- (ee) Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the Gross Site.”
4. Schedule 64.20-A of By-law No. 7625 is amended by adding Schedule 2 and Schedules RM6(176), RM6(176)A, RM6(176)B, RM6(176)C, and RM6(176)D attached to this by-law.

PURSUANT TO DECISION/ORDER NO. 2863 ISSUED ON NOVEMBER 1, 2007 AND ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JULY 7, 2008 IN BOARD CASE NO. PL060298.



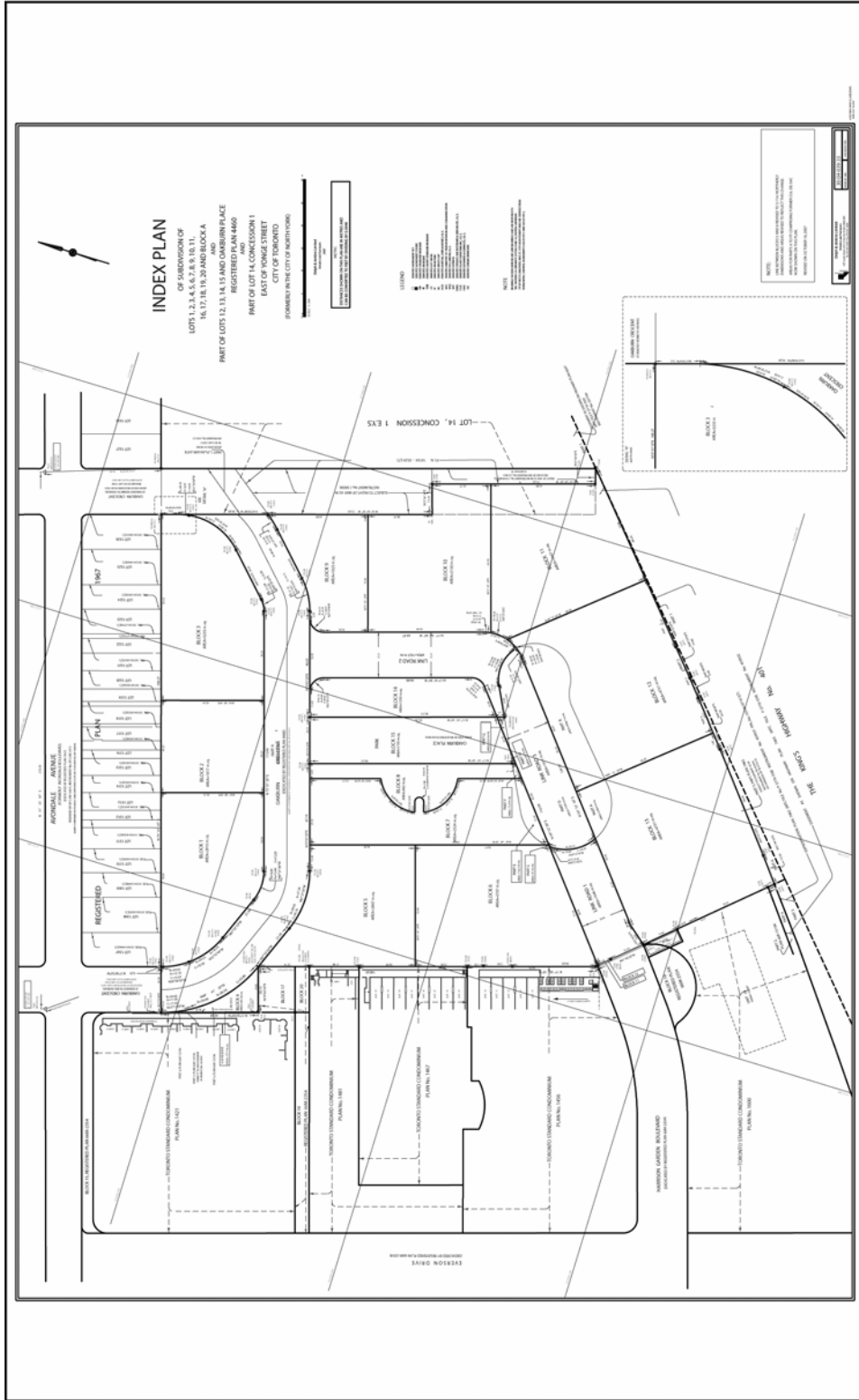
Schedule 1

Lots 1-11, 16-20, Block A, Part of Lots 12-15, & Oakburn Place, Registered Plan 4460
and Part of Lot 14, Concession 1 East of Yonge Street
Survey by Delph & Jenkins Limited, drawing 04039-33_index.dwg dated October 16, 2007
Date: 05/07/2008
Approved by: C.C.

File # 05_105152



Not to Scale



Schedule 2

File # 05_105152



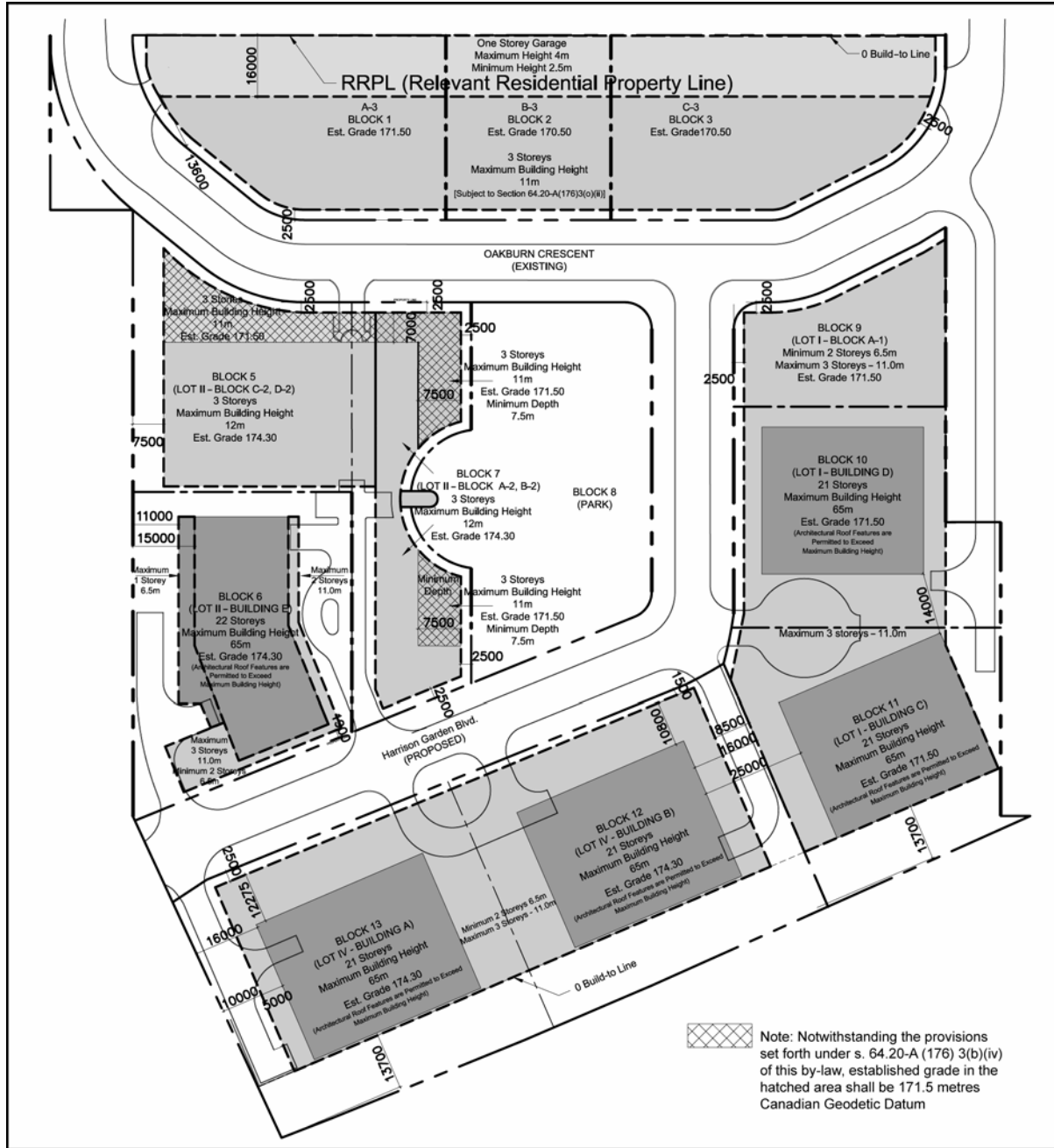
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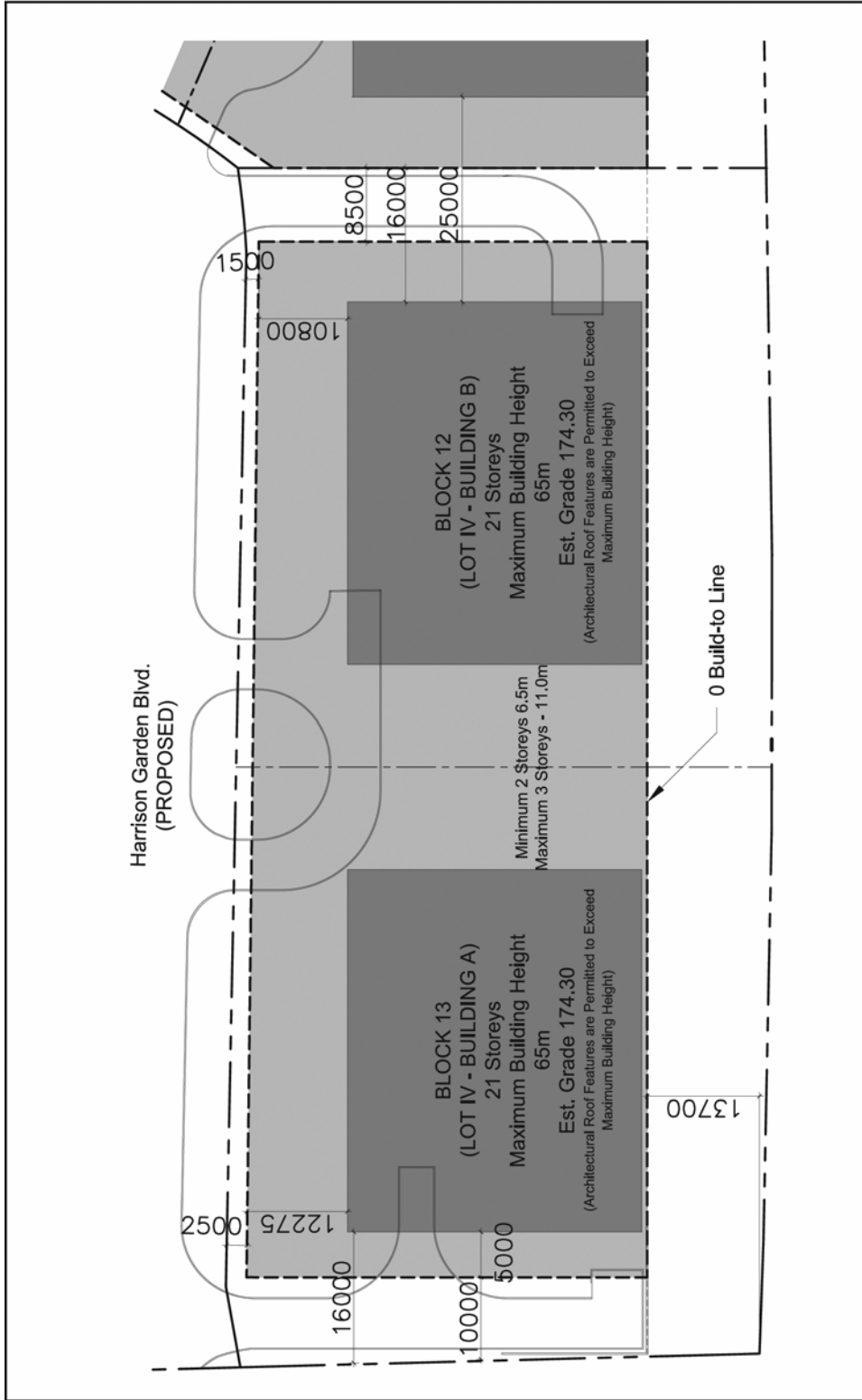


Applicant's submitted drawing

Date: 12/17/2007

Approved by: C.C.





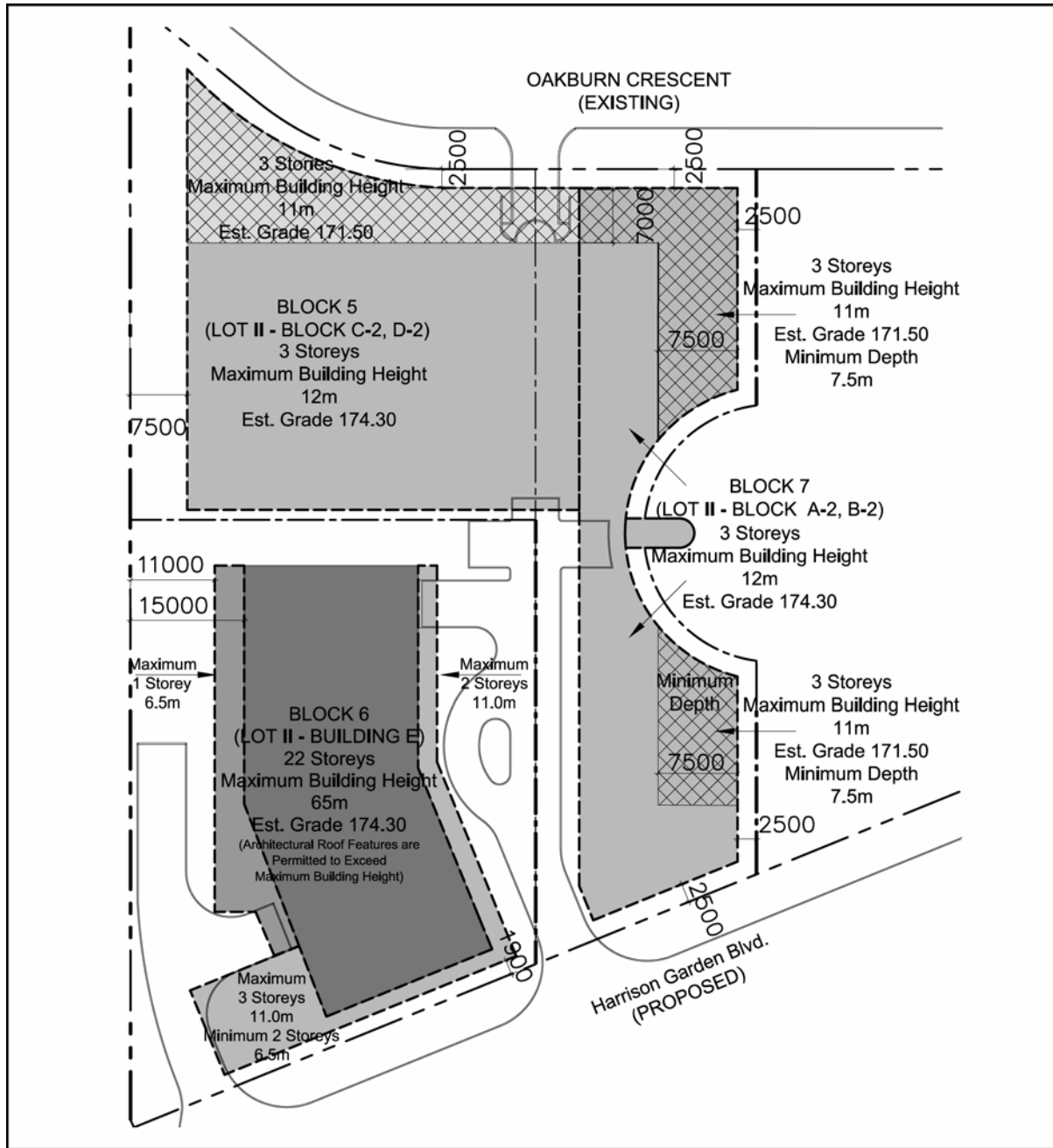
Schedule RM6(176)A

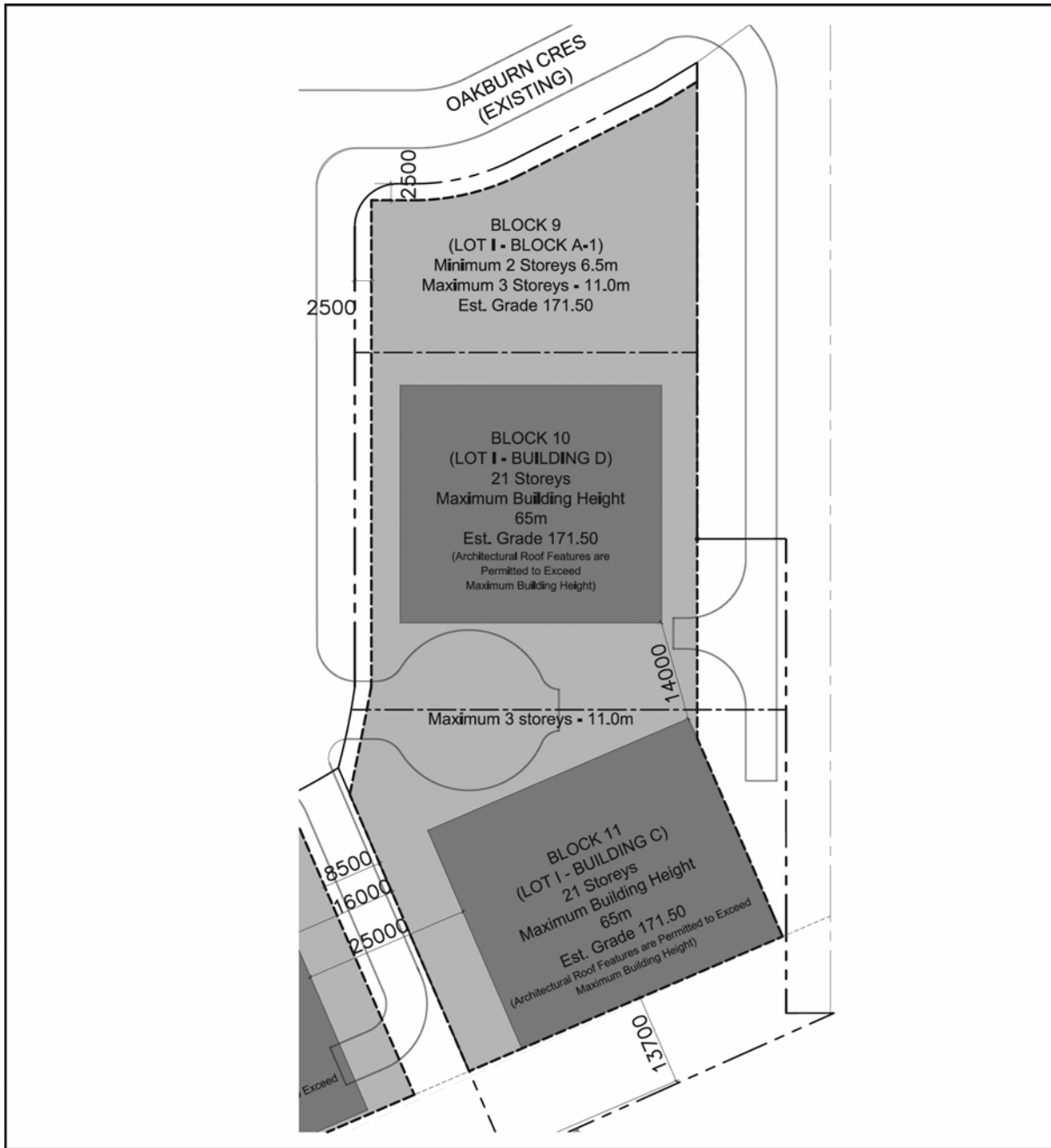
Prepared from drawing provided by Kirkor Architects, dated May 30, 2008

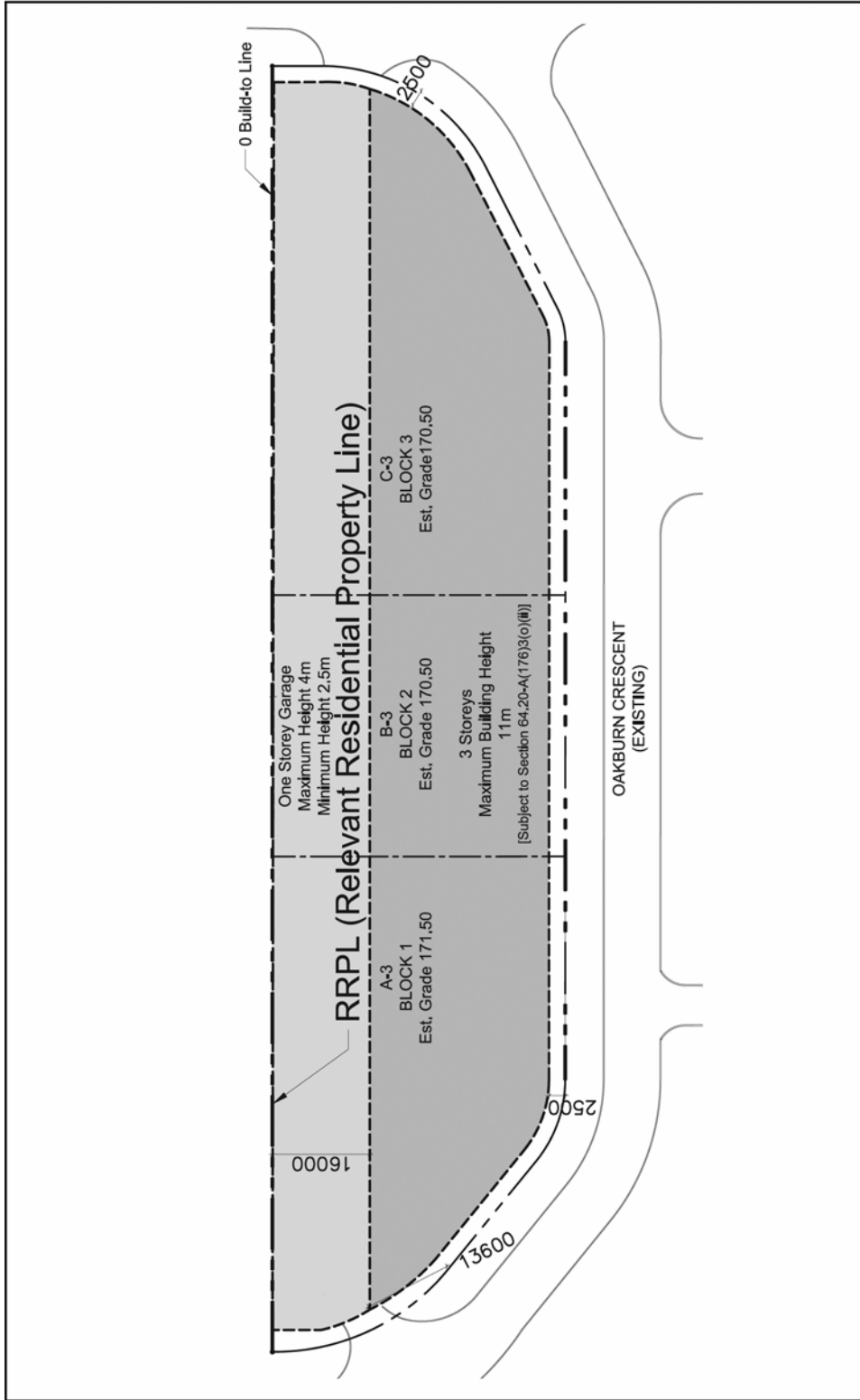
File # 05_105152

Date: 06/05/2008
Approved by: C.C.









Schedule RM6(176)D

Prepared from drawing provided by Kirkor Architects, dated May 30, 2008

File # 05_105152

Date: 12/17/2007
 Approved by: C.C.

