

**CITY OF TORONTO**

**BY-LAW No. 868-2008(OMB)**

**To adopt Amendment No. 376 to the Official Plan for the former City of Toronto, with respect to lands municipally known as 76 and 100 Davenport Road and “Block C” (formerly part of 26 McMurrich Street) and the public lane extending south from Blackmore Street.**

WHEREAS the Ontario Municipal Board in a decision issued on June 5, 2006 and its Order issued on March 27, 2008 approved an Official Plan Amendment and Zoning By-law Amendment with respect to lands municipally known as 76 and 100 Davenport Road and “Block C” (formerly part of 26 McMurrich Street); and

WHEREAS the public lane extending south from Blackmore Street is in the process of being stopped up and closed as a public highway, and conveyed to the owner of the lands municipally known as 76 Davenport Road;

NOW THEREFORE pursuant to Decision/Order No. 1629 of the Ontario Municipal Board issued June 5, 2006 and Order issued March 27, 2008 in Board Case No. PL050331;

1. The text and map annexed hereto as Schedule “A” are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. 376.

PURSUANT TO THE DECISION/ORDER NO. 1629 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JUNE 5, 2006 AND ORDER ISSUED MARCH 27, 2008 IN BOARD FILE NO. PL050331.

**SCHEDULE “A”**

1. Section 18 of the Official Plan for the former City of Toronto is amended by adding a new Section 18.692 and Map 18.692 as follows:

18. Lands known as 76 and 100 Davenport Road, Block C and the public laneway.

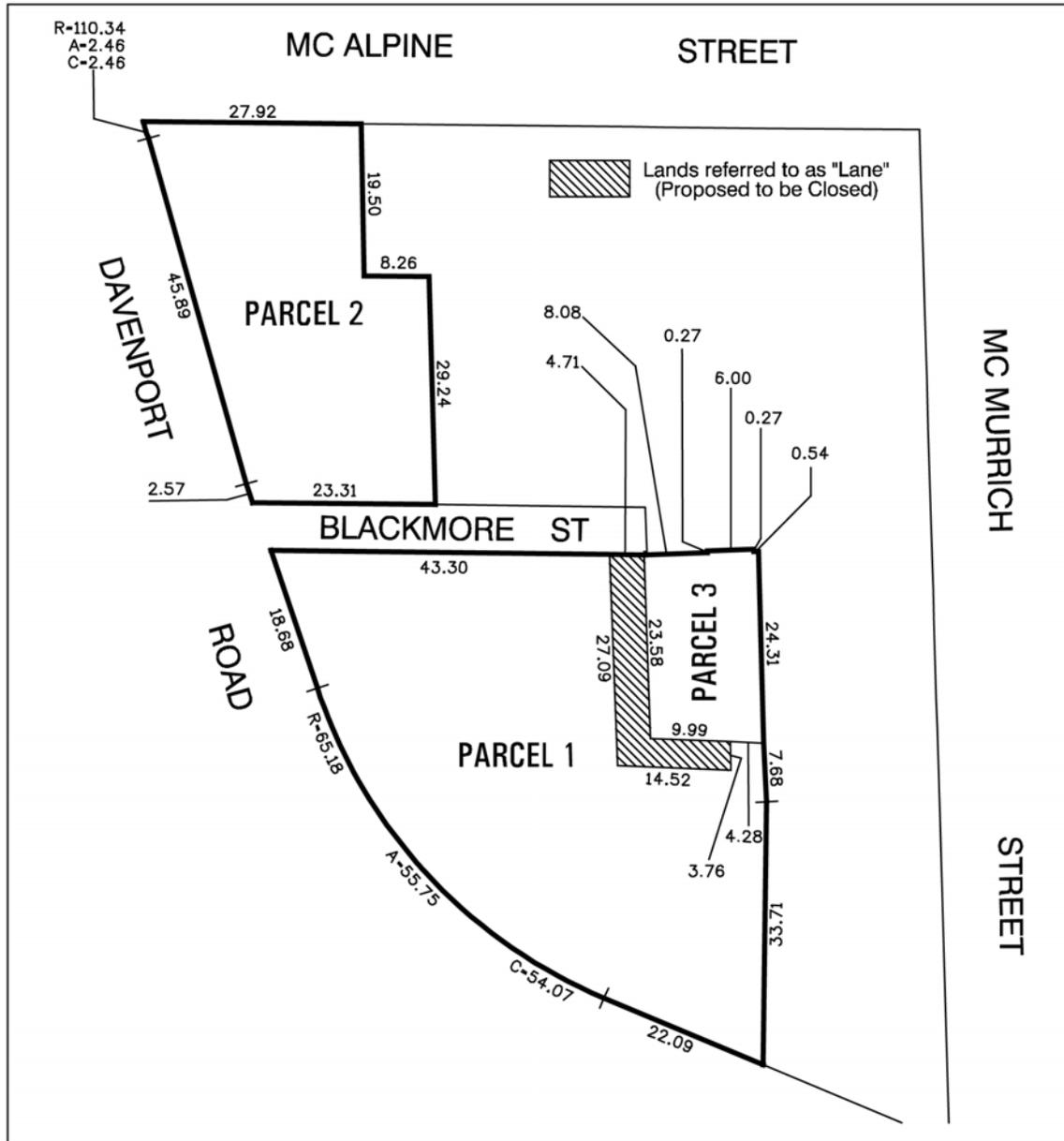
See Map 18.692 at the end of this Section.

1. Notwithstanding any other provisions of this Plan, Council may pass by-laws applicable to the lands municipally known in the year 2007 as 76 and 100 Davenport Road, Block C and the public laneway extending south from Blackmore Street, shown bounded by heavy black lines on Map 18.692 to permit the erection and use of a building for *residential* and *non-residential uses*, provided that:
      - (a) the *lot* on which such buildings are erected and used comprises the lands outlined by heavy lines as shown on Map 18.692;
      - (b) the land shown on Map 18.692 and labeled “Lane” has been stopped up and closed as a public highway and conveyed to the owner of the remainder of the *lot*;
      - (c) the *gross floor area* permitted on the *lot* does not exceed 21,440 square metres;
      - (d) the *residential gross floor area* permitted on the *lot* does not exceed 20,250 square metres; and
      - (e) the *non-residential gross floor area* permitted on the *lot* does not exceed 2,880 square metres.
    2. Council may not pass any by-law designating the lands for uses described in section 1 hereof unless in return for the residential densities and height permissions thereby granted, the owner of the lands is required by such by-law to have first entered into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, as amended, to secure the facilities, services and matters set out in section 3 hereof, and to ensure that such agreement is in a form satisfactory to the City and is appropriately registered against the title of the *lot* as outlined by heavy lines on Map 18.692.
    3. The Owner of the *lot*, at its expense and in accordance with and subject to the agreement referred to in subsection (2) herein, agrees:
      - (a) to provide and maintain one or more works of art pursuant to a public art program in publicly accessible portions of the lands of a value not less than one per cent of the cost of construction of all

new buildings, structures and additions erected thereon on or after the date of passing of this By-law, provided that the costs related to public art shall not be included in such valuation;

- (b) to convey to the city, for a nominal cost and free and clear of all encumbrances, save and except for easements required for air intake and exhaust associated with a below grade parking garage on the *lot*, strata lands 1.4 metres wide to a depth of 0.5 metres from finished grade along the entire length of the northern boundary of Parcel 1, which is adjacent to Blackmore Street, for the purposes of widening the street;
- (c) to improve the entire frontage of Davenport Road adjacent to the lands known as 76 and 100 Davenport Road with sidewalks and any other streetscape elements deemed satisfactory by the Chief Planner and Executive Director;
- (d) to provide the entirety of Parcel 3, or an area of equivalent size in the same general location, and such other areas within Parcel 1 which have been agreed to, as publicly accessible landscaped open space areas;
- (e) to provide and maintain a 2-metre pedestrian setback area at grade along Davenport Road in front of the building on Parcel 1;
- (f) to acquire from the City the L-shaped dead end lane running south from Blackmore Street for the agreed to price subject to the following:
  - 1. that it meet Technical Services Division's standard requirements for the closure and sale of the laneway;
  - 2. that it will not be used to further increase the lot density permission;
  - 3. provision of the publicly accessible areas and the pedestrian setback area as outlined in Sections 3(d) and (e) above;
  - 4. that there be a public art installation along the easterly-most portion of the south elevation of the podium of the building on Parcel 1 and that the public art approval process be followed as required by the Official Plan; and
- (g) the phasing of the development of the lands and the timing of the contributions set out above shall be in a manner satisfactory to the Chief Planner and Executive Director.

Map 18.692



**TORONTO** City Planning  
 Map 18.692 (OP Amendment No. 376)

76 - 100 Davenport Road  
 File # 04\_187471

