

Authority: Etobicoke York Community Council Item 17.37,
as adopted by City of Toronto Council on June 23 and 24, 2008
Enacted by Council: December 10, 2008

CITY OF TORONTO

BY-LAW No. 1320-2008

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to the lands municipally known as 1 Valhalla Inn Road.

WHEREAS authority is given to Council by Section 34 of 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*; and

WHEREAS Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as set out in the By-law; and

WHEREAS subsection 37(3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the Municipality may require the owner to enter into one or more agreements with the Municipality dealing with the facilities, services and matters; and

WHEREAS the owners of the lands referred to herein have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands in Chapters 320 and 324 of the Etobicoke Zoning Code, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

The Council of the City of Toronto HEREBY ENACTS 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 changing the classification of the lands located in the former Township of Etobicoke as described in Schedule 'A' annexed hereto from Planned Commercial Preferred (CPP) 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 320-18B, 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' attached hereto.
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 will apply:

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

“Grade” - means with respect to each building including an attached podium erected within a Building Envelope, the geodetic elevation of 134.93 metres above sea level.

“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; unenclosed balconies, above grade parking garage, underground parking garage, and below grade storage areas.

“Height” - means, with respect to each section of the building erected within the Building Envelope, the vertical distance between the “Grade” of the Lands as defined in this By-law 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 7.5 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 beyond the Building Envelopes setbacks, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, doors, including revolving doors, canopies, exterior stairs and covered ramps, parapets and vents to a maximum projection of 1.5 metres, excepting a main entrance canopy which may project to a maximum projection of 2.5 metres, provided that in no case shall any building element project into the minimum 14 metre setback from the Ministry of Transportation property abutting the site on the west side.

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

“Outdoor Amenity Area” - means an outdoor common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes.

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

“Podium” - means the portion(s) of the building to a maximum height of 6 storeys.

“Tower Element” - means the portion(s) of the building located above the podium.

4. Permitted Uses

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

- (i) The existing hotel as it exists at the time of passing of this By-law and any accessory uses related to the existing hotel at the time of the passing of this By-law, and any services associated with these uses including roadways and parking areas required to support such uses.
- (ii) Apartment buildings and any accessory uses related to apartment buildings, and any services associated with these uses including roadways and parking areas required to support such uses.
- (iii) 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.
- (iv) A temporary sales office for the purpose of marketing and sales related to the apartment building(s) shall be permitted and shall be exempt from all development standards listed in this By-law or Zoning Code and shall not be subject to Section 37 Agreement requirements as listed.

5. Gross Floor Area

The maximum Gross Floor Area, as defined herein, permitted on the Lands shall be 75,000 square metres.

6. Maximum Density

The maximum Floor Space Index (FSI) permitted on the Lands shall be 3.25.

7. Maximum Height

For the purposes of this By-law, the maximum building heights to be permitted on the lands designated R6 and identified on Schedule 'A', attached hereto, shall be as shown on Schedule 'B', attached hereto.

8. Setbacks/Floor Plate Restrictions/Building Envelope

- (i) No building or structure within the Lands shall be located other than within the Building Envelope shown on Schedule 'B'; and
- (ii) Notwithstanding the provisions of this By-law, the maximum floor plate area for each tower element of the building shall be as shown on Schedule 'B' attached hereto.

Notwithstanding the foregoing clause, the following provisions shall apply:

- (a) Any portion of any building or structure, which is located below the finished exterior ground level immediately adjoining such building or structure, may be located outside of the Building Envelope for that building or structure, provided that in no case shall any portion of any building or structure, above or below grade, project into the 14 metre setback from the Ministry of Transportation property abutting the site on the west side;
- (b) Minor projections shall be permitted to project outside the Building Envelope, provided that in no case shall any portion of any building or structure, above or below grade, project into the 14 metre setback from the Ministry of Transportation property abutting the site on the west side; and
- (c) Permitted accessory structures, canopies, wheelchair and covered ramps, exterior stairs, parapets and railings related to underground parking structures, vents, temporary sales offices, fences, safety railings and other landscape features shall be permitted outside of the setbacks and shall be exempt from any provisions with respect to setbacks, provided that in no case shall any portion of any building or structure, above or below grade, project into the 14 metre setback from the Ministry of Transportation property abutting the site on the west side.

9. Parking and Loading Requirements

Notwithstanding the provisions of Section 320-18 in its entirety, 320-19 and Section 320-76.G of the Zoning Code, the following requirements shall apply to the Lands:

- (i) Vehicular parking for residential apartment uses shall be provided at a minimum ratio of 1.0 stall per dwelling unit for units with less than three bedrooms, and 1.35 stalls per dwelling unit for units with three or more bedrooms. An additional 0.2 stalls per dwelling unit shall be provided and reserved for the exclusive use of visitors.

- (ii) Minimum vehicle parking stall dimensions, excluding parking stalls for the physically disabled, shall be 2.6 metres wide, 5.6 metres in perpendicular length, with a minimum 6.0 metre wide access aisle.
- (iii) No person shall use any portion of a lot located between the main front wall of a building and the public 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.
- (iv) A minimum of two loading spaces shall be provided on the Lands with dimensions of 13 metres in length, 4.0 metres in width, and with a vertical clearance of 6.1 metres if accessed to the building.
- (v) Indoor bicycle parking spaces (other than in dwelling units) shall be provided at the rate of 0.75 bicycle parking spaces for each dwelling unit to a maximum of 200 bicycle parking spaces.

10. Area Requirements

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

- (i) Landscaped Open Space: a minimum 46% of the lot area shall be reserved for Landscaped Open Space.
- (ii) Indoor Amenity Space: a minimum 2.0 square metres per dwelling unit of Indoor Amenity Space shall be provided.
- (iii) Outdoor Amenity Space: a minimum of 2.0 square metres per dwelling unit of Outdoor Amenity space shall be provided.

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

12. 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.

13. 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.

14. Section 37

The density and height of development permitted by this By-law is subject to the Owner of the land, at its expense, providing the following capital facilities, cash contributions toward specific capital facilities and other facilities, services and matters in accordance with and subject to the agreement referred to in (k) herein pursuant to Section 37 of the *Planning Act* in order to permit a residential development with a

maximum Floor Space Index of 3.25; a maximum number of dwelling units of 898; and maximum heights as shown on Schedule 'B' as follows:

- (a) Prior to the issuance of the first above ground building permit for any portion of the Lands, the owner pays to the City, the sum of \$200,000.00 as a cash payment for public art either on-site or in conjunction with public art installations in the area;
- (b) Prior to the issuance of the first above ground building permit for any portion of the Lands, the owner pays to the City the sum of \$1,005,000.00 as a cash payment towards the construction of a new community centre and/or gymnasium facility within the vicinity of the Lands to the satisfaction of the General Manager Parks, Forestry and Recreation and in consultation with the local councillor and which may comprise a building expansion of Bloorlea Middle School for a community centre/gymnasium facility;
- (c) Prior to the issuance of any Site Plan Approval pursuant to Section 114 of the *City of Toronto Act, 2006*, for any portion of the Lands, the owner shall pay to the City by certified cheques amounts satisfactory to the City's Executive Director of Technical Services to pay the City's costs of:
 - (i) installing traffic control signals and any associated road geometry improvements at The East Mall/Valhalla Inn Road intersection;
 - (ii) removing or relocating the existing pedestrian crossover on The East Mall, north of Valhalla Inn Road, that may be required to accommodate installing traffic control signals at The East Mall/Valhalla Inn Road intersection;
 - (iii) installing a northbound to westbound left turn advance signal phase for the a.m. peak period, including any traffic signal hardware modifications, at The East Mall/Burnhamthorpe Road intersection; and
 - (iv) installing a southbound to eastbound left turn advance signal phase for the p.m. peak period, including any traffic signal hardware modifications, at The East Mall/Bloor Street West intersection.
- (d) Prior to the issuance of any Site Plan Approval pursuant to Section 114 of the *City of Toronto Act, 2006*, for any portion of the Lands, the owner prepares a detailed design and cost estimate, satisfactory to the City's Executive Director of Technical Services, for the extension of the existing eastbound left turn storage lane at the west approach to The East Mall/Bloor Street West intersection to provide a minimum storage lane length of 100m, with a 30m taper to accommodate future total traffic conditions;

- (e) Prior to the issuance of any Site Plan Approval pursuant to Section 114 of the *City of Toronto Act, 2006*, for any portion of the Lands, the owner pays to the City by certified cheque or irrevocable letter of credit in an amount satisfactory to the City's Executive Director of Technical Services and in accordance with the accepted cost estimate referred to in (d) herein, to secure the satisfactory construction by the owner of the Lands of the extension of the existing left turn storage lane therein referred to;
- (f) Prior to the earlier of the condominium registration of any building on the Lands and the date set out in the agreement referred to in (k) herein, the construction of the extension of the existing left turn storage lane referred to in (d) herein shall be completed by the owner of the Lands to the satisfaction of the City's Executive Director of Technical Services;
- (g) Prior to the issuance of any Site Plan Approval, for any portion of the Land, the owner shall submit to the satisfaction of the Chief Planner and Executive Director, City Planning Division, a Noise Report prepared by a qualified consulting engineer/specialist detailing noise impacts and identifying necessary corrective measures, if any, to be undertaken in conjunction with development of the Lands, including paying for a peer review of the report;

In addition, the agreement referred to in (k) herein shall amongst other matters, provide that the owner of the Lands shall:

- (i) have a qualified consulting engineer/specialist certify in writing to the Chief Planner and Executive Director, City Planning Division; that
 - A. the recommendations in the approved Noise Report have been incorporated in the design of each building; and
 - B. that the new building has been constructed in accordance with these requirements and that all applicable noise abatement recommendations in respect of the Lands have been implemented; and
- (ii) maintain the noise abatement measures;
- (h) Prior to issuance of any above ground building permit for any building on the Lands, the owner shall have a qualified consulting engineer/specialist certify in writing to the Chief Planner and Executive Director, City Planning Division, that the recommendations in the approved Noise Report have been incorporated in the design of each building;
- (i) Prior to the issuance of any Site Plan Approval pursuant to Section 114 of the *City of Toronto Act, 2006*, for any portion of the Lands the owner pays to the City by certified cheque the sum of \$50,000.00 for the installation of transit signal priority at two intersections in the vicinity of the Lands as required by the Toronto Transit Commission;

- (j) The agreement referred to in (k) herein shall provide that the owner of the Lands shall provide signage and warning clauses in accordance with the requirements of the Toronto District School Board and Toronto Catholic District School Board; and
- (k) The owner of the Lands enters into and registers on title to the Land an agreement with the City pursuant to Section 37 of the *Planning Act*, as a first charge to secure the facilities, services and matters set forth in (a) to (j) herein, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, prior to this By-law coming into full force and effect.

| BY-LAW NUMBER AND ADOPTION DATE | DESCRIPTION OF PROPERTY | PURPOSE OF BY-LAW |
|--|---|--|
| 1320-2008 December 10, 2008 | Lands located on the west side of The East Mall, east of Highway 427, municipally known as 1 Valhalla Inn Road. | To rezone 1 Valhalla Inn Road from from Planned Commercial Preferred to Sixth Density Residential (R6) subject to site specific development standards to permit a residential development. |

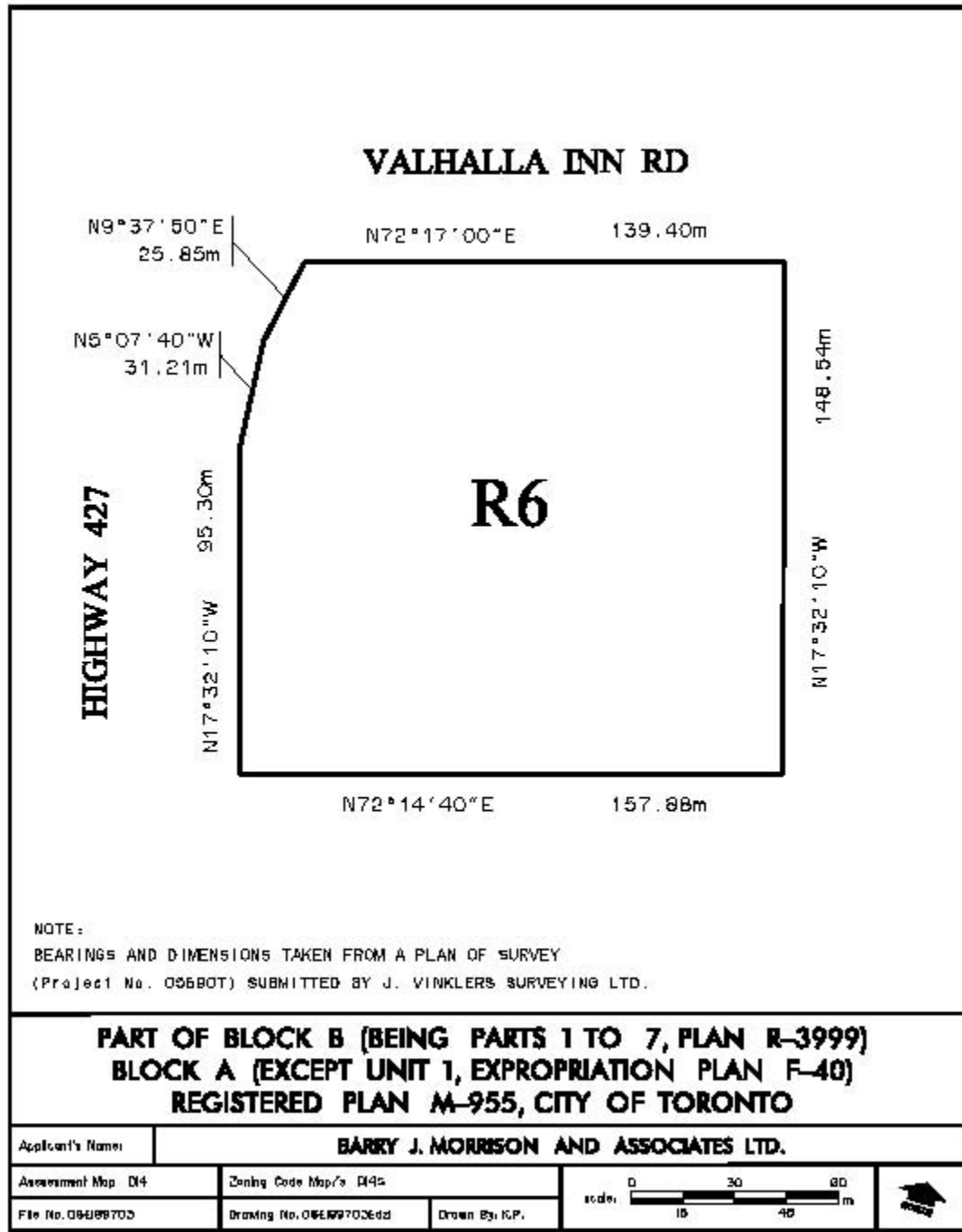
ENACTED AND PASSED this 10th day of December, A.D. 2008.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Toronto Schedule 'A' BY-LAW



Toronto Schedule 'B' BY-LAW

