

CITY OF TORONTO

BY-LAW No. 1182-2010(OMB)

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto
with respect to part of the lands municipally known as 1100 Lansdowne Avenue
which originally formed part of 940 Lansdowne Avenue.**

WHEREAS the Ontario Municipal Board pursuant to its Order No. 0164 issued on January 27, 2005 upon hearing the appeal of Olympia Elevator Services Limited under Section 34 of the *Planning Act*, R.S.O. c.P. 13, as amended, determined to amend the By-law No. 438-86, as amended, for the former City of Toronto; and

WHEREAS authority is given to the Ontario Municipal Board by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this by-law;

THEREFORE the Ontario Municipal Board Orders that By-law No. 438-86, as amended, of the former City of Toronto is further amended as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *Site* of the facilities, services and matters set out in Appendix 1 hereof, the provision of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements by the *owner* of the *Site*, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *Site* is subject to the provisions of this By-law.
3. Except as otherwise provided herein, the provisions of former City of Toronto By-law No. 438-86, as amended, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use certain buildings and structures in various areas of the City of Toronto", shall continue to apply to the *lot*.
4. District Map No. 48J-322 contained in Appendix "A" of By-law No. 438-86, as amended, is further amended by redesignating the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law from "I3 D3" to "R2 Z0.6" as shown on the said Map 1.
5. Height and Minimum Lot Frontage Map No. 48J-322 contained in Appendix "B" of By-law No. 438-86, as amended, is further amended by redesignating the lands shown outlined by heavy lines on Map 2 attached to and forming part of this By-law to from "H23.0" to "H14.0" as shown on the said Map 2.
6. Despite Section 6(1) of By-law No. 438-86, as amended, none of the uses listed within Section 6(1)(f) shall be permitted within the *Site*, except where such uses are otherwise permitted by this By-law.

7. Despite Section 6(1) of By-law No. 438-86, as amended, only uses listed within Section 8(1)(f)(b)(vi) and 8(1)(e) of By-law No. 438-86, as amended, shall be permitted on *BLOCK A*, as shown on Map 3, attached to and forming part of this by-law.
8. Despite Sections 4(4)(b), 6(1) and 6(3) PART IV (1)(a) and (b) of By-law No. 438-86, as amended, parking and loading facilities for the office building on *BLOCK A*, as shown on Map 3 shall be permitted on *BLOCK B*, as shown on Map 3, and visitors parking facilities for *BLOCK B*, as shown on Map 3 shall be permitted on *BLOCK C*, as shown on Map 3, attached to and forming part of this by-law.
9. None of the provisions of Sections 2(1) with respect to the definitions of "*grade*", "*height*", "*lot*", Sections 4(4)(b), 4(11)(b), 4(11)(c), 4(12), 4(13), 6(3) PART I, 6(3) PART II, 6(3) PART III, 6(3) PART IV (1)(e), (2), (3) and (4), 6(3) PART VI, 6(3) PART VII and 6(3) PART IX of the aforesaid By-law No. 438-86, as amended, shall apply to prevent the erection and use of a *rowplex* building and/or a *parking garage* on *BLOCK B* and *BLOCK C*, and an office building on *Block A* as shown on Map 3 attached to and forming part of this by-law, provided that:
 - (1) the combined maximum *residential gross floor area* erected or used on *BLOCK B* and *BLOCK C*, as shown on Map 3, does not exceed 24 500 square metres;
 - (2) not more than 80 *dwelling units* are erected or used within *BLOCK B*;
 - (3) not more than 132 *dwelling units* are erected or used within *BLOCK C*;
 - (4) the maximum *non-residential gross floor area* erected or used on *BLOCK A*, as shown on Map 3, does not exceed 2 900 square metres;
 - (5) no portion of any building above *grade* containing *dwelling units* is located otherwise than wholly within the building envelopes as delineated by heavy lines as shown on Maps 3B and 3C, attached to and forming part of this by-law, given the following exceptions are permitted:
 - (a) projections identified in Section 6(3) PART II 8 of By-law No. 438-86, provided that the restrictions in that Section are complied with;
 - (b) entry vestibules which project no greater than 2.5 metres from the building envelope and are no greater in *height* than 2.5 metres; and
 - (c) stairways and vehicle ramps, including enclosing walls and safety fences, which provide access to the *parking garage*;
 - (6) no portion of any building or structure erected and used above *grade* in said *BLOCK A* is located otherwise than wholly within the building envelope as delineated by heavy lines as shown on Map 3A, attached to and forming part of this by-law;

- (7) no person shall erect or use a building or structure on *BLOCK A*, *BLOCK B* and *BLOCK C* having a greater *height* in metres than the *height* limited specified by the numbers following the symbol "H" shown on Map 3A, Map 3B and Map 3C respectively;
- (8) one *loading space – type G* is provided within *BLOCK A* and/or *BLOCK B* so that such loading space is located no further that 4.0 metres from *BLOCK A*;
- (9) one *loading space – type G* is provided within *BLOCK C*.
10. Despite Section 4(4)(b) of the aforesaid By-law No. 438-86, in the case of a building or structure used for any of the uses set out in Column A below, *parking spaces* shall be provided and maintained at the rate set out in the corresponding row in Column B;

Column A	Column B
<i>Dwelling Unit</i>	1.0 spaces per unit
Visitor Parking	0.12 spaces per unit
Office	1.0 space per 93 m ² of rental space

11. For the purpose of this By-law:

- (1) "*BLOCK A*", "*BLOCK B*" and "*BLOCK C*" shall mean the areas identified as *BLOCK A*, *BLOCK B* and *BLOCK C* on Map 3, attached to and forming part of this by-law;
- (2) "*grade*" shall mean elevation 128.37 metres Canadian Geodetic Datum;
- (3) "*lot*" means each of those portions of lands identified as *BLOCK A*, *BLOCK B* and *BLOCK C* as shown on Map 3, attached to and forming part of this by-law, and each shall be deemed to be one *lot* regardless of whether or not two or more buildings are erected or are to be erected on any part or parts thereof and regardless of any conveyance or easements made or granted after the day this by-law comes into force;
- (4) "*height*" means the vertical distance between *grade* and;
- (a) the highest point of the roof; and
- (b) where there is no roof, the highest point of the structure;
- however, it excludes parapet walls with a maximum height of 0.5 metres;
- (5) "*owner*" of the *Site* means the *owner* of the fee simple of the *Site*;
- (6) "*Site*" means those lands delineated by heavy lines as shown on each of Maps 1, 2 and 3 attached to and forming part of this by-law;

- (7) each other word or expression which is italicized in this by-law shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86 , as amended;
- 12.** Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole *lot* as if no severance, partition or division occurred.

PURSUANT TO THE ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JANUARY 27, 2005 IN BOARD CASE NO. PL030073, PL030919 AND PL030920.

APPENDIX 1

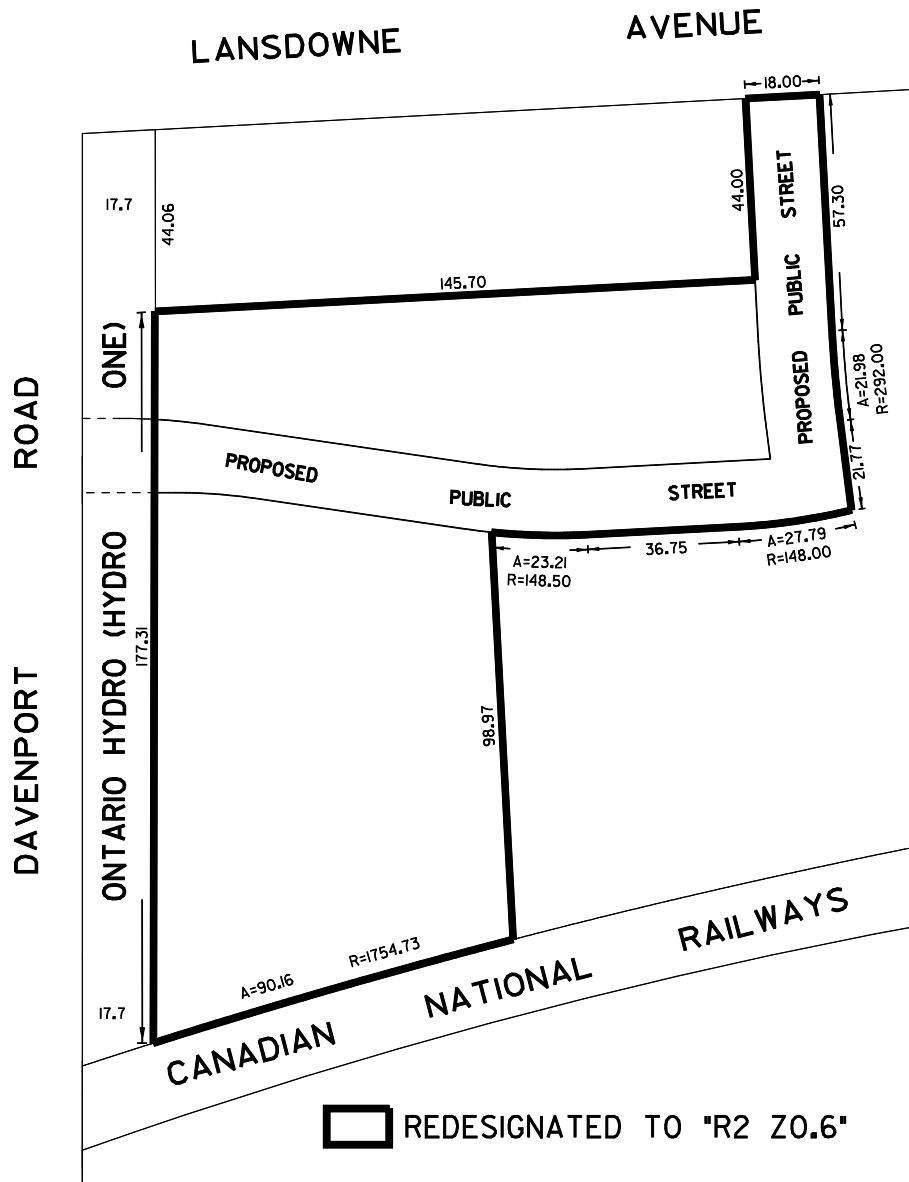
SECTION 37 PROVISIONS

The facilities, services and matters set out herein are the facilities, services and matters required pursuant to Section 37(1) of the *Planning Act*, the provision of which to the *City* by the *owner* of the *lot* shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*:

- (1) the *owner* is to provide \$50,000 to the *City* to be applied to local parks within the lands municipally known as 940 – 1100 Lansdowne Avenue or open space improvements to adjacent hydro corridors as identified by the *City*;
- (2) the *owner* is to construct a pedestrian staircase / connection from the north westerly limit of Block C on Map 3 across the hydro corridor to Davenport Road and will use its best commercial efforts to arrange either a license agreement or encroachment agreement between Hydro One and the *City* with respect to the lands upon which the staircase/connection will be built;
- (3) the *owner* is to grant an easement in favour of the *City* for a pedestrian right of way across the private walkway to be erected and used on lands on the northwest portion of Block C on Map 3 and Map 3C;
- (4) the *owner* is to grant an easement in favour of the *City* for a pedestrian and vehicular right of way across the private streets to be erected and used on Block C on Map 3, which shall connect to the proposed public street;
- (5) the *owner* is to grant appropriate rights-of-way/easements to the Owners of Building No. 13, located immediately east of the *site*, over all driveways for pedestrian and vehicular access in order to access the allocated Building 13 parking spaces and loading space;
- (6) the *owner* is to secure conveyance to the *City* of the necessary lands within the hydro corridor to construct the public road connection to Davenport Road;
- (7) the *owner* is to design, construct and convey the proposed public road on the portion of the hydro corridor and on the *site* to the *City*;
- (8) the *owner* is to satisfy all environmental matters such as soil and groundwater management, the environmental remediation of the entire *site* and lands to be conveyed to the *City*, provision of a Record of Site Condition, remediation of any contamination from the *site* into adjacent streets, historical review of *site* and building audits, demolition and dust control, air quality, noise and vibration, the monitoring of de-watering and a commitment to mitigate as and where required by the *City*;

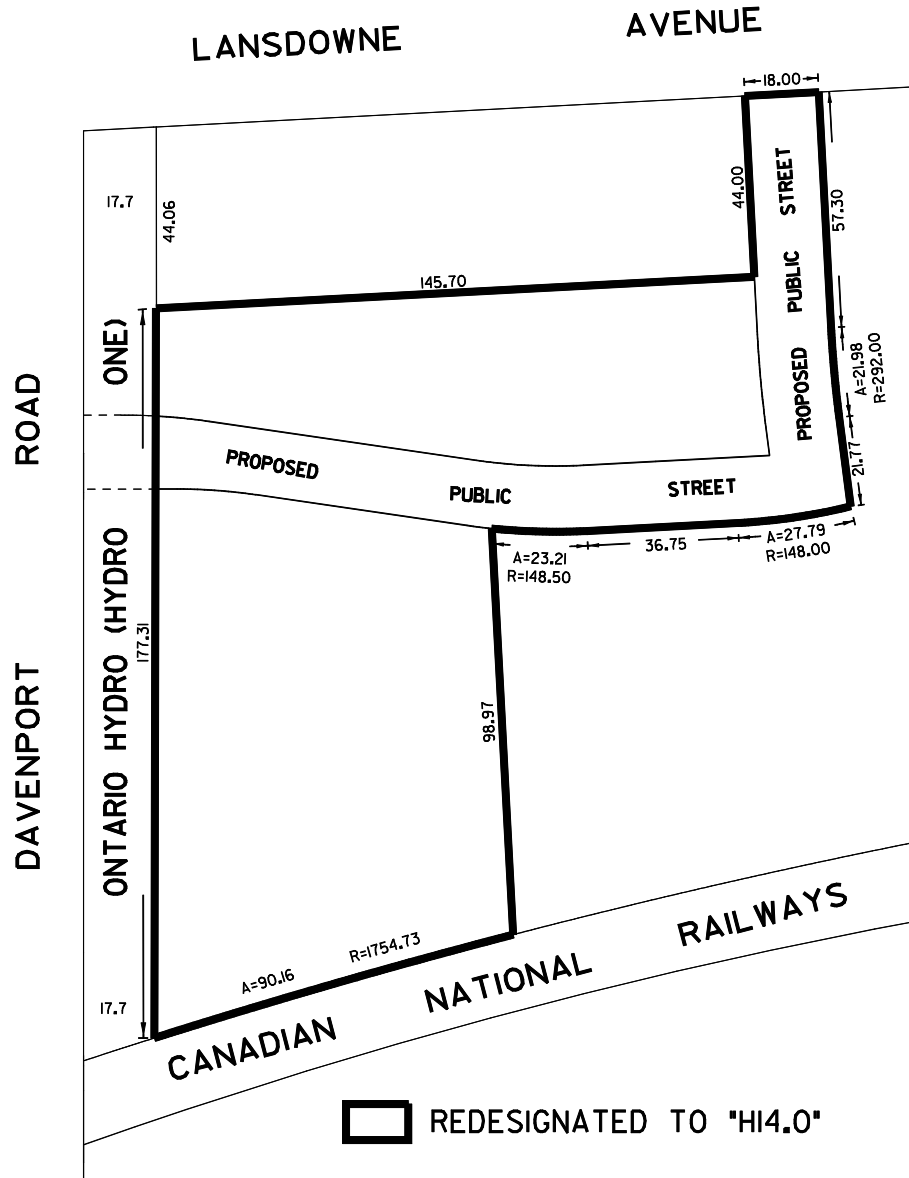
- (9) the *owner* is to provide warning clauses for such matters as noise, vibration, non-residential activities, environmental and school capacity in all offers of purchase and sale, or rental agreements;
- (10) the *owner* is to provide on-site railway safety mitigation measures and the implementation of noise and vibration measures;
- (11) the *owner* is to provide and construct all new municipal infrastructure and/or upgrades to existing municipal infrastructure, including regulatory signs, required to service the development;
- (12) the *owner* is to provide and maintain screening measures such as fencing and a noise attenuation wall to the City's satisfaction between the site and the remainder of the lands municipally known as 940, 980 and part of 1100 Lansdowne Avenue until such times as adjacent lands are redeveloped;
- (13) the *owner* is to provide an environmental site assessment and a remedial action plan for adjacent lands referenced as Building 28 and Building 13 in relation to the Site according to Ministry of Environment Guidelines; and
- (14) The Section 37 Agreement shall secure the provision of the said facilities, services and matters, and be in a form satisfactory to the City with conditions providing for: indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, GST, and registration and priority of agreement.

MAP I



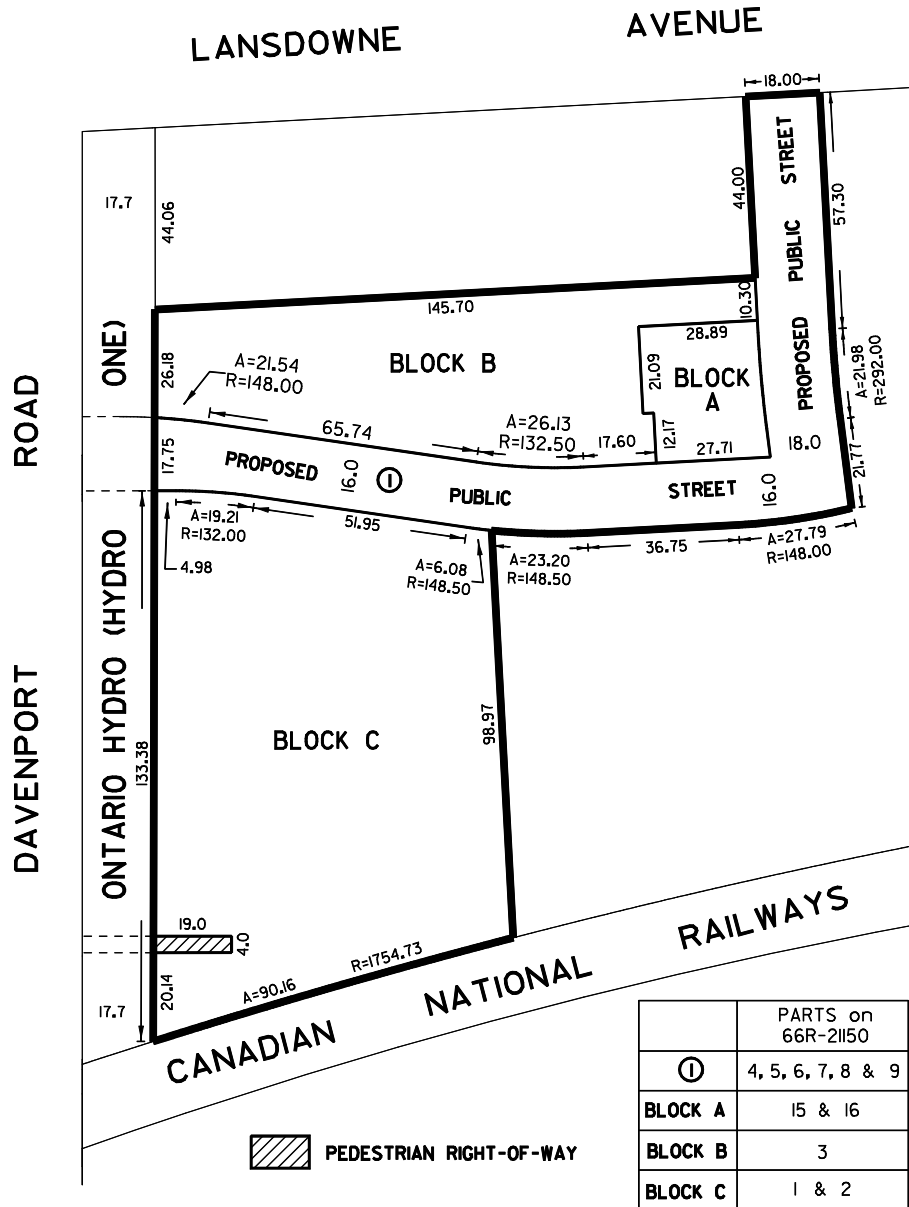
WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO JUNE, 2004
BL04/1100LANS1.DGN
FILE: L14-24
MAP No. 48J-22 DRAWN: WS

MAP 2



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO JUNE, 2004
BL04/1100LANS2.DGN
FILE: L14-Z4
MAP No. 48J-22 DRAWN: WS

MAP 3

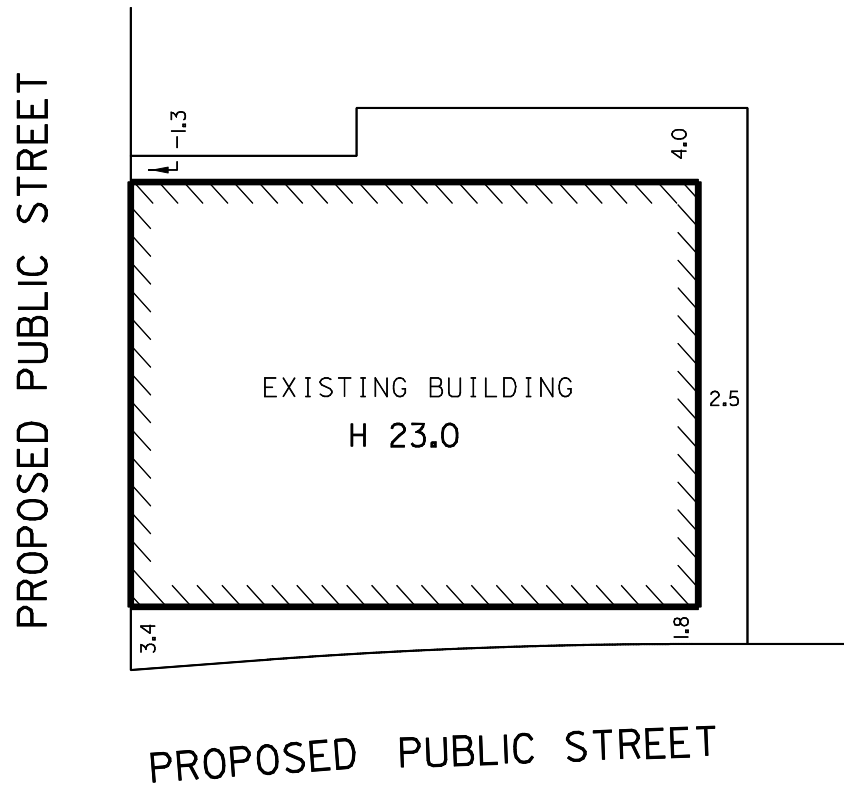


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WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO
BL04/1100LANS3.DGN JUNE, 2004
FILE: L14-Z4
MAP No. 48J-22 DRAWN: WS

MAP 3A (BLOCK A)



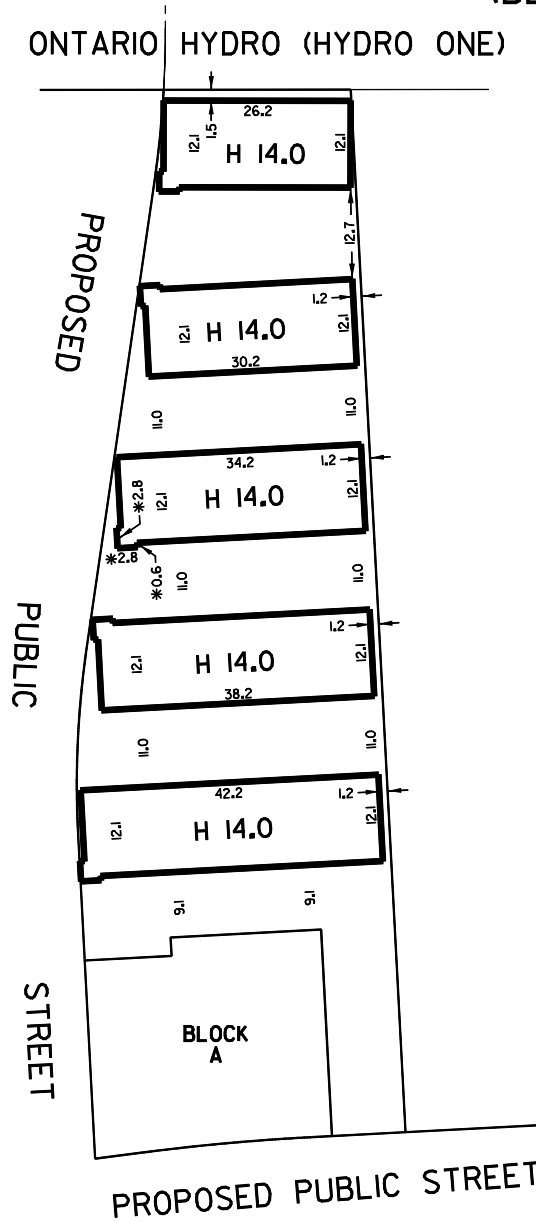
 BUILDING ENVELOPE

H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO JUNE, 2004
BL04/1100LANS3A.DGN
FILE: 2402.53
MAP No. 48J-22 DRAWN: WS

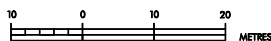
MAP 3B
(BLOCK B)



 BUILDING ENVELOPE

H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

* - TYPICAL



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO JUNE, 2004
BL04/1100LANS3B.DGN
FILE: 2402.53
MAP No. 48J-22 DRAWN: WS

MAP 3C
(BLOCK C)

