

Authority: Ontario Municipal Board Order issued on July 6, 2000 and July 13, 2000 in Board File No. PL991045

CITY OF TORONTO

BY-LAW No. 1555-2012(OMB)

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the south side of Dundas Street West at Royalavon Crescent.

WHEREAS the Ontario Municipal Board, by way of Decision/Order No. 0981 issued on July 6, 2000 determined to amend the Zoning Code for the former City of Etobicoke;

1. That the Zoning Map referred to in Section 320-5, Article II of the Zoning Code, is reaffirmed as Limited Commercial (CL) and Residential Third Density (R3) on the lands shown on Schedule "A" attached hereto.
2. Notwithstanding the provisions of the Zoning Code, a temporary sales office may be erected on the lands shown as Part "A" on Schedule "C", and no setbacks shall be required for such temporary sales office.
3. Notwithstanding the provisions of the Zoning Code, and provided there is compliance with the provisions of subsections 4 and 5 herein, the following provisions shall apply to the lands described in Schedule "A" attached hereto:

Definitions

- 3.1 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:
 - 3.1.1 Build-to-Wall - shall mean the portion of the exterior face of a building which is located within a Build-to-Zone;
 - 3.1.2 Build-to-Wall Height - shall mean, with respect to each building erected within a Building Envelope, the vertical distance between the Grade of such building and the top of the roof slab of such Build-to-Wall, exclusive of parapets and safety railings;
 - 3.1.3 Build-to-Zone shall:
 - 3.1.3.1 for each of Building Envelopes A, B, C, D and E, mean the Built-to-Zone respectively identified on Schedule "B" as the Built to Zone for such Building Envelope and each such Build-to-Zone shall have a length equal to the full length of such Build-to-Zone as shown on Schedule "B"; and
 - 3.1.3.2 for Building Envelope G, mean the Build-to-Zone having a length of 20 metres located anywhere along the length of the Build-to-Zone identified on Schedule "B" as the Build-to-Zone for Building Envelope G;

- 3.1.4 Building Envelope - shall mean the Building Envelopes delineated on Schedule "B" attached hereto;
- 3.1.5 Development Lands - shall mean the Lands described on Schedule "A" with the exception of those portions of the Lands described as Part "A" and Part "B" on Schedule "C" attached hereto;
- 3.1.6 Grade - shall mean, with respect to each building erected within a Building Envelope, the average elevation of the finished exterior ground level adjoining the Main Front Wall of a building;
- 3.1.7 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:
- 3.1.7.1 Mechanical Floor Area;
 - 3.1.7.2 indoor Recreational Amenity Areas to a maximum of 1.5 square metres per dwelling unit;
 - 3.1.7.3 unenclosed balconies; and
 - 3.1.7.4 any buildings or structures erected and used for Public Open Space uses on Part "A" and on Part "B" of Schedule "C" attached hereto;
- 3.1.8 Height - shall mean, with respect to each building erected within a Building Envelope, the vertical distance between the Grade of such building and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, stairs and stair enclosures located on the roof of such building provided the maximum height of the top of such elements is no higher than 6 metres above the height limit otherwise applicable to the said building;
- 3.1.9 Lands - shall mean the lands described in Schedule "A" annexed hereto;
- 3.1.10 Main Front Wall - shall mean the exterior face of a building, as identified as the Main Front Wall in the locations shown on the attached Schedule "B";
- 3.1.11 Mechanical Floor Area - shall mean 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) or telecommunications equipment that serves only such building; and
- 3.1.12 Recreational Amenity Area - shall mean a common area or areas which are provided for the exclusive use of residents of a building for recreational or social purposes.

Permitted Uses

- 3.2 No building or structure shall be erected or used on the Development Lands, except for the following uses: any of the Sixth Density Residential Zone (R6) uses permitted under Sections 320-76.A to 320-76.G, inclusive, of the Zoning Code, Apartment Buildings, Senior Citizen Apartment Buildings, Lodging Houses, nursing homes, Day Nurseries, Recreational Amenity Areas, temporary sales offices with associated parking, pedestrian walkways, fencing and hoarding.
- 3.3 No building or structure shall be erected or used on the portions of the Lands described as Part "A" and Part "B" on Schedule "C" except for any of the Public Open Space (OS) uses permitted under Section 320-32 of the Zoning Code.
- 3.3.1 notwithstanding the above, temporary sales offices with associated parking, pedestrian walkways, fencing and hoarding shall be permitted on the portion of the Lands described as Part "A" on Schedule "C" in accordance with Section 2 of this By-law.
- 3.4 Accessory structures, including any of the accessory structures permitted under Section 320.76.F of the Zoning Code, covered ramps, exterior stairs, garbage enclosures, stair enclosures, gatehouses and ventilation shafts shall be permitted on the Lands.

General

- 3.5 The provisions of Section 320-77 of the Zoning Code shall not apply.

Number of Residential Units

- 3.6 Not more than 1,275 Dwelling Units, in aggregate, shall be permitted on the Lands.

Gross Floor Area

- 3.7 The maximum Gross Floor Area, as defined herein, permitted on the Lands shall be 108,765 square metres.

Height

- 3.8 No building or structure erected or used within a Building Envelope shall have a Height greater than the Height in storeys or in metres, whichever is the lesser, shown on Schedule "B" for such Building Envelope.

Setbacks

- 3.9 No building or structure within the Lands shall be located other than within a Building Envelope.

- 3.10 Notwithstanding the foregoing, the following provisions shall apply:
- 3.10.1 Any portion of any such 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 such building or structure;
- 3.10.2 Minor building elements including roof eaves, window sills, guard rails, bay windows, balconies, solariums, chimney breasts, balustrades, cornices and canopies may project outside of the Building Envelopes on Schedule "B" by not more than 0.5 metres, except that cornices shall be permitted to project a maximum of 1 metre on the exterior faces of buildings located within the Build-to-Zones identified on Schedule "B";
- 3.10.3 Porches and decks of less than 2.3 square metres in area, permitted accessory structures, canopies, wheelchair ramps, exterior stairs, parapets and railings related to underground parking structures, vents, gatehouses, temporary sales offices, fences, safety railings and other landscape features and buildings or structures associated with Public Open Space uses shall be permitted outside of the Building Envelopes illustrated on Schedule "B" attached hereto and shall be exempt from any provisions with respect to setbacks.

Parking Structures

- 3.10.4 No exterior walls of a portion of a building containing a parking area shall be located above the immediately adjacent finished ground level on the Lands;
- 3.10.5 Notwithstanding the foregoing, the exterior wall of a portion of a building or structure containing a parking area adjacent to the south and easterly boundaries of the Lands south of the south limit of Part "C" on Schedule "C", having approximate bearings of N46°22'55"W and N27°55'25"E, may be located above the immediately adjacent finished ground level on the Lands provided that the height of such exterior wall does not exceed 1.524 metres measured from the immediately adjacent finished ground level on the Lands to the top of the parapet of such parking structure, exclusive of railings and no setback shall be required for such exterior wall.

Build-To-Zones

- 3.11 No building shall be erected within Building Envelope A unless:
- 3.11.1 such building has a Build-to-Wall in the Build-to-Zone applicable to such building;
- 3.11.2 the linear length of such Build-to-Wall occupies a minimum of 60% of the length of the applicable Build-to-Zone; and

- 3.11.3 such Build-to-Wall occupies at least 90% of the area of the plane created by the linear length of such Build-to-Wall multiplied by the applicable Build-to-Wall Height.
- 3.12 No building shall be erected within Building Envelopes C, or D unless:
- 3.12.1 such building has a Build-to-Wall in each of the Build-to-Zones applicable to such building;
- 3.12.2 the linear length of each such Build-to-Wall occupies a minimum of 90% of the length of the applicable Build-to-Zone; and
- 3.12.3 each such Build-to-Wall occupies at least 90% of the area of the plane created by the linear length of such Build-to-Wall multiplied by the applicable Build-to-Wall Height.
- 3.13 No building shall be erected within Building Envelopes B, or E unless:
- 3.13.1 such building has a Build-to-Wall in the Build-to-Zone applicable to such building;
- 3.13.2 the linear length of such Build-to-Wall occupies a minimum of 70% of the length of the applicable Build-to-Zone; and
- 3.13.3 each such Build-to-Wall occupies at least 90% of the area of the plane created by the linear length of such Build-to-Wall multiplied by the applicable Build-to-Wall Height.
- 3.14 No building shall be erected within Building Envelope G unless:
- 3.14.1 such building has a Build-to-Wall in the Build-to Zone applicable to such building;
- 3.14.2 the linear length of such Build-to-Wall occupies a minimum of 90% of the length of the applicable Build-to-Zone; and
- 3.14.3 such Build-to-Wall occupies at least 90 % of the area of the plane created by the linear length of such Build-to-Wall multiplied by the applicable Build-to-Wall Height.

Build-to-Wall Height

- 3.15 Build-to-Walls shall be a minimum of 4 storeys and a maximum of 8 storeys in height, provided that all Build-to-Walls shall have exactly the same number of storeys.

Setbacks at the Top of Each Build-to-Wall

- 3.16 No building shall be erected within Building Envelopes A, B, C, D, E, or G, unless the exterior face facing a Build-to-Zone is setback above the Build-to-Wall, as illustrated on Schedule B-1, as follows:
- 3.16.1 a minimum of 5 metres in the case of Build-to-Zone 1;
 - 3.16.2 a minimum of 3 metres in the case of Build-to-Zone 2; and
 - 3.16.3 notwithstanding the foregoing, where a cornice projection is located at the top of the Build-to-Wall, the setback required above such Build-to-Wall may be reduced, to a maximum reduction of 1 metre, by the extent to which the said cornice projects outward from the face of the Build-to-Wall.

Building Entrances

- 3.17 No building shall be erected within Building Envelopes C, D, or G unless
- 3.17.1 a public pedestrian entrance to the building is located on the Main Front Wall of the building,
 - 3.17.2 the finished floor level of such public pedestrian entrance is located no higher than 0.2 metres above the elevation of the public sidewalk immediately adjacent to such public pedestrian entrance, or where there is no public sidewalk immediately adjacent to such public pedestrian entrance, above the level of the immediately adjacent finished ground, and
 - 3.17.3 the finished floor level of any exterior entrance to a private dwelling unit located within such building shall be located no higher than 0.45 metres above the elevation of the public sidewalk immediately adjacent to such exterior entrance or where there is no public sidewalk immediately adjacent to such exterior entrance, above the level of the immediately adjacent finished ground.

Parking

- 3.18 Notwithstanding the provisions of Section 320-18.B and Section 320-76.G of the Zoning Code, the following parking standards shall apply:
- 3.18.1 1.25 parking spaces shall be provided for each one and two bedroom dwelling unit, of which not less than 0.2 spaces per unit shall be reserved for the exclusive use of visitors;
 - 3.18.2 1.4 parking spaces shall be provided for each three or more bedroom unit, of which not less than 0.2 spaces shall be reserved for the exclusive use of visitors; and

3.18.3 the provisions with respect to Section 320-18.B.(2)(a)[5] and Section 320-18.B.(3) shall apply.

3.19 The provisions with respect to a minimum amount of surface visitor parking contained in Section 320-18.B.(2)(a)[4] shall not apply.

Fencing

3.20 Notwithstanding the provisions of Section 320-46 of the Zoning Code, acoustical fencing may be permitted to a maximum height of 2.0 metres.

Section 37 Agreement

4. The owner of the Land shall provide the City of Toronto with the following facilities, services and matters:

Dundas Street Park:

4.1 The owner is to convey to the City, at no cost to the City, the lands identified as Part "A" on the attached Schedule "C".

4.2 The Owner is to complete the development of the said lands as a public park in accordance with a cost allocation, timing schedule and design approved by the City.

Bloor Street Park:

4.3 The owner is to convey to the City, at no cost to the City, the lands identified as Part "B" on the attached Schedule "C".

4.4 The Owner is to complete, at its expense, the development of the said lands as public park and pedestrian connection, with walkway and stairs, between Street "A" and Bloor Street West, in accordance with a timing schedule and design approved by the City.

East West Pedestrian Connection:

4.5 The owner is to convey to the City, at no cost to the City, the lands identified as Part "C" on the attached Schedule "C" as a public pedestrian connection subject to the City obtaining a further connection through to Mabelle Avenue.

4.6 The Owner is to complete the development of the said lands as a pedestrian walkway, at its expense, in accordance with a timing schedule and design approved by the City.

Phase I Road:

- 4.7 The owner is to convey to the City, at no cost to the City, the lands identified as Part "D" on the attached Schedule "C" being Street "A". The Owner is to complete the development of the said Street "A" as a public road, and all required municipal services in respect of the development of the Lands, at its expense, in accordance with a timing schedule and design approved by the City.

Phase II Road:

- 4.8 The owner shall not develop or occupy more than one building on the Lands until the proposed Street "B" connection, being a road connection from Street "A" to Bloor Street West, has been constructed and conveyed to the City.

Affordable Housing and Public Art:

- 4.9 The owner shall pay \$425,000.00 to the City in respect of affordable housing and public art.

Design Guidelines:

- 4.10 The development of the Lands shall have regard for Urban Design Guidelines approved by the Commissioner of Urban Development Services.

Pedestrian Improvements:

- 4.11 The Owner is to complete streetscape upgrades in the area of the Bloor Street West sidewalk connection to the Islington Subway Station and repairs to the Dundas Street sidewalk abutting the Lands. These works shall be to the timing and satisfaction of the City.

Mitigation Requirements:

- 4.12 The owner shall incorporate appropriate mitigation measures to address the comments of Canadian Pacific Railway and the Toronto Transit Commission.
- 4.13 The owner shall include warning clauses in all Purchase and Sale and/or Lease Agreements, respecting the concerns expressed by Canadian Pacific and the Toronto Transit Commission, if deemed necessary.
- 4.14 The owner shall satisfy the City with respect to the environmental condition of the Lands, including the streets and other lands to be conveyed to the City and shall satisfy the City that no environmental assessment will be required in respect of any of the work to be done on behalf of the City.

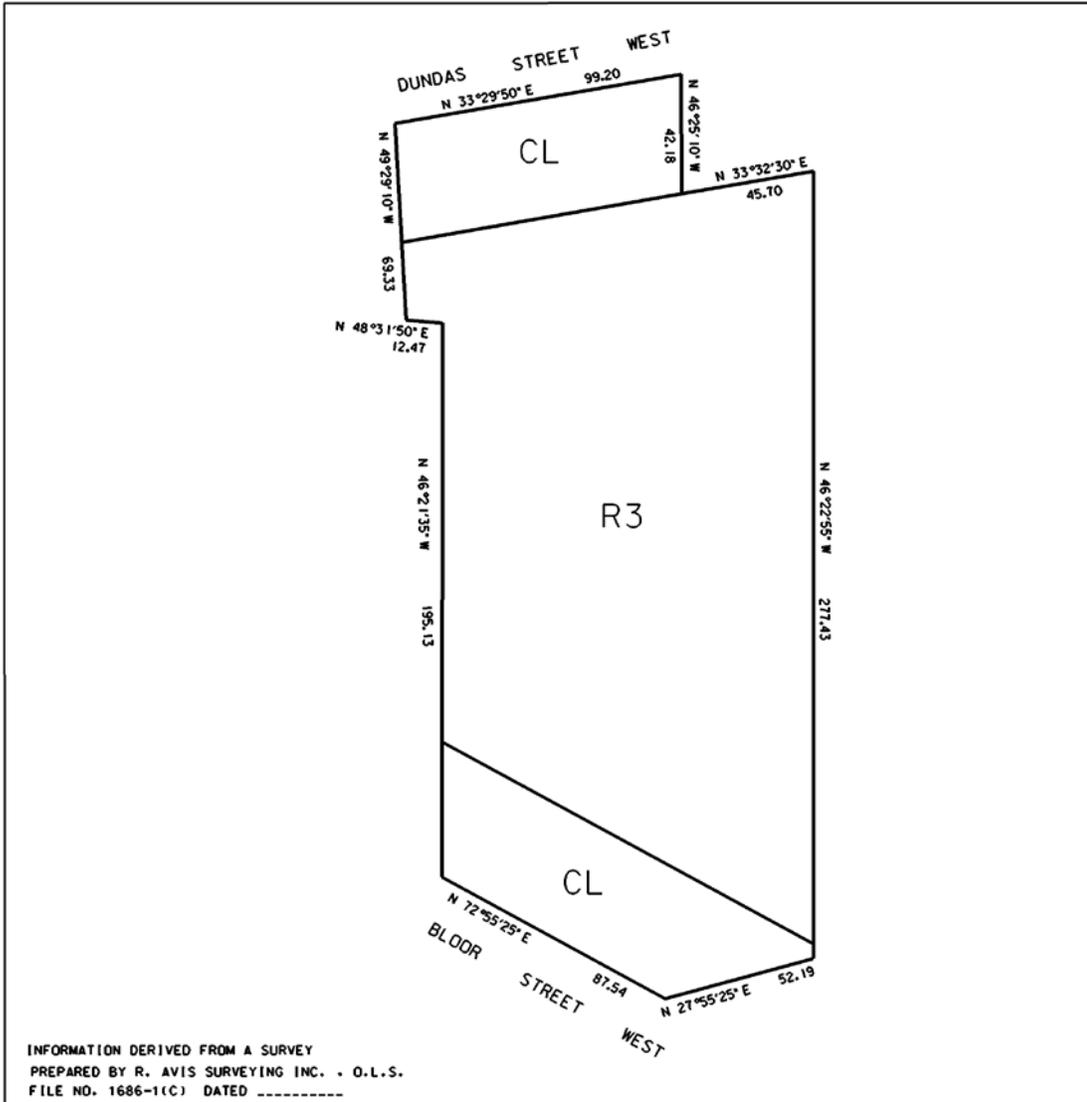
School Boards:

- 4.15 The owner shall provide both School Boards with appropriate notice of its intention to apply for building permits.
5. The owner of the Lands enters into an Agreement with the City of Toronto, pursuant to Section 37 of the Planning Act, to secure the facilities, services and matters referred to in subsection 4 herein and such Agreement is in a form satisfactory to the City and is registered on title to the Lands as a first priority, subject only to the fee interest in the Lands.
6. None of the provisions of the Zoning Code shall apply where they conflict with this by-law.
7. Notwithstanding any severance, partition, or division of the Lands, the provisions of this By-law shall apply to the whole of the Lands as if no severance, partition or division occurred.
8. 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	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
1555-2012(OMB)	Lands located on the south side of Dundas Street West west of Mabelle Avenue.	To provide for site specific development standards and provisions with respect to Section 37 of the <i>Planning Act</i> to permit a residential development consisting of 1275 dwelling units.

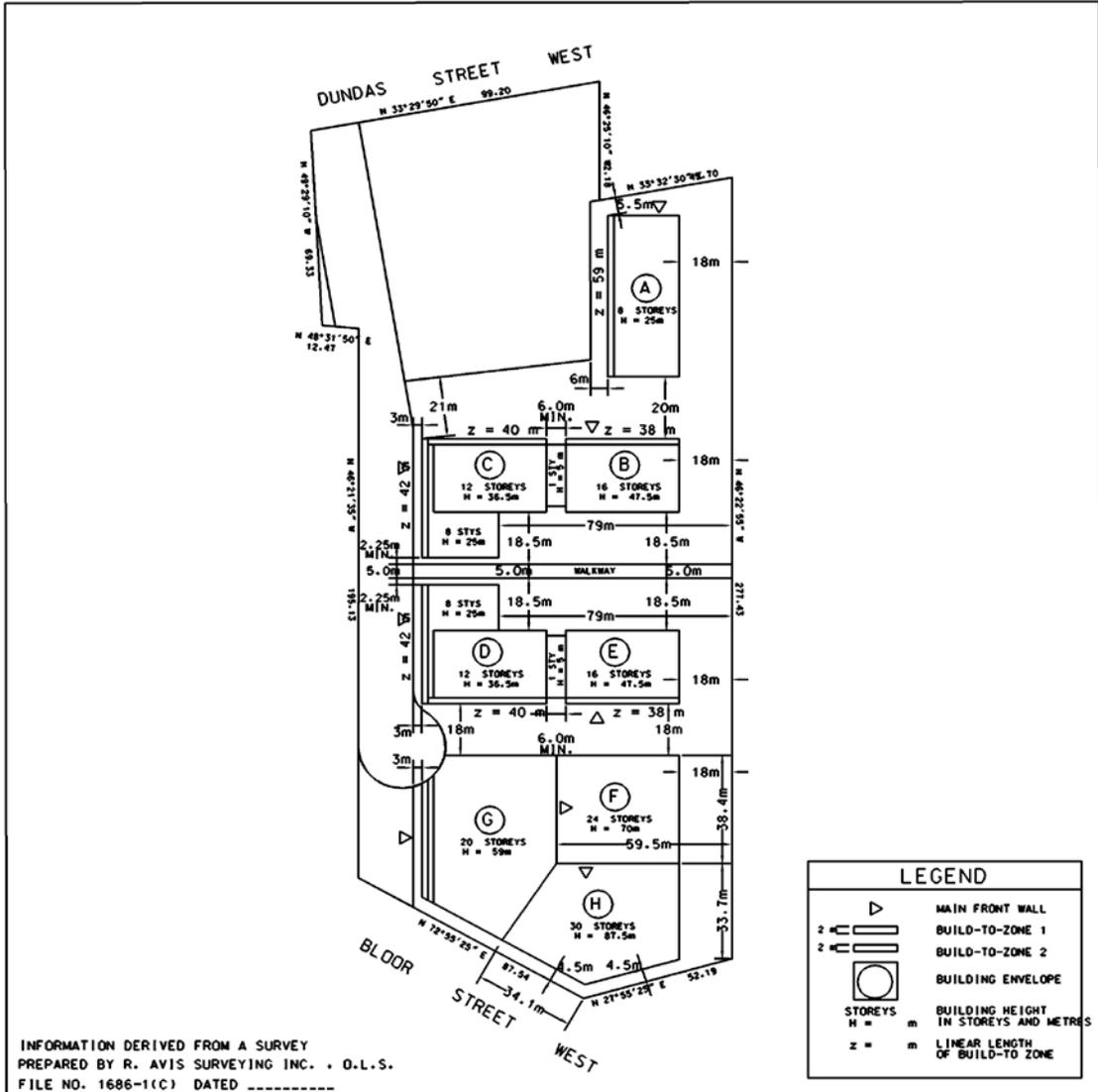
PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JULY 6, 2000 AND JULY 13, 2000 UNDER OMB FILE NO. PL991045.

TORONTO Schedule 'A' BY-LAW



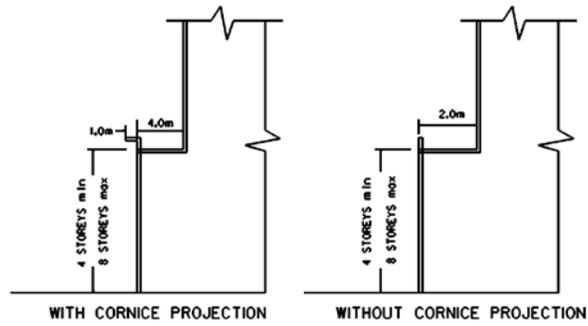
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Assessment Map	Zoning Code Map/s	scale: NOT TO SCALE	
File No.	Drawing No. Drawn By:		

TORONTO Schedule 'B' BY-LAW

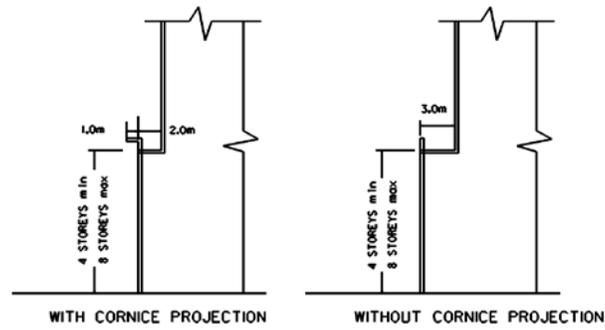


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Assessment Map	Zoning Code Map/s				
File No.	Drawing No.	Drawn By:			

Toronto Schedule 'B1' BY-LAW



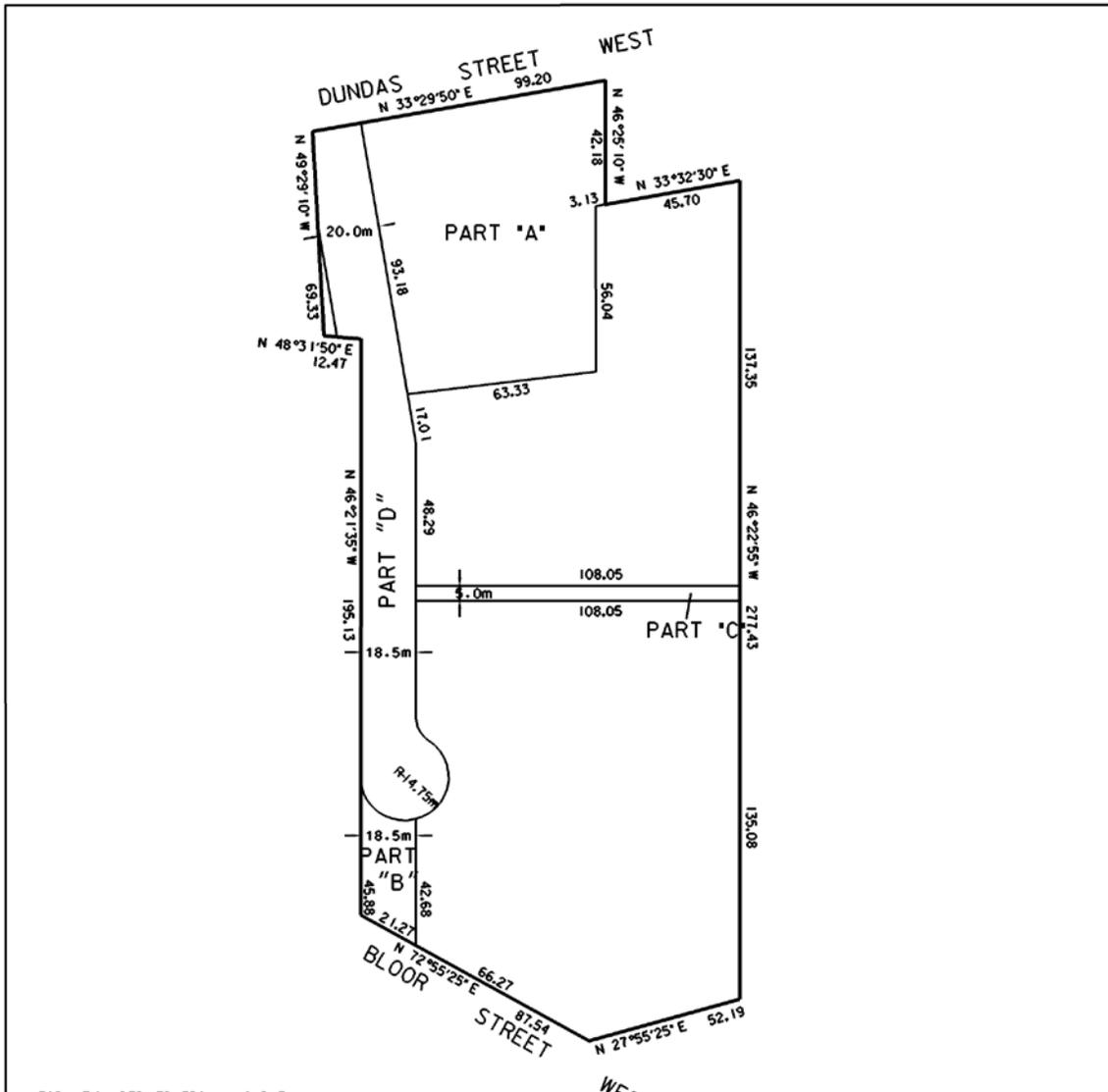
BUILDING STEPBACK - BUILD-TO ZONE 1



BUILDING STEPBACK - BUILD-TO ZONE 2

Applicant's Name:			
Assessment Map	Zoning Code Map/s		Scale: NOT TO SCALE
File No.	Drawing No.	Drawn By:	

Toronto Schedule 'C' BY-LAW



INFORMATION DERIVED FROM A SURVEY
 PREPARED BY R. AVIS SURVEYING INC., O.L.S.
 FILE NO. 1686-11C) DATED -----

Applicant's Names:				scales NOT TO SCALE	
Assessment Map	Zoning Code Map/s				
File No.	Drawing No.	Drawn By:			