

Clause embodied in Report No. 7 of the Humber York Community Council, as adopted by the Council of the City of Toronto at its meeting held on September 22, 23, 24 and 25, 2003.

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**Final Report - 1912 St. Clair Avenue West, 761 Keele Street
and 35, 65, 117 and 135 Weston Road; Application to
Amend Official Plan Amendment No. 202
and Zoning By-law No. 985-2001
(Ward 11 - York South-Weston)**

(City Council on September 22, 23, 24 and 25, 2003, adopted this Clause, without amendment.)

The Humber York Community Council recommends the adoption of the Final Report (August 20, 2003) from the Director, Community Planning, South District.

The Humber York Community Council reports for the information of Council, having held a statutory public meeting on September 9, 2003, that notice was given in accordance with the Planning Act, and no one addressed the Community Council.

The Humber York Community Council submits the following Final Report (August 20, 2003) from the Director, Community Planning, South District:

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for a 262 condominium townhouse development on the lands at the northeast corner of St. Clair Avenue West and Weston Road.

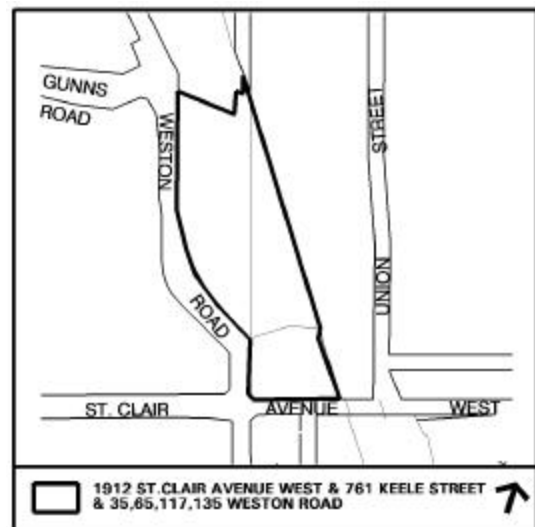
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend Official Plan Amendment No. 202 of the former City of Toronto Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 8;



- (2) repeal Zoning By-law No. 985-2001 and supersede and replace it with a new site specific by-law substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9;
- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required;
- (4) authorize the City Solicitor to amend the existing Section 37 Agreement for such matters as necessary to recognize the revised development concept for the site including the following items:
 - (a) increase the community benefit payment to \$429.00 per residential dwelling unit in order to maintain a total community benefit contribution of \$112,400.00 currently secured;
 - (b) direct the community benefit payment to the proposed municipal park on the site as opposed to a future community centre in the Eglinton Avenue West and Black Creek Drive area;
 - (c) achieve the City's affordable housing policy across the entire site as opposed to in each individual phase;
 - (d) delete the provisions related to a potential public square in exchange for additional height at the corner of St. Clair Avenue West and Weston Road;
 - (e) delete the park easement requirement as the relocated proposed municipal park will have frontage on two public streets;
 - (f) provide provisions related to non-habitable one storey garages within the 30 metre setback from the adjacent rail corridor;
 - (g) provide provisions to recognize a credit for the proposal's over dedicated parkland and the application of such credit to additional units on Phase 3 of the site in the future;
 - (h) recognize an updated Noise and Vibration Report for the revised development concept; and
 - (i) any other technical amendment as may be required to recognize and permit the revised development concept for the site;
- (5) prior to the introduction of the necessary Bills to City Council for enactment, require the owner to execute the amended Section 37 Agreement, referenced in Recommendation 4, to the satisfaction of the City Solicitor; and

- (6) require the owner to submit to the Commissioner of Works and Emergency Services at least three weeks prior to the introduction of the necessary Bills to City Council for enactment:
- (a) a Reference Plan of Survey in metric units and referenced to the Ontario Co-ordinate System, delineating thereon by separate PARTS the lands to be conveyed to the City, the lands under application, the public park, the storm sewer easement and any appurtenant rights-of-way;
 - (b) approved drawings of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed buildings to enable the preparation of building envelope plans; and
 - (c) a Noise Impact Statement in accordance with City Council's requirements.

Background:

Proposal

The proposal is to construct 262 condominium townhouse units containing predominantly standard townhouses with some stacked townhouse units. The development will be constructed in three phases. A new public park will be centrally located on the site with frontage on a new municipal road and Weston Road.

Site History

The vacant site is located at the northeast corner of St. Clair Avenue West and Weston Road and extends northerly along Weston Road towards Gunns Road. It is bordered on the east by the Canadian National rail corridor. The site was formerly occupied by a lumber yard, a construction yard, a CN rail yard and an automobile service and sales business.

In August 1998, the City issued Site Plan Approval for a 13 building, 13,600 square metre retail and service commercial centre with 650 surface parking spaces. The uses included retail stores, restaurants, service/commercial uses and a supermarket. The proposal was subsequently abandoned.

In November 2001, City Council adopted Official Plan Amendment No. 202 and Zoning By-law No. 985-2001 to permit a six phased development consisting of 24 four-storey apartment buildings in the form of stacked townhouses and a mixed use building at the northeast corner of St. Clair Avenue West and Weston Road. A new municipal road and public park at the north end of the site were also approved. A Section 37 Agreement under the *Planning Act* was entered into by the then owner, 1268912 Ontario Inc. and 1262425 Ontario Inc..

Revised Concepts

The site was subsequently sold to Tiffany Park (St. Clair) Ltd., a joint partnership between Graywood Development Ltd. and Tiffany Park Homes Ltd.. In July 2002 an application for Site Plan Approval (No. 302070) was submitted by Graywood Development Ltd. that provided a

revised stacked townhouse concept for the site. This revised concept required amendments to both Official Plan No. 202 and Zoning By-law No. 985-2001. The applicant anticipated applying to the Committee of Adjustment for the required variances.

Since the submission of the application for Site Plan Approval, however, the applicant has decided to further revise the development concept for the vacant site. This decision is, in part, in response to City departmental feedback as well as the poor market response to the stacked townhouse concept at this site.

The current proposal is to construct 262 condominium townhouse units containing predominantly standard townhouses with some stacked townhouse units. The development will be constructed in three phases compared to the six phases originally contemplated by the former owner. The new public park proposed for the northern end of the site will be relocated to a central location with frontage on the new municipal road and Weston Road.

The following uses surround the site:

North: a lumber yard and additional industrial uses to the northwest along Gunns Road and Glen Scarlett Road;

South: a car wash facility and additional industrial uses on the east side of Keele Street;

East: CN rail corridor and further east is LaFarge Canada, an asphalt plant; and

West: CanAmera Foods, which is a food processing plant.

On the south side of St. Clair Avenue West, west of Keele Street, are several big box retail developments, namely Business Depot, Canadian Tire, Home Depot and Revy's. Further west along St. Clair Avenue West is a new residential development consisting of semi-detached and detached dwellings.

Official Plan

Official Plan Amendment No. 202 designates the site as "Low Density Residence Area" and the northerly portion of the site as "Open Space".

New Toronto Official Plan

At its meeting of November 26-28, 2002, Council adopted the new Official Plan for the City of Toronto. Once the Plan comes into force and effect, it will designate the southern portion of the site as "Mixed Use Area" recognizing its location on the northeast corner of St. Clair Avenue West and Weston Road. The remainder of the site will be designated as "Neighbourhood". Both designations permit the proposed development. No amendment to the new Plan is required.

Zoning By-law No. 985-2001

The site is zoned R2 Z0.35 and G by Zoning By-law No. 985-2001 of the City of Toronto.

Site Plan Control

An application for Site Plan Approval (No. 302070) has been submitted.

Reasons for Application

An amendment to Official Plan Amendment No. 202 is required to recognize the revised site layout for the townhouses and the public park. The amendment will change the designation of the lands at the site's northern end from "Open Space" to "Low Density Residence Area" to permit townhouses and will redesignate centrally located lands that will form the proposed municipal park from "Low Density Residence Area" to "Open Space".

Zoning By-law No. 985-2001 was specifically crafted for a six phased development consisting of 24 four-storey apartment buildings in the form of stacked townhouses and a single mixed-use building. The revised development concept will be constructed in three phases, a mixed-use building is not proposed and, as indicated above, the proposed municipal park has been relocated. It is recommended that Zoning By-law No. 985-2001 be repealed and replaced with a new zoning by-law that permits the revised development concept.

Community Consultation

At its meeting on June 24, 25 and 26, 2003, City Council adopted a motion directing that the Commissioner of Urban Development Services forego a Preliminary Report on the technical amendments and bring forward a Final Report regarding the application for consideration at a statutory public meeting.

At the direction of the Councillor's office, the Notice of Public Meeting for this application has been issued to the same extended area as the original application.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

Comments:

Land Use

The application to amend Official Plan Amendment No. 202 and Zoning By-law No. 985-2001 is for technical reasons including:

- relocation of the proposed park to a more desirable central location;

- permitting residential use on the northerly end of the site (former proposed municipal park location);
- removal of the proposed mixed-use building; and
- redevelopment over three phases as opposed to six.

The site's redevelopment with a low scale residential use as approved by Official Plan Amendment No. 202 and Zoning By-law No. 985-2001 is not changing.

Built Form and Streetscape

The revised development provides 262 condominium townhouse units containing predominantly standard townhouses with some stacked townhouses on the southern end of the site. The applicant has made a number of changes to the proposal's built form and urban design elements in response to feedback from City Planning staff.

The proposed Site Plan is provided on page 11 of this report. Townhouses along the north and east property boundaries have small backyards and detached garages accessed from a rear lane. Other units have balconies that provide private outdoor amenity space.

The sides of the end units adjacent to the proposed municipal road and public park will be designed to read and function as the front entrances. This treatment will help to provide an appropriate interface between the unit and public street. Townhouses facing Weston Road and St. Clair Avenue West will have front entrance accessed from the adjacent public sidewalk. The revised development concept also contains a variety of unit layouts, heights and design elements that will contribute to the site's residential character. Pages 12-14 provide the elevations of some of the proposed townhouse units.

Finally, the applicant is proposing extensive landscaping including new tree plantings. These measures will be secured through Site Plan Approval.

Parkland

In response to feedback from Parks staff the proposed municipal park has been relocated from the northerly end of the site to a more preferable central location in the development. Its central location has improved street frontage on Weston Road as well as on the new municipal street, and enhanced pedestrian accessibility. The park's northern and eastern boundaries are appropriately framed with townhouses. This is desirable and will help to promote the park's safe use.

The proposed 0.31 hectare municipal park is larger than the parkland contribution required under the Planning Act provisions. The applicant has requested that the over dedication of parkland be recognized in the amended Section 37 Agreement and credited towards any additional units that may be added to the development in the future.

Under Section 4.18 of the (former) City of Toronto Official Plan regarding parkland contribution for large sites, a 0.31 hectare park would be required for a 429 unit development. The proposed development has a total of 262 units – a difference of 167 units. The amended Section 37 Agreement could recognize a credit for this difference. Parks staff have agreed to the request. City Planning also concurs with this request on the condition that the credited parkland contribution is only attributable to any additional units that are added to the third phase on the south end of the site.

Section 37

A Section 37 Agreement under the *Planning Act* was entered into by the former owner, 1268912 Ontario Inc. and 1262425 Ontario Inc., pursuant to Official Plan Amendment 202 and Zoning By-law No. 985-2001. An amending Section 37 Agreement will be executed by the current owner, Tiffany Park (St. Clair) Ltd., prior to the passage of the Official Plan Amendment and the Zoning By-law Amendment.

A number of the amendments are required to recognize the revised three phased (as opposed to six phased) development concept for the site. Other amendments are described below.

The previous development concept contained 562 units. A community contribution of \$200.00 per unit for a total of \$112,400.00 was secured through the Section 37 Agreement. The current proposal contains 262 units. To maintain the same total contribution figure of \$112,400.00, a contribution of \$429.00 per unit is required. The applicant has agreed to this revision. The community contribution will go towards improvements to the new municipal park on the site.

The previous development concept provided a four storey mixed-use building at the corner of St. Clair Avenue West and Weston Road. The previous owner had requested a greater height permission (10 storeys) than the four storeys proposed. In approving that application, Council required the provision of a small public square at the corner if the owner opted for additional height. The current proposal does not contain a mixed-use building nor seek permission for additional height at the corner. The Agreement will be amended to remove the provisions related to the public square/additional height.

An amendment is required to delete the requirement for a park easement. The proposed municipal park's relocation to a more central location with frontages on two public streets negates the need for a north-south park easement across the development's private lane network secured for the previous park location at the northern end of the site.

Overall, the revised development concept meets the former City of Toronto Official Plan policy to provide affordable housing and Low-End-of-Market Housing in new developments. The Agreement will be amended so that the policy objective is met based on the entire site as opposed to individual phases.

The revised development concept is complying with Section 2.27 of the former Official Plan regarding development adjacent to rail corridors. The closest townhouses are set back 30 metres from the adjacent CN rail corridor and an earth/crash berm is being provided along the east property line. The revised development concept provides detached garages within the 30 metre

setback. In a letter dated August 8, 2003, CN Rail advised that the provision of one storey non-habitable garages within the 30 metre setback is satisfactory provided no additional amenity space is provided. The Agreement will be amended to permit non-habitable garages within the 30 metre setback.

Finally, the applicant is preparing updated Noise and Vibration Reports that take into account the revised development concept. Updated reports will be secured in the amended Section 37 Agreement.

Conclusions:

In adopting Official Plan Amendment No. 202 and Zoning By-law No. 985-2001, the City approved the redevelopment of this vacant brownfield site with low scale residential use. City Planning staff recommend approval of the proposed Official Plan and Zoning By-law Amendments as the revised development concept maintains a low scale residential character, meets a number of City objectives and will contribute to the revitalization of this area.

Contact:

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(The Application Data Sheet and Attachments 1 to 7 referred to in the foregoing report were forwarded to all Members of the Humber York Community Council with the agenda for its meeting on September 9, 2003, and copies are on file in the office of the City Clerk, York Civic Centre.)

Attachment 8

Draft Official Plan Amendment

CITY OF TORONTO

BY-LAW No. – 2003

To adopt an amendment to Official Plan Amendment No. 202
of the former City of Toronto Official Plan in respect of the lands municipally
known in the year 2003 as 1912 St. Clair Avenue West, 761 Keele Street and
35, 65, 117 and 135 Weston Road

WHEREAS the Council of the City of Toronto has been requested to amend its Official Plan, pursuant to Section 21 of the *Planning Act*, R.S.O. 1990 c. P.13, respecting the lands municipally known in the year 2003 as 1912 St. Clair Avenue West, 761 Keele Street, 35, 65, 117 and 135 Weston Road; and

WHEREAS the Humber York Community Council conducted a public meeting on September 9, 2003 under Section 17 of the *Planning Act*, R.S.O. 1990 c. P.13 regarding the proposed Official Plan Amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held September 22, 23 and 24, 2003 determined to amend Official Plan Amendment No. 202 of the Official Plan for the former City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The text and maps annexed hereto as Schedule “A” are hereby adopted as an amendment to Official Plan Amendment No. 202 of the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. XXX.

ENACTED AND PASSED this _____ day of _____, A.D. 2003

Deputy Mayor

City Clerk

SCHEDULE “A”

1. Map 1 of the Official Plan Part 1 for the former City of Toronto entitled “Generalized Land Use” and Map B of Section 19.39 of the said Official Plan entitled “Old Stockyards District Part II Plan” are each amended by redesignating to Low Density Residence Areas that part of the lands known in the year 2003 as 1912 St. Clair Avenue West, 761 Keele Street, 35, 65, 117 and 135 Weston Road, as identified on the following Map 1, and as shown on Map 1 as Low Density Residence Areas, and by redesignating to Open Space that part of the said lands shown on Map 1 as Open Space.
2. Map B of Section 19.39 entitled “Old Stockyards District Part II Plan” is amended to show the lands known in the year 2003 as 1912 St. Clair Avenue West, 761 Keele Street, 35, 65 117 and 135 Weston Road as being subject to Section 18 provisions on the attached Map 2.
3. Section 18.541 of the Official Plan for the former City of Toronto is amended so that it reads:

18.541 Lands municipally known in the year 2003 as 1912 St. Clair Avenue West,
761 Keele Street, 35, 65, 117 and 135 Weston Road

See Map 18.541 at the end of this Section

Notwithstanding any provisions of this Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18.541 to permit the erection and use of one or more *residential* buildings on the Site provided that:

1. the total *residential gross floor* area for all buildings and structures on the Site does not exceed 32,500 square metres;
2. pursuant to Section 37 of the *Planning Act*, such by-law requires the owner of the Site to provide the City of Toronto, in return for the residential densities and height permissions thereby granted, with the following facilities, services and matters as set out in Section 3 hereof, and such agreement is in the form satisfactory to the City and is registered on title to the Site as a first priority:
3. in return for the residential densities and height permissions granted, the owner shall:
 - (a) ensure that the phased development of the Site is to the satisfaction of the City, including requirements for the matters to be secured such as an overall municipal servicing and grading plan and a Stormwater Management Report and requirements with respect to each phase such as, site integration, loading, interim use the balance of the Site, construction staging and temporary landscaping;
 - (b) satisfy all environmental matters such as soil and groundwater management, the environmental remediation of the entire Site and the lands to be conveyed to the City, provision of a Record of Site Condition, remediation of any contamination from the Site into adjacent streets, demolition and dust control, air quality, noise and vibration and warning clauses;
 - (c) shall provide all matters needed to service the site, including the retention of a qualified Municipal Consulting Engineer satisfactory to the Commissioner of Works and Emergency Services, the conveyance of land for a turn lane, the conveyance of land and the construction of a new public street and all required letters of credit, detailed design drawings, inspection fees, utilities, and timing of the completion of the new public street, letters of credit for the installation of traffic control signals and any mitigating measures to address delays to TTC service, all costs associated with any required traffic alterations and the provision of space within the development for the construction of any transformer vaults, Hydro, Bell maintenance and sewer maintenance holes;
 - (d) shall enter into the required agreement to hold the lands to be conveyed as parkland in Escrow, agree to the timing of the park land conveyance, provide all required letters of credit, certification of completed work and a street tree-planting plan and be responsible for an environmental assessment of the lands to be conveyed as parkland, the base construction and installation of base park improvements and pedestrian access from Weston Road;

- (e) shall comply with the City's 1% public art policy minus \$50,000;
- (f) shall provide comply with CNR requirements including the provision of warning clauses, a safety berm, chain link fence and noise and vibration attenuation measures;
- (g) shall provide warning clauses with respect to school capacity;
- (h) shall make payments of: \$429.00 per residential dwelling unit for community benefits to be used by the City for upgrades to the proposed public park;
- (i) shall enter into one or more agreements satisfactory to the City of Toronto, pursuant to Section 37 of the Planning Act, to secure the facilities, services and matters required to be provided by subsection 3 and such agreement or agreements are appropriately registered against the title to the lands.

Attachment 9

Draft Zoning By-law

CITY OF TORONTO

BY-LAW No. _____ - 2003

To amend By-law No. 985-2001, amending the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known as 1912 St. Clair Avenue West, 761 Keele Street, 35, 65, 117 and 135 Weston Road.

WHEREAS the Council of the City of Toronto has been requested to amend its zoning by-law, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990 c.P. 13, respecting the lands municipally known in the year 2003 as 1912 St. Clair Avenue West, 761 Keele Street, 35, 65, 117 and 135 Weston Road; and

WHEREAS the Humber York Community Council conducted a public meeting on September 9, 2003 under Section 34 of the *Planning Act* regarding the Zoning Amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held September 22, 23 and 24, 2003 determined to amend Zoning By-law No. 438-86, as amended, for the former City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. By-law No. 985-2001 of the City of Toronto hereby repealed and is superceded and replaced by the provisions of this By-law.

2. 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.
3. 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.
4. Except as otherwise provided herein, the provisions of 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 of certain buildings and structures in various areas of the City of Toronto”, shall continue to apply to the Site.
5. District Maps Nos. 47K-313 and 48K-311 contained in Appendix “A” of By-law No. 438-86, as amended, are respectively further amended by redesignating,
 - (a) to R2 Z0.35 the lands outlined by heavy lines on Plan 1 attached to and forming part of this by-law and as shown thereon as R2 Z0.35, and
 - (b) to G the lands outlined by heavy lines on Plan 1 attached to and forming part of this by-law and as shown thereon as G.
6. Height and Minimum Lot Frontage Map Nos. 47K-313 and 48K-311 contained in Appendix “B” of the said By-law No. 438-86, as amended, are further amended by redesignating the lands shown outlined by heavy lines on Plan 2 attached to and forming part of this By-law to “H12.0” as shown on the said Plan 2.
7. Section 12(1) of By-law No. 438-86, as amended, is further amended by adding a new exception as follows:

“451. to prevent the erection or use any building or structure within,

 - (i) the lands shown as BLOCK C on the Map at the end of and forming part of this exception for no more than two temporary sales showrooms for the purposes of marketing *dwelling units* provided the *total floor area* of each showroom does not exceed 175 square metres”.
8. Section 12(2) of By-law No. 438-86, as amended, is further amended by adding a new exception as follows:

“331. No person shall, notwithstanding Section 6(1)(f), within the area shown within the heavy lines on the Map at the end of and forming part of this exception, erect or use any building or structure for any purpose other than:

- (i) within BLOCK “A”; *row houses* and uses *accessory* thereto,
 - (ii) within BLOCK “B”; *row houses* and uses *accessory* thereto, and a *public park*,
 - (iii) within BLOCK “C”; *rowplexes* and *row houses* and uses *accessory* thereto.
9. None of the provisions of Section 2(1) with respect to the definition of “*lot*” and Sections 4(4), 4(6), 4(10)(a), 4(11), 4(12), 6(3) PART I 1, 6(3) PART II 2, 6(3) PART II 3, 6(3) PART II 4, 6(3) PART II 6, 6(3) PART III 1 (b), 6(3) PART VII 1 and 6(3) PART IX (a) and (b) shall apply to prevent the erection and use of *row houses* on any of the *Blocks and rowplexes* on *Block C*, provided that:
- (1) The maximum total combined residential gross floor area of all buildings or structures erected within the Site shall not exceed 32,500 square metres and
 - (a) not more than 107 row houses are erected or used within Block A;
 - (b) not more than 100 row houses are erected or used within Block B;
 - (c) not more than 55 row houses and rowplexes are erected or used within Block C;
 - (d) no person shall erect or use a building or structure within any Block:
 - (i) where the highest part of such building or structure in such Block exceeds the maximum height above grade listed for such Block, as identified in Column A below, within the corresponding row in Column B;
 - (ii) where the combined residential gross floor area of all buildings or structures within such Block exceeds the maximum residential gross floor area listed for such Block, as identified in Column A below, within the corresponding row in Column C;
 - (iii) where the minimum number of parking spaces provided for resident parking in such Block does not comply with the ratio listed for such Block, as identified in Column A below, within the corresponding row in Column D;
 - (iv) where the minimum number of parking spaces provided for visitor parking in such Block does not comply with the ratio listed for such Block, as identified in Column A below, within the corresponding row in Column E; and

- (v) where the amount of landscaped open space provided in such Block is less than the percentage of the area of such Block, as identified in Column A below, within the corresponding row in Column F.

Column A	Column B	Column C	Column D	Column E	Column F
Block	Maximum <i>height</i> each building or structure within each <i>Block</i>	Maximum combined <i>Residential Gross Floor Area</i> permitted in each <i>Block</i>	Minimum Resident Parking (per <i>dwelling unit</i>) required for each <i>Block</i>	Minimum Visitor Parking (per <i>dwelling unit</i>) required for each <i>Block</i>	Minimum <i>Landscaped Open Space</i> required for each Block
A	12.0 metres	13,000 square metres	1.0	0.12	30 %
B	14.0 metres	12,000 square metres	1.0	0.12	30 %
C	14.0 metres	7,500 square metres	1.0	0.12	30 %

- (2) At least 30% of the *dwelling units* provided on each *Block* meet the following maximum size requirements:

Dwelling Unit Type	Maximum Unit Size
Bachelor dwelling unit	46.5 square metres
One bedroom <i>dwelling unit</i>	63.0 square metres
Two bedroom <i>dwelling unit</i>	82.0 square metres
Three bedroom <i>dwelling unit</i>	103.0 square metres

Minimum Loading Requirement

- (3) A minimum of two *loading space – Type G* is permitted to be provided and maintained within each *Block*.

Build-to-Zone

- (4) (a) No person shall erect or use a building or structure or part thereof within *Block A, Block B* and *Block C* unless such building has a *Build-to-Wall* and,

- (i) the linear length of such *Build-to-Wall* occupies a minimum of 70% of the length of the said *Build-to-Zone* applicable to *Block A*, *Block B* and *Block C*; and,
- (ii) such *Build-to-Wall* occupies at least 70% of the area of the plane created by the linear length of the said *Build-to-Zone* applicable to *Block C*, and the vertical height of such *Build-to-Wall*, provided that such *Build-to-Wall* contains at least two storeys;

Distance Between External Facing Walls

- (5) (a) No person shall erect or use a building or structure, having a *front wall* facing the *front wall* of another building or structure, unless each such wall is separated by at least 11 metres;
- (b) No person shall erect or use a building or structure, having a *front wall* facing the *side wall* of another building or structure, whether or not the *side wall* has openings, unless each such wall is separated by at least 7 metres; and
- (c) No person shall erect or use a building or structure, having a *side wall* facing the *side wall* of another building or structure, whether or not the *side wall* has openings, unless each such wall is separated by at least 2.4 metres;

Front Yard Set Back

- (6) No person shall erect or use a building or structure or part thereof closer to the *front lot line* than any part of the *Build-to-Zone*.
10. For the purposes of this By-law, the following expressions shall have the following meaning:
- (a) “*Block A*”, “*Block B*”, and “*Block C*”, mean those lands respectively identified as BLOCK A, BLOCK B, and BLOCK C, as shown on Plan 3 attached hereto, and “*Block*” shall mean any one thereof.
 - (b) “*Build-to-Wall*” means the portion of the vertical exterior face of a building which is located within a *Build-to-Zone*,
 - (c) “*Build-to-Zone*” means the *Build-to-Zones* shown on Plan 4 attached hereto,
 - (d) “*City*” means the City of Toronto,
 - (e) “*front wall*” means,
 - (i) for buildings adjacent to a municipal *street*, that wall facing said *street*;

- (ii) where a building is situated adjacent to two municipal *streets*, the wall facing the *street* with the greatest right-of-way width;
- (iii) for buildings not fronting on a municipal *street*, that wall situated on the opposite side of a *row house* from the *parking space* provided to satisfy Section 9(1)(iv) of this by-law;
- (f) “*height*” means the vertical distance from the lowest natural or finished grade immediately adjacent to the exterior wall to the mid point of the roof between the peak and the eave.
- (g) “*rear wall*” means the wall opposite and furthest from the *front wall* of the same building,
- (h) “*row house*” means a one of a series of more than two attached buildings:
 - (i) each building comprising one *dwelling unit* and;
 - (ii) each building divided vertically from another by a party wall
- (i) “*rowplex*” means one of a series of more than two attached buildings comprising duplexes and each building is divided vertically from one another by a party wall;
- (j) “*owner*” of the *Site* means the owner of the fee simple of the *Site*,
- (k) “*Site*” means those lands outlined by heavy lines on each of Plans 1, 2 and 3 attached hereto, and
- (l) “*side wall*” means any exterior wall that is not a *front wall* or a *rear wall* and is situated perpendicular to the *front wall* and *rear wall* of the same building.
- (m) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended.

ENACTED AND PASSED this _____ day of _____, A.D. 2003

Deputy Mayor

City Clerk

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 *Site* shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*:

1. The *owner* is to ensure that the phased development of the *Site* is to the satisfaction of the *City*, including requirements for the matters to be secured such as an overall municipal servicing and grading plan and a Stormwater Management Report and requirements with respect to each phase such as, site integration, loading, interim use of balance of *Site*, construction staging and temporary landscaping,
2. 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*,
3. The *owner* is to agree to development control matters such as, urban design and site plan conditions,
4. The *owner* shall provide all matters needed to service the *Site*, including the retention of a satisfactory consulting engineer, the conveyance of land for a turn lane, the conveyance and construction of a new public street and all required letters of credit, detailed design drawings, inspection fees, utilities, and timing of the completion of the new public street, letters of credit for the installation of traffic control signals and any mitigating measures to address delays to TTC service, all costs associated with any required traffic alterations and the provision of space within the development for the construction of any transformer vaults, Hydro, Bell maintenance and sewer maintenance holes,
5. The *owner* shall enter into an escrow agreement to hold the lands to be conveyed, agree to the timing of the remediation and conveyance of all lands,
6. The *owner* shall, in respect of the park land, also agree to the construction and installation of base park improvements and pedestrian access from Weston Road, provide a street planting plan, all required letters of credit, certification of completed work and be responsible for an environmental assessment of the lands to be conveyed as parkland,
7. The *owner* shall comply with the *City*'s 1% public art policy minus \$50,000,
8. The *owner* shall make payments of: \$429.00 per residential dwelling unit for community benefits to be used by the *City* for upgrades to the proposed public park,
9. The *owner* shall provide 30% low end of market housing,
10. The *owner* shall comply with CNR requirements including warning clause, crash protection berm, chain link fence as well as noise and vibration attenuation measures,

11. The *owner* shall provide warning clauses and signs with respect to school capacity,
12. The *owner* shall agree to such other matters as are specified by the reports of Urban Development Services recommending the passage of the by-law or as specified by the Council as a condition of the passage of the by-law, and
13. 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, termination and unwinding, and registration and priority of agreement.

(City Council at its meeting on September 22, 23, 24 and 25, 2003, had before it, during consideration of the foregoing Clause, a communication (September 9, 2003) from Geoff Woods, B.E.S., Development Review Coordinator, CN Railway Properties.)