

# **TORONTO** STAFF REPORT

October 27, 2004

To: Etobicoke York Community Council

From: Director, Community Planning, West District

Subject: Final Report  
OPA & Rezoning Applications 03 035379 WET 05 OZ  
Applicant: Sherway Gate Development Corporation  
Architect: Sol Wassermuhl, Page & Steele Architects  
700 Evans Avenue  
Ward 5 - Etobicoke-Lakeshore

## Purpose:

This report reviews and recommends approval of applications to amend the Etobicoke and Toronto Official Plans and the Zoning Code for a development at 700 Evans Avenue consisting of 990 dwelling units in four condominium apartment buildings ranging in height from 19 to 32 storeys each with three storey bases, and 250 square metres of retail gross floor area.

## 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 the Official Plan for the former City of Etobicoke substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 8;
- (2) amend the Etobicoke Zoning Code substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10;



- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan and Zoning Code amendments as may be required;
- (4) before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 Agreement with the City regarding the provision of community benefits as set out in Attachment No. 7 to this report; and
- (5) direct the City Solicitor to request the Ontario Municipal Board to modify the Official Plan for the City of Toronto substantially in accordance with Attachment No. 9 to this report.

Background:

(1) Proposal

This is a revised application to the original application submitted by Lifetime Homes Inc. on July 4, 2003. On March 4, 2004, Sherway Gate Development Corporation, the current owner of the lands, submitted revised applications to construct four apartment buildings having a total of 990 dwelling units and 250 square metres (2,692 square feet) of retail floor space. The building heights proposed are: one 19-storey building, one 26-storey building, one 27-storey building and one 32-storey building. The buildings will have three storey bases. The total gross floor area for the development is 81 675 square metres (879,172 square feet), inclusive of 250 square metres (2,692 square feet) of retail gross floor area. The floor space index (FSI) for the proposed development is 3.75 times the lot area. The residential development will be marketed as condominium units.

Vehicular access to the site would be provided from Evans Avenue and the privately-owned Sherway Gardens shopping centre ring road. A supply of 1,091 parking spaces is proposed on the site. The parking spaces will be located in a two-level underground parking garage, with the exception of six parking spaces at grade. A publicly-accessible and privately-owned and managed open space approximately 0.44 hectares (1.08 acres) in size is proposed to be located adjacent to the north property boundary of the site between the two most northerly residential buildings. Table 1 provides a list of data supplied by the applicant.

Table 1

|                         |   |                     |
|-------------------------|---|---------------------|
| Lot Area                | 2.178 hectares  | 5.3 acres           |
| Number of Units         | 990   |                     |
| Unit Breakdown          | 4 Bachelor (0.4%)<br>355 1 Bedroom (35.9%)<br>631 2 Bedroom (63.7%) |                     |
| Density                 | 455 units per hectare   | 184 units per acre  |
| Gross Floor Area        | 81,675 (including retail floor area)                                | 879,172 square feet |
| Floor Space Index (FSI) | 3.75  |                     |

|                               |  |  |
|-------------------------------|--|--|
| Proposed Building Heights (m) | One 19-storey (58 metres)<br>One 26-storey (79 metres)<br>One 27-storey (82 metres)<br>One 32-storey (97 metres) |  |
| Number of Parking Spaces      | 1,091 (including visitor)  |  |

(2) Site and Surrounding Area

The subject lands are located at the north-west corner of Evans Avenue and Sherway Gate. The site is bounded by The West Mall, Evans Avenue, Sherway Gate road, part of the ring road around Sherway Gardens shopping centre and a parking area for Sherway Gardens shopping centre. A former Sheridan Nurseries store that is vacant currently occupies the site.

North: Sherway Gardens shopping centre

South: Office buildings and a bank across Evans Avenue

East: A Toys R Us store

West: Trillium Health Centre-Queensway Site lands and a medical office building

(3) Official Plan Policies

(3.1) Etobicoke Official Plan

The subject lands are designated Mixed Use B in the Sherway Centre Secondary Plan. Residential uses are permitted in a Mixed Use B designation, as well as park uses (Attachment No. 5). The Mixed Use B designation is intended to provide for integrated mixed use developments combining residential and office uses, where greater emphasis is on residential use, together with other uses which are required or appropriate as ancillary uses.

The site is located within the Sherway ‘superblock’, which is identified as the lands bounded by The Queensway, The West Mall, Evans Avenue and the Queen Elizabeth Way. Lands within the Sherway superblock are expected to accommodate much of the development, redevelopment and intensification contemplated in the Sherway Centre Secondary Plan, particularly, in conjunction with the future proposed subway extension. The site-specific policies limit residential use for the entire superblock to 1,350 dwelling units.

The maximum gross density permitted in a Mixed Use B designation for a residential component is 150 units per hectare, with an FSI not greater than 1.5 times the lot area. The general land use provisions of the Sherway Centre Secondary Plan also require residential land uses to be a component of a mixed use development, at locations where reasonable

living amenities can be created. The Sherway Centre Secondary Plan notes that no individual site shall exceed a net density of 4.0 FSI in a Mixed Use B designation.

(3.2) Toronto Official Plan

At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. No Hearing date has been set.

Once the Plan comes into full force and effect, it will designate the subject property as a Mixed Use Area (Section 4.5). Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, as well as parks and open spaces. Mixed Use Areas are intended to absorb Toronto's anticipated increase in housing, retail, office and service employment over time. Mixed Use Areas will vary in intensity and scale of development.

The subject site is governed by Site and Area Specific Policies (Chapter 7) Numbers 13 and 19 of the Toronto Official Plan. Policy Number 13 deals with the lands bounded by The Queensway, The West Mall, Evans Avenue and the Queen Elizabeth Way. Policy Number 13 identifies matters such as retail, office and residential development caps and requirements for a new public network of local streets. Policy Number 19 deals with the lands bounded by the CP Rail line, Highway No. 427, the Queen Elizabeth Way and Etobicoke Creek. Policy Number 19 identifies matters such as development caps; density limits; transportation infrastructure; community infrastructure; and housing.

(3.3) Metropolitan Toronto Official Plan

The Metropolitan Toronto Official Plan contains policies for the re-urbanization of the former Metro Toronto and designates this area as an Intermediate Centre (Metropolitan Centres and Corridors-Map 2). Intermediate Centres support the efficient concentration of employment, residential and other compatible uses and a high level of interaction between activities in locations serviced by rapid transit.

(3.4) Provincial Policy Statement

Staff have evaluated the proposal in the context of the Provincial Policy Statement as it relates to the principle of managing change and promoting efficient development and land use patterns which stimulate economic growth. The Provincial Policy Statement advocates the development of strong communities based on densities which efficiently use land, resources, infrastructure, public service facilities and support the use of public transit in areas where it exists or is to be developed. The proposed development complies with the Provincial Policy Statement as it relates to developing communities.

(4) Zoning

The subject site is zoned Limited Commercial (CL) subject to site-specific By-law Nos. 137 and 14508 under the Etobicoke Zoning Code. The CL zone permits a variety of retail/commercial and residential uses. By-law No. 137 permitted the former Sheridan Nurseries on the subject site. A maximum building height of 14 metres (46 feet) is permitted in a CL zone.

(5) Site Plan Control

The site is subject to Site Plan Control. A Site Plan Control application has not been submitted.

(6) Reasons for Applications

An amendment to the Etobicoke Official Plan and modification to the Toronto Official Plan would be required to permit a proposed FSI of 3.75 times the lot area and a density of 455 units per hectare. An amendment to the Etobicoke Zoning Code is required to permit the proposed residential development, including increased heights and requested FSI.

(7) Community Consultation

A Community Consultation Meeting and a public Open House was held on November 19, 2003 and July 21, 2004, respectively, in order to provide residents and business/property owners with an opportunity to review and comment on the application. The public commented on both the original application submitted by Lifetime Homes for 1,200 units and the revised proposal from Sherway Gate Development Corporation for 990 units. In attendance at both meetings were the Wards 5 and 6 Councillors, City staff and approximately 270 persons in total who recorded their names at the two meetings. The Ward 6 Councillor held a subsequent meeting with Alderwood residents on October 25, 2004. The majority of residents who attended the meetings reside in the Alderwood neighbourhood located to the south of the site across the Queen Elizabeth Way in Ward 6. Also, letters from residents in objection to the applications have been received by Planning.

The matters of concern from the public are as follows:

- (a) density and height (too high and too many units);
- (b) additional traffic congestion;
- (c) lack of infrastructure (i.e., sewers, roads);
- (d) loss of privacy for existing residents due to tall buildings;
- (e) overcrowding of schools;
- (f) more pollution and noise;
- (g) need for a grocery store; and
- (h) prefer alternative development such as seniors housing, townhouses, and community centre.

(8) Agency Circulation

The applications were circulated to all appropriate agencies and City departments. Responses received have been used to assist in evaluating the applications and to formulate appropriate By-law standards.

Comments:

(9) Issues to be Resolved

No City-wide issues are raised by this application.

(10) Density

The Sherway Centre Secondary Plan permits an overall density of 1.5 times the lot area for the site. The original application submitted by Lifetime Homes proposed an FSI of 5.2 times, which significantly exceeded the permitted density under the Sherway Centre Secondary Plan. The revised development proposal submitted by Sherway Gate Development Corporation reduces the floor space index to 3.75. Also, the number of units proposed is less than the maximum number of units (1,350) permitted in the superblock under the Sherway Centre Secondary Plan, thus maintaining the intent of the Sherway Centre Secondary Plan. Planning staff supports the floor space index proposed by the revised application.

(11) Urban Design

Community Planning staff will conclude its detailed review of urban design matters set out below, including landscaping, during the Site Plan Control approval process, pursuant to Section 41 of the Planning Act.

(11.1) Built Form and the Street-Edge

The Sherway Centre Secondary Plan strives to achieve a comprehensive urban design strategy where mixed-use redevelopment will occur. Some of the policies of the urban design strategy are to create high quality and visually attractive streetscapes with appropriate relationships between the buildings and the street-edge, a substantial level of pedestrian amenities for the public realm and adequate sunlight and sky exposure.

The Sherway Centre Urban Design Guidelines set out to harmonize the relationship between the built form or private realm and the street-edge or the public realm. The Sherway Centre Urban Design Guidelines identify the ring road around the shopping centre, Sherway Gate and The West Mall as key streets to establish a harmonized relationship between the public and private realms. The provision of appropriate amenities, sidewalks and street trees on each of these streets in relation to the buildings will realize the desired design goals under the Sherway Centre Urban Design Guidelines.

The Sherway Centre Urban Design Guidelines require that a continuous low-rise building edge, with main entrances at grade and pedestrian accesses, be created for a substantial majority of the lot frontage of the site adjacent to the Sherway Gardens shopping centre ring road and Sherway Gate road. In general, the applicant's proposal seeks to achieve the above principles. The four towers of the proposed buildings stand upon low-rise three-storey bases 9 metres to 15 metres in height and contain a minimum of 35 units at grade that have direct pedestrian access to walkways. This continuous low-rise three-storey base extends along Sherway Gate road, Evans Avenue, and The West Mall road, and also faces the proposed internal driveway around the publicly-accessible open space on the site. The internal road around the publicly-accessible open space can be viewed as an extension of the ring road which is intended to be a public road in the future under the Sherway Centre Secondary Plan. The internal driveway in the development will have parking spaces for the public. As such, the proposed development provides for an enhanced relationship between the public and private realms, and fosters the creation of streetscapes with urban character in accordance with the principles of the Secondary Plan.

The Built Form policies (Section 3.1.2) of the Toronto Official Plan seek to have new developments that will frame and support adjacent streets, parks and open spaces in order to improve safety, pedestrian interest and casual views. The proposal supports the intent of the built form policies by: locating the proposed buildings parallel to the street frontages and along the perimeter of the publicly-accessible open space; locating main entrances directly accessible and visible from the public sidewalk; providing ground floor uses with views accessible to the street and open spaces; providing appropriate building massing to frame the open space and adjacent streets; creating prominent street corners; and providing landscaped open space within the development site.

#### (11.2) Building Height

Community Planning recommend that the building heights proposed are supportable for the site. The proposed three-storey base satisfies the intent of the Sherway Centre Secondary Plan by creating a distinctive low-rise block adjacent to the street-edges. Furthermore, the Tall Building policies (Section 3.1.3) of the Toronto Official Plan supports the development proposal as the base of the buildings will define and support a pedestrian friendly scale adjacent to the streets.

The proposal achieves a variation in building heights. The site plan attached to this report shows buildings A, B, C, and D are 26 storeys, 32 storeys, 27 storeys and 19 storeys, respectively. The measured heights of buildings A, B, C, and D are 79 metres (260 feet), 97 metres (318 feet), 82 metres (269 feet) and 58 metres (191 feet), respectively. The proposed buildings exceed the height provisions under the current Zoning Code for the property. However, in general, the building heights do not negatively impact upon the use of the adjacent commercial properties or even upon the existing residential properties located along Evans Avenue and to the south of the Queen Elizabeth Way. The smaller floor plate area sizes (770 square metres) of the proposed two buildings located on either side of the Evans Avenue access to the site assists in reducing the casting of shadows and pedestrian

wind conditions. The variations in height, along with the reduced floor plate sizes, foster the maintenance of views to the sky and sunlight.

The Sherway Centre Secondary Plan urban design policies require that, at strategic locations related to regional view corridors and vantage points, landmark buildings with increased height be developed. In particular, the area in the vicinity of the intersection of The West Mall and Evans Avenue is a strategic location that inherently satisfies the vantage and view corridor characteristics of a landmark site. The applicant proposes to locate the tallest building near the intersection of Evans Avenue and The West Mall in order to satisfy the requirement of the Sherway Centre Secondary Plan for the development of a landmark building in this prominent regional view corridor.

The Greater Toronto Airports Authority has advised that the proposed building heights are within the allowable height limits associated with the Airport Zoning Regulations.

#### (12) Shadow, Wind, Noise and Air Quality Studies

It should be noted that the shadow impact study, the wind analysis report and the noise impact study was based on building heights of one 20-storey building, two 26-storey buildings and one 32-storey building. The latest proposal is only slightly different.

##### (12.1) Shadow Impacts

A shadow impact study was submitted to the City by the applicant's architect. The results of the shadow impact study indicates that shadowing will occur upon the publicly-accessible open space on the site. Limited shadowing will occur on the Sherway Gardens shopping centre and on the Toys R Us property excepting in the month of December. The shadow study also indicates that there will be no shadow impacts based on the dates and times used in the study on the existing low density residential neighbourhood to the south of the site across the Queen Elizabeth Way and on the existing residential properties to the east of the site on Evans Avenue. Overall, the shadow impacts are acceptable.

##### (12.2) Wind Analysis

A wind analysis report was prepared by F.H. Theakston Environmental Control Inc. for the subject development. The study concludes that while overall wind ratings are acceptable, on days with relatively high winds, uncomfortable pedestrian wind conditions can occur between the proposed two buildings on either side of the vehicular access to the site from Evans Avenue.

The wind study recommends certain design features that will help mitigate and improve comfort ratings around the development, such as the use of parapet walls, canopies along the Evans Avenue frontage of the podium, balconies, landscaping and planting. In particular, the wind study concluded that the publicly-accessible open space could be utilized to improve comfort ratings through the incorporation of landscape architectural features, such



as, privacy walls and coniferous planting. The recommendations of the wind analysis report will be addressed by Planning staff during the Site Plan Approval process.

(12.3) Noise Study

A Noise Impact Study was prepared by J.E. Coulter Associates Limited for the development. The noise study finds that no noise mitigation measures are required since the noise generated from neighbouring uses are less than the existing roadway noise generated by the Queen Elizabeth Way and Evans Avenue and also because of the large distance separation from the roof top mechanical unit on the shopping centre. The noise study notes that the development is not expected to have a noise impact upon itself, however, a final review of rooftop and grade-level mechanical equipment and exhaust shafts is recommended.

The noise study concludes that it is feasible to meet the required noise guidelines with standard mitigation measures, such as central air-conditioning and up-graded façade components. Staff of Urban Development Services will address the recommendations of the noise study during the Site Plan Control approval and building permit processes.

(12.4) Air Quality

The applicant retained Canadian Ortech Environment Inc. to prepare an Air Quality Assessment for the subject development. The study evaluated the air quality of the site in terms of the existing land uses in the vicinity, with reference to the Ministry of Environment (MOE) Guidelines on Land Use Compatibility and Compatibility between industrial facilities and sensitive land uses. The air quality study concludes that the land use around the subject site would not be expected to lead to air quality nuisance or complaints. The air quality study notes that the MOE Land Use Guidelines do not restrict development near roadways based on air emissions. The Sherway Centre Secondary Plan requires that the MOE review to its satisfaction any air quality studies pertaining to development applications. However, staff of Community Planning have been advised by staff of Ortech that the MOE no longer comments in terms of air quality.

(13) School Boards

The Toronto District School Board (TDSB) has advised that the Board does not anticipate a significant number of families with children to be generated by this development proposal. The TDSB has further advised that Lakeshore Collegiate Institute has sufficient capacity to accommodate secondary level students from this proposed development. The TDSB has requested that as a condition of approval, the applicant/developer enter into an agreement to erect and maintain signs advising that accommodation might not be locally available and that the signs shall be to the Board's specifications and be erected prior to registration or the issuance of any building permit. The TDSB also requests warning clauses pertaining to the inability to accommodate students locally and bussing procedures in all offers of purchase and sale of residential units.

The Toronto Catholic District School Board (TCDSB) has advised that St. Ambrose elementary school is currently operating over capacity and that anticipated pupils generated from this residential development may not be accommodated in the school, but in a portable. The TCDSB has commented that secondary level pupils generated from this development can be accommodated in Father John Redmond Catholic Secondary School in either its current location (300 Valermo Drive) or proposed new Lake Shore Boulevard West location. The TCDSB has further advised that under the current Education Development Charges By-law, a uniform charge of \$402.00 per dwelling unit and a non-residential charge of 22 cents per square foot of gross floor area will be applied.

(14) Parkland Contribution/Publicly-accessible Open Space

The Economic Development, Culture and Tourism (EDCT) Department, Parks and Recreation Division, has advised that under the provisions of the Sherway Centre Secondary Plan, the proposal would be subject to an alternate parkland dedication rate of up to 0.5 hectares per 300 dwelling units. The Parks and Recreation Division has requested that prior to the issuance of the first above-grade building permit, the owner pay a cash-in-lieu of parkland dedication in the amount equal to the value of 5 percent of the land required to be conveyed to the City for park or other public recreational purposes. Furthermore, as part of the Section 37 Agreement, the Parks and Recreation Division requests that prior to building permit issuance, the owner pay an additional payment to the City in the amount of \$400,000.00 for Etobicoke Valley Trail improvements, which is in the general vicinity of the development, and that the owner secures on title of the lands the provision for a privately-owned open space which will be publicly accessible.

Parks and Recreation Division staff has advised that no credit towards the Parks and Recreation component of the development charges owing will be given for the Section 37 benefits.

EDCT has further advised that the owner shall be responsible for the design and construction of the proposed privately-owned but publicly-accessible open space which will be to the satisfaction of Urban Development Services and EDCT and that the owner shall grant easement over the walkways, which connect Evans Avenue to the publicly-accessible open space. The owner has agreed to incorporate a minimum \$500,000.00 of improvements above what would normally be a base park condition for the publicly-accessible open space. The minimum \$500,000.00 will include public art.

Also, during the Site Plan Control review, Planning staff will be seeking to ensure that the publicly-accessible open space not contain garbage enclosures, stairs and ventilation shafts.

(15) Transportation

The applicant has submitted a site access/Traffic Impact Study (TIS) to the City for review. The Works and Emergency Services Department (WES) has advised that the Traffic Impact Study concludes that the additional traffic generated by the proposal can be accommodated on the surrounding road network, subject to adjustments to traffic control signal timing and

removing the existing westbound channelised right turn at the east approach to The West Mall road from Evans Avenue. The TIS report recommends that the existing free flowing channelised island at the intersection of The West Mall road and Evans Avenue be replaced with a separate right turn storage lane situated east from The West Mall road to just west of Sherway Gate road.

The Works and Emergency Services Department has further advised that it has no objection to the proposed driveways from the Sherway Gardens shopping centre ring road provided that the owner of the ring road consents to the registrations of the right-of-way agreements necessary to protect the applicant's access to the ring road until the ring road can be dedicated in the future as a public road in accordance with the Sherway Centre Secondary Plan. It should be noted that Community Planning recognizes the importance of achieving the dedication of the ring road as a public road around the Sherway Gardens shopping centre in accordance with the Sherway Centre Secondary Plan. Presently, the part of the ring road that extends south of The Queensway to Sherway Gate road has already been dedicated as a public road. However, the fulfillment of a new public road next to the site cannot be realized through the subject applications at this time because the applicant does not own the ring road beside its property. Community Planning will continue in the future to pursue the dedication of the ring road to a public road through an appropriate development application opportunity in accordance with the Sherway Centre Secondary Plan.

To ensure that the bus bays, sidewalks and transit shelters located on the south side of the Sherway Gardens shopping centre ring road can eventually form part of this future public road, WES requires that the applicant register a covenant on-title requiring the developer, or their successors/assigns, to convey to the City when requested by the City anytime within the next 30 years, certain lands located on the site between the proposed driveways along the Sherway Gardens shopping centre ring road and lands east of the easterly proposed driveway at the ring road to Sherway Gate road.

The applicant is required to redesign and reconstruct: the existing Toronto Transit Commission bus stop on the south side of the Sherway Gardens shopping centre ring road to the satisfaction of the Toronto Transit Commission; the westbound lane configuration on Evans Avenue between Sherway Gate road and The West Mall road to provide dual left turn storage lanes; and provide a separate right turn storage lane along Evans Avenue between Sherway Gate road and The West Mall road. The applicant is responsible for all costs associated with designing and constructing the aforementioned improvements and submitting financial security for these improvements. The applicant advises that they may seek development charges credits for improvements to the Evans Avenue right-of-way, in particular, where the right turn lane on Evans Avenue to The West Mall will replace the current free flowing channelised lane.

The applicant is also required to contribute financially towards: increasing the length of the southbound left turn storage lane at the north approach to Sherway Gate road and Evans Avenue; the future signalisation of the Sherway Gate and Sherway Gardens shopping centre ring road intersection; and installing public transit shelters on the Sherway Gardens shopping centre ring road and on the public/private road frontages.

WES requires land dedications from the site for future transportation improvements to the adjacent roads. The above noted transportation improvements and related requirements are detailed in Attachment No. 7.

In regard to parking, WES has advised that the applicant be required to provide on-site parking at a minimum rate of 1.2 parking spaces per dwelling, of which 0.2 parking spaces are for visitors. This is based on a mix of bachelors, one-bedroom units and two-bedroom units. The number of functional parking spaces proposed for this development is 1,091. Based on a 1.2 parking ratio, 1,188 parking spaces are required to be provided on the site. A parking ratio of 1.1 parking spaces per dwelling unit is proposed for the development. The development proposal is deficient by 97 parking spaces.

WES has commented that a total of eight parking spaces are required for the proposed retail use. WES recommends sharing the proposed six surface parking spaces due to the temporal characteristics of retail uses and residential visitor parking demand.

The Toronto Transit Commission (TTC) has advised that it supports the proposal given its proximity to good transit service. The applicant's traffic consultant's proposed redesign of the existing bus stop located on the south side of the Sherway Gardens shopping centre ring road meets the TTC's requirements. The TTC recognizes that the redesigned bus stop is an interim configuration that will remain in place until the the ring road is dedicated as a public road and a more permanent redesign of the bus stop areas are achieved.

The Ministry of Transportation (MTO) has advised that it has no concerns with respect to the TIS study and has no objection to the removal of the east to north channelised right turn lane from Evans Avenue to The West Mall.

(16) Site Servicing and Environmental

The applicant has submitted a Serviceability Report that includes a servicing proposal and there are existing watermains, sanitary sewers and storm sewers available on Evans Avenue and The West Mall road to serve the site. WES has advised that there appears to be sufficient capacity in the existing storm and sanitary sewers to support the development. WES has commented that a stormwater management report will be required to be submitted for the proposal for the City's review and approval. The applicant has also submitted a Phase I and II Environmental Site Assessment for review by the City's peer reviewer.

(17) Phasing of the Proposed Development

The applicant proposes to construct the development in two phases. The first phase will be the construction of the 26-storey and 32-storey buildings (on the west half of the site). The second phase will be the construction of the 19-storey and 27-storey buildings. Community Planning will investigate with the applicant the appropriate implementation timing of the publicly-accessible open space as well as the Toronto Transit Commission improvements necessary as a result of this development through the Site Plan Control approval process.

(18) Section 37

Section 11.8.2 of the Etobicoke Official Plan and Section 5.1.1 of the Toronto Official Plan authorize the use of Section 37 of the Planning Act to secure community benefits in return for increased density and/or height, if the increases are first determined to represent good planning. Community Planning staff have discussed with the applicant matters regarding a Section 37 Agreement. The owner will be required to enter into a Section 37 Agreement for the following public benefits: the securing of a privately owned and publicly-accessible open space on site, plus a minimum \$500,000.00 of improvements to the publicly-accessible open space above base requirements, including at least \$150,000.00 for public art; and the payment to the City of \$400,000.00 for improvements to the Etobicoke Valley Trail. The applicant has commented that the referenced \$500,000.00 could be increased to correspond to the reduced cost of not providing for a lighted pathway at the western edge of the site should it be determined, at the Site Plan Control review stage, that modifications to the landscaping details not require a build-out of this connection.

The following matters will also be secured in the Section 37 agreement as a legal convenience but would otherwise have been required for this development in the absence of using Section 37: the securing of building materials for the proposed buildings; the fulfillment of school board requirements; the fulfillment of environmental matters to the City's satisfaction; and transportation improvements (Attachment No. 7).

Conclusions :

The requested applications have been evaluated in terms of the appropriateness of the subject development with respect to the policies of the Etobicoke Official Plan and the Toronto Official Plan. The proposal is supportable, and accordingly, Community Planning recommends the redevelopment of the site and approval of the requested applications.

Community Planning staff recommend that Section 37 matters be secured to the satisfaction of the City, prior to the introduction of Bills into Council.

In addition, Community Planning staff will continue to work with the applicant to finalize matters identified in this report related to Site Plan Control pursuant to Section 41 of the Planning Act.

Contact:

Greg Hobson-Garcia, Planner, Community Planning, West District  
Tel: (416) 394-2615; Fax (416) 394-6063; E-mail:ghobson@toronto.ca

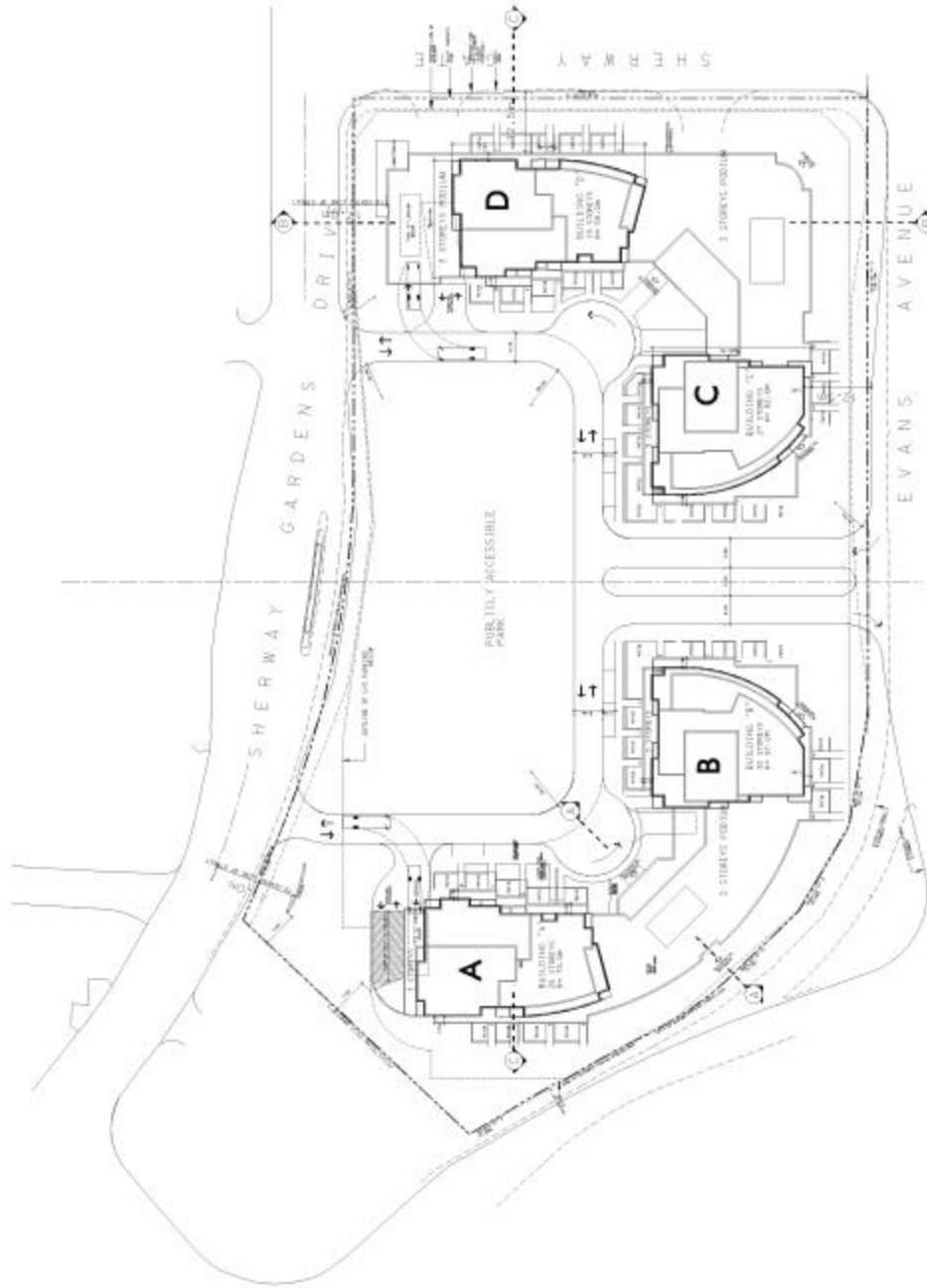
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Gary Wright, MCIP, RPP  
Director, Community Planning, West District

List of Attachments

- Attachment 1: Site Plan
- Attachment 2: Elevations-East and West
- Attachment 3: Elevations-North and South
- Attachment 4: Zoning
- Attachment 5: Sherway Centre Secondary Plan Land Use Designations
- Attachment 6: Application Data Sheet
- Attachment 7: Section 37 Requirements
- Attachment 8: Draft Official Plan Amendment
- Attachment 9: Draft Modification to the Toronto Official Plan
- Attachment 10: Draft Zoning By-law Amendment

Attachment 1: Site Plan



700 Evans Avenue

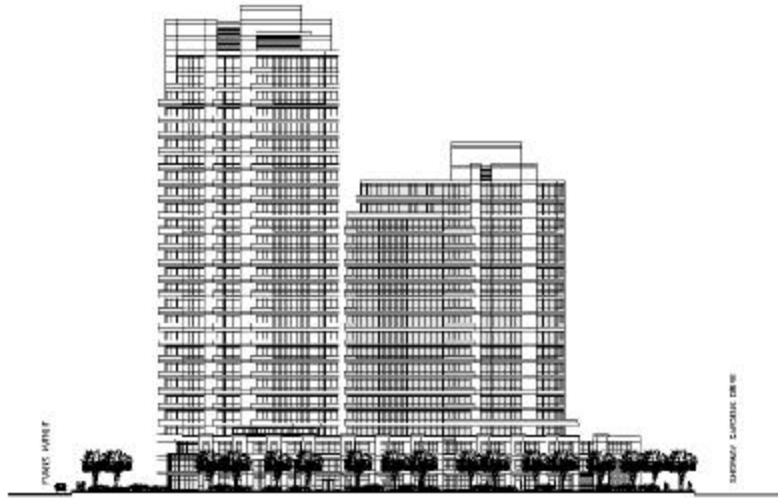
Site Plan

Applicant's Submitted Drawing

Not to Scale  
10/20/04

File # 03\_035379

**Attachment 2: Elevations East and West**



**EAST Elevation**



**WEST Elevation**

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**Elevations**

Applicant's Submitted Drawing

Not to Scale  
10/20/04

**700 Evans Avenue**

File # 03\_035379

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### Attachment 3: Elevations North and South



NORTH Elevation



SOUTH Elevation

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## Elevations

Applicant's Submitted Drawing

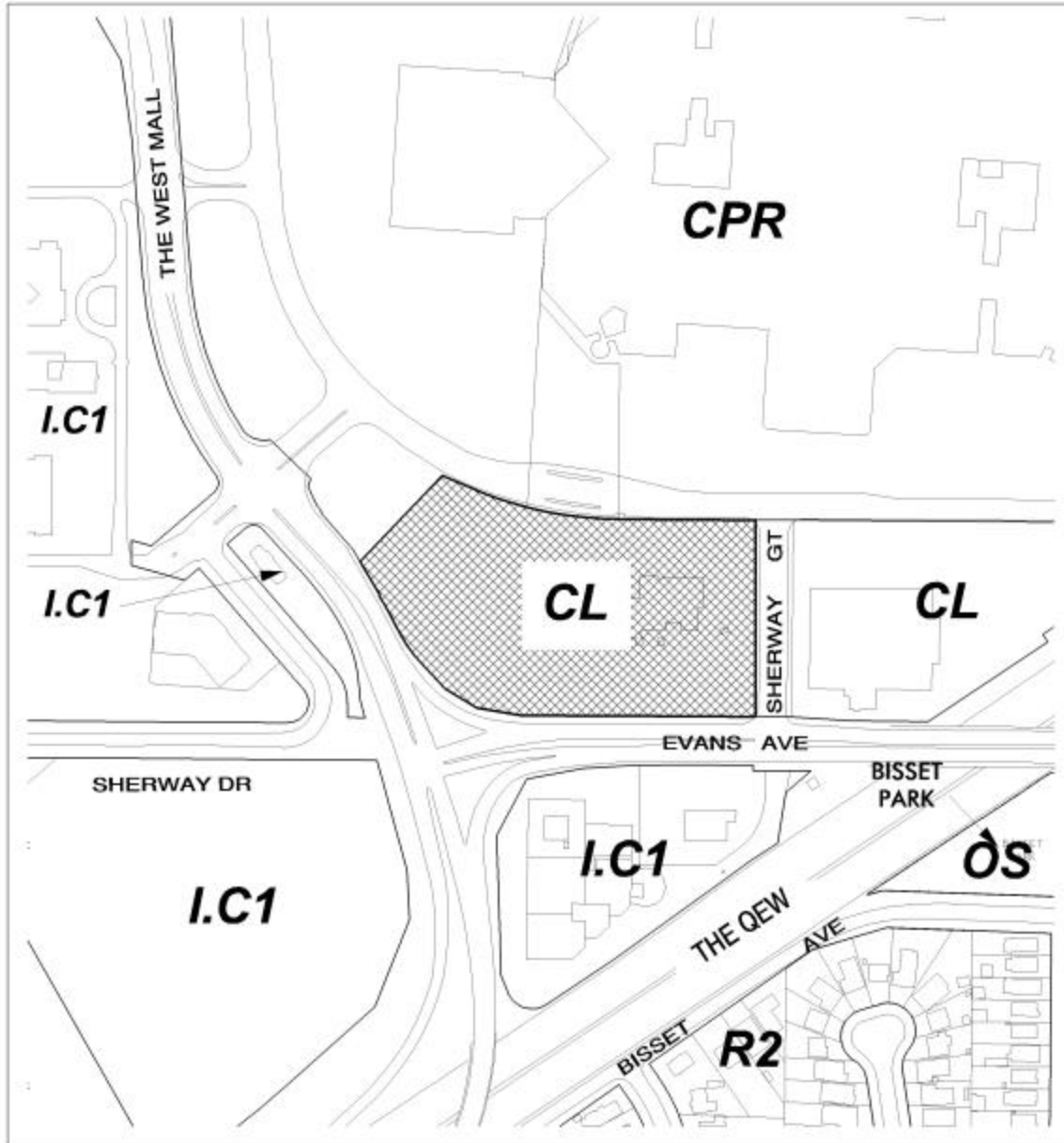
Not to Scale  
10/2004

700 Evans Avenue

File # 03\_035379

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Attachment 4: Zoning Map



 **TORONTO** Urban Development Services  
**Zoning**

**700 Evans Avenue**  
File # 03\_035379

Former Etobicoke

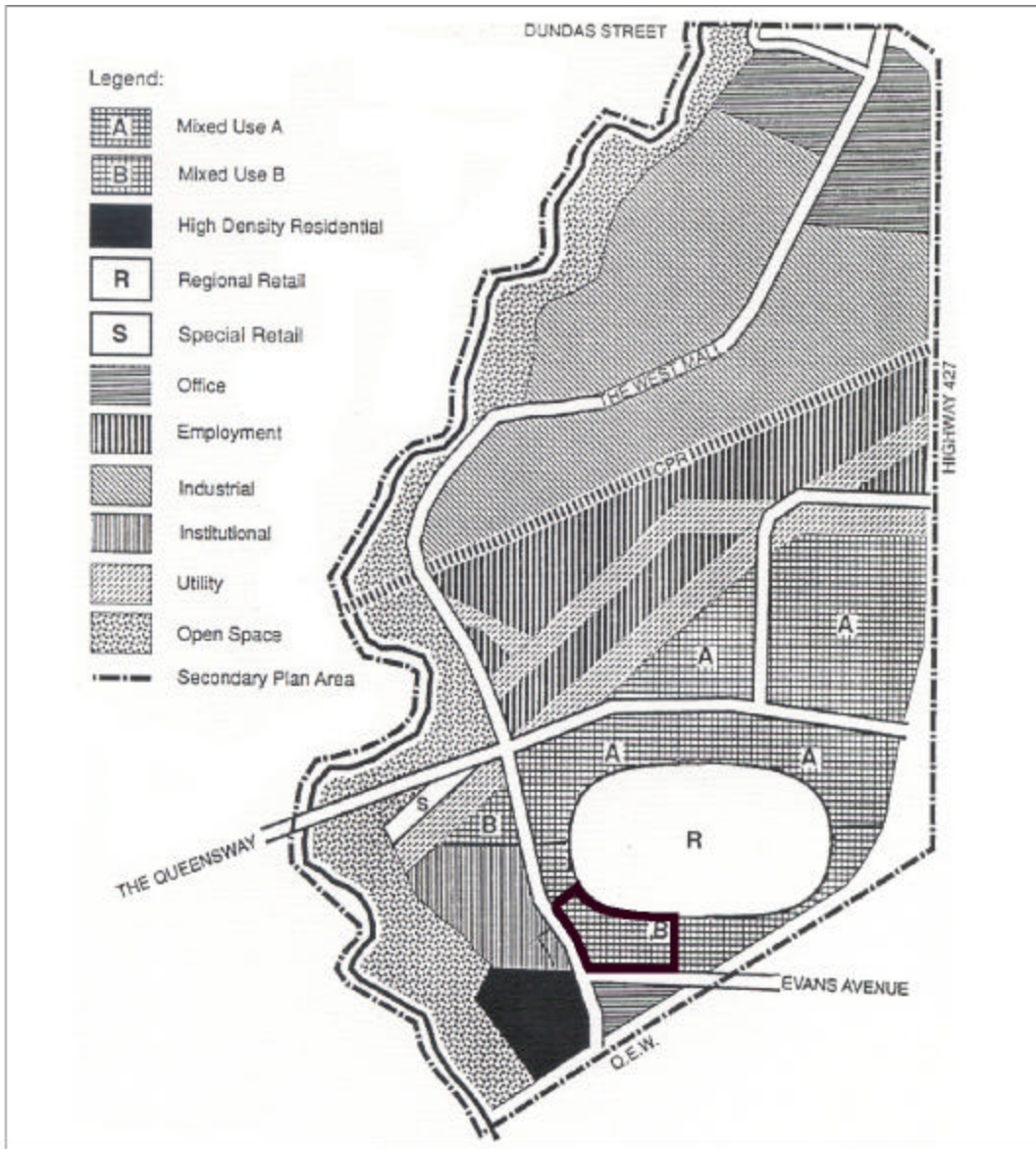
R2 Residential Second Density  
I.C1 Industrial Class 1  
OS Public Open Space

CL Commercial Limited  
CPR Commercial Planned Regional



Not to Scale  
Zoning By-law 11,737 as amended  
Extracted 10/19/04 - MH

### Attachment 5: Secondary Plan



Site

**Toronto** Urban Development Services

700 Evans Avenue

Official Plan - Schedule 2 Sherway Centre Secondary Plan

Not to Scale  
10/18/04

Land Use Designations

File # 03\_035379\_dop

### Attachment 6: Application Data Sheet

Application Type: Official Plan Amendment & Rezoning      Application Number: 03 035379 WET 05 OZ  
Details: OPA & Rezoning, Standard      Application Date: March 4, 2004

Municipal Address: 700 EVANS AVE, Toronto ON  
Location Description: 700 EVANS AVE -- NORTHWEST CORNER OF EVANS AVE. AND SHERWAY GATE. \*\*GRID W0505  
Project Description: Proposed amendments to the Etobicoke Official Plan and Zoning Code to permit a development consisting of four apartment buildings ranging in height from 19 to 32 storeys and having 250 square metres (2,692 square feet) of retail gross floor area.

#### PLANNING CONTROLS

Official Plan Designation: Mixed Use B      Site Specific Provision: 137  
Zoning: CL      Historical Status:  
Height Limit (m): 14      Site Plan Control Area: Y

#### PROJECT INFORMATION

|                                    |       |                  |              |
|------------------------------------|-------|------------------|--------------|
| Site Area (sq. m):                 | 21780 | Height: Storeys: | 32           |
| Frontage (m):                      | 107.6 | Metres:          | 97           |
| Depth (m):                         | 210   |                  |              |
| Total Ground Floor Area (sq. m):   | 6700  |                  | <b>Total</b> |
| Total Residential GFA (sq. m):     | 79670 | Parking Spaces:  | 1091         |
| Total Non-Residential GFA (sq. m): | 2005  | Loading Docks    | 2            |
| Total GFA (sq. m):                 | 81675 |                  |              |
| Lot Coverage Ratio (%):            | 31    |                  |              |
| Floor Space Index:                 | 3.75  |                  |              |

#### DWELLING UNITS

Tenure Type: Condo  
Rooms: 0  
Bachelor: 4  
1 Bedroom: 355  
2 Bedroom: 631  
3 + Bedroom: 0  
Total Units: 990

#### FLOOR AREA BREAKDOWN (upon project completion)

|                                  | Above Grade | Below Grade |
|----------------------------------|-------------|-------------|
| Residential GFA (sq. m):         | 79670       | 0           |
| Retail GFA (sq. m):              | 250         | 0           |
| Office GFA (sq. m):              | 0           | 0           |
| Industrial GFA (sq. m):          | 0           | 0           |
| Institutional/Other GFA (sq. m): | 1755        | 0           |

**CONTACT: PLANNER NAME: Greg Hobson-Garcia, Planner**  
**TELEPHONE: (416) 394-2615**

## **Attachment 7: Section 37 Requirements**

The following requirements are to be incorporated into the Section 37 Agreement (or other appropriate agreements as determined by the City Solicitor) in consultation with appropriate City staff.

### Cash Contributions

Prior to the issuance of the first building permit, the owner of the land make a cash contribution of \$400,000 to be used for improvements to Etobicoke Valley Trail.

Prior to the issuance of the first building permit, the owner agrees to provide a cash contribution of \$150,000 for public art and maintain works of public art pursuant to the City of Toronto's public art program on publicly-accessible or prominently visible portions of the subject site.

### Privately-Owned and Publicly-Accessible Open Space

The owner of the land will be required to ensure that the open space, not less than 0.44 hectares in size, and located adjacent to the Sherway Gardens shopping centre ring road is publicly-accessible and will grant easement over the walkways on the site connecting Evans Avenue to the publicly-accessible open space. The owner further agrees to provide a minimum of \$500,000 of improvements to the publicly-accessible open space beyond base park requirements to the satisfaction of the City, and this amount will include the \$150,000 for the cash contribution for public art referenced above.

### Transportation Improvements

The owner, at their expense and to the satisfaction of the Commissioner of Works and Emergency Services, is required to provide the land dedications as follows:

- (i) A strip of land 2.5 metres wide along the entire Sherway Gate frontage of the site;
- (ii) A strip of land 2.5 metres wide along the Evans Avenue frontage of the site, parallel to the Evans Avenue north curb line;
- (iii) A strip of land measuring 2.5 metres wide along The West Mall frontage of the site beginning at the property's west lot line adjoining the Sherway Gardens shopping centre parking lot, extending 70 metres to the south where it gradually tapers to 0.0 metres near the existing north bullnose of the right turn channelising island at the east approach to The West Mall road and Evans Avenue intersection;  
and
- (iv) 8.0 metre right-of-way roundings at the southeast and northeast corners of the site, measured from the revised property limits.

The land dedications described above must be conveyed to the City as a condition of Site Plan Approval.

The owner shall register a covenant on-title to the property requiring the developer or their successors/assigns to convey to the City, when requested by the City at anytime within the next thirty years and for a nominal sum of one dollar:

- (i) a strip of land between the proposed driveways on the Sherway Gardens shopping centre ring road that varies in width from a minimum of 2.0 metres near the driveway entrances, to a maximum of 5.0 metres in the centre area between the two driveways; and,
- (ii) a strip of land 2.5 metres wide along the Sherway Gardens shopping centre ring road frontage of the site, extending from the Sherway Gardens shopping centre ring road and Sherway Gate intersection to the proposed east driveway.

The owner must agree that no permanent structures will be constructed within this required property, and that these lands will be maintained free and clear of all encumbrances with the exception of utility poles, surface driveways and surface parking areas, until such time as the municipality requires conveyance of these lands for public highway purposes. The owner will provide this agreement to the satisfaction of the Works and Emergency Services Department and the City Solicitor.

The owner is required to redesign and reconstruct the westbound lane configuration on Evans Avenue, between Sherway Gate road and The West Mall, to provide:

- (i) dual left turn storage lanes at the east approach to The West Mall road and Evans Avenue intersection; and
- (ii) a separate right turn storage lane at the east approach to The West Mall and Evans Avenue intersection, extending the entire length of the Evans Avenue road section between Sherway Gate road and The West Mall road.

The owner is responsible for all costs associated with designing and constructing these improvements; and as a condition to approving the subject applications, the owner is required to submit an irrevocable bank letter of credit as security to ensure that these road improvements are designed and constructed to the satisfaction of Works and Emergency Services Department.

The owner is required to redesign and reconstruct the existing Toronto Transit Commission bus stop on the south side of the Sherway Gardens shopping centre ring road, to the satisfaction of the Toronto Transit Commission. As a condition to approving the subject applications, the owner is required to submit an irrevocable bank letter of credit as security to ensure that these transit improvements are designed and constructed.

The owner is required to contribute financially toward:

- (i) increasing the length of the southbound left turn storage lane at the north approach to the Sherway Gate road and Evans Avenue intersection by 11.0m;
- (ii) the future signalisation of the Sherway Gate road and Sherway Gardens ring road intersection; and,
- (iii) installing public transit shelters on the Sherway Gardens shopping centre ring road and on the public/private road frontages adjoining the site.

The owner must obtain consent from the owners of Sherway Gardens shopping centre allowing the applicant to locate the two proposed driveways to the adjoining private ring road. The form and content of this access agreement must be provided to the satisfaction of the City Solicitor.

#### School Board Notice

The owner agrees to satisfy the requirements of the Toronto District School Board regarding signage and warning clauses and the Toronto Catholic District School Board regarding development charges.

#### Environmental Assessment

The owner is required to satisfy the City with respect to the environmental condition of the site and for the lands to be dedicated to the City.

#### Building Materials

The owner, at their expense, incorporates in the construction of the buildings on site:

- A. upgraded base/podium materials; and
- B. the design of any rooftop ornamental/architectural feature,

to the satisfaction of the Commissioner of Urban Development Services.

**Attachment 8: Official Plan (Text)**

Authority: Community Council Report No. ~, Clause No. ~,  
as adopted by City of Toronto Council on ~, 2004  
Enacted by Council: ~, 2004

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2004**

**To adopt an amendment No. 125-2004 to the Official Plan  
for the former City of Etobicoke  
respecting the lands municipally known as,  
700 Evans Avenue**

WHEREAS authority is given to Council under 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;

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

ENACTED AND PASSED this ~ day of ~, A.D. 2004.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



## **PART ONE - PREAMBLE**

### **1.1 PURPOSE/LOCATION**

Official Plan Amendment No. 125-2004 applies to a 2.178 hectare parcel of land located on the north side of Evans Avenue, west of Sherway Gate and east of The West Mall.

The purpose of this Amendment is to amend Site-Specific Policy 18.5.10 to specifically permit a residential development with retail/commercial uses, having a total of 990 dwelling units and a Floor Space Index (FSI) of 3.75.

## **PART TWO - THE AMENDMENT**

### **2.1 INTRODUCTION**

All of this part of the Amendment, consisting of the following text, constitutes Amendment No.125-2004 to the Official Plan for the Etobicoke Planning Area. The Official Plan is hereby amended as follows.

### **2.2 TEXT CHANGES**

Section 18.5.10 is hereby amended by the addition of the following text:

“In addition, lands within the Mixed Use B designation on the north side of Evans Avenue, west of Sherway Gate and east of The West Mall may be developed for a mix of residential and retail/commercial uses with the following limits:

|   |      |
|---|------|
| Maximum Floor Space Index:                    | 3.75 |
| Maximum Number of Residential Dwelling Units: | 990  |

#### **Section 37 Agreement**

The owner of lands shall enter into an agreement with the City, pursuant to Section 37 of the Planning Act, to secure the following services, facilities and matters in order to permit a mixed use development with a maximum floor space index of 3.75 and a maximum number of dwelling units of 990.

- a) The owner will be required to provide land dedications and conveyances as required by the City and to the satisfaction of the City at their expense.
- b) The owner is required to redesign and reconstruct certain transportation improvements as required by the City on the required adjacent public roads and is responsible for all costs and

- the submission of financial security associated with these transportation improvements.
- c) The owner is required to reconstruct and redesign the existing Toronto Transit Commission bus stop located on the south side of the Sherway Gardens shopping centre ring road to the satisfaction of the Toronto Transit Commission and submit financial security to ensure these transit improvements are designed and constructed.
  - d) The owner is required to obtain consent from the owners of the Sherway Gardens shopping centre for the access driveways to the site from the adjoining private ring road to the satisfaction of the City Solicitor.
  - e) The owner is required to make a cash contribution to the City of \$400,000 to be used for improvements to the Etobicoke Valley Trail and incorporate a minimum of \$500,000 of improvements above base park conditions, inclusive of a cash contribution of \$150,000 for public art and maintain works of public art pursuant to the City of Toronto's public art program on publicly-accessible or prominently visible portions of the site.
  - f) The owner of the site is required to ensure that the open space not less than 0.44 hectares in size on the site is publicly-accessible and will grant easements over the walkways connecting the open space to Evans Avenue.
  - g) The owner is required to satisfy the School Boards requirements regarding signage, warning clauses and development charges.
  - h) The owner is required to satisfy the City regarding environmental conditions of the site and lands to be dedicated to the City.
  - i) The owner is required, at their own expense to incorporate in the construction of the buildings, upgraded base/podium materials and ornamental rooftop/architectural feature to the satisfaction of the Commissioner of Urban Development Services.

### **2.3 IMPLEMENTATION**

The policy established by this Amendment will be implemented by a site-specific amendment to the Zoning Code, Council's conditions to approval, and the signing and registering of the appropriate agreements.

### **2.4 INTERPRETATION**

The provisions of the Official Plan as they may be amended from time to time with respect to the interpretation of the Plan shall apply with respect to this Amendment.

**Attachment 9:****PROPOSED MODIFICATION TO THE CITY OF TORONTO OFFICIAL PLAN**

The Official Plan of the City of Toronto, Chapter 7, Site and Area Specific Policies is modified as follows:

1. Site and Area Specific Policy Number 19 c) Density is modified by replacing the first paragraph with the following paragraph:

The maximum gross office density is 1.5 times the lot area. The maximum gross residential density is 150 units per hectare and 1.5 times the lot area. However, the maximum net density of individual sites designated *Mixed Use Area*, except for lands subject to site and area specific policy 13, is 4.0 times the lot area. Notwithstanding, for the lands municipally known as 700 Evans Avenue, the maximum gross residential density is 455 units per hectare and 3.75 times the lot area.

**Attachment 10: Zoning By-law Amendment**

**CITY OF TORONTO**

**BY-LAW No. -2004**

To amend Chapters 320 and 324, of the Etobicoke Zoning Code, with respect to certain lands located on the north side of Evans Avenue, west of Sherway Gate, and east of The West Mall, known municipally as 700 Evans Avenue.

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 held at least one public meeting in accordance with the Planning Act;

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 repealing By-law Nos. 137 and 14508 and changing the classification of the lands located in the former Township of Etobicoke as described in Schedule 'A' annexed hereto from Limited Commercial (CL) to Sixth Density Residential (R6) provided the following provisions shall apply to the development of the (R6) lands identified in Scheduled 'A' attached hereto.
2. Notwithstanding Sections 320-18, 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 shall apply:

“Streetwall”- means any exterior wall of a building, including recesses, abutting a public street.

“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 average geodetic elevation at ground level adjoining the main front wall of the building based upon City of Toronto bench mark E243A having a published elevation of 113.049 metres.

“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 ; Indoor Amenity Areas ; unenclosed balconies, and; any buildings or structures erected and used for public open space uses as permitted in Section 4 to this By-law;

“Height” - means, with respect to each building erected within a Building Envelope, the vertical distance between the geodetic grade of such building 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 nine 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 Building Envelopes, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, to a maximum projection of 1.5 metres.

“Indoor Amenity Area” - means a common area or areas which are provided for the exclusive use of residents of a building 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.

#### 4. Permitted Uses

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

- i) Apartment houses, townhouses, senior citizen apartment buildings, and the following public open space (OS) uses permitted under Section 320-32(D) of the Zoning Code, specifically: public parks and their related recreation facilities, including arts and cultural facilities, skating rinks, playlots, playgrounds, community recreation buildings, publicly-accessible and

privately-owned open space; and any services associated with these uses including roadways and parking areas required to support such uses.

- ii) Neighbourhood stores; banks; municipal uses; dry cleaners; administrative/business/professional offices; photographers; retail stores; medical and dental offices; community centres; supermarket/convenience food stores, provided that the Gross Floor Area of such uses is not less than 225 square metres and not greater than 400 square metres and are located on the ground floor.
- iii) Accessory structures, including any of the accessory structures permitted under Section 320.76F of the Zoning Code shall be permitted.
- iv) A temporary sales office for the purpose of marketing and sales related to use(s) permitted on the property within a building on the same Lands.

#### 5. Gross Floor Area

The maximum Gross Floor Area, as defined herein, permitted on the Lands shall be 81,675 square metres. Of this total, a minimum gross floor area of 9,500 square metres shall be reserved for residential units located within nine metres from grade.

#### 6. Minimum Number of Residential Dwelling Units within the Podiums

The minimum number of residential dwelling units within the podiums not be less than 90 units, of which 35 units shall be located at grade.

#### 7. Maximum Density

For the purposes of this By-law, the maximum Floor Space Index (FSI) permitted on the Lands shall be 3.75.

#### 8. Minimum/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. The minimum building heights shall be nine metres within the Building Envelope as shown on Schedule 'B'.

#### 9. 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'. The minimum length of a streetwall abutting the Sherway Gate road shall be 70% of the lot frontage. The minimum length of a streetwall abutting Evans Avenue

shall be 60% of the lot frontage. The minimum length of a streetwall abutting The West Mall road shall be 60% of the lot frontage. The streetwall shall be a minimum height of nine metres, and a maximum height of 15 metres.

- ii) Notwithstanding the provisions of this By-law, a maximum floor plate area for each building shall be as shown on Schedule B attached hereto;
- iii) Notwithstanding the provisions of Section 9 i) above, a maximum length of 7% of the tower component for Buildings B, C and D may project beyond the setback requirements from the podium, and a maximum length of 14% of the tower component for Building A may project beyond the setback requirements from the podium.

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;
- b) Notwithstanding any of the required building setbacks, minor projections shall be permitted to encroach into the required building setbacks;
- 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 and buildings or structures associated with public open space uses permitted in Section 4 to this By-law, shall be permitted outside of the setbacks and shall be exempt from any provisions with respect to setbacks.

#### 10. Parking and Loading Requirements

Notwithstanding the provisions of Section 320-18.B and C and Section 320-76.G of the Zoning Code, the following requirements shall apply to the Lands:

- i) Residential Dwelling Units (for two bedrooms or less): a minimum rate of 1.2 parking spaces per dwelling unit of which 0.2 parking spaces per dwelling unit shall be reserved for visitor parking.
- ii) 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.

- iii) Every residential or connected residential building(s) shall provide a loading space with dimensions of 12 metres in length, 3.0 metres in width, and with a vertical clearance of 4.5 metres.
- iv) Retail/Commercial: No parking requirement for less than 250 square metres of gross floor area. Section 320-18 C. shall apply for any retail/commercial gross floor area in excess of 250 square metres.

#### 11. 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 30% of the lot area shall be reserved for Landscaped Open Space.
- ii) Indoor Amenity Space: a minimum 1.5 square metres per dwelling unit of Indoor Amenity Space shall be provided.

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

13. 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.

14. 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.

#### 15 Section 37

The owner of lands shall enter into an agreement with the City, pursuant to Section 37 of the Planning Act, to secure the following services, facilities and matters in order to permit a mixed use development with a maximum floor space index of 3.75; a maximum number of dwelling units of 990; and heights as shown on Schedule 'B':

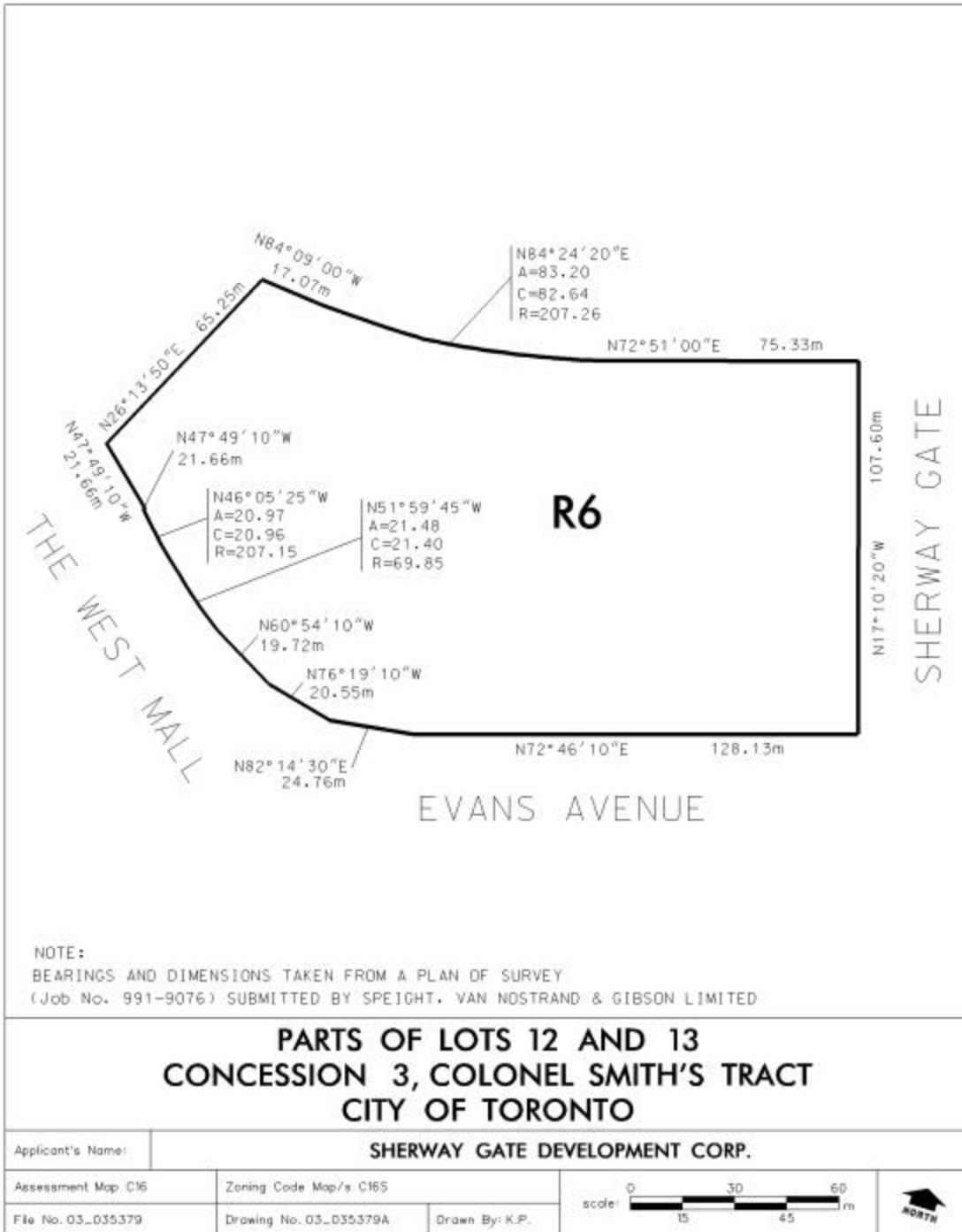
- i) The owner will be required to provide land dedications and conveyances as required by and to the satisfaction of the City at their expense.
- ii) The owner is required to redesign and reconstruct certain transportation improvements as required by the City on the required adjacent public roads and is responsible for all costs and the submission of financial security associated with these transportation improvements.

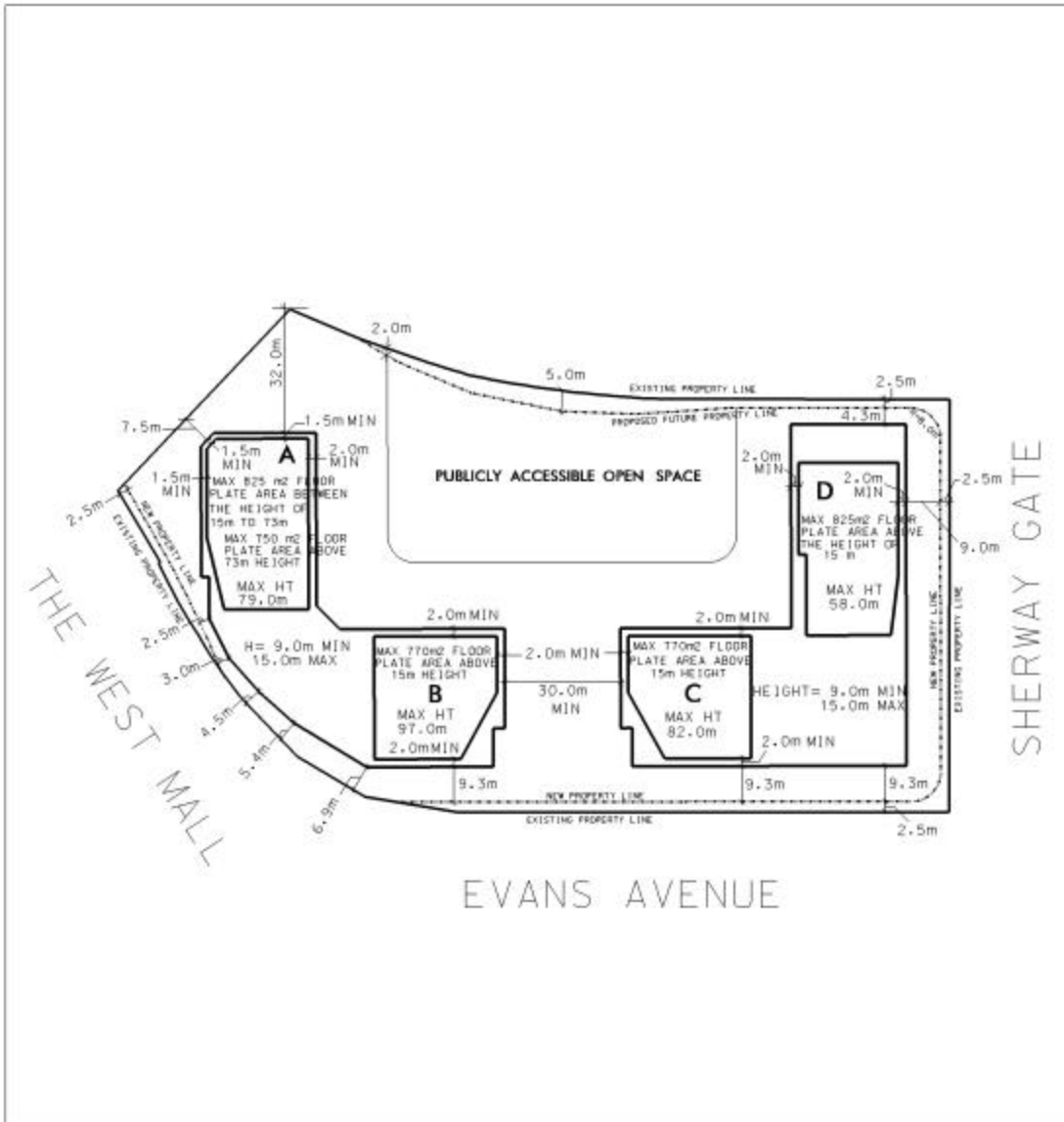


- iii) The owner is required to reconstruct and redesign the existing Toronto Transit Commission bus stop located on the south side of the Sherway Gardens shopping centre ring road to the satisfaction of the Toronto Transit Commission and submit financial security to ensure these transit improvements are designed and constructed.
- iv) The owner is required to obtain consent from the owners of the Sherway Gardens shopping centre for the access driveways to the site from the adjoining private ring road to the satisfaction of the City Solicitor.
- v) The owner is required to make a cash contribution to the City of \$400,000 to be used for improvements to the Etobicoke Valley Trail and incorporate a minimum \$500,000 of improvements above base park conditions, inclusive of a cash contribution of \$150,000 for public art and maintain works of public art pursuant to the City of Toronto's public art program on publicly-accessible or prominently visible portions of the site.
- vi) The owner of the site is required to ensure that the open space not less than 0.44 hectares in size on the site is publicly-accessible and will grant easements over the walkways connecting the open space to Evans Avenue.
- vii) The owner is required to satisfy the School Boards requirements regarding signage, warning clauses and development charges.
- viii) The owner is required to satisfy the City regarding environmental conditions of the site and lands to be dedicated to the City.
- ix) The owner is required, at their own expense to incorporate in the construction of the buildings, upgraded base/podium materials and ornamental rooftop/architectural feature to the satisfaction of the Commissioner of Urban Development Services.

| <b>BY-LAW NUMBER AND ADOPTION DATE</b> | <b>DESCRIPTION OF PROPERTY</b>  | <b>PURPOSE OF BY-LAW</b>  |
|--|---|---|
| _____ - 2004<br>_____ - 2004           | Lands located on the north side of Evans Avenue, west of Sherway Gate, municipally known as 700 Evans Avenue. | To rezone 700 Evans Avenue from Limited Commercial (CL - site specific) to Residential Sixth Density (R6) subject to site specific development standards to permit a mixed-use development and implement the policies of the Official Plan Amendment. |

**Toronto** Schedule 'A' BY-LAW





**PARTS OF LOTS 12 AND 13  
CONCESSION 3, COLONEL SMITH'S TRACT  
CITY OF TORONTO**

|                    |                        |                                       |  |
|--------------------|------------------------|---------------------------------------|--|
| Applicant's Name:  |                        | <b>SHERWAY GATE DEVELOPMENT CORP.</b> |  |
| Assessment Map C16 | Zoning Code Map/s C165 | scale:                                |  |
| File No. 03_035379 | Drawing No. 03_035379B |                                       |  |

