CITY OF TORONTO

BY-LAW No. 7-2005(OMB)

To amend Chapters 320 and 324 of the Etobicoke Zoning Code, as amended, with respect to certain lands located at the intersection of Cordova Avenue and Central Park Roadway, west side of Islington Avenue, municipally known as 1286-1294 Islington Avenue and 15-19 Cordova Avenue.

WHEREAS the Ontario Municipal Board, pursuant to Decision/Order No. 1863, issued December 2, 2004, deems it advisable to amend the Zoning Code as amended for the former City of Etobicoke, in respect of the lands at the intersection of Cordova Avenue and Central Park Roadway, west side of Islington Avenue, municipally known as 1286-1294 Islington Avenue and 15-19 Cordova Avenue:

THEREFORE, the Zoning Code, as amended, for the former City of Etobicoke, is amended by the Ontario Municipal Board as follows:

- 1. By-law No. 1088-2002 is hereby amended by adding the following Section 20 in relation to lands located at the intersection of Cordova Avenue and Central Park Roadway, west side of Islington Avenue, municipally known as 1286-1294 Islington Avenue and 15-19 Cordova Avenue:
 - "20 Notwithstanding the provisions of By-law No. 1088-2002, this By-law shall not apply to the lands governed by By-law No. 7-2005(OMB). By-law No. 7-2005(OMB) shall remain in effect and shall continue to apply to the lands governed by By-law No. 7-2005(OMB)."
- 2. Section 20 of By-law No. 1088-2002, as amended, is hereby enacted in relation to the lands located at the intersection of Cordova Avenue and Central Park Roadway, west side of Islington Avenue, municipally known as 1286-1294 Islington Avenue and 15-19 Cordova Avenue.
- 3. Chapter 324, Site Specifics of the Zoning Code is hereby amended to include reference to this By-law by adding the following section 324.1, Table of Site Specific By-laws:

BY-LAW NUMBER AND DESCRIPTION OF ADOPTION DATE **PROPERTY**

PURPOSE OF BY-LAW

7-2005(OMB) December 2, 2004 Lands located at the intersection To exempt lands subject to of Cordova Avenue and Central By-law Park Roadway, west side of from Islington Avenue, municipally By-law No. 1088-2002 known as 1286-1294 Islington Avenue and 15-19 Cordova Avenue

No. 7-2005(OMB) the provisions of

THEREFORE the Ontario Municipal Board HEREBY ENACTS as follows:

- 1. That the Zoning Map referred to in Section 320-5 Article 11 of the Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,7327, be and the same is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as described in Schedule 'A', annexed hereto from Limited Commercial (CL) and Fourth Density Residential Zone (R4) to Etobicoke Centre 3 Zone (EC3), provided the following provisions shall apply only to the development of the (EC3) lands identified in Schedules 'A', 'B', 'C' and 'D' attached hereto and/or to the *Lot* as defined in this By-law.
- 2. For the purposes of this by-law the following definitions shall be applicable. Where the definitions of the Etobicoke Zoning Code conflict with the definitions listed below, the definitions of this by-law shall apply:
 - "Bicycle Parking Space Occupant" means an area that is equipped with a bicycle rack or locker for the purposes of parking and securing bicycles, and
 - (a) where the bicycles are to be parked on a horizontal surface, has a horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres; and
 - (b) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (c) in the case of a bicycle rack, is located in a secure room or area.
 - "Bicycle Parking Space Visitor" means an area that is equipped with a bicycle rack for the purposes of parking and securing bicycles, and:
 - (a) where the bicycles are to be parked on a horizontal surface, has a horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (b) where the bicycles are to be parked in a vertical position, has horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (c) may be located outdoors or indoors but not within a secured room, enclosure or bicycle locker.
 - "Build-To-Area" means the area of the lands within which a streetwall of a building or structure shall be located;
 - "Drive-Through Facility" means a structure or a building or a part thereof which is designated to provide or dispense products or services, either wholly or in part, to persons remaining in automotive vehicles that are queued in a designated service lane;
 - "Floor Plate Area" means the horizontal floor area of a single floor measured from the exterior walls of a building or structure;

"Grade" means the average elevation of the finished ground level at the main front wall of the building;

"Gross Floor Area" has 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 Day Nurseries/Community Facilities; and Indoor Amenity Areas to a maximum of 1.5 square metres per dwelling unit;

"Height" means the vertical distance between the grade and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, stairs and stair enclosures, located on the roof of such building provided the maximum height of the top of such elements is no higher than 6 metres above the roof line of the said building;

"Mechanical Floor Area" shall mean a room or enclosed area, including walls within a building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilation, electrical, mechanical (including elevator shafts), required for air locks or elevators and exit stairs, or telecommunications equipment;

"Minor Projections" means minor building elements which may project from the main wall of the building into required yards and Build-To Areas, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows to a maximum projection of 1.0 metres;

"Streetwall" means any exterior wall of a building abutting a public street;

3. Permitted Uses

The following uses shall be permitted on lands designated EC3 on Schedule 'B' attached hereto

EC3 Zone

- (i) apartment houses; townhouses; senior citizen apartment building; seniors community house and residential dwelling units in combination with any other permitted uses; elementary schools and secondary schools;
- (ii) The following uses are permitted provided they are restricted to the ground floor: neighbourhood stores; confectionery stores; florist and gift shops; municipal uses; customer-operated automatic laundries; nursery schools and day nurseries; dry cleaners; personal service/ grooming shops; and community centres;
- (iii) Temporary sales offices for the purposes of marketing and sales related to use(s) permitted on the property within a building on the same lot; and
- (iv) Drive-Through Facilities shall not be permitted.

4. Minimum/Maximum Density

For the purposes of this by-law, the minimum gross Floor Space Index (FSI) permitted on lands designated EC3 on Schedule 'B' attached hereto shall be 2.0 FSI while the maximum gross Floor Space Index shall be 3.1 FSI and 403 units per hectare. The maximum number of Dwelling Units shall not exceed 765 Residential Dwelling Units.

5. Minimum/ Maximum Height

For the purposes of this By-law, maximum Building *Height* to be permitted on the lands designated EC3 on Schedule 'A', attached hereto shall be as shown in Building Envelope One (1) and in Building Envelope Two (2) and in Building Envelope Three (3) as shown on Schedule 'C' – Maximum Height in Metres, while the minimum building *Height* shall be two storeys and maximum *Floor Plate Area* restrictions shall be as required in Section 6 of this By-law.

- (i) For Building Envelope One (1) on Schedule 'C' the tower portion shall have a maximum *Height* of 75 metres and 25 storeys and the base/ townhouses shall have a maximum *Height* of 12 metres and 4 storeys;
- (ii) For Building Envelope Two (2) on Schedule 'C' the tower portion shall have a maximum *Height* of 60 metres and 20 storeys and the base/townhouses shall have a maximum *Height* of 12 metres and 4 storeys; and
- (iii) For Building Envelope Three (3) on Schedule 'C' the existing buildings shall have a maximum *Height* of 25 metres.

Notwithstanding the prescribed maximum permitted *Height* identified on Schedule 'C' - Maximum Height in Metres, no portion of a building or structure shall be higher than the horizontal distance from any Residential or Open Space zone to any portion of the building or structure.

6. Build-To Areas/Setbacks

For the purposes of this By-law, buildings or structures or projections thereof, on lands designated EC3 as shown on Schedule 'A' – Zoning Map attached hereto, shall provide that the minimum building setbacks shall not be less than the measurements shown on Schedule 'D' attached hereto and shall be measured from the main walls of the building. The following provisions shall also apply:

(i) Accessory structures, canopies, wheelchair ramps, exterior stairs, parapets and railings related to underground parking structures, vents, temporary sales offices, fences, safety railings and other landscape features shall be permitted outside the setback limits established on Schedule 'D' and shall be exempt from any setback provisions;

- (ii) The underground parking structure shall be permitted to have a zero (0) building setback from the lot line;
- (iii) The minimum front yard setback on Cordova Avenue shall be 4.94 metres from the unwidened limit of Cordova Avenue for an apartment house building and for a senior citizen apartment building, either and all as measured from the property line shown on Schedule 'D';
- (iv) The minimum front yard setback for a townhouse, a seniors community house and residential dwelling units in combination with other permitted uses shall be 6.44 metres from the unwidened limit of Cordova Avenue, either and all as measured from the property line shown on Schedule 'D';
- (v) The minimum front yard setback on Central Park Roadway shall be 5 metres from the unwidened limit of Central Park Roadway, either and all as measured from the property line as shown on Schedule 'D';
- (vi) Within each Building Envelope One (1) or Building Envelope Two (2) as shown on Schedule 'C', the Build-To Area for the lands subject to this By-law shall be a minimum 60% of any lot frontage abutting a public street, to a minimum *Height* of 6 metres and 2 storeys and a maximum *Height* of 12 metres and 4 storeys;
- (vii) For any portion of Building Envelope One (1) as shown on Schedule 'D'
 - 1. For any portion of a building above 12 metres in *Height* and 4 storeys, a minimum 3 metre setback from any face of the building wall at grade shall be required on two sides of any building, one of which walls shall face a public street;
 - 2. For any portion of a building above 36 metres in *Height and* 12 storeys, a minimum 2 metre setback from any face of the building wall at 36 metres shall be required commencing at 36 metres *Height* on two sides of any building, one of which walls shall face a public street;
 - 3. For any portion of a building above 60 metres in *Height*, and 20 storeys, a minimum 2 metre setback from any face of the building at 60 metres shall be required commencing at 60 metres *Height* on two sides of any building, one of which walls shall face a public street;
- (viii) For any portion of Building Envelope Two (2) as shown on Schedule D
 - 1. For any portion of a building above 12 metres and 4 storeys *Height*, a minimum 1.5 metre setback from any face of the building wall at grade shall be required on two sides of the building, one of which sides shall face a public street;

- 2. For any portion of a building above 36 metres and 12 storeys *Height*, a minimum 1.5 metre setback from any face of the building at 36 metres shall be required commencing at 36 metres on two sides of the building, one of which sides shall face a street:
- (ix) Notwithstanding any other provisions, the maximum *Floor Plate Area* restrictions for Building Envelope One (1) as shown on Schedule C attached hereto shall be as follows:
 - 1. Buildings between 36 metres/12 storeys and 60 metres/20 storeys *Height* 1000m²;
 - 2. Buildings between 60 metres/20 storeys and 75 metres/25 storeys *Height* 800m²;
 - 3. The length of any Floor Plate commencing at 12 metres/4 storeys *Height* or above shall not exceed 34 metres measured from the exterior walls in any one direction;
- (x) Notwithstanding any other provisions, the maximum *Floor Plate Area* restrictions for Building Envelope Two (2) as shown on Schedule C attached hereto shall be as follows:
 - 1. Buildings between 36 metres/12 storeys and 60 metres/20 storeys $Height 825 \text{m}^2$.
- (xi) Notwithstanding any other provisions, the minimum rear yard in Building Envelope Two (2) as shown on Schedule D attached hereto shall be 5.5 metres for an apartment house building or a senior citizens apartment house building, and 7.5 metres for a townhouse, a seniors community house, or residential dwelling units in combination with other permitted uses;
- (xii) Minor projections as defined in this By-law are permitted to encroach within the required building setbacks; and
- (xiii) Notwithstanding any other provisions, a minimum 11-metre separation distance to a window of another dwelling unit other than a window of a kitchen or bathroom on the same lot shall be required.

7. Area Requirements

Notwithstanding the provisions of the Zoning Code, the following area requirements shall apply to the lands designated EC3 on the lands shown on Schedule 'A' attached hereto:

- (i) Lot Frontage: minimum 24 metres;
- (ii) Landscaped Open Space: minimum 25% of the lot area shall be reserved for Landscaped Open Space;

- (iii) Indoor Amenity Space: a minimum 1.5 square metres per dwelling unit of Indoor Amenity Space shall be provided;
- (iv) Notwithstanding Section 304-3 Definitions of the Zoning Code:
 - a. Central Park Roadway shall be deemed the front lot line of a reversed corner lot where the front lot line continues on Cordova Avenue;
 - b. The northwest property line shall be deemed the rear lot line, except as otherwise stated herein for Building Envelope One (1) and Building Envelope Two (2); and
 - c. The required minimum yards are as shown on Schedule D attached hereto.

8. Parking and Loading Requirements

Notwithstanding Section 320-18B), C), D), and E) of the Zoning Code, the following requirements shall apply to EC3 Zones:

(i) Parking Spaces for buildings within Building Envelope One (1) and within Building Envelope Two (2) shall be provided in accordance with the following minimum requirements:

Non-Residential	The Zoning Code provisions shall apply
Residential Dwelling Units (less than	Minimum 1.0 parking spaces per Dwelling
3 Bedrooms)	Unit of which 0.2 parking spaces per
	Dwelling Unit is reserved for Visitor Parking
	and
	Maximum 1.25 parking spaces per Dwelling
	Unit of which 0.2 parking spaces per
	Dwelling Unit are reserved for Visitor
	Parking
Residential Dwelling Units (3 Bedrooms	Minimum 1.0 parking spaces per Dwelling
or greater)	Unit of which 0.2 parking spaces per
	Dwelling Unit is reserved for Visitor Parking
	Maximum 1.4 parking spaces per Dwelling
	Unit of which 0.2 parking spaces per
	Dwelling Unit is reserved for Visitor Parking

- (ii) For buildings within Building Envelope One (1) and within Building Envelope Two (2) seven (7) Handicap Parking Spaces shall be provided for the physically disabled;
- (iii) Parking Spaces for buildings within Building Envelope Three (3) shall be provided in accordance with the following minimum requirements:
 - a. Minimum 1.06 parking spaces per Dwelling Unit of which 0.2 parking spaces is reserved for Visitor Parking.

- (iv) For Buildings within Building Envelope Three (3) two (2) Handicap Parking Spaces shall be provided for the physically disabled;
- (v) Bicycle Parking shall be provided for all properties zoned EC3 with the exception of senior citizens apartment buildings and senior community houses, in accordance with the following minimum requirements:

Residential	0.75 bicycle parking spaces for each dwelling
	unit in a building containing greater than
	ten (10) Dwelling Units to a maximum of
	200 bicycle parking spaces
Non-Residential	In buildings with greater than 2000 square
	metres of non-residential gross floor area,
	one bicycle space for every 1,250 square
	metres of non-residential floor area

- (vi) 80% of all required residential bicycle parking spaces shall be deemed as *Bicycle Parking Occupant* and 20% as *Bicycle Parking Visitor*;
- (vii) access to parking for both Building Envelope One (1) and for Building Envelope Two (2) shall be permitted and required from both Cordova Avenue and from Islington Avenue;
- (viii) notwithstanding any other provisions of the Zoning Code, that portion of Building Envelope Three fronting on Islington Avenue may be used for the purpose of visitor parking or handicap parking for motor vehicles; and
- (ix) For every building within Building Envelope One and within Building Envelope Two containing more than 420 square metres of *gross floor area* shall provide a Loading Space with a dimension of 12 metres in length, 3.0 metres in width and with a vertical clearance of 4.5 metres.

9. Public Pedestrian Entrances and Exits

Where any building face is located within 20 metres of a public road allowance, that building face shall contain a public pedestrian entrance and exit to and from the building.

10. Section 37 Agreement

In addition to developing the site in accordance with the provisions above, the Owner shall enter into an agreement pursuant to Section 37 of the *Planning Act* to secure the following facilities, services and matters and such Agreement shall be in a form satisfactory to the City and registered on title to the Site as a first priority, subject only to the fee interest in the Site and encumbrances permitted by the City:

(i) The Owner agrees to provide Landscape improvements to the open space adjacent to Islington Avenue within which the location, assignment and supply amount of

- surface parking will be secured as a specific matter to be determined at the time of site plan;
- (ii) The Owner agrees to the retention of the existing rental apartment house dwellings as purpose built rental tenure buildings for a period of 20 years from the date of this By-law coming into full force and effect;
- (iii) The Owner agrees to provide amenity space for the existing rental buildings and for the proposed new buildings;
- (iv) The Owner agrees to a secured Tree Preservation and Maintenance Plan;
- (v) The Owners agrees to the preparation and implementation of a Construction Mitigation and Communications Plan;
- (vi) The Owner agrees to the implementation of an approved Pedestrian Level Wind Study;
- (vii) Prior to the issuance of the first Building Permit for a new building within Building Envelope One (1) or Building Envelope Two (2), as shown on Schedule 'C', the Owner agrees to provide a financial contribution of \$150,000 to the City of Toronto on behalf of the Toronto District School Board for school yard improvements to the Islington Junior Middle School which will include playground equipment and may also include capital facility improvements to the school yard, landscaped areas or similar capital facility improvements;
- (viii) Prior to the issuance of the first Building Permit above grade for the first new building on the site within Building Envelope One (1) or within Building Envelope Two (2), the Owner shall pay the City of Toronto:
 - a. Pursuant to Section 42 of the *Planning Act* an amount equal to the value of 5% of the land otherwise required to be conveyed to the City for park or other public recreational purposes; and
 - b. An Additional Park Payment in the amount of \$84,108.
- (ix) Prior to the issuance of the first Building Permit above grade for the second new building on the site within Building Envelope One (1) or within Building Envelope Two (2) the Owner shall pay the City of Toronto:
 - a. Additional Park Payment in the amount of \$84,108.

11. Existing Buildings

- (i) Notwithstanding any other provisions of the Zoning Code, nothing shall prevent the use of a building or structure on the lands subject to this by-law provided that:
 - a. The same purpose or purposes were permitted on the *Lot* on April 2004; and

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b. The building or structure was lawfully on the *Lot* and lawfully used in whole or in part for the same purpose or purposes on April 2004.

12. Severance or Division

Notwithstanding any severance or division of the lands subject to this By-law, the provisions of this By-law shall continue to apply to the whole of the lands as though the severance or division had not occurred.

13. Conflicts/Repeals

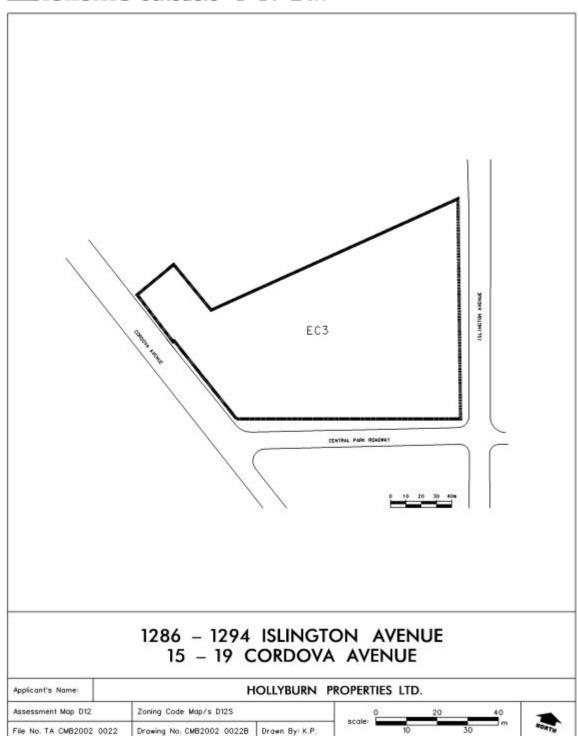
- (i) Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code as amended by By-law 1088-2002, the provisions of this By-law shall apply;
- (ii) By-law No. 11149 is hereby repealed; and
- (iii) By-law No. 11367 is hereby repealed.

PURSUANT TO ORDER NO. 1863 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON DECEMBER 2, 2004, IN BOARD CASE NO. PL030886.

TORONTO Schedule 'A' BY-LAW



TORONTO Schedule 'B' BY-LAW



TORONTO Schedule 'C' BY-LAW



TORONTO Schedule 'D' BY-LAW

