CITY OF TORONTO

BY-LAW No. 738-2005(OMB)

To amend Chapters 320 and 324, of the Etobicoke Zoning Code, with respect to certain lands located on the south side of Bloor Street West, on the west side of Islington Avenue, known municipally as 3391 Bloor Street West.

WHEREAS the matters herein set out are in conformity with Official Plan Amendment No. 115-2003 as adopted by the Ontario Municipal Board;

THEREFORE The Ontario Municipal Board 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 Township of Etobicoke By-law No. 11,737, 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) to Sixth Density Residential Zone (R6), provided the following provisions shall be the only provisions applicable to the development of the (R6) lands identified in Schedules 'A' and 'B' attached hereto.
- 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:

"**Build-To-Area**" means the area of the lands within which a streetwall of a building or structure shall be located.

"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 1.8 metres. In no case shall a projection extend beyond the property line.

"Grade" shall mean the average elevation of the finished ground level at the main front wall of the building.

"**Height**" shall mean the vertical distance between 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.

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

"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 air locks for elevators and exit stairs, or telecommunications equipment.

3. Permitted Uses

Notwithstanding Sections 320-18A./ B./ C./ D./ E./ F., 320-39/ 40/ 41/ 42/ 43/ 48/ 52, 320-76 and 320-77 of the Etobicoke Zoning Code, the following development standards shall now be applicable to the (R6) lands described in Schedules 'A' and 'B' attached hereto.

(i) The following uses shall be permitted:

Residential dwelling units, including seniors citizen apartment units, above the ground floor only, in combination with any other permitted uses, all other uses shall be located on the ground floor only; neighbourhood stores; bakery shops; banks; municipal uses; administrative/ business/ professional offices; photographers; shoe repair shops; tailor; customer operated automatic laundries; nursery schools and day nurseries; convenience/ take-out/ standard restaurants; medical and dental offices; dry cleaners; service rental shops; duplicating stores; personal service/ grooming shops; community centres; veterinary hospitals; retail stores; supermarket/ convenience food stores; craft and art galleries.

- (ii) Temporary sales offices for the purposes of marketing and sales related to the use(s) permitted on the property within a building on the same lot are permitted, as are associated uses including parking, hoarding, fencing and walkways.
- (iii) Drive-through facilities shall not be permitted.
- (iv) Accessory structures, pursuant to Section 320-76.F of the Etobicoke Zoning Code, shall also include covered ramps, exterior stairs, garbage enclosures, stair enclosures, gatehouses and ventilation shafts, for the purposes of this By-law.
- **4.** Maximum Density/Units

For the purposes of this By-law, the maximum gross Floor Space Index (FSI) permitted shall be 5.75 times the lot area. In the case where the abutting public laneway is acquired and becomes part of the development site, the maximum floor space index shall be 4.98 times the lot area.

The maximum number of units permitted shall not exceed 145 residential dwelling units.

The total maximum gross floor area of all non-residential uses shall not exceed 825 square metres.

The total maximum gross floor area of any individual convenience/take-out/standard restaurants shall not exceed 150 square metres.

5. Minimum/Maximum Height

For the purposes of this By-law, the maximum building heights permitted shall be as follows:

- (i) For the tower portion of the building, shown as Part 1 on Schedule 'B', a maximum height of 36 metres, not including roof-top mechanical equipment having a maximum height of 6 metres.
- (ii) For the base portion of the building, shown as Part 2 Schedule 'B', a maximum height of 21 metres, not including roof-top mechanical equipment having a maximum height of 4 metres, and an enclosed terrace may be provided, shown as Part 3 Schedule 'B', and shall not exceed 4.3 metres in height.
- **6.** Setbacks

For the purposes of this By-law, the minimum building setbacks shall not be less than the measurements shown on Schedule 'B' 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 in Schedule 'B' 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 property line.
- 7. Parking and Access Requirements
 - (i) Parking spaces shall be provided on the basis of 1 parking space per dwelling unit, of which 0.2 parking spaces per dwelling unit is 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 street, above the natural ground level of the ground, for the purpose of parking or storing a motor vehicle.
 - (iii) For the purposes of this By-law, the reserved on-site residential visitor parking requirement can be shared with, and used to meet the parking requirements for non-residential uses within the same building or structure.
 - (iv) Parking for medical and dental offices, where the total combined gross floor area exceeds 400 square metres, shall be provided on the basis of 2 parking spaces per 100 square metres of gross floor area above the 400 square metres.

- (v) Parking stalls and drive/access aisles shall maintain the following standards:
 - (a) Single-loaded parking stall-minimum dimension of 2.9 metres wide by 5.5 metres in length, with a 6.5 metres wide drive/access aisle.
 - (b) Double-loaded parking stall-minimum dimension of 2.9 metres wide by 5.7 metres in length, with a 6.0 metres wide drive/access aisle.

8. Miscellaneous

Notwithstanding Section 320-46 of the Etobicoke Zoning Code, fences may be permitted to a maximum height of 2.5 metres.

9. Section 37 Agreement

Public Benefit

The applicant will be required to provide the City with a cash contribution in the amount of \$115,000.00 to be used for public art/streetscape improvements in the vicinity of the Bloor Street West and Islington Avenue area.

The owner of the site shall provide the City of Toronto with the following facilities, services and matters, which would otherwise have been required in the absence of using Section 37 and are secured in the Section 37 agreement because it serves as a convenient legal mechanism.

Park Dedication

The applicant will be required to provide cash-in-lieu of parkland equivalent of up to 0.5 hectares per 300 units to the satisfaction of the Commissioner of Economic Development, Culture and Tourism.

School Board Notice

The applicant agrees to provide the Toronto District School Board and the Toronto Catholic District School Board with appropriate notice of its intention to apply for building permits.

The applicant also agrees to install on-site signage and insert appropriate warning clauses in offers of purchase and sale, advising purchasers that students may be accommodated outside the area.

Transportation Improvements

The applicant agrees to contribute and/or construct any transportation/road improvements that are attributable to the development of the subject site.

Sidewalk and Streetscape Improvements

The applicant agrees to design and construct, to the satisfaction if the Commissioner of Urban Development Services and Works and Emergency Services, sidewalk and streetscape improvements along its public frontages to current City standards.

Environmental Assessment

The applicant is required to satisfy the City with respect to the environmental (soil and groundwater) condition of the site that it is suitable for the proposed development and for any lands that are to be dedicated to the City.

Mitigation Requirements

The applicant shall incorporate appropriate mitigation measures to address the comments of the Toronto Transit Commission and the findings of a Noise Impact Analysis. The applicant shall include warning clauses in all Purchase and Sale and /or Lease Agreements, respecting concerns (if any) expressed by the Toronto Transit Commission and the recommendations of a Noise Impact Analysis.

Execution and Registration of Section 37 Agreement

The owner of the Site shall enter into an Agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters provided for under subsection (2) herein 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"

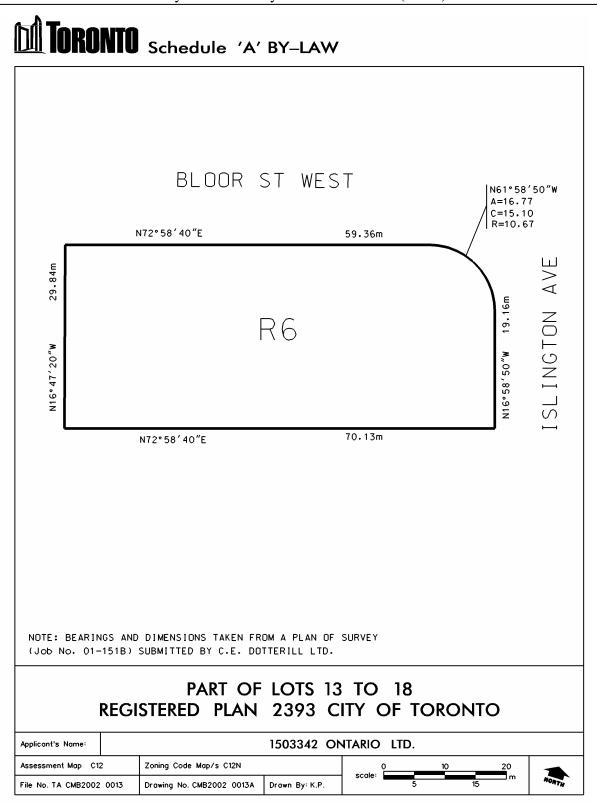
- **10.** Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
- **11.** Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws.

BY-LAW NUMBERDESCRIPTION OFPURPOSE OF BY-LAWAND ADOPTION DATEPROPERTY

| 738-2005(OMB) | Lands located on the south side | To rezone the lands to permit a |
|-----------------|---------------------------------|----------------------------------|
| August 26, 2005 | of Bloor Street West, west of | mixed use development |
| | Islington Avenue, known | containing 145 dwelling units |
| | municipally as 3391 Bloor | and to implement the policies of |
| | Street West. | the Official Plan Amendment. |

PURSUANT TO DECISION/ORDER NO. 2266 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON AUGUST 26, 2005 IN BOARD FILE NO. PL021189.

6 City of Toronto By-law No. 738-2005(OMB)



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