

Authority: Etobicoke York Community Council Item 24.1,
as adopted by City of Toronto Council on February 23, 24 and 25, 2009
Enacted by Council: May 27, 2009

CITY OF TORONTO

BY-LAW No. 600-2009

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to lands municipally known as 2, 4 and 6 Eva Road.

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

WHEREAS Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS subsection 37(3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height and density of development, the Municipality may require the owner to enter into one or more agreements with the Municipality dealing with the facilities, services and matters; and

WHEREAS the owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands in Chapters 320 and 324 of the Etobicoke Zoning Code (the "Zoning Code"), as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

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 hereby is, amended by repealing Bylaw No. 1992-221 as it applies to the lands described in Schedule 'A' attached hereto, and changing the classification of the lands located in the former Township of Etobicoke as described in Schedule 'A' attached hereto from Planned Commercial Preferred (CPP) to Sixth Density Residential (R6) provided the following provisions shall apply to the development of the (R6) lands identified in Schedule 'A'.

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:

“Building Envelope” – means the building area permitted within the setbacks established in this By-law, as shown generally on Schedule 'B' attached hereto.

“Floor Plate Area” – means the gross horizontal floor area of a single floor measured from the exterior walls of a building or structure.

“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 up to 2 square metres per unit; storage areas, underground garage levels, grade-related and above-grade areas devoted to parking, and unenclosed balconies.

“Height” – means, with respect to each section of the building erected within the Building Envelope, the vertical distance between the established grade of the Lands, which is defined as 136.58 metres ASL, and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, architectural elements, roof planters and other landscape features, stairs and stair enclosures located on the roof provided the maximum height of the top of such elements is no higher than the number of metres specified on Schedule 'B' above the height limit otherwise applicable.

“Indoor Amenity Area” – means an indoor common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes.

“Lands” – shall mean the lands described in Schedule 'A' attached hereto.

“Landscaped Open Space” means a yard or court on a lot located at grade, above an underground parking area, above an aboveground parking structure, or roof top, which is suitable for landscaping. It shall include any part of the lot occupied by accessory recreational buildings, surfaced walks, patios or similar areas, sports or recreational areas and ornamental or swimming pools, but shall exclude driveways, ramps or motor vehicle parking areas.

“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 beyond the Building Envelope, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, to a maximum projection of 1.5 metres, provided that in no case shall any building element project into the 14 metre setback from the Ministry of Transportation property abutting the site on the east and south sides.

“Outdoor Amenity Area” – means an outdoor common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes.

“Tower Elements” – means the portion(s) of the building which contain more than 6 storeys from grade.

4. Permitted Uses

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

- (i) Apartment Building;
- (ii) Accessory structures, including any of the accessory structures permitted under Section 320.76F of the Zoning Code;
- (iii) A temporary sales office for the purpose of marketing and sales of units related to the building shall be permitted and shall be exempt from all development standards listed in this By-law or the Zoning Code and shall not be subject to the requirements of the agreement referred to in Section 14 (xii) herein.

5. Gross Floor Area

The maximum Gross Floor Area, as defined herein, permitted on the Lands shall be 79,700 square metres.

6. Maximum Density

The maximum Floor Space Index (FSI) permitted on the Lands shall be 3.82.

7. Maximum Height

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.

8. 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’.

- (ii) Notwithstanding the provisions of this By-law, the maximum floor plate area for each tower element of the building shall be as shown on Schedule 'B' attached hereto;

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, provided that in no case shall any portion of any building or structure, above or below grade, project into the 14 metre setback from the Ministry of Transportation property abutting the site on the east and south sides.
- (b) Minor projections shall be permitted to project outside the Building Envelope, provided that in no case shall any portion of any building or structure project into the 14 metre setback from the Ministry of Transportation property abutting the site on the east and south sides.
- (c) Permitted accessory structures, canopies, wheelchair and covered ramps, exterior stairs and associated covering, parapets and railings related to underground parking structures, vents, temporary sales offices, fences, safety railings and other landscape features, including gazebos to a maximum aggregate covered area of 200 square metres, shall be permitted outside the Building Envelope, provided that in no case shall any portion of any building or structure, above or below grade, project into the 14 metre setback from the Ministry of Transportation property abutting the site on the east and south sides.

9. 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) Vehicle parking for residential apartment uses shall be provided at a minimum ratio of 1.0 stall per dwelling unit for units with less than three bedrooms, and 1.35 stalls per dwelling for units with three or more bedrooms. An additional 0.2 stalls per dwelling unit shall be provided and reserved for the exclusive use of visitors.
- (ii) No person shall use any portion of the lot at or above the second storey above natural ground level of the ground or that is outside the Building Envelope for the purpose of parking or storing a motor vehicle and further, no vehicle shall be parked or stored on a rooftop.
- (iii) 2 loading spaces with a minimum vertical clearance of 6.1 metres shall be provided and if the building is constructed in phases not less than 1 such loading space shall be provided on each of the Phase 1 and Phase 2 lands.

- (iv) 200 Indoor bicycle parking spaces (other than in dwelling units or privately owned locker areas) shall be provided and if the building is constructed in phases not less than 100 such spaces shall be provided on each of the Phase 1 and Phase 2 lands.

10. 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 45% of the lot area shall be reserved for Landscaped Open Space.
- (ii) Indoor Amenity Space: a minimum 2.0 square metres per dwelling unit of Indoor Amenity Space shall be provided.
- (iii) Outdoor Amenity Space: a minimum of 2.0 square metres per dwelling unit of Outdoor Amenity Space shall be provided.

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

12. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law.

13. Nothing in this By-law shall apply to prevent the phased construction of the development, provided that the requirements of the By-law are complied with upon the completion of each phase.

14. Section 37

The density of development permitted by this By-law is subject to the Owner of the land, at its expense, providing the following capital facilities and/or cash contributions toward specific capital facilities pursuant to Section 37 of the *Planning Act* in order to permit a residential development with a maximum Floor Space Index of 3.82; a maximum number of dwelling units of 904; and heights as shown on Schedule 'B' as follows:

- (i) Prior to the issuance of the first above ground building permit, the owner shall provide detailed cost estimates (for items (a) and (b)) and certified cheques to cover the full cost (for items (a), (b) and (c)) for the following road and streetscape improvements, to the satisfaction of the Executive Director of Technical Services:
 - (a) Construction of left turn storage lengths and transition tapers at the following intersections:
 - 1. a 12 metre increase in storage length at the south approach to The West Mall/ Burnhamthorpe Road intersection.

2. a 12 metre increase in storage length at the east approach to The West Mall/ Burnhamthorpe Road intersection.
 3. a 12 metre increase in storage length at the north approach to The West Mall/ Bloor Street West intersection.
 4. a 12 metre increase in storage length at the west approach to The West Mall/ Bloor Street West intersection.
- (b) Construction of right turn storage length and transition taper at the following intersection:
1. a 7 metre increase in storage length at the south approach to The West Mall/ Burnhamthorpe Road intersection.
- (c) Introduction of protected westbound and southbound left-turn advance phases for the traffic signals at the east and north approaches to The West Mall/ Bloor Street West intersection.
- (ii) Prior to the issuance of the first above ground building permit the owner shall pay to the City by certified cheque the sum of \$50,000.00 to cover the costs associated with implementing transit signal priority features at two of the following three intersections: The West Mall/Bloor Street West, The West Mall/Eva Road, and The West Mall/Burnhamthorpe Road as required by the Toronto Transit Commission.
- (iii) Prior to the issuance of the first above ground building permit the owner shall make sidewalk and landscape improvements, to the satisfaction of the Director, Community Planning, Etobicoke York District, and with the permission of the Ministry of Transportation, if such permission is required, along both sides of Eva Road between the entrance to the Lands and The West Mall, at a minimum cost of \$50,000. Alternatively the Owner can choose to make a cash contribution to the City in the amount of \$50,000 to be used for such improvements. If permission from the Ministry of Transportation is needed but cannot be obtained, the owner shall pay to the City by certified cheque the sum of \$50,000.00 to be used for these improvements when circumstances permit.
- (iv) Prior to the issuance of the first above ground building permit, the owner shall design any improvements that may be required to the City's sanitary sewer, storm sewer and water supply systems to accommodate the proposed development, obtain all necessary approvals, including Ministry of the Environment approval, for such infrastructure, provide detailed cost estimates for the improvements and pay the City for the installation, all to the satisfaction of the Executive Director of Technical Services Division.
- (v) Prior to the issuance of the first above ground building permit, the owner shall pay to the City by certified cheque the sum of \$700,000 as a cash payment towards the renovation and/or construction of day care facilities within Eatonville Public School and/or the Etobicoke Civic Centre and/or other local buildings.

- (vi) Prior to the issuance of the first above ground building permit, the owner shall pay to the City by certified cheque the sum of \$325,000 as a cash payment towards the cost of a new waterplay facility in West Mall Park.
 - (vii) Prior to the issuance of the first above ground building permit, the owner shall pay to the City by certified cheque the sum of \$125,000 as a cash payment for a public art fund from which public art in the vicinity of the Lands will be financed.
 - (viii) Prior to the issuance of the first above ground building permit, the owner shall pay to the City by certified cheque the sum of \$300,000 as a cash payment for capital facilities at the Eatonville Branch Library.
 - (ix) Notwithstanding the provisions of items (v), (vi), (vii) and (viii) above, if the building is constructed in phases, the owner is required to provide 60% of the cash contribution specified in each of these items prior to the issuance of the first above ground building permit. The owner shall provide the remaining 40% prior to the issuance of the first above ground building permit for the second phase.
 - (x) The agreement referred to in (xii) herein shall provide that the owner of the Lands provide signage and warning clauses in accordance with the requirements of the Toronto District School Board and Toronto Catholic District School Board.
 - (xi) The agreement referred to in (xii) herein shall provide that the owner of the Lands comply with requirements regarding building modifications and notification to prospective buyers regarding noise levels and noise mitigation measures, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 - (xii) The owner of the Lands enters into and registers on title to the land an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure the facilities, services, and matters set forth in (i) to (xi) herein, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, prior to this By-law coming into force and effect.
- 15.** Within the lands shown on Schedule ‘A’ attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (i) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

16. “H” Holding Symbol

The uses permitted in this Bylaw are not permitted in respect of lands shown on Schedule ‘A’ to this Bylaw with a zone symbol that possesses an “H” Holding Symbol prefix until such time as the holding symbol is removed by amendment to this Bylaw.

17. Removal of the “H” Holding Symbol

In accordance with the provisions of Section 36 of the *Planning Act*, the Holding Symbol “H” will be removed from the lands shown on Schedule ‘A’ to this Bylaw upon fulfillment, all to the satisfaction of the Director, Community Planning, Etobicoke York District and the Executive Director, Technical Services Division, of items (i) through (iv) below:

- (i) dedication of the land shown on Schedule ‘A’ for a future public road; and
- (ii) provision of detailed cost estimates and adequate financing for 50 % of the cost of constructing the future public road from Eva Road to the extension of the northern boundary of the Lands; and
- (iii) entering into an agreement between the owner of the Lands, or any portion of the Lands, and the City, that will provide for the landscaping and maintenance, at no cost to the City, of the land to be dedicated as shown on Schedule ‘A’ for a future public road until such time as the public road is constructed; and
- (iv) one or more of the following conditions being fulfilled:
 - a. permanent closure by the Ministry of Transportation of the ramps connecting Eva Road and Highway 427; or
 - b. provision of direct access to either Civic Centre Court or The West Mall for vehicular traffic generated by the lands shown on Schedule ‘A’ to this Bylaw with a zone symbol that possesses an “H” Holding Symbol prefix; or
 - c. other road alterations, traffic improvements and/or Transportation Demand Management measures satisfactory to the Executive Director of Technical Services.

- 18.** Notwithstanding any severance, partition or division of the Lands, the provisions of this Bylaw shall apply to the whole of the Lands as if no severance, partition or division occurred.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
600-2009 May 27, 2009	Lands located on the north side of Eva Road, west of Highway 427, municipally known as 2, 4 and 6 Eva Road.	To rezone 2, 4 and 6 Eva Road from Planned Commercial Preferred (CPP) to Residential Sixth Density (R6) subject to site specific development standards to permit a residential development and to place an "H" Holding Symbol on a portion of the lands.

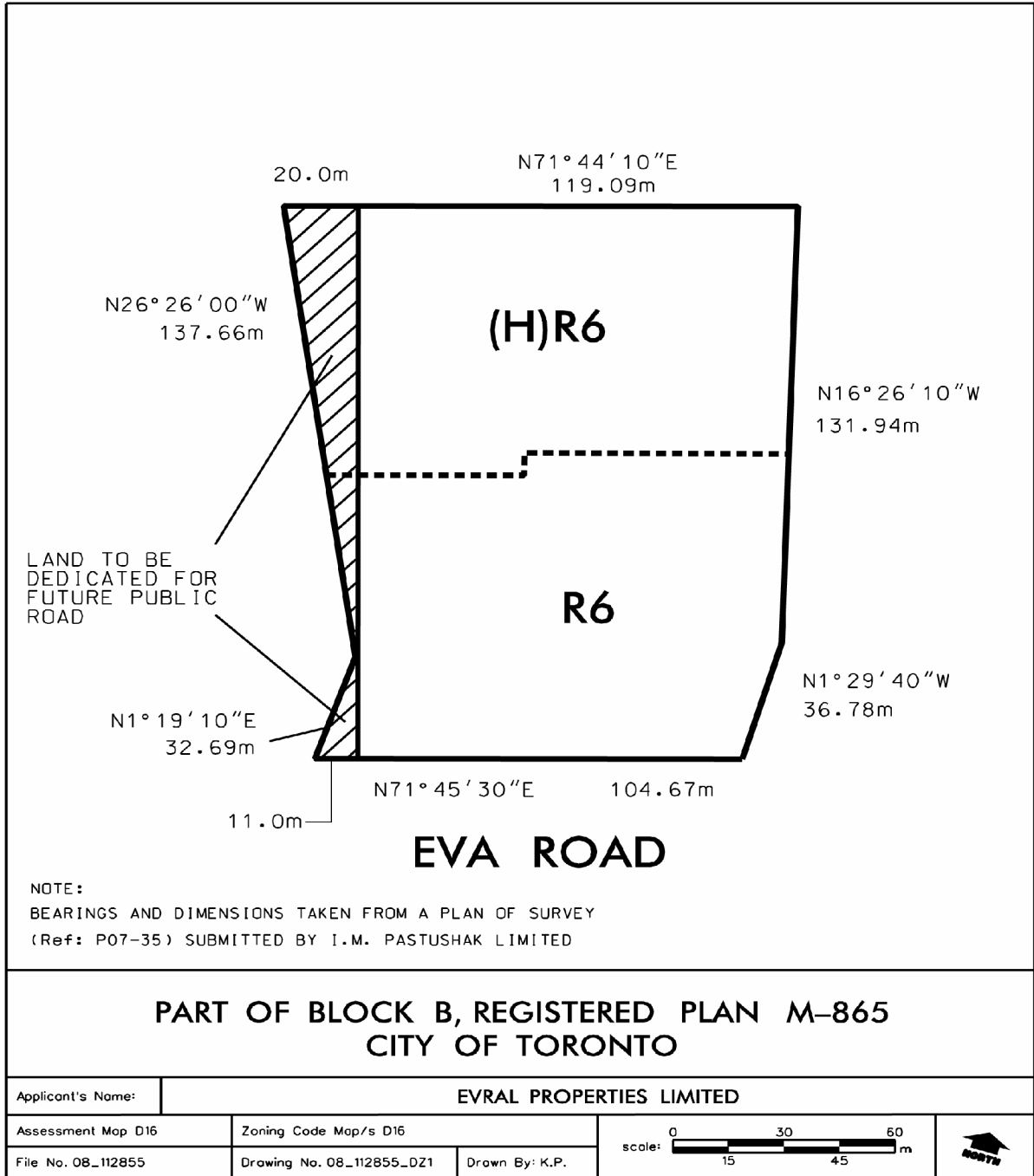
ENACTED AND PASSED this 27th day of May, A.D. 2009.

DAVID R. MILLER,
Mayor

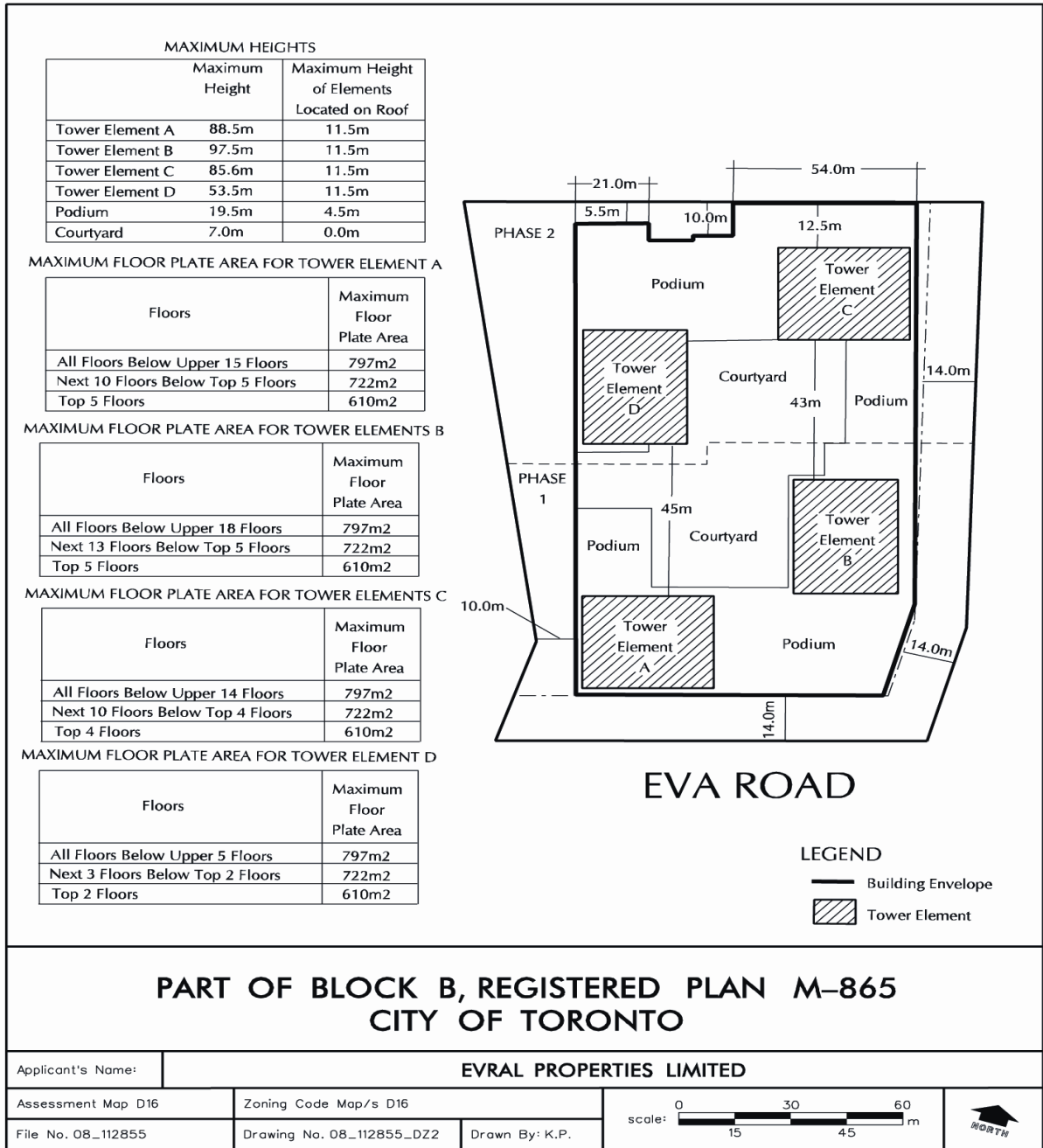
ULLI S. WATKISS
City Clerk

(Corporate Seal)

TORONTO Schedule 'A' BY-LAW



TORONTO Schedule 'B' BY-LAW



**PART OF BLOCK B, REGISTERED PLAN M-865
CITY OF TORONTO**

Applicant's Name:		EVRAI PROPERTIES LIMITED	
Assessment Map D16	Zoning Code Map/s D16	scale: 	
File No. 08_112855	Drawing No. 08_112855_D22		