

Authority: Ontario Municipal Board Decision issued July 28, 2014 and Orders issued December 4 and 17, 2015 in Board File No. PL131305

## CITY OF TORONTO

### BY-LAW No. 673-2016(OMB)

#### **To amend Chapters 304, 320 and 324 of the Zoning Code of the former City of Etobicoke with respect to lands municipally known as 600 and 620 The East Mall.**

Whereas the owner of the lands known municipally as 600 and 620 The East Mall has appealed a proposed Zoning By-law amendment to the Ontario Municipal Board; and

Whereas the Ontario Municipal Board, by its decision issued July 28, 2014 and Orders issued December 4 and 17, 2015 in Board File No. PL131305, approved amendments to the Zoning Code of the former City of Etobicoke with respect to those lands; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter 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 and matters in return for an increase in the height or density of development, a 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 owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by the Former City of Etobicoke Zoning Code, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Ontario Municipal Board Orders:

1. That the Zoning Map referred to in Section 320-5, Article II of the former City of Etobicoke Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737, be, and the same hereby is, amended by changing the classification of the Lands 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, 320-19, 320-23, 320-39, 320-40, 320-41, 320-42, 320-45, 320-52, 320-76 and 320-77 of the former City of 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 former City of Etobicoke 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:

"Bicycle Parking Space" - shall mean an area used for parking or storing a bicycle.

"Building Envelope" - shall mean the building area permitted within the setbacks established in this By-law, as shown on Schedule 'B', attached hereto.

"Commercial School" - shall mean an educational establishment operated for remuneration and may include dancing schools, music schools, golf schools, business schools, trade schools, and similar establishments.

"Community Centre" - shall mean premises operated by or on behalf of a government or non-profit organization providing community activities, such as arts, crafts, recreational, social, charitable and educational activities. A club is not a community centre.

"Day Nursery" - shall mean premises providing temporary care or guidance for more than five children, for a continuous period not exceeding twenty-four hours and regulated by under the *Day Nurseries Act*, R.S.O. 1990, c. D.2, as amended. A recreational program operated by or for the City is not a day nursery.

"Established Grade" - shall mean 147.0 metres Canadian Geodetic Datum.

"Fitness Club" - shall mean an establishment used for the purpose of a gymnasium, sauna, swimming-pool and other sports-related recreational activities and services.

"Government Uses" - shall mean the use of land, buildings or structures by civic, religious, educational, charitable, fraternal, social or recreational societies, agencies, boards or committees, so long as the activity is not conducted for a profit, and any business uses is accessory to the main use. Government Uses shall not include a Place of Worship.

"Green Roof" - shall mean an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code.

"Gross Floor Area" - shall have the same meaning as the former City of Etobicoke Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: Mechanical Floor Area; unenclosed balconies; Indoor Amenity Areas up to 2 square metres per unit; and areas above or below grade devoted to parking, storage, loading and bicycle parking.

"Height" - shall mean the vertical distance between Established Grade of the Lands which is defined as 147.0 metres Canadian Geodetic Datum and the highest point of the building except that the following may exceed the maximum permitted height, as specified on Schedule 'B', by:

- (a) 4.46 metres for Tower A and Tower B and 6.0 metres for the remaining Structures for equipment used for the functional operation of a building such as mechanical and ventilation equipment, electrical, or utility equipment, window washing equipment, elevator overruns, lightning rods, and structures or parts of the building such as enclosed stairwells, roof access, maintenance of equipment storage, and telecommunications equipment.

"Indoor Amenity Area" - shall mean indoor space in a building that is communal and is provided for use by the occupants of a building and their guests, on the Lands for recreational or social activities.

"Lands" - shall mean the parcel of land outlined by heavy lines in Schedule 'A', attached hereto.

"Mechanical Floor Area" - shall mean 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" - shall mean minor building elements which may project from the main wall of a building into required setbacks beyond the Building Envelope, including architectural elements, parapets, landscape features, elements of a Green Roof, roof eaves, window sills, lights, vents, railings and guard rails, cornices, doors, canopies, balustrades, terraces and balconies, and exterior stairs, 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 Lands on the west and south sides.

"Outdoor Amenity Area" - shall mean outdoor space on the Lands located at grade or on a landscaped roof of a building that is communal and is provided for the use of occupants of the building and their guests for recreational or social activities.

"Personal Service Shop" - shall mean premises used to provide personal grooming services or for the cleaning or care of apparel.

"Retail Service" - shall mean premises in which photocopying, printing, postal, or courier services are sold or provided.

"Retail Showroom" - shall mean a building or portion of a building where samples or patterns are displayed and orders taken for goods, wares and merchandise for future delivery.

"Retail Store" - shall mean premises in which goods or commodities are sold, rented or leased.

"Structure" - shall mean anything that is erected, built or constructed of one or more parts joined together. A vehicle is not a structure.

"Temporary Sales Office" - shall mean a building, structure, facility or trailer on the Lands used for the purpose of the sale of dwelling units to be erected on the Lands.

#### 4. Permitted Uses

No building or structure shall be erected or used on the Lands, except for the following uses:

- (a) Apartment Buildings;
- (b) Business, Professional and Administrative Offices, Retail Stores, Retail Services, Personal Service Shops, Day Nurseries, Government Uses, Take-out Restaurants, Standard Restaurants and Convenience Restaurants, Community Centres, Fitness Clubs, Institutional Uses, Medical Offices/Clinics, Commercial Schools, Studios, and Retail Showrooms shall be permitted up to the fourth storey within the mixed use building fronting The East Mall and within the two freestanding single storey buildings as shown on Schedule 'B', attached hereto;
- (c) Accessory Uses and Structures, including any of the Accessory Structures permitted under Section 320.76F of the Zoning Code; and
- (d) A Temporary Sales Office for the purpose of marketing and sales of units related to the Apartment Buildings shall be permitted and shall be exempt from all development standards listed in this By-law and the Zoning Code.

#### 5. Gross Floor Area

The maximum total Gross Floor Area permitted on the Lands shall be 68,200 square metres, of which a maximum of 6,800 square metres shall be permitted for non-residential uses provided that a maximum total of 4,181 square metres of non-residential Gross Floor Area shall be permitted up to the fourth storey within the mixed use building fronting The East Mall and a maximum total of 2,619 square metres of non-residential Gross Floor Area shall be permitted in the two freestanding single storey buildings as shown on Schedule 'B' attached hereto.

#### 6. Maximum Density

The maximum total Floor Space Index (FSI) permitted on the Lands shall be 3.0.

**7. Number of Units**

A maximum of 902 Dwelling Units shall be permitted on the Lands.

**8. Maximum height**

- (a) The maximum building Heights permitted on the Lands shall be shown following the letter H as shown on Schedule 'B', attached hereto, except that the items identified in section 3 "Height" (a) of this By-law may exceed the permitted Heights shown on Schedule 'B' by 4.46 metres (Tower A and Tower B) and 6.0 metres (remaining Structures) respectively; and
- (b) Notwithstanding the foregoing clause, no part of any building or structure including the items identified in section 3 "Height" (a) of this By-law on the Lands shall be located above an elevation of 219.46 metres Canadian Geodetic Datum.

**9. Setbacks/Floor Plate Restrictions/Building Envelope**

Notwithstanding the provisions of this By-law:

- (a) No portion of a building or structure within the Lands shall be located other than within the Building Envelope as shown on Schedule 'B', attached hereto;
- (b) The maximum Floor Plate Area for each tower element shall be as shown on Schedule 'B', attached hereto;
- (c) Any portion of a building or structure which is located below the finished exterior ground level measured 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 Lands;
- (d) 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 Lands on the west and south sides; and
- (e) Minor projections shall not be permitted to encroach beyond the property lines of the Lands but shall be permitted to project beyond the building envelope except that no minor projections shall be permitted within the 14 metre Ministry of Transportation setback shown on Schedule 'B', attached hereto.

**10. Parking and Loading Requirements**

Notwithstanding the provisions of Section 320-18 of the former City of Etobicoke Zoning Code, the following requirements shall apply to the Lands:

- (a) Vehicle parking for residential uses shall be provided on the Lands at a minimum ratio of:
- (i) 0.8 Parking Spaces for each bachelor Dwelling Unit;
  - 0.9 Parking Spaces for each one bedroom Dwelling Unit;
  - 1.0 Parking Spaces for each two bedroom Dwelling Unit; and
  - 1.2 Parking Spaces for each Dwelling Unit having three or more bedrooms;
  - (ii) A minimum of 0.2 Parking Spaces per Dwelling Unit shall be provided for the exclusive use of visitors;
- (b) Vehicle parking for non-residential uses shall be provided on the Lands at a minimum ratio of 1.5 Parking Spaces per 100 square metres of Gross Floor Area;
- (c) A minimum of one Parking Space for every 100 Parking Spaces, or part thereof, shall be provided on the Lands for use by the physically disabled;
- (d) Loading spaces shall be provided on the Lands as follows:
- (i) A minimum of two loading spaces with dimensions of 13 metres in length by 4.0 metres in width and a vertical clearance of 6.1 metres to serve the residential uses, one of which shall also serve the non-residential uses in the mixed-use building fronting The East Mall;
  - (ii) A minimum of two loading spaces, one with dimensions of 11 metres in length by 3.5 metres in width and a vertical clearance of 4.0 metres and the second with dimensions of 9 metres in length by 3.5 metres in width and a vertical clearance of 3.0 metres to serve the non-residential uses in the freestanding single storey buildings as shown on Schedule 'B' attached hereto; and
  - (iii) A minimum of one loading space with dimensions of 6.0 metres in length by 3.5 metres in width and a vertical clearance of 3.0 metres to serve the non-residential uses in the mixed-use building fronting The East Mall and the residential uses. Should the non-residential Gross Floor Area of office uses exceed 2,000 square metres, a second loading space with dimensions of 6.0 metres in length by 3.5 metres in width and a vertical clearance of 3.0 metres shall also be provided;
- (e) Bicycle Parking Spaces shall be provided on the Lands as follows:
- (i) Long term Bicycle Parking Spaces will be provided at a ratio of 0.68 Bicycle Parking Spaces per Dwelling Unit. Short term Bicycle Parking

Spaces will be provided at a ratio of 0.07 Bicycle Parking Spaces per Dwelling Unit; and

- (ii) Long term Bicycle Parking Spaces for non-residential uses will be provided at a minimum ratio of 0.13 Bicycle Parking Spaces per 100 square metres of Gross Floor Area. Short term Bicycle Parking Spaces for non-residential uses will be provided at a minimum ratio of 0.15 Bicycle Parking Spaces per 100 square metres of office space and 0.25 Bicycle Parking Spaces per 100 square metres of retail space.

#### 11. Amenity Space Requirements

The following amenity space requirements shall apply to the Lands:

- (a) A minimum 2.0 square metres per Dwelling Unit of Indoor Amenity Space shall be provided; and
  - (b) A minimum of 2.0 square metres per Dwelling Unit of Outdoor Amenity Space shall be provided, of which a minimum of 40 square metres shall be directly adjoining and accessible to Indoor Amenity Space.
12. (a) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the Lands contemplated herein is permitted in return for the owner's election to provide at the owner's expense, the facilities, services and matters set out in Schedule 'C' hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the Lands, to the satisfaction of the City Solicitor and registered on title to the Lands.
- (b) Where Schedule 'C' of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
  - (c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule 'C' are satisfied.
13. Where the provisions of this By-law conflict with the provisions of the Zoning Code, the provisions of this By-law shall apply.
14. 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:
- (a) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

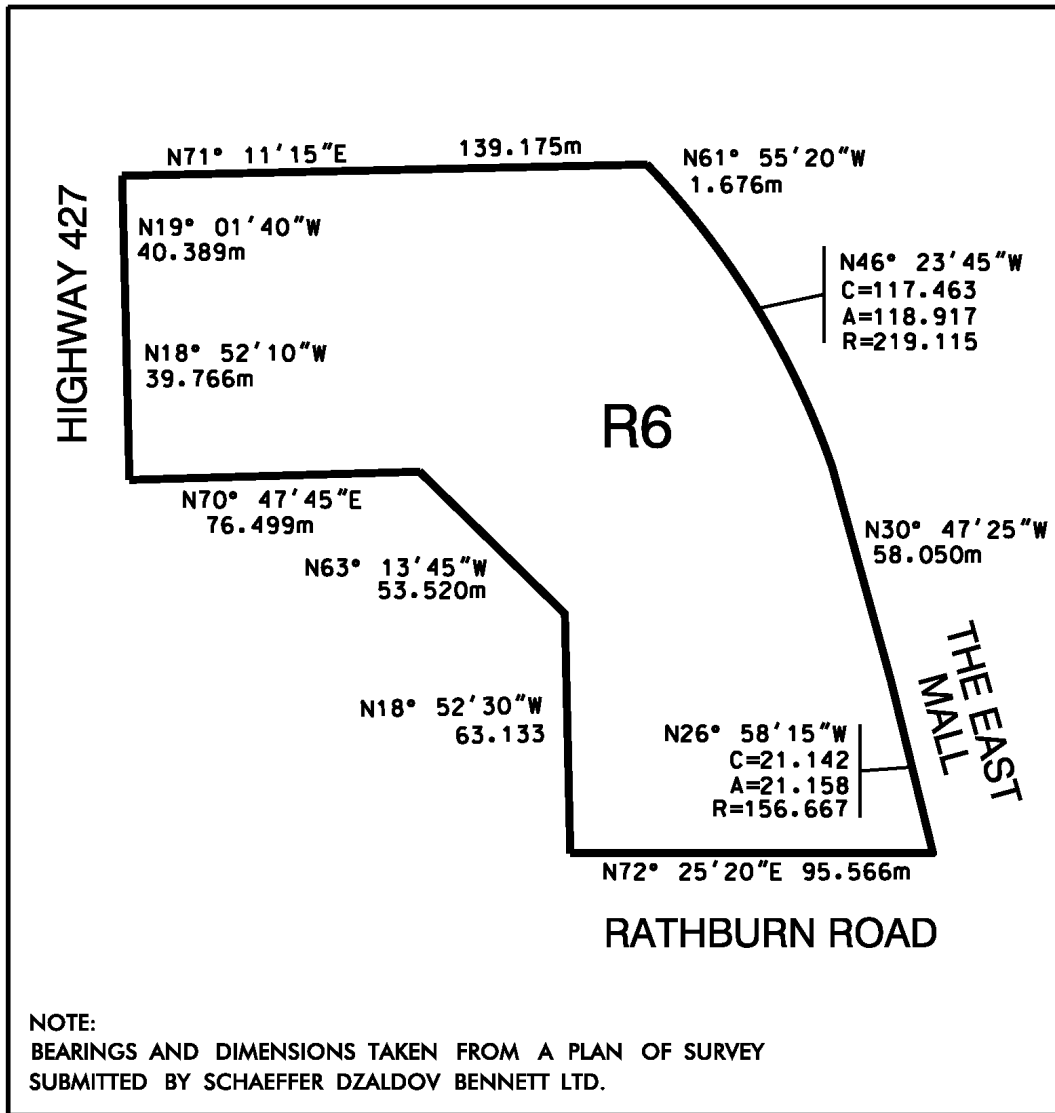
15. Notwithstanding any severance, partition or division of the Lands, the provisions of this By-law shall continue to apply to the whole of the Lands as if no severance, partition or division occurred.

<b>BY-LAW NUMBER</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
673-2016(OMB)	Lands municipally known as 600 and 620 The East Mall	To rezone 600 and 620 The East Mall from Planned Commercial Preferred Zone (CPP) to Residential Sixth Density Zone (R6) subject to site specific permitted uses and development standards

PURSUANT TO THE DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED JULY 28, 2014 AND ORDERS ISSUED DECEMBER 4 AND 17, 2015 IN BOARD CASE NO. PL131305



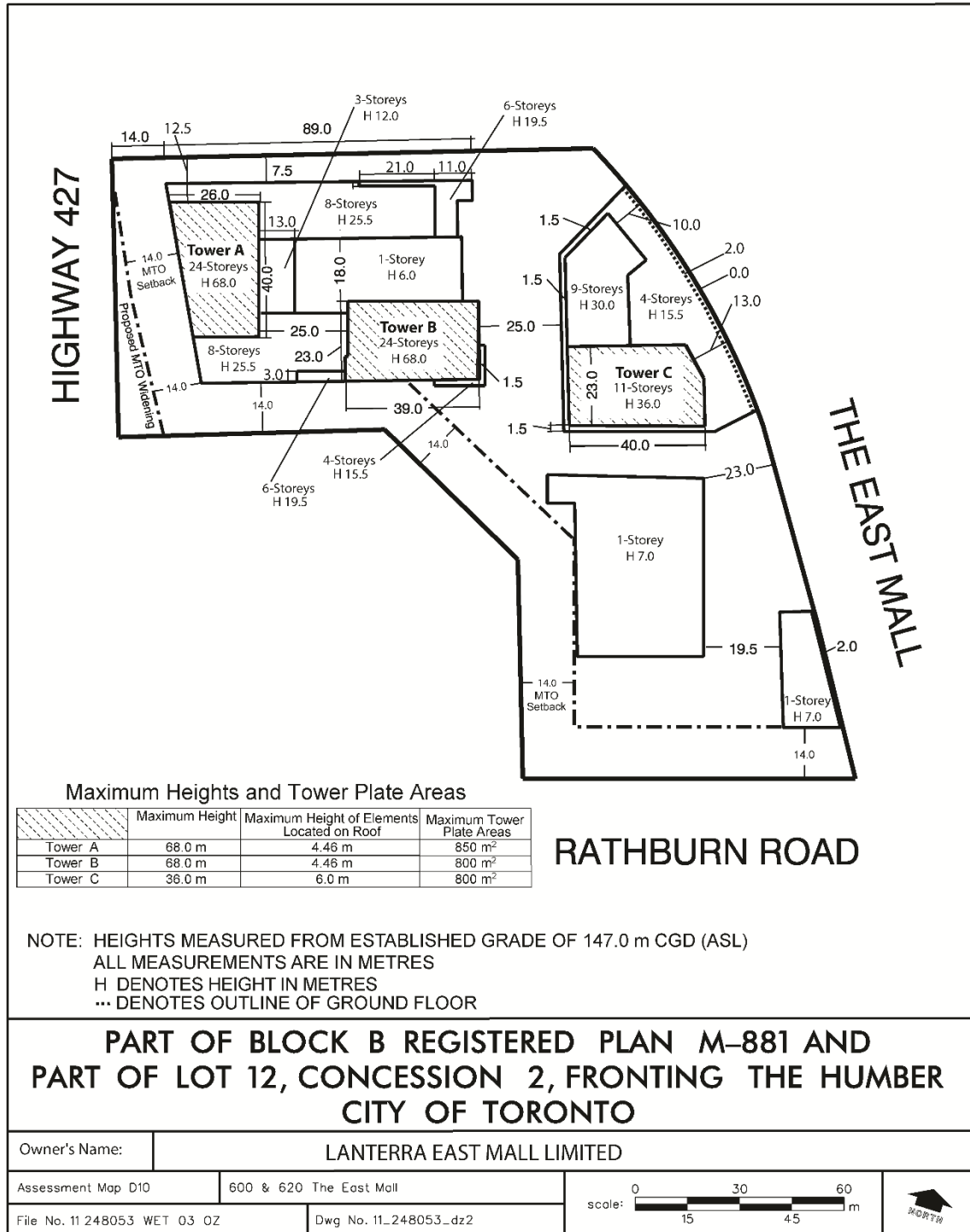
**TORONTO** Schedule 'A' BY-LAW



**PART OF BLOCK B REGISTERED PLAN M-881 AND  
PART OF LOT 12, CONCESSION 2, FRONTING THE HUMBER  
CITY OF TORONTO**

Owner's Name:	LANTERRA EAST MALL LIMITED		
Assessment Map D10	600 & 620 The East Mall	scale: 0 30 60 15 45 m	
File No. 11 248053 WET 03 0Z	Dwg No. 11. 248053 _d.r1		

**TORONTO** Schedule 'B' BY-LAW



**Schedule 'C'**  
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the Lands and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

- (1) prior to issuance of the first above-grade residential building permit the owner shall pay to the City the sum of \$1,200,000 (indexed from March 1, 2014 to the date of payment to reflect increases in the Non-Residential Construction Price Index), to be allocated generally as follows:
  - (i) A payment in the amount of no less than \$600,000 for improvements to Capri Park, including but not limited to improvements to accommodate additional recreation facilities such as basketball courts and a splash pad as well as improved park lighting, pedestrian walkways and landscaping; and
  - (ii) A payment in the amount of no less than \$600,000 for capital improvements to existing non-profit childcare facilities in the area including but not limited to Capri Child Care Centre, Educare Kindergarten — Rathburn, and First Stage — Burnhamthorpe.
- (2) prior to the issuance of the first above-grade residential building permit the owner shall pay to the Toronto Transit Commission the sum of \$33,000.00 for transit signal priority measures to mitigate delays to transit.
- (3) the owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage.
- (4) the owner shall construct and maintain the development in accordance with recommendation from the Noise Impact Assessment Report prepared by J.E. Coulter Associates Limited dated July 21, 2011 and addendums dated March 28, 2012 and March 5, 2013 which identify a requirement for upgrades to the west, north and south facades (glazing and walls) of the two residential buildings and the mixed use building.
- (5) the owner shall be financially responsible for all costs to remove and relocate the existing pedestrian crossover along The East Mall at the northerly limit of the site by the City's Traffic Plant Installation and Maintenance Unit.
- (6) the owner shall enter into a financially secured Development Agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development.
- (7) the owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee.

- (8) the owner of the Lands shall enter into and register on title to the Lands one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in this Appendix.
- (9) in the event the cash contribution(s) referred to in Section(s) (1) have not been used for the intended purpose within three (3) years of this Bylaw coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the Lands.