

Authority: Local Planning Appeal Tribunal Memorandum of Oral Decision issued August 28, 2018 and Order issued October 18, 2018 in Tribunal File PL171225

CITY OF TORONTO

BY-LAW 1346-2018(LPAT)

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to lands municipally known in 2018 as 400 The East Mall and to repeal By-laws 152-2007 and 13,653.

Whereas the Local Planning Appeal Tribunal Memorandum of Oral Decision issued August 28, 2018 and Order issued October 18, 2018 approved amendments to the former City of Etobicoke Zoning Code, By-law 152-2007 and By-law 13,653, as amended, with respect to the lands municipally known in 2018 as 400 The East Mall;

The Local Planning Appeal Tribunal Orders:

1. That the Zoning Map referred to in Section 320-5, Article II of the Zoning Code, originally attached to the Township of Etobicoke Zoning Code and By-law 152-2007 and By-law 13,653 are amended by changing the classification of the lands located in former City of Etobicoke and described in Schedule A, attached, from Planned Commercial Preferred Zone (CPP) to Group Area Fourth Density Residential (R4G) provided that the provisions in this By-law shall apply to the lands identified in Schedule A.

2. **Definitions**

For the purposes of this By-law, the following definitions will apply:

- (a) **Accessory Building** means a detached building located on the same lot and used for a purpose which is either incidental or subordinate to the main use and may include indoor amenity space, access to underground garage ramp, community mail boxes, and waste collection chutes;
- (b) **Building Envelope** means the building area permitted within the setbacks established on attached Schedule B attached;
- (c) **Grade** shall mean 140.852 metres Canadian Geodetic Datum;
- (d) **Gross Floor Area** means the total area of all floors in a building between the outside faces of the exterior walls, except that mechanical areas, waste rooms, indoor amenity area and below grade parking garages shall be excluded;
- (e) **Frontage (or Front Lot Line)** shall be considered The East Mall;
- (f) **Flankage (or Side Lot Line Abutting a Street)** shall be considered Burnhamthorpe Road;
- (g) **Height (HT)** shall mean the perpendicular distance measured from grade to the highest point of the main roof of a building;

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- (h) **Indoor Amenity Space** means a common indoor area within the lot which is provided for the exclusive use of residents of the townhouse dwelling units for recreational or social purposes;
 - (i) **Outdoor Amenity Space** means a common outdoor area within the lot which is provided for the exclusive use of residents of the townhouse dwelling units for recreational or social purposes, this may not include private balconies, roof terraces and patios;
 - (j) **Lot** means the lands as a whole as shown on Schedule A;
 - (k) **Stacked Back-to-Back Townhouse** means a building with multiple dwelling units, which may be attached horizontally and or vertically, each having a direct access from the outside;
 - (l) **Temporary Sales Office** means a building/structure, facility and/or trailer on the lot used for the purpose of marketing and sales of the Stacked Back to Back Townhouses to be erected on the lot;
 - (m) **Soft Landscaping** means trees, shrubs, grass, flowers, vegetables, and other vegetation, but does not include hard surfaced areas such as, but not limited to, driveways, parking areas, decorative stonework, walkways, patios, screening, or other landscape-architectural elements;
 - (n) **Storey (ST)** means a level of a building, other than a basement, located between any floor and the floor, ceiling or roof immediately above it;
 - (o) **Bicycle Parking Space** means an area used for parking or storing a bicycle.
3. Notwithstanding Sections 304.3, 320-18.B, C, D, E and F, 320-19, 320-39, 320-24.10, 320.41, 320-42, 320-70 and 320-71 of the Etobicoke Zoning Code, the following development standards shall now be applicable to the Group Area Fourth Density (R4G) lands described in Schedule A.

4. Permitted Uses

No buildings or structures shall be erected or used on the **lot** except for the following uses:

- (a) **Stacked Back-to-Back Townhouse;**
- (b) **Temporary Sales Office;** and
- (c) Indoor and outdoor amenity uses, accessory building, access driveways, underground parking garage, bicycle storage facilities, landscape features, exterior stairs, stair enclosures, community mailboxes, waste collection chutes, outdoor loading space, transformers, ventilation shafts, elevator, shall be permitted.

5. Development Standards

- (a) A maximum of 62 **stacked back-to back townhouse** dwelling units shall be permitted.
- (b) The maximum **height** in metres and number of **storeys** permitted above **grade**, is as shown on Schedule B.
- (c) No part of any **stacked back-to-back townhouse** or **accessory building** on the **lot** may exceed the heights specified by the number following the letters (**HT**) on Schedule B, except for the following:
 - (i) window washing equipment, lightning rods may project above the **height** limits shown on Schedule B by no more than 2.0 metres;
 - (ii) covered stairs or stair enclosures, fences may project above the **height** limits shown on Schedule B by no more than 3.0 metres;
 - (iii) heating or cooling mechanical units, stacks and associated components, emergency generator, lighting fixtures may project above the **height** limits shown on Schedule B by no more than 2.0 metres; and
 - (iv) parapets, railings, terraces, patios, planters, bollards, stairs, safety railings, guard rails, accessory structures, chimneys, vents, stacks and exhaust stacks, mechanical equipment and fans, retaining walls, ornamental or architectural features, structures and elements related to outdoor patios, roofing assembly, landscape features, garbage chutes or vents and roofs may project above the **height** limits shown on Schedule B by no more than 2.0 metres.
- (d) The elevator overrun shall not extend any further than:
 - (i) a maximum of 5 metres vertically above **grade**;
 - (ii) a maximum of width of 3 metres; and
 - (iii) a maximum length of 3 metres.
- (e) The minimum building setbacks shall not be less than the measurements shown on Schedule B, and shall be measured from the main exterior walls of each **stacked back-to-back townhouse** block and **accessory building**:
 - (i) Building setbacks must be measured from property lines of the **lot**; and
 - (ii) Minimum permitted front yard setback shall be 4.5 metres.
- (f) No portion of any structure above **grade** erected or used on the **lot** shall extend beyond the **building envelope** shown on Schedule B except the following:
 - (i) access stairs/porches to **grade** and fences, and planter boxes a maximum projection of 2.0 metres from any exterior wall of the building;

- (ii) chimney breasts, eaves, air condition units, window projections and roof overhangs extending a maximum of 0.5 metre from any exterior wall of the building;
 - (iii) balconies, patios, terraces having a maximum projection of 2.5 metres;
 - (vi) underground garage ramps and structures access stairs and railing to underground parking, transformers, community mailboxes, garbage staging areas, and waste collection chutes; and
 - (v) An underground parking structure may have 0 metre setback from the north, west and east lot line and 2.0 metres setback from the south lot line.
- (g) A maximum permitted **gross floor area** for the **lot** is 4,709 square metres.
- (h) A maximum combined building coverage of 32 percent shall be permitted on the **lot**, as shown on Schedule B.
- (i) A minimum of 22 percent **soft landscaping** must be provided on the **lot**, as shown on Schedule B.
- (j) **Parking Spaces**
- (i) A minimum of 1 underground parking space per dwelling unit shall be provided;
 - (ii) In addition to parking provided in 5.(g)(i) above, a maximum of 3 spaces may be in tandem with a length of 5.6 metres;
 - (iii) A maximum of 12 visitor parking spaces may be provided on the **lot**;
 - (iv) 1 accessible parking space must be provided underground on the **lot**; and
 - (v) An accessible parking space must have a minimum dimension of 3.65 metres in width by 5.60 metres in length and a vertical clearance of 2.1 metres.
- (k) **Bicycle Parking Spaces**
- (i) A minimum 62 residential **bicycle parking spaces** must be provided on the **lot** and located within the underground garage; and
 - (ii) A minimum 6 visitor **bicycle parking spaces** must be provided and maintained and provided at **grade**.

(l) **Loading**

A minimum of 1 loading space shall be provided with a minimum dimension of 13.0 metres in length by 4.0 metres in width with an unencumbered minimum vertical clearance of 6.1 metres.

(m) **Amenity Space**

(i) A minimum of 1.61 square metres of **indoor amenity space** per dwelling unit must be provided within the **accessory building** as shown on Schedule B; and

(ii) A minimum of 4.2 square metres of **outdoor amenity space** per dwelling unit must be provided in a location adjoining to and directly accessible from the **accessory building** as referenced in Schedule B.

(n) **Driveways**

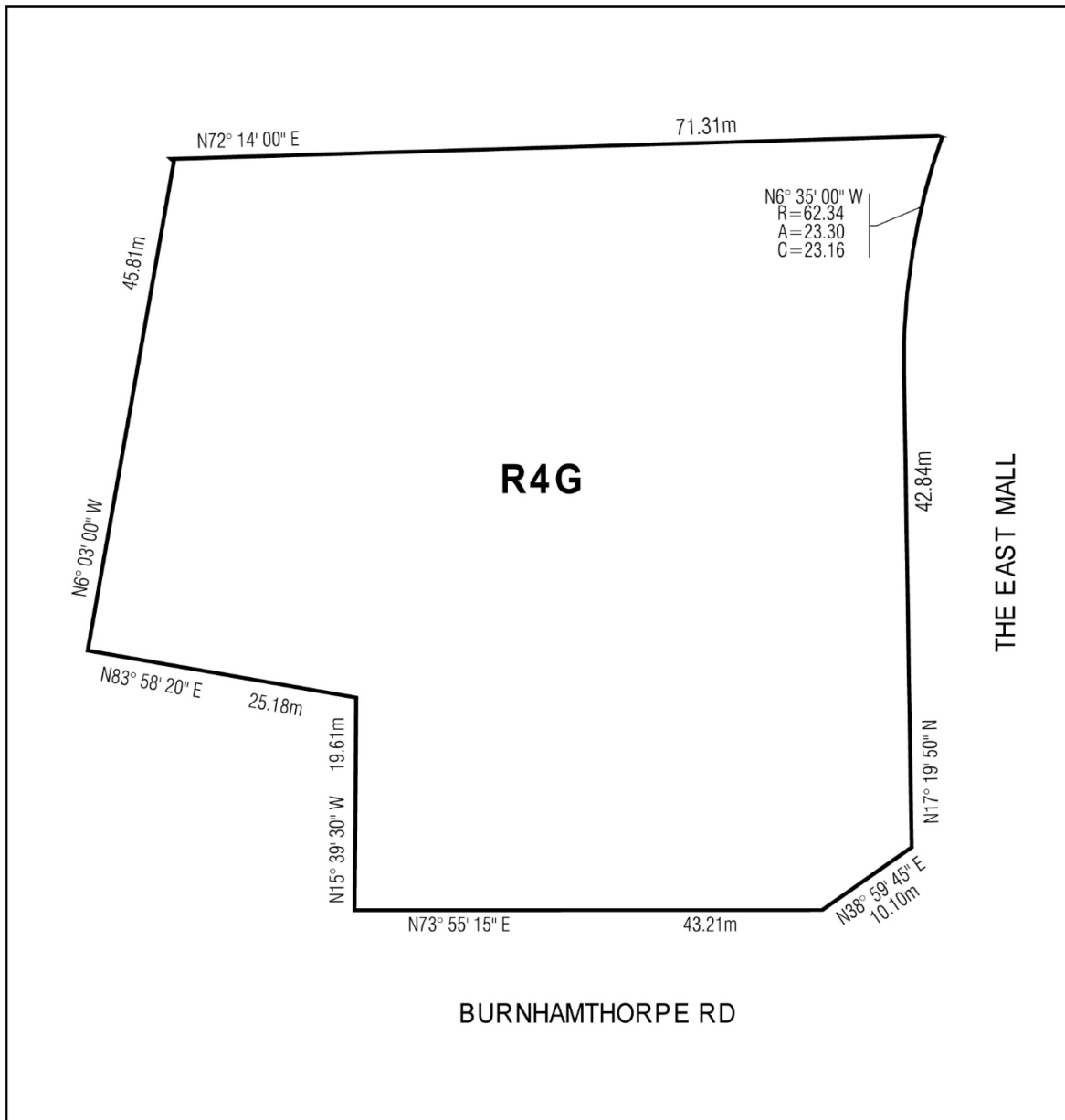
The driveway access to the site leading to the underground garage and the loading space must be 6 metres in width.

6. Notwithstanding the above By-law and Zoning Code standards, construction trailer is permitted without restriction during the development of the lands.
7. Within the lands shown on Schedule A attached to and forming part of 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 new public roads have been constructed to a minimum of the base curb and base asphalt and are connected to an existing public highway; and
- (b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and operational.
8. Despite any existing or future consent, partition or division of the **lot**, the provisions of this By-law must apply to the whole of the **lot** as if no consent, partition or division had occurred.
9. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law must apply.
10. Zoning By-law 152-2007 and By-law 13,653 are repealed.

11. Chapter 324, Site Specifics, of the Zoning Code is amended to include reference to this By-law by adding the following:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
1346-2018(LPAT) October 18, 2018	Lands located on the north side of Burnhamthorpe Road and west side of The East Mall, municipally known as 400 The East Mall.	To rezone the lands from Planned Commercial Preferred (CPP) to Group Area Fourth Density Residential (R4G).

Pursuant to Local Planning Appeal Tribunal Memorandum of Oral Decision issued August 28, 2018 and Order issued October 18, 2018 in Tribunal File PL171225



 **TORONTO**
Schedule A

400 The East Mall

File # 16 254656 WET 03 OZ


Former City of Etobicoke By-Law 11,737
10/16/2018

