

Authority: Local Planning Appeal Tribunal Decision and Order issued on May 6, 2020, and Ontario Land Tribunal Order issued on August 12, 2022 in Case OLT-22-004017 (PL171165)

**CITY OF TORONTO**  
**BY-LAW 1256-2022(OLT)**

**To amend Chapters 320 and 324 of the Zoning Code of the former City of Etobicoke with respect to lands municipally known as 555 The West Mall and repeal former City of Etobicoke By-laws 810, 838 and 1989-49.**

Whereas the Local Planning Appeal Tribunal, by its Decision and Order issued on May 6, 2020, and the Ontario Land Tribunal, by its Order issued on August 12, 2022 in Case OLT-22-004017 (PL171165), approved amendments to Chapters 320 and 324 of the Etobicoke Zoning Code, as amended, with respect to the lot; and

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990 c. P.13, as amended, to pass this by-law; and

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

Whereas pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, a by-law under Section 34 of the Planning Act may authorize increases in height and 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 matters set out in the by-law; and

Whereas subsection 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, provides that where an owner of land elects to provide facilities, services and matters in return for an increase in height or 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 owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in the density or height permitted beyond that otherwise permitted on the lands subject to this By-law are to be permitted in return for the provision of the facilities, services and matters set out in this By-law;

The Ontario Land Tribunal Orders:

1. Former City of Etobicoke site specific by-laws 810, 838 and 1989-49 are hereby repealed and replaced with the following:

2. Notwithstanding Sections 320-18, 320-39, 320-40, 320-41, 320-42, 320-67 and 320-68 of the Etobicoke Zoning Code, the following development standards shall apply to the (R4) 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:

- (A) "Apartment Building" – A residential building or part thereof containing at least five dwelling units, each unit having access only by an interior corridor system and/or individual access from the outside if located on the first or second storeys.
- (B) "Bicycle Parking Space" – means an area use for parking or storing a bicycle with the following dimensions:
- (i) The minimum dimension of a Bicycle Parking Space is:
    - a. length of 1.8 metres.
    - b. width of 0.6 metres.
    - c. vertical clearance from the ground of 1.9 metres.
  - (ii) The minimum dimension of a Bicycle Parking Space if placed on a wall, Structure or mechanical device is:
    - a. length or vertical clearance of 1.9 metres.
    - b. width of 0.45 metres.
    - c. horizontal clearance from the wall of 1.2 metres.
  - (iii) If a Bicycle Parking Space is located in a stacked position, the minimum vertical clearance for each Bicycle Parking Space is 1.2 metres.
- (C) "Building A" – means the Building area noted as Building A, as shown on Schedule 'B' attached hereto.
- (D) "Building B" – means the Building noted as Building B, as shown on Schedule 'B' attached hereto.
- (E) "Building Envelope" – means the Building area permitted within the setbacks established in this By-law, as shown generally on Schedule 'C' attached hereto.
- (F) "Established Grade" – means 145.71 metres Canadian Geodetic Datum.

- (G) "Floor Plate Area" – means the Gross Floor Area of a single floor measured from the exterior walls of the Building or Structure.
- (H) "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; unenclosed balconies; and areas above or below grade devoted to parking, storage, loading and bicycle parking.
- (I) "Height" – means the vertical distance between Established Grade and the highest point of the roof surface of the Building, but shall exclude heating, cooling, electrical, mechanical, telecommunications and ventilation equipment and rooms enclosing said equipment, elevator overruns, parapets, architectural elements, roof planters and other landscape features, elements of a green roof, stairs, stair enclosures and walk-outs located on a roof.
- (J) "Lands" – shall mean the lands outlined by heavy black lines on Schedule 'A' attached hereto.
- (K) "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.
- (L) "Minor Projections" – means minor Building elements which may project from the main wall of a Building beyond the Building Envelope, including roof eaves, window sills, vents, railings, cornices, lighting rods, doors, canopies, guard rails, balustrades, porches, balconies and bay windows, to a maximum projection of 1.5 metres, and exterior stairs, wheelchair and pedestrian and vehicular ramps, 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.
- (M) "Outdoor Amenity Area" – means an outdoor common area or areas located at grade or on a landscaped deck which are provided for the exclusive use of residents of Buildings A & B, and their guests, for recreational or social purposes.
- (N) "Tower Element(s)" – means the portion(s) of a Building which are located above 15.5 metres above Established Grade.

**5. Gross Floor Area**

- (i) The permitted maximum Gross Floor Area on the Lands is 30,500 square metres.
- (ii) The permitted maximum number of residential dwelling units is 375 units.

- (iii) A minimum of ten percent (10 percent) of all dwelling units on the lands must be three bedroom units.

## 6. Maximum Height

- (i) The permitted maximum Building Heights on the Lands is shown on Schedule 'C', attached hereto.
- (ii) No part of any Building or Structure on the Lands may be located above a height of 67.2 metres measured above Established Grade, except an elevator overrun with a maximum area of 70 square metres may project up to 3.8 metres above a height of 67.5 metres above Established Grade.

## 7. Setbacks/Floor Plate Restrictions/Building Envelope

- (A) No portion of a Building or Structure within the Lands shall be located other than within the Building Envelope and setbacks shown on Schedule 'B'.
- (B) The maximum Floor Plate Area for each Tower Element of Building B shall be 750 square metres.
- (C) Notwithstanding the foregoing clause, the following provisions shall apply:
  - i. 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 Grade, project into the 14 metre setback from the Ministry of Transportation property abutting the Lands to the north fronting onto Rathburn Road.
  - ii. Permitted accessory Structures, canopies, wheelchair and covered ramps, exterior stairs and associated covering, parapets and railings, vents, fences, safety railings, patios, terraces and landscape features, 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 Lands to the north fronting onto Rathburn Road.

## 8. Landscaping Requirements

- (i) A minimum of 50 percent of the area of the Lands are required for landscaping;
- (ii) A minimum of 50 percent of the landscaping area required in (i) above must be soft landscaping;
- (iii) A minimum 1.5 metre strip of land for soft landscaping, including along the east lot line is required; and

- (iv) Despite subsection 5(iii) above, a drive aisle with a maximum width of 6.0 metres and a ventilation shaft may encroach into the required 1.5 metre soft landscape strip.

## 9. Parking and Loading Requirements

The following requirements shall apply to the Lands:

### A. Parking:

- (i) A minimum of 0.8 Parking Spaces for each bachelor Dwelling Unit.
- (ii) A minimum of 0.9 Parking Spaces for each one-bedroom Dwelling Unit.
- (iii) A minimum of 1.0 Parking Spaces for each two-bedroom Dwelling Unit.
- (iv) A minimum of 1.2 Parking Spaces for each three-bedroom Dwelling Unit.
- (v) A minimum of 0.2 visitor Parking Spaces for Dwelling Unit.
- (vi) A minimum of 4 parking spaces plus 1 parking space for every 50 parking spaces or part thereof in excess of 100 parking spaces, must comply with the minimum dimensions for an accessible parking space.
- (vii) If the calculation of the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one parking space.
- (viii) A total of 134 parking spaces comprised of 126 resident parking spaces and 8 visitor parking spaces are required for Building A, which shall be provided on the properties municipally known in the year 2022 as 350 The East Mall, 580 The East Mall, 475 Rathburn Road and 15 Eva Road or within a radius of 800 metres measured from the boundaries of 555 The West Mall for a period of not more than 4 years from the enactment of this By-law.
- (ix) A shuttle or alternate means of transportation shall be provided to the tenants of 555 The West Mall to the properties municipally known in the year 2022 as 350 The East Mall, 580 The East Mall, 475 Rathburn Road and 15 Eva Road or within a radius of 800 metres measured from the boundaries of 555 The West Mall, to accommodate off-site temporary parking during the construction period. The shuttle or alternative means of transportation shall operate 24 hours per day, 7 days per week until such time that tenants of 555 The West Mall are able to return to the parking facilities at that address.

- B. Loading:
- (i) A minimum of one loading space shall be provided on the Lands with dimensions of 13.0 metres in length, 4.0 metres in width and a vertical clearance of 6.1 metres.
- C. Bicycle Parking:
- (i) For Building B, there must be a minimum of 0.68 "short-term" Bicycle Parking Spaces provided for each Dwelling Unit and a minimum of 0.07 "long-term" Bicycle Parking Spaces provided for each Dwelling Unit.
  - (ii) Bicycle Parking Spaces may be provided in a vertical position if placed on a wall, structure or mechanical device with the following minimum dimensions:
    - (a) Minimum length or vertical clearance of 1.9 metres;
    - (b) Minimum width of 0.6 metres; and
    - (c) Minimum vertical clearance from the ground of 1.9 metres.
  - (iii) Notwithstanding (i) and (ii) above, if a Bicycle Parking Space is positioned in an offset overlapping configuration, the minimum width is 0.4 metres.
10. Where the provisions of this By-law conflict with the provisions of the 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.
12. 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 the entire development.
13. 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.
14. 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.

**15. Section 37 Provisions**

- (A) Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedules 'A', 'B' and 'C' in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A1 hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A1 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 A1 are satisfied.

<b>BY-LAW NUMBER AND ENACTMENT DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
1256-2022(OLT) August 5, 2022	Lands known municipally as 555 The West Mall	To amend certain Fourth Density Residential Zone – R4 zoning standards in order to permit a 22-storey residential building subject to site specific zoning standards.

Pursuant to Local Planning Appeal Tribunal Decision and Order issued on May 6, 2020, and Ontario Land Tribunal Order issued on August 12, 2022 in Case OLT-22-004017 (PL171165).

## SCHEDULE A1

### 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 shown in Diagram 1 in this By-law. Prior to the issuance of any **building** permit, the owner shall enter into an agreement, on such terms and conditions, including upwards indexing, securities, details and requirements, to the satisfaction of the City Solicitor pursuant to Section 37(3) and (4) of the Planning Act, as it read on the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, C.18, as amended, came into force, (the "**Section 37 Agreement**") to secure the community benefits and matters required to support the development below, whereby the owner agrees as follows:

1. Prior to the issuance of the first Above-Grade Building Permit for a part of or all of the lands, the Owner shall make a cash contribution to the City in the amount of FIVE HUNDRED AND FIFTY THOUSAND DOLLARS (\$550,000.00) (the "**Cash Contribution**"), subject to upward indexing, to be used in the Ward within which the lands are situated and allocated towards the following community benefits to the satisfaction of the Chief Planner and Executive Director, City Planning (the "**Chief Planner**") in consultation with the Ward Councillor:
  - (a) Capital upgrades and improvements to existing community spaces within the vicinity of the lands and more particularly for the Toronto Community Housing Corporation property at 559 The West Mall, and the Etobicoke Olympium Community Centre located at 590 Rathburn Road, to the satisfaction of the Chief Planner in consultation with the Ward Councillor;
  - (b) Streetscape improvements within the vicinity of the lands and more particularly those lands along The West Mall in compliance with the City's Streetscape Manual and to the satisfaction of the Chief Planner in consultation with the General Manager, Parks, Forestry and Recreation (the "**General Manager, PFR**") and the Ward Councillor; and
  - (c) Local area park improvements within the Ward, to the satisfaction of the Chief Planner in consultation with the General Manager, PFR and the Ward Councillor.
2. The Cash Contribution described in 1. above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table: 18-10-0135-01 from the date of the execution of the Section 37 Agreement to the date of payment.
3. In the event that the Cash Contribution described in 1. above has not been used for the intended purposes within three (3) years after this Zoning By-law comes into full force and effect, the Cash Contribution may be re-directed for other purposes at the discretion of the Chief Planner in consultation with the Ward Councillor, provided that the purposes

are identified in the Official Plan and will benefit the community in the vicinity of the lands.

4. The Owner shall provide and maintain the 119 rental housing units currently existing in the existing building on the lands as rental housing for a period of at least 20 years from the date of this By-law coming into full force and effect, to the satisfaction of the Chief Planner and the City Solicitor (the "**Retained Rental Units**"). During the 20 year period, the Retained Rental Units shall not be registered as a condominium and no application may be submitted for condominium approval or for any such conversion to non-rental housing purposes, or for demolition without providing for replacement rental dwelling units.
5. Prior to the issuance of the first Building Permit for the lands, the Owner shall provide, and thereafter implement, at its own expense and to the satisfaction of the Chief Planner, a Tenant Communication and Construction Mitigation Strategy that includes a communication strategy for adjacent property owners and an interim parking plan for existing tenants and tradespeople during the construction period.
6. The Owner shall provide, repair, operate and/or maintain, at its own expense and to the satisfaction of the Chief Planner:
  - (a) At least 628 square metres of indoor amenity spaces on the ground floor of the new residential building on the lands, including but not limited to a furnished multi-purpose room with direct access to washrooms and a fully outfitted fitness and exercise room; and
  - (b) Outdoor amenity spaces as shown on the Landscape Plan prepared by MHBC dated July 9, 2021 that will include at least a children's play area with a minimum of two benches for seating.
  - (c) All indoor amenity spaces located on the ground floor of the new residential building and all at-grade outdoor amenity spaces located on the lands as generally illustrated on the Ground Floor Plan submitted by the Owner in the revised proposal shall be made available for casual and everyday use of the tenants of the Retained Rental Units at no additional charge and on the same terms and conditions as such amenities are made available to the residents of the new residential building. Tenants of the Retained Rental Units may be charged reasonable, ordinary and customary charges for private bookings provided that such amounts do not exceed the amounts charged to the residents of the new residential building.
7. Prior to Site Plan Approval, the Owner shall submit an updated Noise Feasibility Assessment/Addendum Letter to be further peer reviewed and resolved to the satisfaction of the City Solicitor and the Chief Planner. Further, the Owner shall construct and maintain any required noise mitigation measures, to be secured through the Site Plan review process, to the satisfaction of the Chief Planner.

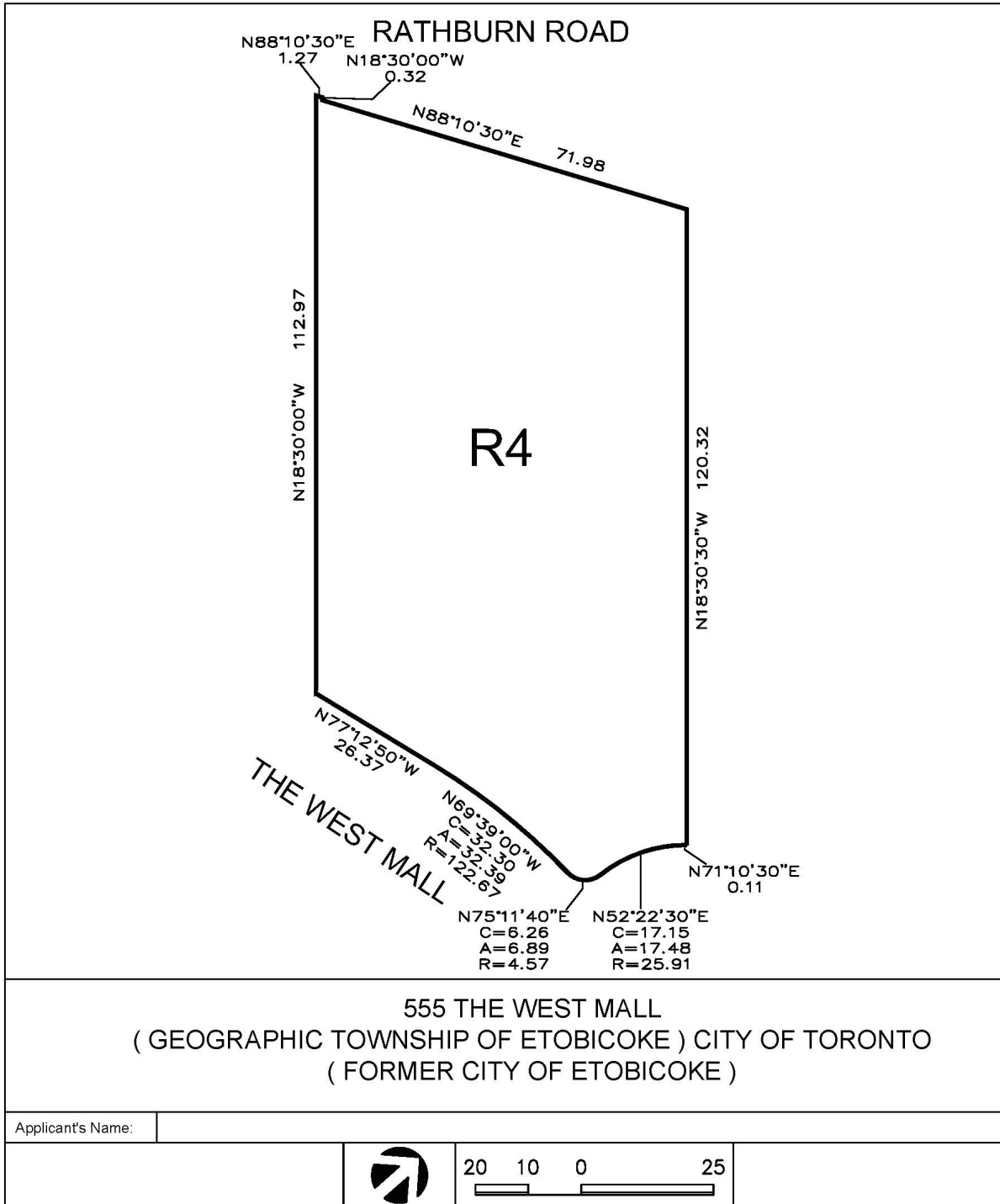
8. The Owner shall implement the wind control measures identified in the Pedestrian Wind Study prepared by RWDI, dated October 31, 2018, and the updated Pedestrian Wind Conditions Addendum Letter prepared by RWDI, dated April 24, 2019, as amended, to the satisfaction of the Chief Planner. Such measures are to be secured through the Site Plan review process.
9. The Owner shall construct and maintain the development in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate.
10. The Owner acknowledges and agrees that a minimum of ten (10) percent of all residential units shown on the plans for the entire lands shall be provided as three-bedroom units.
11. Prior to any construction, the Owner shall obtain all required permit(s) from the Ministry of Transportation.
12. After receiving Site Plan Approval, the Owner acknowledges and agrees that it will work with the City and make its best efforts to obtain a Ministry of Transportation Encroachment Permit for the proposed 2.1 metre access walkway between Rathburn Road and The West Mall. The Owner agrees that it will solely be responsible for any costs and/or fees associated with the Encroachment Permit.
13. The Owner shall notify NAV Canada of construction a minimum of ten (10) days prior to the commencement of construction of the development.
14. The Owner covenants and agrees to provide interim parking for the Development, to be secured through the Site Plan Approval process for the Development as a pre-approval condition, as follows:
  - (a) The Owner shall obtain any requisite relief from the applicable zoning by-laws to permit 134 parking spaces on a temporary basis for the use of the existing tenants of 555 The West Mall during the construction of Development on any one or combination of the following lands:
    - i. 580 The East Mall;
    - ii. 475 Rathburn Road;
    - iii. 350 The East Mall;
    - iv. 15 Eva Road; or
    - v. any other lands provided it is within 800 metres of 555 The West Mall (collectively, the "**Donor Sites**").
  - (b) The Owner shall provide a shuttle bus or alternative means of automotive vehicular transportation between 555 The West Mall and the Donor Sites on a twenty-four (24) hour seven (7) days per week basis until such time as residents

of the Retained Rental Building are permitted to resume daily access to the renovated parking facilities at 555 The West Mall;

- (c) The Owner shall not apply for any building permit, conditional or otherwise and including, without limitation, demolition permits and foundation permits, until such time as the Owner has satisfied the above-noted all pre-approval conditions of Site Plan Approval found at Section 14(a) and 14(b) herein;
- (d) The Owner covenants and agrees that the requirements, obligations and restrictions identified in this Section shall also be incorporated into any Site Plan Agreement required to permit the Development; and
- (e) The Owner shall undertake the above to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the Chief Building Official.

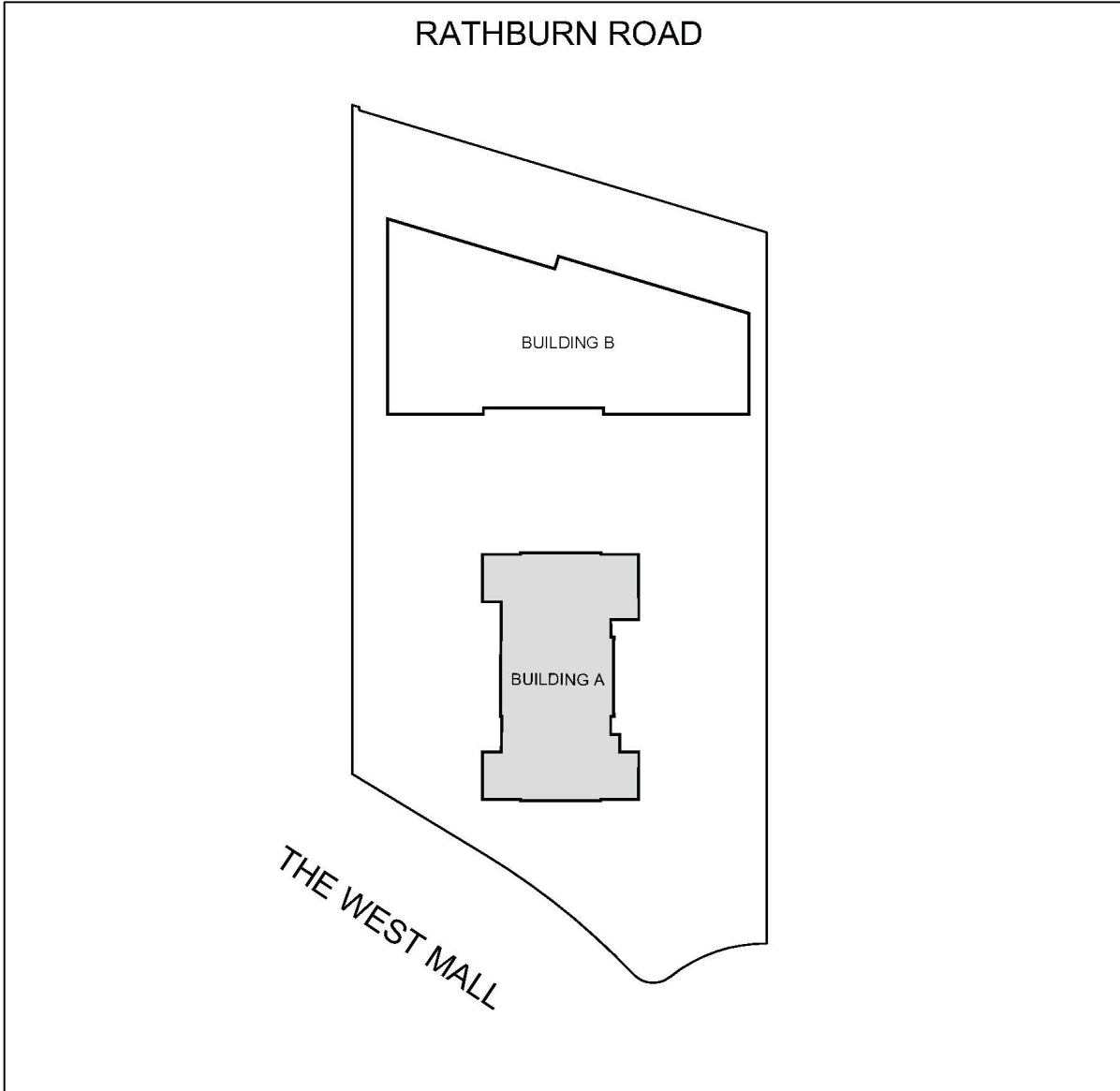


Schedule 'A' BY-LAW





Schedule 'B' BY-LAW



555 THE WEST MALL  
( GEOGRAPHIC TOWNSHIP OF ETOBICOKE ) CITY OF TORONTO  
( FORMER CITY OF ETOBICOKE )

Applicant's Name:

