



**STAFF REPORT  
ACTION REQUIRED**

**315 and 327 Royal York Road – Amendment to the Agreement between the City and the Mimico Station Community Organization – Supplementary Report**

<b>Date:</b>	February 4, 2011
<b>To:</b>	City Council
<b>From:</b>	General Manager, Parks, Forestry and Recreation Division Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 6 – Etobicoke-Lakeshore
<b>Reference Number:</b>	08 232382 WET 06 OZ P:\2011\Cluster A\PFR\CC03-020711-AFS#13368

**SUMMARY**

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The purpose of this report is to amend the existing License Agreement (the "MSCO Agreement") between the City of Toronto and the Mimico Station Community Organization ("MSCO") to allow for the restoration of the Mimico Railway Station (the "Station") located in Coronation Park, by Terrasan 327 Royal York Limited, the owner of 327 Royal York Road ("Terrasan") and the use of the restored station as a sales office.

If City Council supports the amendments to the MSCO Agreement, then Recommendations 1 through 4, as set out below, should be adopted. In the alternative, if City Council does not support the amendments to the MSCO Agreement, then Recommendation 5 should be adopted.

The purpose of this report is to also identify the amended Section 37 community benefits as originally identified in City Planning staff's final report dated December 13, 2010 (Item EY 3.1) <http://www.toronto.ca/legdocs/mmis/2011/ey/bgrd/backgroundfile-34631.pdf>.

**RECOMMENDATIONS**

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**The General Manager of Parks, Forestry and Recreation and the Chief Planner and Executive Director recommend that:**

1. City Council amend the MSCO Agreement, dated June 6, 2006, in order to:
  - a. suspend the Licensee's right to use the Station which shall not limit MSCO's input into the restoration process while it is being rehabilitated and used as a sales centre associated with the condominium development at 315 and 327 Royal York;
  - b. have the MSCO Agreement resume after the use of the Station as a sales centre is terminated and the rehabilitation of the Station is complete to the satisfaction of the General Manager of Parks, Forestry and Recreation and the Manager of Heritage Preservation Services;
  - c. delete MSCO's obligation under the MSCO Agreement to invest \$700,000 consisting of cash donations or in-kind services to renovate the building; and,
  - d. add a Clause that states "the MSCO must guarantee the amount of \$60,000 to offset operating costs for a two-year period in a form to be determined by the General Manager of Parks, Forestry and Recreation."
  
2. City Council authorize, the General Manager of Parks, Forestry and Recreation to enter into a license agreement with Terrasan (the "Terrasan License Agreement"), for the following:
  - a. to use the Mimico Train Station as a sales centre for a maximum of two years, in which Terrasan will be permitted to use the Station at a nominal license fee of \$1 for the first twelve months and will be required to pay to the City a monthly market commercial license fee, as it applies at that time, for any additional time beyond that year; and,
  - b. to require Terrasan to pay for all operating and maintenance costs including property taxes during the entire term of its occupancy as set out in the Terrasan License Agreement.
  
3. City Council authorize that the Terrasan License Agreement may be extended, at the discretion of the General Manager of Parks, Forestry and Recreation on a month to month basis, as required and if necessary, solely for the purposes of completing the rehabilitation in accordance with the Rehabilitation Plan.
  
4. City Council authorize that the MSCO Agreement be suspended beyond the two year period, at the discretion of the General Manager of Parks, Forestry and Recreation, in consultation with the Manager of Heritage Preservation Services, solely for the purpose of completing the rehabilitation in accordance with the Rehabilitation Plan to the satisfaction of the Manager of Heritage Preservation Services, and all requirements as set out in the Building Permit to the satisfaction of the Chief Building Official.

**OR -**

5. City Council direct that, if the amendments to the MSCO Agreement as recommended above, are not adopted:

- a. that Terrasan contribute to the City an amount of six hundred and fifty thousand dollars (\$650,000) to be used for the restoration of the train station;
- b. that MSCO's obligation under the MSCO Agreement to invest \$700,000 consisting of cash donations or in-kind services to renovate the building be deleted, and also require that MSCO make up any shortfall if more than \$650,000 is required to restore the Station;
- c. that no further notice is to be given in respect of the proposed by-law in accordance with section 34(17) of the *Planning Act*, R.S.O. 1990 c.P.13, as amended; and,
- d. that the City Solicitor be authorized to prepare the necessary Bills for introduction in Council to implement the above recommendations, subject to such stylistic and technical changes to the draft bills as may be required.

## Financial Impact

Should Council choose to adopt the recommendations in this report, there will be no financial implications as the provision of the restoration costs of the Mimico Train Station by Terrasan will alleviate the financial obligations of the MSCO to invest \$700,000 in cash donations or in-kind contributions for the restoration of the station. MSCO has currently invested approximately \$100,000 in the station relocation and restoration. The contribution of a minimum of \$650,000 invested by Terrasan will offset the balance of the financial obligations of MSCO.

Terrasan will be responsible for all costs associated with operating and maintaining the Station as well as the applicable property taxes during the entire term of their licence.

All operating costs for the Station, including utilities, water, waste water and property taxes will continue to be the responsibility of MSCO once their license agreement recommences. The annual operating costs of the station are estimated at \$30,000 in 2011. The annual 2011 estimated revenue of the station, through memberships, donations, fundraising, and rentals is \$46,170.

There are no costs that the City of Toronto will incur with the amendments to the MSCO Agreement and implementation of the proposed Terrasan License Agreement.

The MSCO will be responsible for all operating costs upon re-commencement of the MSCO Agreement. The MSCO will also have to provide a guarantee in the amount of \$60,000 in a form to be determined by the General Manager of Parks, Forestry and Recreation to cover any outstanding operating costs.

In the event that Council does not adopt Recommendations 1 through 4, this report recommends that Terrasan shall contribute the S.37 funds of \$650,000, as per established policy for deposit of these funds, until specific development agreement directions are established for the train restoration work to be completed.

## **DECISION HISTORY**

On November 30 and December 1 and 2, 2004, City Council adopted Clause No. 3 of the Economic Development and Parks Committee Report No. 8 entitled "Relocation, Restoration and Adaptive Reuse of the Mimico Train Station Request for Proposal 9155-04-7292 (Ward 6 Etobicoke-Lakeshore). This report advised on the results of the RFP for the Station and recommended that the City enter into a 20-year license agreement with the Mimico Station Community Organization to restore and operate the station.

<http://www.toronto.ca/legdocs/2004/agendas/council/cc041130/edp8rpt/cl003.pdf>

The December 13, 2010 City Planning report (EY 3.1) entitled "315 and 327 Royal York Road – Zoning By-law Amendment Application – Final Report" adopted by EtobicokeYork Community Council on January 18, 2011, will be supplemented by this February 4, 2011 report for consideration before City Council on February 7 and 8, 2011. The December 13, 2010 City Planning report identified a Section 37 community benefit that would require the applicant to entirely rehabilitate the Historic Mimico Train Station (HMTS) in accordance to a City approved Rehabilitation Plan.

<http://www.toronto.ca/legdocs/mmis/2011/ey/bgrd/backgroundfile-34631.pdf>

## **ISSUE BACKGROUND**

### **THE MIMICO TRAIN STATION AND THE AGREEMENT WITH MSCO**

The Mimico Train Station was previously located on the Southwest corner of Judson Street and Royal York Road and was constructed in 1916. The Station was operated by the Canadian National Railway from 1923 to 1989.

In 2002, CN severed and sold the portion of the property on which the Station was located.

The Station incurred major damage to its south façade as a result of the erection of a fence directly adjacent to the station as part of the severance. As well, the Station had been allowed to deteriorate significantly over the years and is now in serious need of repair.

On November 20, 2002, the owner of the severed property on which the Station is located, applied for a permit to demolish the building. In response to this demolition request, City Council adopted an intent to designate the Station under the Ontario Heritage Act for architectural and historical reasons.

A condition assessment was conducted to determine the feasibility of relocating the structure to a different site, as well as the specific restoration work required, and its estimated cost. This assessment concluded that it would be feasible to move the building and restore it.

Once this information became public knowledge, a number of commercial and community groups expressed an interest for the use of the building. As a result of this interest, an RFP was issued for the relocation, restoration and adaptive reuse of the Station.

On November 30 and December 1 and 2, 2004, City Council adopted Clause No. 3 of the Economic Development and Parks Committee Report No. 8 that authorized the granting of a license agreement to the Mimico Station Community Organization for the relocation, restoration and adaptive re-use of the building, and to maintain and operate it as a community meeting facility and railway museum that would be open to the public.

The Station was relocated, at the expense of MSCO, to the City-owned Coronation Park, which is in the vicinity of the original site. As such, a license agreement was executed between the City and MSCO for a term of twenty years and that the station be restored and maintained at the expense of the MSCO. Once restored, MSCO will operate the Station as a community meeting facility and railway museum that will be open to the public.

### **The Section 37 Proposal**

In Planning's Final Report dated December 13, 2010 (Item EY 3.1 January 18, 2011 EYCC <http://www.toronto.ca/legdocs/mmis/2011/ey/bgrd/backgroundfile-34631.pdf> ), a Section 37 community benefit that would require the applicant to entirely rehabilitate the Historic Mimico Train Station (HMTS) in accordance to a City-approved Rehabilitation Plan was identified for consideration by City Council for its meeting of February 7, 2011.

Terrasas has agreed to restore the Mimico Train Station, as well as provide related landscape improvements to Coronation Park, as their Section 37 contribution. Terrasan will be fully responsible for the completion of the works, including permitting, labour and material costs associated with the historical restoration of the Mimico Train Station to be permanently located in Coronation Park at 320 Royal York Road (opposite of the proposed development site), in accordance to all applicable City standards. Further, it is understood that the work shall be completed in accordance with a Rehabilitation Plan to be approved by Heritage Preservation Services. As part of the Agreement, it is noted that Parks, Forestry and Recreation staff will agree to allow the applicant to utilize the facility as a sales office associated with the condominium development at 315 and 327 Royal York Road for the amount of time required, to a maximum of 2 years. It is proposed that market value license fees will be charged to the applicant for occupancy after the first year, to a maximum of a 2-year term, for the use of the Station as a sales office. The net value of the restoration work, accounting for the value of the sales office license, is expected to be approximately \$650,000.

In the event that Council does not see fit to amend the existing MSCO Agreement between the City of Toronto and the Mimico Station Community Organization, the Section 37 community benefit must be reconsidered. Should Council not adopt the proposed amendment to the MSCO Agreement, Terrasan has agreed to contribute to the

City an amount of six hundred and fifty thousand dollars (\$650,000) towards the rehabilitation of the Mimico Train Station. It is noted, however, the first option is preferred, whereby Terrasan would be responsible for the entire rehabilitation regardless of final cost and not subject to any upset limit.

## **CONCLUSIONS**

In order to allow for Terrasan to restore and use the Station as a sales office, the MSCO Agreement must be amended to suspend their occupancy for up to two years. The MSCO Agreement must also be amended to delete the financial obligation of MSCO to restore the Mimico Train Station and to include a clause that states that MSCO must guarantee an amount of \$60,000 in a form to be determined by the General Manager of Parks, Forestry and Recreation to cover any operating cost deficits.

The City must then enter into a license agreement with Terrasan for its occupancy of the Station as a sales office and for the time required to complete the rehabilitation of the Station satisfactory to the General Manager of Parks, Forestry and Recreation and the Manager of Heritage Preservation Services.

It is also recommended that if the amendments to the MSCO Agreement as noted as recommendations 1-4 in this report are not adopted, City Council direct that Terrasan contribute to the City an amount of six hundred and fifty thousand dollars (\$650,000) to be used for the rehabilitation of the train station.

## **CONTACT**

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## **SIGNATURE**

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Gary Wright  
Chief Planner and Executive Director  
City Planning Division, City of Toronto

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Brenda Patterson  
General Manager  
Parks, Forestry and Recreation Division

**Attachment 1:** Draft Zoning By-law Amendments

**Attachment 1: Draft Zoning By-law Amendments (to Toronto Zoning By-law and Etobicoke Zoning Code)**

# **DRAFTS**

**CITY OF TORONTO  
BY-LAW No. \_\_\_\_-2011**

**To amend Zoning By-law 1156-2010, as amended,  
with respect to lands municipally known as 315 and 327 Royal York 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 By-law 1156-2010 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. The lands subject to this By-law are outlined by heavy black line on Diagram 1 attached to this by-law (the "Lands");

2. Zoning By-law No. 1156-2010, as amended, is amended by adding to the Zoning By-law Map the lands and zone label shown on Diagram 1 attached;
3. Zoning By-law No. 1156-2010, as amended, is further amended by adding Exception CR 2573 to Article 900.11.10, so that it reads:

Exception CR 2573

The Lands subject to this exception shall comply with the following:

If the requirements of Section 4 of by-law (xxx-2011), "Section 37", are complied with, a building or structure may be erected in the area covered by this exception and used for the uses permitted if the whole of the premises covered by this exception collectively comply with the following:

- (A) The total **gross floor area** of all **buildings** or **structures** on the **lot** must not exceed 15,500 square metres;
- (B) The total **gross floor area** of all **buildings** or **structures** for residential uses on the **lot** must not exceed 14,400 square metres;
- (C) The total **gross floor area** of all **buildings** or **structures** for non-residential uses on the **lot** must not exceed 1,100 square metres;
- (D) The maximum **floor space index** on the **lot** is 2.5 times;
- (E) Despite Regulation 40.10.40.10. 1, **Building** height is measured from geodetic height of 94m above sea level.
- (F) Despite Clause 5.10.40.10, the maximum **building** height of any portion of a **building** or **structure** must not exceed the height in metres shown for that portion of the **building** or **structure** on Diagram 2 of By-law (xxx-2011);(G) Despite Clause 5.1.40.60, the following elements of a **building** may encroach into the **building setbacks** shown on Diagram 2 of By-law (xxx-2011), as follows: steps, staircases, overhangs, **building** entryways, roof eaves, window sills, railings, cornices, guard rails, balustrades and balconies may project a maximum of 2.5 metres from a **main wall** . For ground floor related staircases, canopies and overhangs, they may project a maximum of 7.5 metres from a **main wall**.
- (H) Despite Clause 5.10.40.70, the minimum **building setbacks** must not be less than the building setback distances shown on Diagram 2 of By-law (xxx-2011);
- (I) Despite Regulation 5.10.40.70.4 the required railway related crash wall may be located within the required setback as shown on Diagram 2 of By-law (xxx-2011);
- (J) Despite Clause 5.10.80.10, **parking spaces** required for a **transportation use** on the **lot**, may be located on an adjacent **lot**;
- (K) Despite Regulation 40.5.1.10.3(G), a minimum 25% of the **lot area** must be used for **landscaping**;
- (L) Despite Regulation 40.10.40.1.2, the floor level of the **first floor** may be located more than 0.2 metres from grade measured at the street line directly



opposite each pedestrian entrance, and may be accessed by a ramp which rises vertically by more than 0.04 metres vertically for every 1.0 metre (4%) horizontally, provided:

- (i) the floor level of the **first floor** is not located more than 1 metre from grade; and
  - (ii) the ramp rises no more than 0.12 metres vertically for every 1.0 metres horizontally;
- (M) Despite Regulation 40.10.40.10.7, the minimum height of the **storey** of the **building** or **structure** closest to grade is 4.2 metres.
- (N) Despite Regulation 40.10.40.50.1, required outdoor **amenity space** is not required to be located on the ground floor.
- (O) Despite Regulation 40.10.40.60(1) minimum front yard setbacks do not apply.
- (P) Despite Regulations 40.10.40.60.1(E) and 40.10.40.60(3), the following elements of a **building** may project into the **building setbacks** shown on Diagram 2 of By-law (xxx-2011):
- (i) a platform located above the third storey and attached to the **main front wall** may project a maximum of 4.5 metres from the **main front wall**;
  - (ii) a ramp providing access to the **building** from Royal York Road and attached to the **main front wall** may project a maximum of 2.0 metres from the **main front wall**;
- (Q) Despite Regulation 40.10.40.60.2, a continuous walkway covered with a canopy at the first floor level along the Royal York Road frontage level shall be permitted to project out from the main front wall of the building and may encroach into the required front yard provided it does not exceed a distance of 4.5 metres from the main front wall of the building;
- (R) Despite Regulation 40.10.40.60.3, exterior stairs providing access to the building from Royal York Road shall be permitted to project out from the main front wall of the building into the required front yard provided they do not exceed a distance of 7.5 metres from the main front wall of the building;
- (S) Despite Regulation 40.10.80.20.1, **parking spaces, loading spaces, drive aisles, and driveways** must be located a minimum of 0.25 metres from a **lot line**;
- (T) Despite Clause 200.5.10.1 and Table 200.5.10.10, parking shall be provided for the building at the following minimum rates:
- 0.70 for each bachelor dwelling unit;
  - 0.80 for each one bedroom dwelling unit;
  - 0.90 for each two bedroom dwelling unit; and,
  - 1.10 for each three or more bedroom dwelling unit.
- (U) Despite Regulation 200.5.10.1.2, parking spaces for residential visitor parking must be provided at a minimum rate of 0.15 for each dwelling unit;
- (V) Despite Clause 200.5.10.1, required **parking spaces** for non-residential uses in the **building** may be shared with and satisfied by the residential visitor **parking spaces** required on the **lot**;
- (W) Despite Clause 200.5.10.1, a minimum of 141 parking spaces must be provided for the Transportation Use on the lot;

- (X) Despite Regulation 220.5.1.10.8(c) the loading space requirement is satisfied overall by one Type 'G' as per 40.10.90.1.1;
- (Y) Despite Regulation 230.5.1.10.4, the required **bicycle parking spaces** on the **lot** may be located greater than 30 metres from a pedestrian entrance to the principal **building** on the **lot**.
- (Z) Despite Regulation 230.5.1.10.5, a required **bicycle parking space** on the **lot** shall have dimensions that are lower than the required minimum standard.
- (AA) Despite Clause 230.5.10.1 and 230.40.1.10, a minimum of 160 **bicycle parking spaces** must be provided on the **lot** as set out in (CC) and (DD) below;
- (BB) Despite Regulation 230.5.1.10.7 and 230.5.1.10.8, a minimum of 96 **bicycle parking spaces** will be provided in a weather protected bicycle parking area below grade, and these **bicycle parking spaces** will contribute towards the required supply of both short term and long term **bicycle parking spaces**;
- (CC) Despite Regulation 230.5.1.10.7 and 230.5.1.10.8, a minimum 64 **bicycle parking spaces** must be provided in a weather protected parking area at grade, and these **bicycle parking spaces** will contribute towards the required supply of both short term and long term **bicycle parking spaces**;
- (DD) Despite Regulation 230.5.1.10.9, shower and change facilities are not required;
- (EE) Despite Regulation 230.5.1.10.11, required long term **bicycle parking spaces** may be located at grade, or on any level used for vehicular parking;
- (FF) This development must comply with the Section 37 requirements of By-law (xxx-2011); and
- (GG) Notwithstanding any severance, partition, division, consolidation, lot addition or merging of the Lands, the provisions of this By-law shall apply to the whole of lands as described in Diagram 1 attached hereto as if no severance, partition, division, consolidation, lot addition or merging of the Lands occurred.

#### 4. Section 37

The density of development permitted by this By-law is subject to the owner of 327 Royal York Road (the "Owner"), at its expense, providing the following capital expenditures and cash contributions towards specific capital facilities pursuant to Section 37 of the *Planning Act* in order to permit a mixed use development as shown on Schedule "B" as follows:

- (i) Prior to the issuance of any Building Permits for the development of the Lands and in accordance to the Section 37 Agreement, the Owner shall provide the City with a cash payment in the amount of SIX HUNDRED AND FIFTY THOUSAND DOLLARS (\$650,000) towards the rehabilitation of the Historical Mimico Train Station and for the provision of landscape improvements in Coronation Park;
- (ii) The Owner shall provide and maintain on site public art in accordance with the City's public art program;

- (iii) The Owner shall convey any road widening to the City as part of the site plan approval process and for a nominal sum, of the lands generally described below:
  - a) A strip of land 3.44 meters wide along the entire Royal York Road frontage of the Lands; and,
  - b) that any such land conveyance shall comply with the City's requirements regarding the environmental condition.
  
- (iv) The Owner shall enter into and register on title an agreement with the City pursuant to Section 37 of the Planning Act, to secure facilities, services and matters set forth in (i) to (iv) 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.

The Owner shall enter into and register on title an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure facilities, services and matters set forth in (i) to (iv) 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.

Where the provisions of this By-law conflict with the provisions of the Zoning By-law 1156-2010, the provisions of this By-law shall apply.

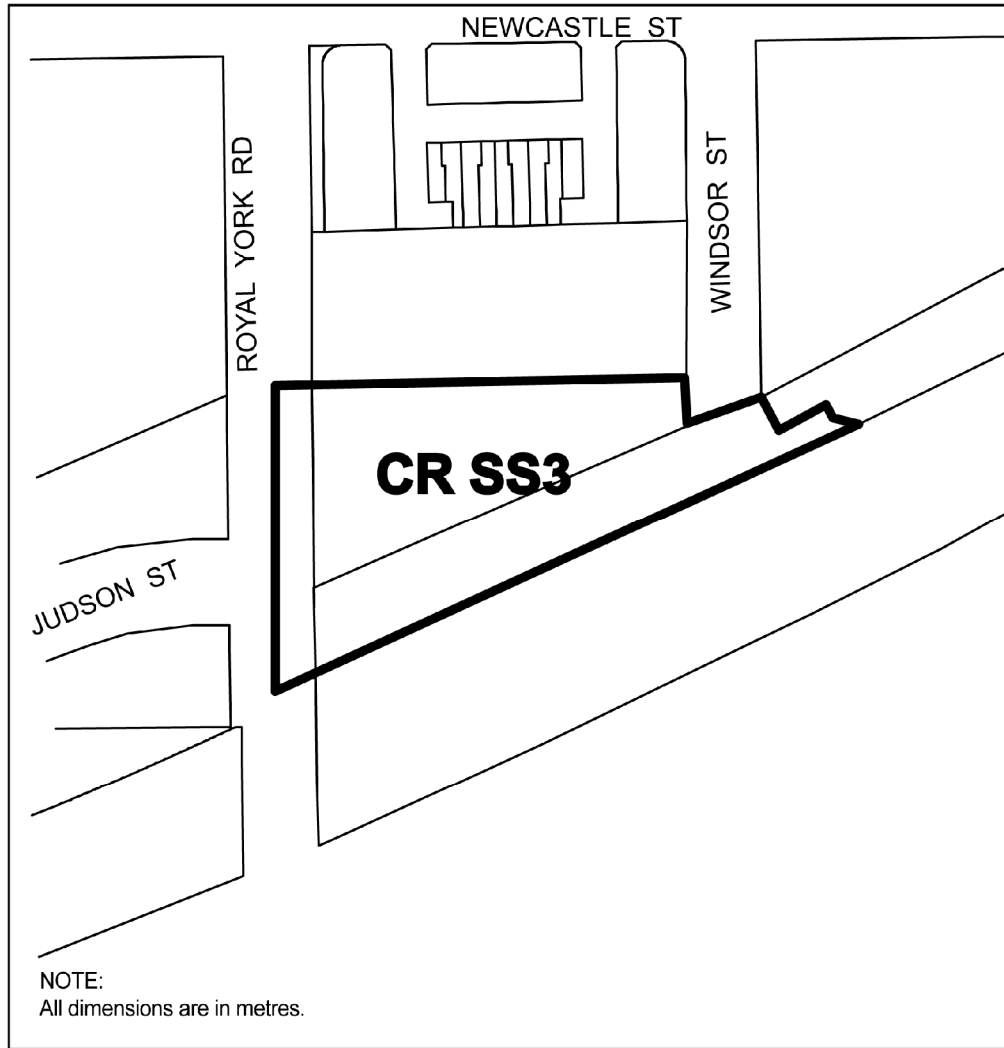
Nothing in this By-law shall apply to prevent the phased construction of this development provided that the requirements of the By-law are complied with upon full development.

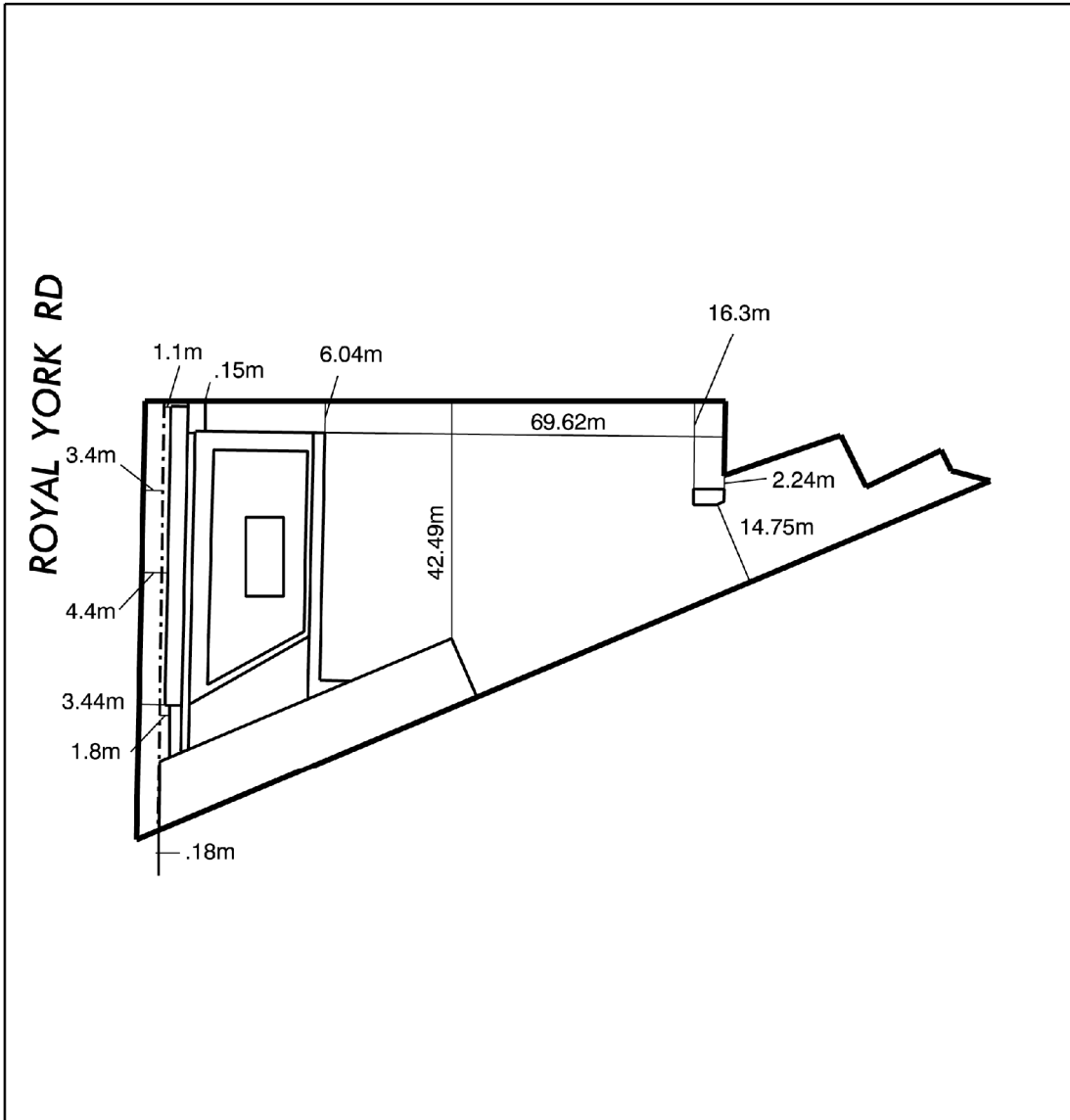
Notwithstanding any severance, partition, division, consolidation, lot addition or merging of the Lands, the provisions of this By-law shall apply to the whole of lands as described in Schedule 'A' attached hereto as if no severance, partition, division, consolidation, lot addition or merging of the Lands occurred.

ENACTED AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

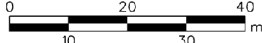

ROB FORD  
Mayor

ULLI S. WATKISS  
City Clerk





**LOTS 159, 160 AND 161  
REGISTERED PLAN 164  
CITY OF TORONTO**

Applicant's Name:		<b>TERRASAN 327 ROYAL YORK ROAD LIMITED</b>	
Assessment Map Mimico N	315 & 327 Royal York Road	scale: 	
File No. 08_232382	Dwg No.08\232382_dz2		

# DRAFT

## CITY OF TORONTO BY-LAW No. \_\_\_\_\_-2010

### **To amend Chapters 340 and 342 of the Etobicoke Zoning Code with respect to lands municipally known as 315 and 327 Royal York 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 340 and 342 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 340-5, Article II of the Zoning Code, originally attached to the Town of Mimico By-law No. 1930 the same is hereby amended by changing the classification of the lands located in the former Town

of Mimico as described in Schedule 'A' attached hereto from Class 2 Industrial (I.C2) to Fourth Density Residential (R4) Zone provided the following provisions shall apply to the development of the R4 lands identified in Schedule 'A'.

2. By-law 1996-211 of the former Corporation of the City of Etobicoke shall no longer apply as it relates to the Lands.
3. Notwithstanding all pertinent clauses in Section 340 of the Etobicoke Zoning Code, the following development standards shall apply to the (R4) lands described in Schedule 'A' attached hereto.
4. 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.

“Grade” – means with respect to the building, including an attached podium, erected within a building envelope, the geodetic elevation of 94 metres above sea level.

“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 and unenclosed balconies; storage areas; underground garage levels, grade-related and above-grade areas devoted to parking, circulation and waiting areas for pedestrian or commuter drop-off and pick-up; underground and grade-related areas devoted to Transportation Uses.

“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, as defined in this By-law 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, grassed or planted areas, surfaced walkways, steps, sidewalks, retaining walls, patios, courtyards, sports or recreational areas, ornamental or swimming pools and outdoor Transportation Uses including areas for circulation, waiting and drop-off areas for pedestrians, but shall exclude driveways, ramps drop-off, waiting or parking areas for motor vehicles.

“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, telecommunications equipment that serves only such building and any related Transportation Uses.

“Minor Projections” – means minor building elements which may project from the main wall of the building into required yards and beyond the Building Envelope, including steps, staircases, overhangs, building entryways, roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, to a maximum projection of 2.5 metres. Ground floor related stairs, canopies and overhangs may project to a maximum of 7.5 metres.

“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 and may be located at or above grade including on the roof-top.

“Transportation Use” – means the use of premises of facilities for the operation of a mass transit system or transportation system that is provided by, or on behalf of the City of Toronto, Province of Ontario or Government of Canada or is privately operated and federally regulated.

“Tower Elements” – means the portion(s) of the building which contain more than 3 storeys from grade.

5. Notwithstanding Sections 340-28 and 340-37 of the Zoning Code, no building or structures shall be erected or used on the Lands, except for the following uses:



- (i) Apartment Building and below-grade, at-grade and above-grade accessory uses including but not limited to recreational amenity areas, pedestrian circulation and walkways, landscaped areas, vehicle parking, circulation and drop-off/pick-up areas, garbage pick-up and loading spaces and areas;
  - (ii) Accessory structures including any of the accessory structures permitted under Section 340-17 of the Zoning Code;
  - (iii) Transportation Uses including but not limited to below-grade and at-grade areas for pedestrian entries/exits, waiting areas, circulation, vehicular drop-off, pick-up, cueing and waiting areas, transit information and ticketing booths or kiosks, washrooms, and related parking.
  - (iv) The following grade level Commercial uses shall be permitted: retail stores, service shops, administrative/business/professional/government offices, medical and dental offices, bank, dry cleaning depot, restaurants of or less than 150 m2 floor area.
  - (v) A temporary sales office for the purpose of marketing, pre-selling or 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 Etobicoke Zoning Code until the completion of site development and sales of outstanding units within it.
6. Notwithstanding Sections 340-30 E, L. and N. of the Zoning Code, the following development standards shall apply to the lands described in Schedule A attached hereto:
- a) the maximum number of dwelling units shall not exceed 195
  - b) the maximum building heights and building envelopes to be permitted on the lands shall be shown on Schedule B, attached hereto.
  - c) the maximum Floor Space Index (FSI) permitted on the Lands shall be 2.5.
  - d) a minimum 25% of the lot area shall be reserved for Landscaped Open Space.
  - e) the maximum number of dwelling units shall not exceed 195.
  - f) no building or structure within the Lands shall be located other than within the Building Envelope shown on Schedule 'B'
  - g) the maximum floor plate area for the Tower Element of the building shall be shown on Schedule 'B' attached hereto.
  - h) Required setbacks and Schedule 'B'  
The minimum building setbacks must not be less than the building setback distances shown on Schedule 'B'

Notwithstanding the foregoing clauses, the following provisions shall apply:

- i) all below grade structures and ramps shall be exempt from Schedule 'B' setbacks; and,
- j) Notwithstanding any of the required building setbacks, Minor Projections shall be permitted to encroach into the required building setbacks.

## 7. Parking and Loading Requirements

Notwithstanding the provisions of Section 340-31 of the Zoning Code, the following requirements shall apply to the Lands:

- (i) Resident parking shall be provided at the following minimum ratios:
  - a. 0.70 stalls per dwelling unit for bachelor units;
  - b. 0.80 stalls per dwelling unit for apartments providing one bedroom;
  - c. 0.90 stalls per dwelling unit for apartments providing two bedrooms;
  - d. 1.10 stalls per dwelling unit for apartments providing three or more bedrooms.
- (ii) An additional minimum 0.15 stalls per dwelling unit shall be provided for the use of visitors to the residential units or to the commercial units and may be provided at and below grade.
- (iii) An additional minimum of 141 below grade parking spaces shall be provided on the Lands for users of the Transportation Use.
- (iv) All required residential visitor parking stalls may be shared with the commercial component of the building.
- (v) A minimum of one parking stall for every 100 parking stalls is required for exclusive use for the physically disabled.
- (vi) A minimum of one "Type G" loading space shall be provided on the Lands for both the residential and commercial uses with minimum dimensions of 23.0 metres in length, 4.0 metres in width.
- (vii) No person shall use any portion of the lot located between the main front wall of a building and the public street, at or above the natural ground level of the ground for the purpose of parking or storing a motor vehicle.
- (viii) A minimum of 96 indoor bicycle parking spaces (other than in dwelling units or in privately owned locker spaces) shall be provided on the Lands.
- (ix) A minimum of 64 outdoor bicycle parking spaces shall be provided on the Lands.

## 8. 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 25% of the lot area shall be reserved for Landscaped Open Space;
- (ii) Indoor Amenity Space: a minimum 1.5 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.

9. Section 37

The density of development permitted by this By-law is subject to the owner of 327 Royal York Road (the "Owner"), at its expense, providing the following capital expenditures and cash contributions towards specific capital facilities pursuant to Section 37 of the Planning Act in order to permit a mixed use development as shown on Schedule 'B' as follows:

- (i) Prior to the issuance of any Building Permits for the development of the Lands and in accordance to the Section 37 Agreement, the Owner shall provide the City with a cash payment in the amount of SIX HUNDRED AND FIFTY THOUSAND DOLLARS (\$650,000) towards the rehabilitation of the Historical Mimico Train Station and for the provision of landscape improvements in Coronation Park;
- (ii) The Owner shall provide for and maintain on-site public art in accordance with the City's public art program.
- (iii) The Owner shall convey any road widening to the City as part of the site plan approval process and for a nominal sum, of the lands generally described below:

A strip of land 3.44 meters wide along the entire Royal York Road frontage of the Lands; and, that any such land conveyance shall comply with the City's requirements regarding the environmental condition.

- (iv) That the Owner shall enter into and register on title an agreement with the City pursuant to Section 37 of the Planning Act, to secure facilities, services and matters set forth in (i) to (v) 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.

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.

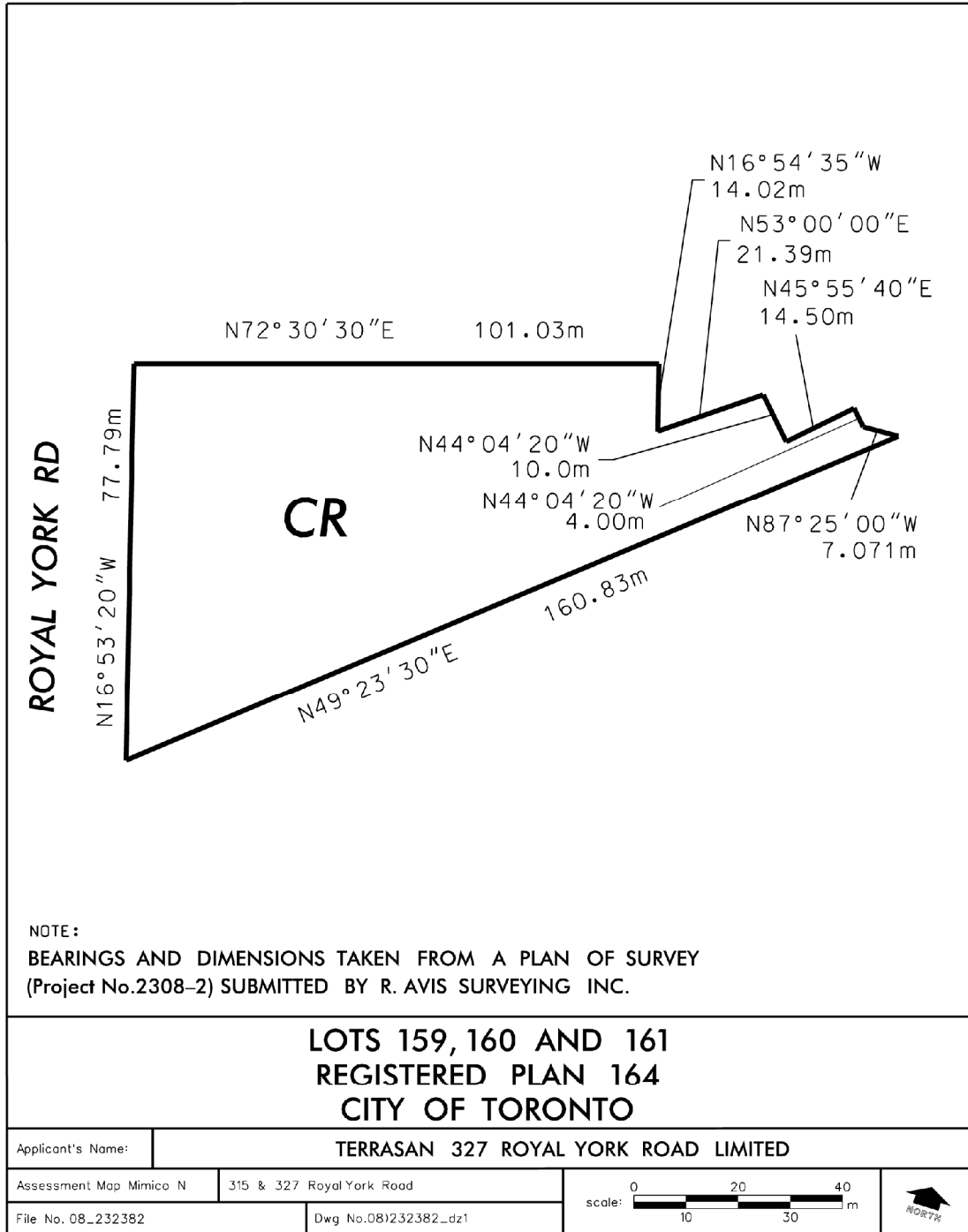
11. Nothing in this By-law shall apply to prevent the phased construction of this development provided that the requirements of the By-law are complied with upon full development.
12. Notwithstanding any severance, partition, division, consolidation, lot addition or merging of the Lands, the provisions of this By-law shall apply to the whole of Lands as described in Schedule 'A' attached hereto as if no severance, partition, division, consolidation, lot addition or merging of the Lands occurred.
13. Chapter 342, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law.

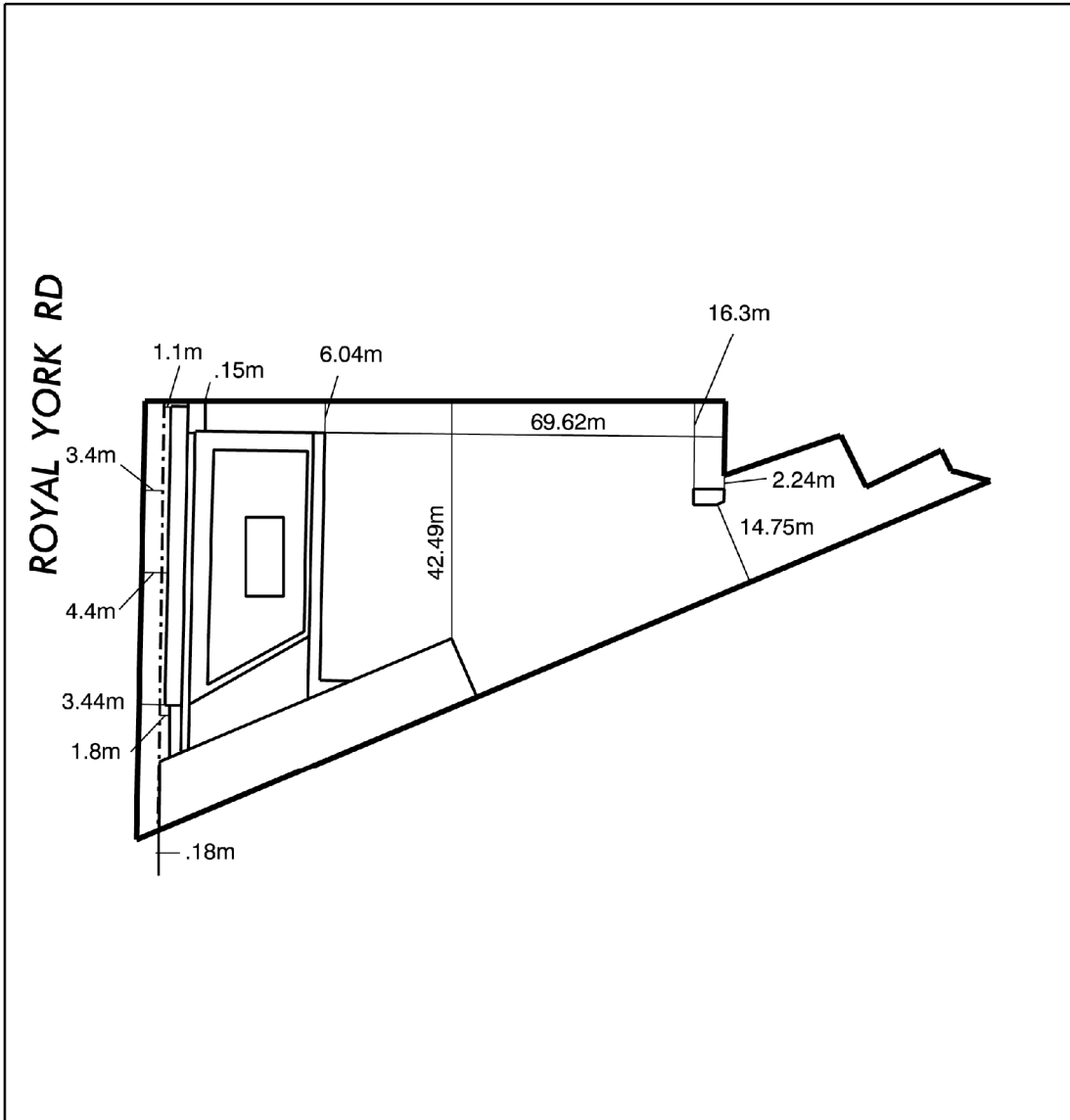
<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY- LAW</b>
XXX-2010	Lands located on the east side of Royal York Road, south of Newcastle Street, known municipally as 315 and 327 Royal York Road.	To rezone 315 and 327 Royal York Road from Class 2 Industrial (IC.2) to Fourth Density Residential (R4) Zone.

ENACTED AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

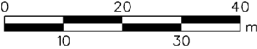

ROB FORD  
Mayor

ULLI S. WATKISS  
City Clerk





**LOTS 159, 160 AND 161  
REGISTERED PLAN 164  
CITY OF TORONTO**

Applicant's Name:		<b>TERRASAN 327 ROYAL YORK ROAD LIMITED</b>	
Assessment Map Mimico N	315 & 327 Royal York Road	scale: 	
File No. 08_232382	Dwg No.08\232382_dz2		