

277 Davenport Road – Rezoning – Final Report

Date:	July 21, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	08-159688 STE 20 OZ

SUMMARY

This application was submitted on May 16, 2008 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

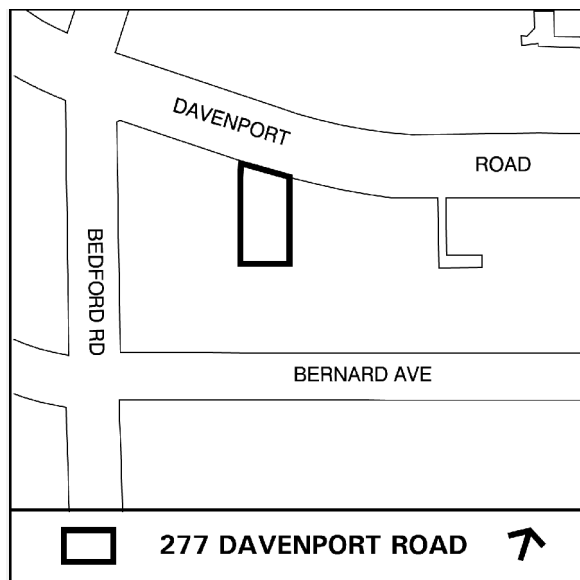
The application proposes the construction of a 6 storey mixed-use building at 277 Davenport Road. It will replace a vacant one storey commercial building. The proposed building consists of 9 dwelling units and 1 commercial unit as well as two levels of underground parking containing 24 parking spaces.

The City Planning Division is recommending approval of the proposed development based on it being substantially in compliance with the development criteria for *Mixed Use Areas*, Built Form and other Official Plan policies as well as urban design guidelines.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for 277 Davenport Road, substantially in accordance with the draft Zoning Bylaw Amendment attached as Attachment 8 to the report dated July 21, 2010, from the



Director of Community Planning, Toronto and East York District.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

On May 16, 2008, Burnac Enterprises Inc. applied for a Zoning By-law Amendment for 277 Davenport Road to replace a vacant, one-storey commercial building with a 6 storey mixed-use building with 8 dwelling units and 1 commercial unit. The proposed density of the original proposal was 4.23 times the area of the lot with a height of 23.1 metres.

On May 7, 2010, a revised application was submitted. The revisions followed a community meeting held on November 10, 2008 and a number of follow-up working group meetings dealing with issues related to: rear and side yard setbacks from the low rise residential neighbourhood; potential impact on abutting private trees; and construction management.

The revised proposal focused mainly on the ground floor, setting it further back by providing the parking underground and eliminating the two-way parking ramps and an on-site signal control system. This provides a more appropriate interface with the residential sidewalk and areas to the south and west. The commercial space on the ground floor has been expanded up into a mezzanine level to have a more significant presence on Davenport Road with a total of 365 sq metres of space.

The revised proposal has a total of 9 residential dwelling units and 1 commercial unit and is proposed to have a slightly higher maximum density of 4.33 times the area of the lot.

See Attachment No. 7 for project data.

Site and Surrounding Area

The site is located on the south side of Davenport Road, one property east of Bedford Road. The site contains a vacant, one storey commercial building.

The following uses abut the site:

North: 250 Davenport Road, a high rise apartment building site with a large landscaped open space area on the north-side of Davenport Road

South: 44 to 46 Bernard Avenue, a pair of semi-detached 2 storey houses with a rear Coach house, and 48 Bernard Avenue, a detached 2 storey house

East: 267 Davenport Road, a one-storey retail store

West: 137/139 Bedford Road, a pair of 2 ½ storey semi-detached houses, 141 – 145 Bedford Road, three detached 2 ½ storey houses and one storey retail building at 287 Davenport Road that includes four retail businesses

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council’s planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council’s planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated as *Mixed Use Areas* in the City of Toronto Official Plan (Map 18). This designation extends east to Avenue Road and west to the intersection of Dupont Street and Davenport Road, on both sides of the street. The exception is 250 Davenport Road, a Toronto Community Housing Authority apartment site, which is designated as *Apartment Neighbourhood Areas*. Lands located to the south of the subject site are designated as *Neighbourhood Areas*.

Within the City’s Urban Structure (Map 2), the subject is located within the “Downtown and Central Waterfront Area”, which is intended as the pre-eminent regional “Centre”, where continued intensification is expected.

There are no site or area specific policies that apply to the site, nor is the area the subject of Secondary Plan policies. No site or area-specific design guidelines apply to the site or area, however, the City’s general built form guidelines do apply.

The *Neighbourhood Areas* to the south of the subject site are included within the East Annex Heritage Conservation District, established in July 1994. The subject property is not included within the District and it is not on the City’s Heritage list.

The *Mixed Use Areas* designation, particularly as located within the “Downtown” centre, contemplates a “multitude of planning objectives by combining a broad array of residential uses, commercial, offices, hotel, retail and services, institutions, entertainment, recreation and cultural activities and parks and open spaces”. *Mixed Use Areas*, are expected to “absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing”.

The Plan provides a list of criteria (Section 4.5.2) that are intended to direct the design and orientation of new development proposals within *Mixed Use Areas*, including to,:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide an attractive, comfortable, and safe pedestrian environment;
- have access to schools, park, community centres, libraries, and childcare;
- take advantage of nearby transit services;
- provide good site access and circulation and adequate supply of parking;
and
- locate and screen service areas, ramps, and garbage storage to minimize the impact on adjacent streets and residences.

Buildings with heights of 6 to 7 storeys, (approximately 23 – 26 metres) which take the properties along the south side of Davenport, next to the low-rise *Neighbourhood Area* into consideration in their design would be acceptable in this section of Davenport Road.

The application has also been considered with a particular view to the built form policies of Section 3.1 of the Official Plan.

Zoning

The Zoning By-law designates the site CR T2.0 C2.0 R1.5. This zone permits a mix of commercial and residential uses to a total density of 2.0 times the area of the lot. The density limits are 2.0 times the lot area for commercial uses and 1.5 times for residential uses. The maximum permitted building height is 14.0 metres. The redevelopment of this site would also be subject to various development standards established by the Zoning By-law respecting setbacks, parking loading and amenity space (refer to Attachment 6 Zoning Map).

Site Plan Control

The proposed development is subject to site plan control. An application for site plan approval will be required, but has not yet been received. The owner has been encouraged to design the building to meet the City's 'Green Development Standards'.

Reasons for Application

An amendment to the Zoning By-law is necessary because the proposed development exceeds permitted maximum density and height limits. The proposed density is now 4.33 times the area of the lot which exceeds the permitted maximum density of 2.0 by 2.3 times coverage.

The proposal is for a 6-storey building with a maximum height of 23.1 metres to the top of the sixth floor roof and 25.6 to the upper roof, whereas the Zoning By-law limits building height to a maximum of 14.0 metres. Other areas of non-compliance were identified and have been addressed in the draft zoning by-law.

Community Consultation

A community meeting was held at Walmer Road Baptist Church on November 10, 2008. Approximately eighteen members of the public attended the meeting. At the meeting, the applicant presented the proposal to the public. Nearby residents had questions regarding: the building height; the results of the shadow studies; the arborist's report on the adjacent trees; the quality of the façade material; and the rear yard privacy treatment.

The Ward Councillor set up a small working group with local volunteers and City staff to deal with: the retention of trees on the adjacent properties; construction impacts; and material changes to mitigate the west elevation of the development. A number of working group meetings were held over the following six months which resulted in: a Tree Preservation Plan; an acceptable construction management plan; and further material improvements to the project.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal supports the 2005 Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality, while making efficient use of existing infrastructure. The application complies with policies of the PPS that support intensification and require new development to be directed to appropriate locations for growth.

Policy 1.4.3 requires provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other matters, facilitating all forms of residential intensification and redevelopment and promoting densities for new housing which efficiently uses land, resources, infrastructure and public service facilities and support the use of public transit.

The proposal conforms with the Growth Plan for the Greater Golden Horseshoe by proposing a mixed-use building that would appropriately intensify a commercial corridor that is within walking distance of a major transit system.

Land Use

The proposed mixed commercial-residential development conforms to the land uses that are permitted by the Official Plan and Zoning By-law. Both documents permit a broad range of retail, service, office-commercial and residential uses on this site.

The site is located within the City's Downtown centre, where intensification is expected and encouraged. The site is currently underutilized as it is occupied by a single-storey commercial building. The site is suitable for and capable of accommodating increased density, given the available infrastructure, area facilities and site context.

Density, Height, Massing

Mid-rise mixed-use developments are an important form of development that can create new housing and shopping opportunities and can help the City to address reurbanization objectives. The proposal meets the Built Form policies set out in the Official Plan with respect to accommodating servicing, parking areas/vehicle access, and relationship to the street and surrounding neighbourhood.

The proposal is for approximately 2,555 square metres of residential gross floor area and 365 square metres of non-residential gross floor area, resulting in a density of 4.33 times the area of the lot. The proposed density is within the range of existing, and approved densities for this area, which range from between 2.5 to 5.2 times the area of the lot.

The proposed building is designed to fit into the existing and contemplated context of its surroundings. It provides a transition between the *Mixed Use Areas* on Davenport Road and the *Neighbourhood Areas* located to the south.

The application demonstrates an appropriate built form that is consistent with the City's Official Plan reurbanization policies. It maintains a retail/commercial character at-grade, with direct access to the sidewalk.

The pattern of heights and densities along the Davenport Road and Avenue Road corridors generally follow at a consistent height of 6 to 7 storeys and approximately 23 to 26 metres. The overall height of the project is 6 storeys, or 23.1 metres to the top of the 6th floor and 25.6 metres to the top of various roof structures. Mechanical space has been accommodated within the basement area. The balconies and terraces have all been designed to minimize the overlook into the yards of the adjacent neighbourhood.

The Zoning By-law currently permits building heights of 14 metres. The site is part of a *Mixed Use Areas* and abuts a *Neighbourhood Area*. As such, the transition in height to the neighbourhood located to the south is an important consideration. The height of the project has been massed in order to be sensitive to the existing residential areas located to the west and south. Specifically, stepbacks have been incorporated at each floor such that by the 5th floor, the unit wall facing to the south has been setback 9.5 metres from the south property line. As well, to ensure additional sensitivity to overlook, each floor along the south face includes a screened terrace and landscape area. Planning staff have worked with the applicant to ensure that there are no significant privacy impacts resulting from the proposed windows and balconies onto the adjacent residential areas.

With the exception of various terrace screens and similar elements, the proposed buildings is within a 45 degree angular plane stepback above the existing 14 metre height limit as measured from both Davenport Road and from the residential district to the south.

Sun, Shadow, Wind

The Official Plan requires the mixed-use developments to be located "so as to adequately limit shadow impacts on adjacent *Neighbourhood Areas*, particularly during the spring and fall equinoxes." The closest *Neighbourhood Areas* is located immediately to the south and to the west of the subject site.

The owner's architect submitted a shadow analysis that has been reviewed by City Planning staff, who are satisfied with the impact of additional shadowing on other nearby properties. The shadows cast by the proposed building will result in a marginal increase in shadows on the surrounding area. No individual property is impacted by additional shadow for more than one hour. As well, all shadows on adjacent residential buildings are cleared by late morning, leaving significant afternoon sun. There are no shade conditions or impacts on any parks or open spaces. This is acceptable and consistent with the City's practice and guidelines.

Traffic Impact, Access, Parking

The Official Plan's Section 2.2 in (Structuring Growth in the City: Integrating Land Use and Transportation), states that future growth within Toronto will be directed to areas that

are well served by transit, the existing road network which accurately describes the subject site.

Pedestrian access to the retail space and to the residential units will be from Davenport Road. Vehicular access for parking is from Davenport Road, with elevator access to the garage. A total of 24 parking spaces are provided, of which 22 will be for the use of residents and 2 parking spaces for use by commercial staff.

Servicing

The Executive Director, Technical Services has advised that the Functional Servicing and Stormwater Management Report, dated May, 2008, the General Servicing Plan, and the Grading, Erosion and Sediment Control Plan, are all acceptable.

Solid Waste

The refuse from the residential component will be collected at curbside by the City, subject to the provision of adequate on-site storage facilities. The refuse from the retail component however is not eligible and must be collected by a private refuse collection firm.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhances and expanded. Map 8B of the Toronto Official Plan shows parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The applicant proposes 9 residential units on a total site area of 0.0673 (673 m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.012 hectares (120m²). However, a cap of 10% applies and hence the parkland dedication would be 0.0067 hectares (67.3m²).

The commercial portion of the development is less than 1000 m². Therefore, it is exempt from the parkland dedication requirement of Section 165-7 of the Municipal Code of the former City of Toronto.

The applicant purposes to satisfy this parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of .0067 hectares (67.3m²) would not be of a useable size.

The actual amount of the cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Tree Preservation

There are no trees on the site. The applicant has filed an Arborist Report indicating the size and status of the existing trees in close proximity to the site. Four privately owned trees regulated under the Municipal Code, located on two neighbouring properties, are impacted by this proposal. The impacts are to be mitigated in accordance with a Tree Preservation Plan, prepared by the applicant's arborist, whose recommendations have been reviewed and accepted by Urban Forestry.

Three of the four trees are located on an adjacent property which is now owned by the applicant. Two of these trees, a Poplar and Manitoba Maple, in fair and poor condition respectively, are to be removed and replaced by the applicant with two new trees together with a cash-in-lieu payment to the City. The third tree, a Silver Maple, in fair condition, is to be retained with some pruning in order to modify its crown consistent with the contour of the proposing building. The building's contour has also been designed to accommodate part of the tree canopy.

The fourth tree, a Norway Maple, in good condition, is also to be retained with some pruning required in order to modify its canopy. The owner of the tree located at 48 Bernard Avenue, has agreed to permit this pruning. The pruning is minimized by the stepping back of the building at the south elevation.

Environment

Toronto Green Standard

This application was received before January 31, 2010 so the Toronto Green Standard (TGS) was applied on a voluntary basis. In this case, the applicant is proposing to provide a partial green roof on the top of the sixth floor abutting an outdoor amenity space area.

Tenure

All residential units will be part of a condominium corporation. A draft plan of condominium will need to be submitted for approval.

Development Charges

It is estimated that the development charges for this project will be \$80,000.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Barry Brooks, Senior Planner
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Fax No. (416) 392-1330
E-mail: bbrooks@toronto.ca

SIGNATURE

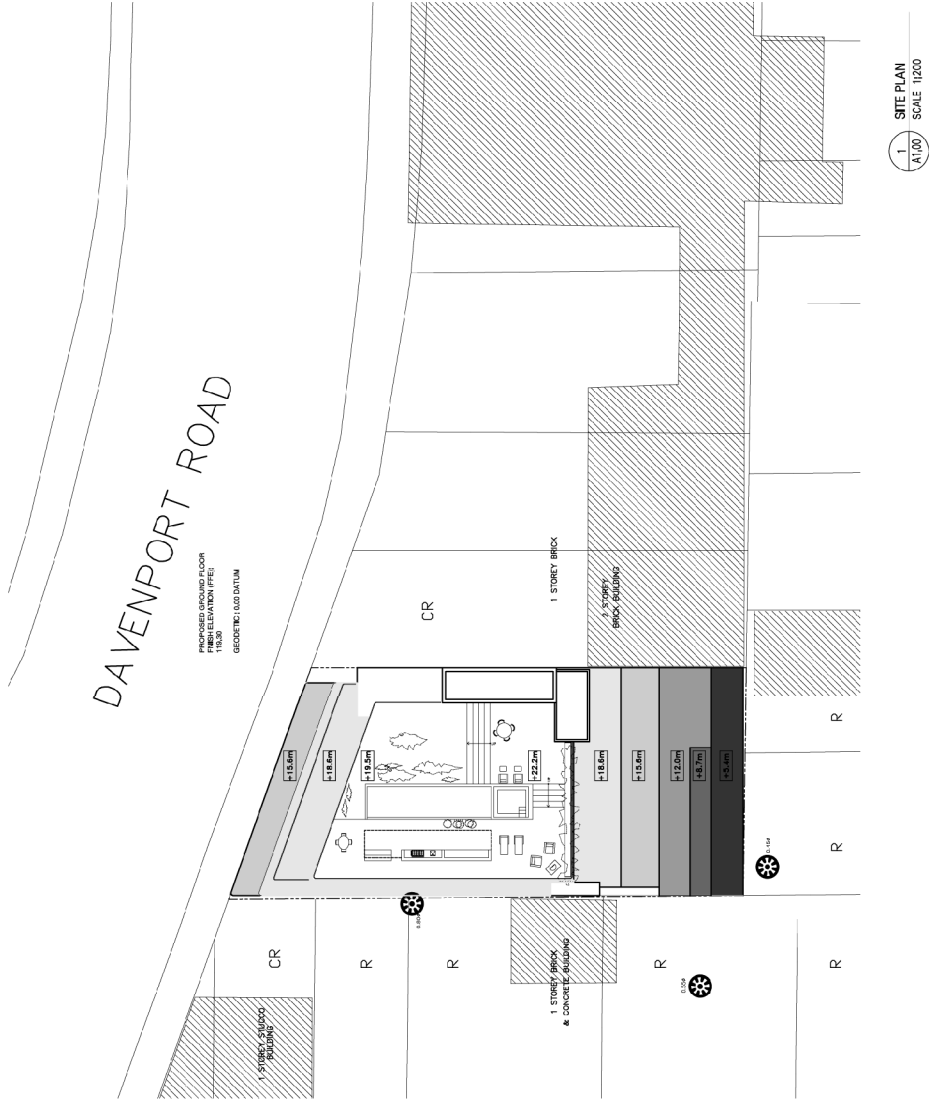
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: North Elevation
- Attachment 3: South Elevation
- Attachment 4: East Elevations
- Attachment 5: West Elevation
- Attachment 6: Zoning
- Attachment 7: Application Data Sheet
- Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Site Plan



277 Davenport Road

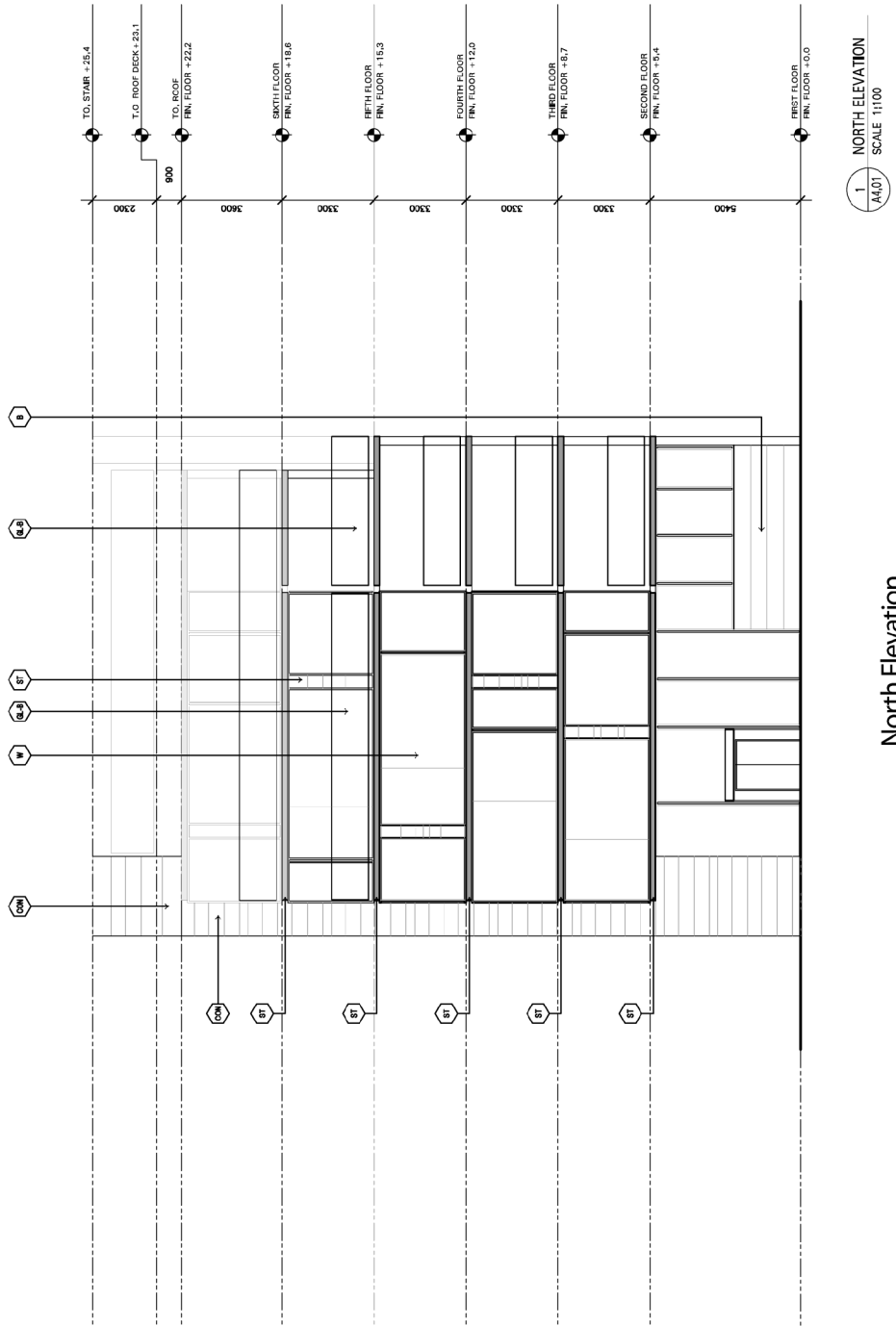
Site Plan
Applicant's Submitted Drawing



Not to Scale
06/05/08

File # 08_159688

Attachment 2: North Elevations

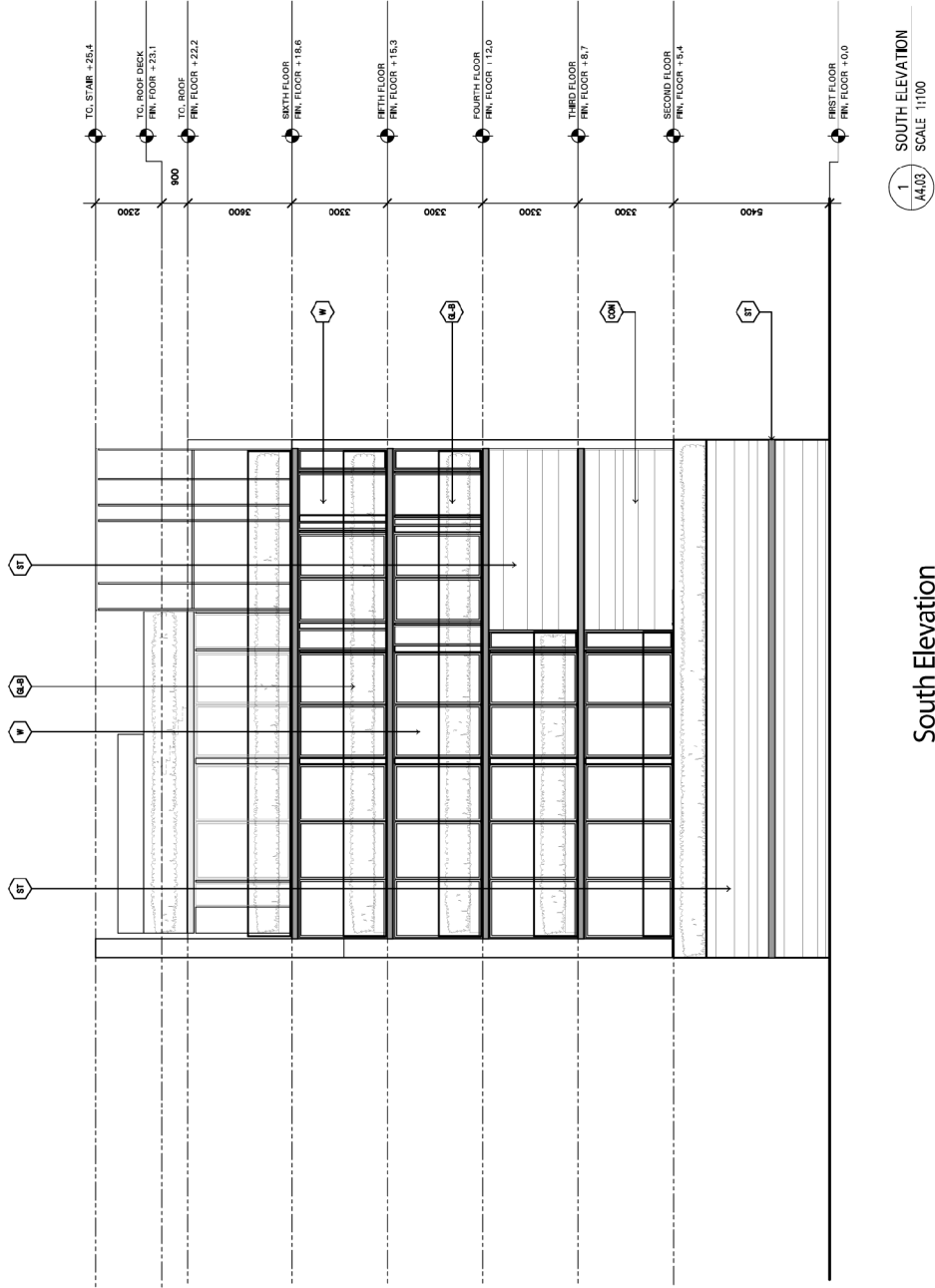


277 Davenport Road

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 06/05/08

File # 08_159688

Attachment 3: South Elevations

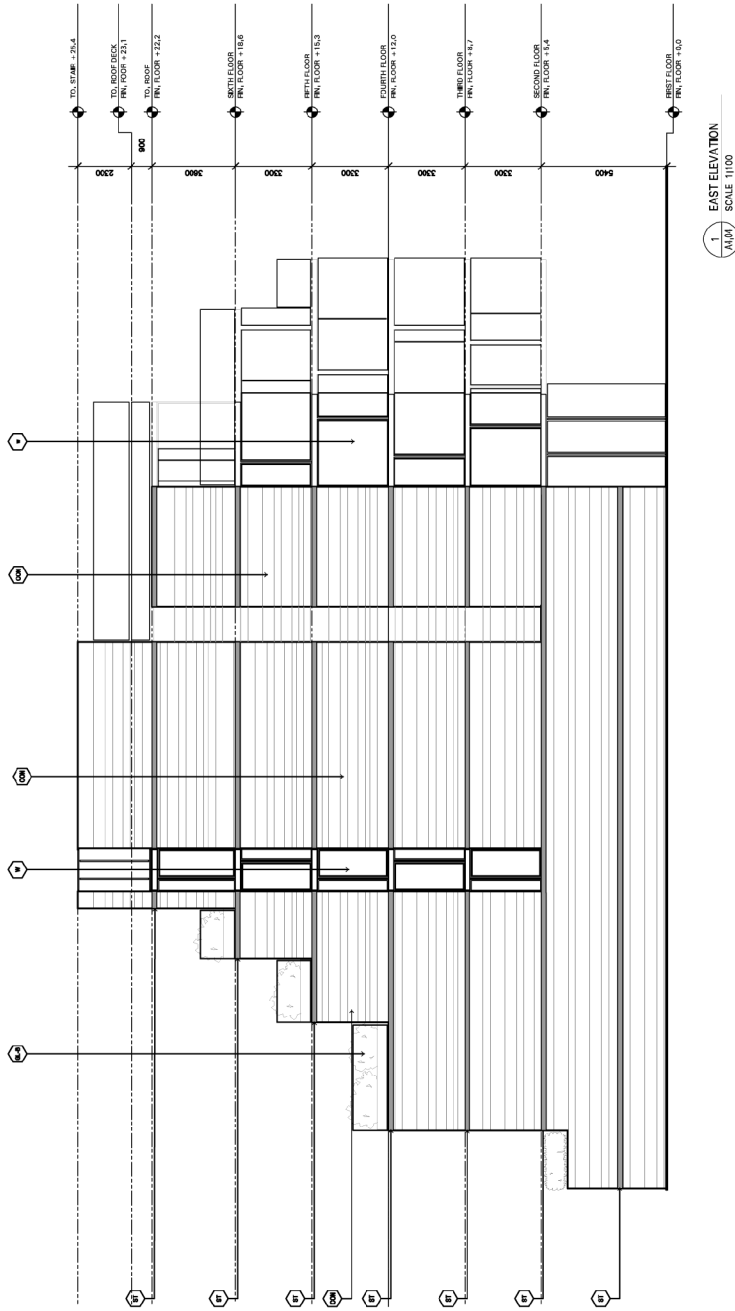


Elevations
 Applicant's Submitted Drawing

Not to Scale
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File # 08_159688

Attachment 4: East Elevations



East Elevation

277 Davenport Road

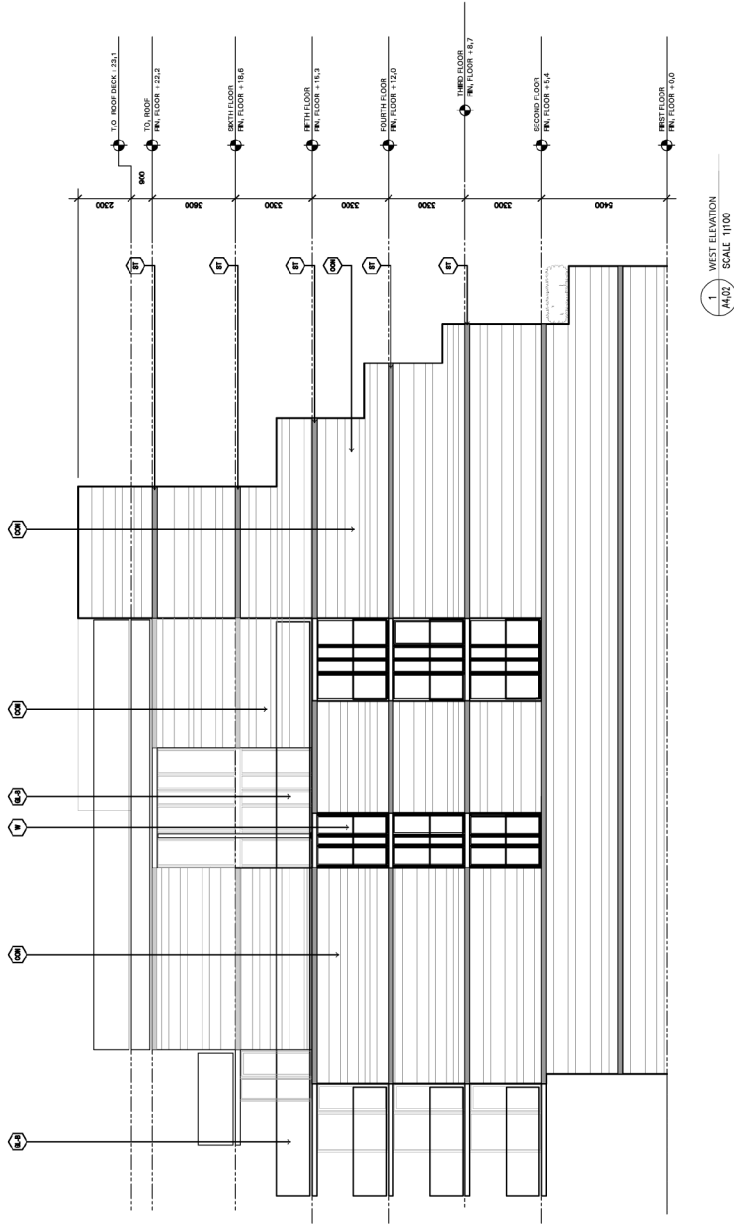
Elevations

Applicant's Submitted Drawing

Not to Scale
06/05/08

File # 08_159688

Attachment 5: West Elevations



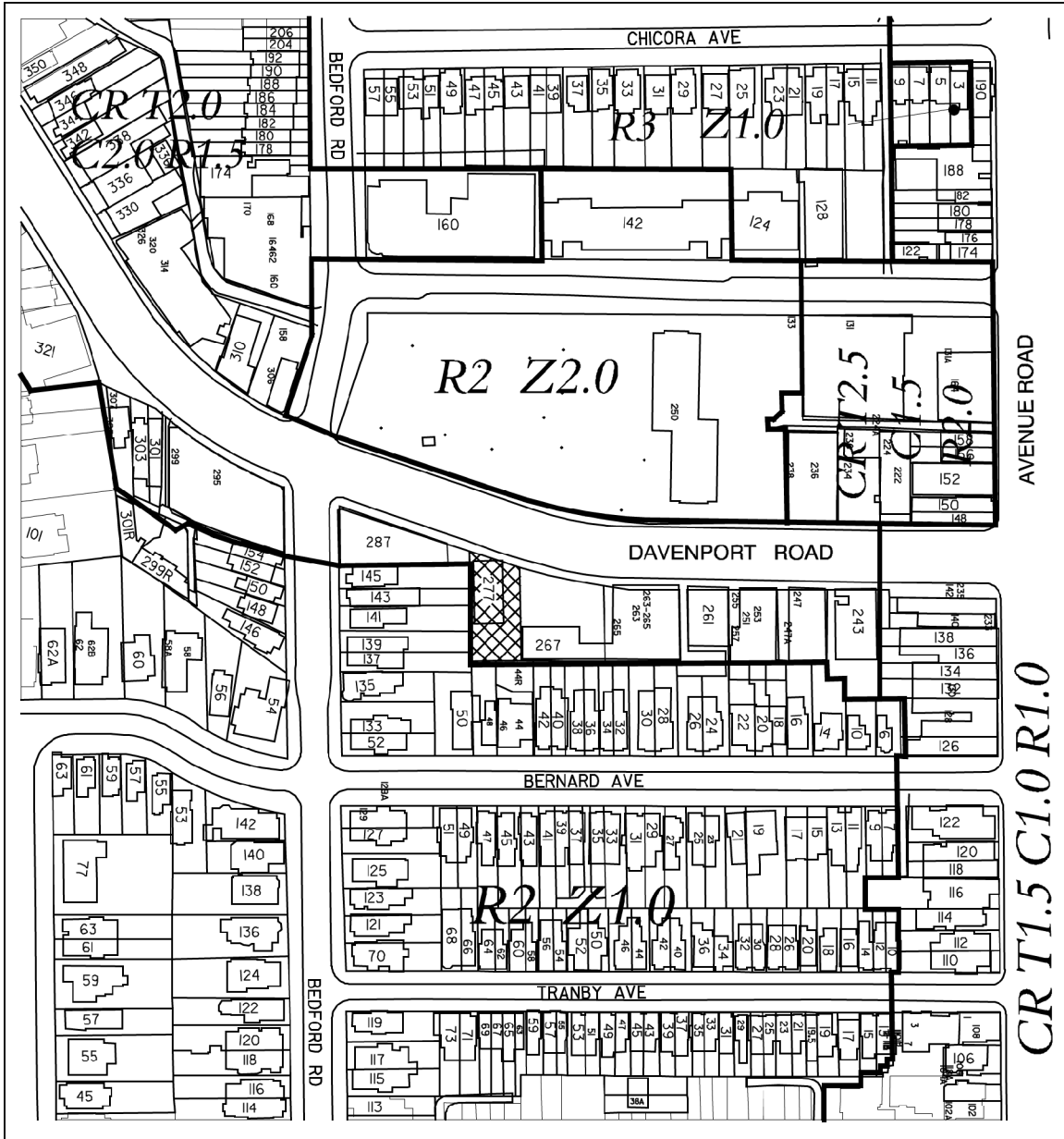
West Elevation

277 Davenport Road

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 06/05/08

File # 08_159688

Attachment 6: Zoning



277 Davenport Road

File # 08_159688

- R2 Residential District
- R3 Residential District
- CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 06/05/08 - NRS

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	08 159688 STE 20 OZ
Details	Rezoning, Standard	Application Date:	May 16, 2008
Municipal Address:	277 DAVENPORT RD		
Location Description:	PL E695 LTS 14 & 15 **GRID S2003		
Project Description:	Rezoning application for a new six storey condominium building with a retail component. Parking is now 2 levels of underground with access by two car elevators with nine residential units on floors one to six. Proposed overall height is 25.6 metres, revised proposed total gross floor area is now 2920 square meters.		

Applicant:	Agent:	Architect:	Owner:
Burnac Enterprises Inc.		Hariri Pontarini Architects	Burnac Enterprises Inc.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR T2.0 C2.0 R1.5	Historical Status:
Height Limit (m):	14	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	673.3	Height:	Storeys:	6
Frontage (m):	19.36		Metres:	23.1
Depth (m):	37.27			
Total Ground Floor Area (sq. m):	467			Total
Total Residential GFA (sq. m):	2555		Parking Spaces:	24
Total Non-Residential GFA (sq. m):	365		Loading Docks	0
Total GFA (sq. m):	2920			
Lot Coverage Ratio (%):	69.4			
Floor Space Index:	4.33			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	8
3 + Bedroom:	1
Total Units:	9

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	2559	2559	0
Retail GFA (sq. m):	365	365	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT: PLANNER NAME: Barry Brooks, Senior Planner
TELEPHONE: (416) 392-1316

Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item [or Report No.],
Clause No. as adopted by City of Toronto Council on , 2010
Enacted by Council: , 2010

CITY OF TORONTO

Bill No.

BY-LAW No. -2010

To amend by-law No. 438-86 of the former City of Toronto with respect to lands known as 277 Davenport Road

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands forming part of lands known municipally in the year 2010 as 277 Davenport Road;

AND WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment:

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2 with respect to *lot*, *grade*, and *height*, 4(2)a, 4(10), 8(3) PART I (1) and (3), 8(3) PART II (1), 8(3) PART II (2), and 8(3) PART XI (2), of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of a *mixed-use building* and uses *accessory* thereto, including an underground *parking garage* on the lands municipally known in the year 2009 as 277 Davenport Road as more particularly identified on Map 1 of this By-law.
2. Notwithstanding Section 8(1)(f) or 8(2) of By-law No. 438-86, no person shall use a *lot* or erect or use a building within the *site* for any purpose except one or more of the following uses:
 - (a) an *apartment building*;
 - (b) any of the non-residential uses permitted within a CR district by Subsections 8(1)(f)(b)(iv) and (vi) of By-law No. 438-86;

- (c) uses *accessory* thereto, including a property management office; and
 - (d) a *sales office* for the building or structure permitted by this section.
- 3. Notwithstanding. Section 8(3) Part I of By-law No. 438-86, the maximum combined *non-residential gross floor area* and *residential gross floor area* of all buildings or structures erected within the *site* shall not exceed 2,915 square metres, of which:
 - (a) the maximum *residential gross floor area* shall not exceed 2,555 square metres;
 - (b) the maximum *non-residential gross floor area* shall not exceed 365 square metres.
- 4. Notwithstanding Section 8(3) Part II of By-law No. 438-86, no part of any building or structure erected within the *site* shall be located above finished ground level other than within a *Building Envelope*, except for the following:
 - (a) cornices, lighting fixtures, awnings, canopies, ornamental or architectural elements, parapets, trellises, eaves, lighting features, window sills, guardrails, balustrades, railings, wind mitigation screens and features, stairs, vents, screens, and landscape features to a maximum of 1.0 metre beyond the *Building Envelope*.
- 5. Notwithstanding Section 4(2)(a) of By-law No. 438-86:
 - (a) building or structure erected within the *site* shall not exceed the *height* in metres above *grade* as shown following the symbol “H” as shown on Map 2;
 - (b) no building or structure shall be erected above finished ground level within the *site* outside a *Building Envelope*, other than a structural projection permitted outside a *Building Envelope* by Subsections 6(a) and 6(b) hereof.
- 6. The preceding Section hereof,
 - (a) does not apply to prevent the erection or use above the said *height* limits of:
 - (i) parapets, ornamental elements, or a roof structure which is used to house or serve as structural support for “green roof” landscaping, on the roof of a building, provided the maximum vertical dimension of any such parapet, element or structure does not exceed 1.5 metres above the applicable *height* limit;

- (ii) privacy screens on the roof of a building provided the maximum vertical dimension of any such screen does not exceed 2.2 metres above the applicable *height* limit;
 - (iii) stairways and related enclosures, elevators and related enclosures, storage rooms, chimneys and rooftop canopies which may extend within the *site* to a maximum vertical projection of 2.5 metre beyond the maximum height as shown on Map 2; or
 - (iv) temporary window washing equipment on the roof of any building within the *site*, provided the maximum vertical dimension of any such equipment does not extend 1.6 metres above the applicable *height* limit.
- (b) for clarity, does not permit the erection or use above the said *height* limits of the structures and elements identified in Section 4(2)(a)(i) and Section 4(2)(a)(ii) of By-law No. 438-86, other than such elements as are set out in subsection 6(a) hereof.
7. Notwithstanding Subsection 4(5) (b) of By-law 438-86, a minimum of 2 *parking spaces* shall be provided and maintained in support of the non-residential uses on the *site*, and a maximum of 24 *parking spaces* shall be provided and maintained for all uses on the *site*;
8. Notwithstanding Section 4(5) of By-law No, 438-86 and the definition of *parking space*, access to *parking spaces* may be provided by a mechanical vehicle elevator or elevators, readily accessible at all times for the parking and removal of a motor vehicle;
9. For the purpose of this By-law, the following expressions shall have the following meaning:
- (a) “*Building Envelope*” means a Building Envelope as outlined by heavy lines on Map 2 attached hereto;
 - (b) “*By-law No. 438-86*” means By-law No. 438-86, as amended, of the former City of Toronto being, “A By-law to regulate the use of land and the erection, use, bulk, height, spacing and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”;
 - (d) “*grade*” shall mean an elevation of 119.3 metres above Canadian Geodetic Datum;
 - (e) “*height*” means the vertical distance between *grade* and the highest point of the roof, building or structure shown on Map 2;
 - (f) “*owner*” means the registered owner of the *site* or any part thereof;

(g) “*site*” means those lands outlined by heavy lines on Map 1 attached hereto;

10. Each word or expression which is italicized herein shall have the same meaning as such word or expression as defined in By-law No. 438-86, as amended, unless otherwise defined in the By-law.

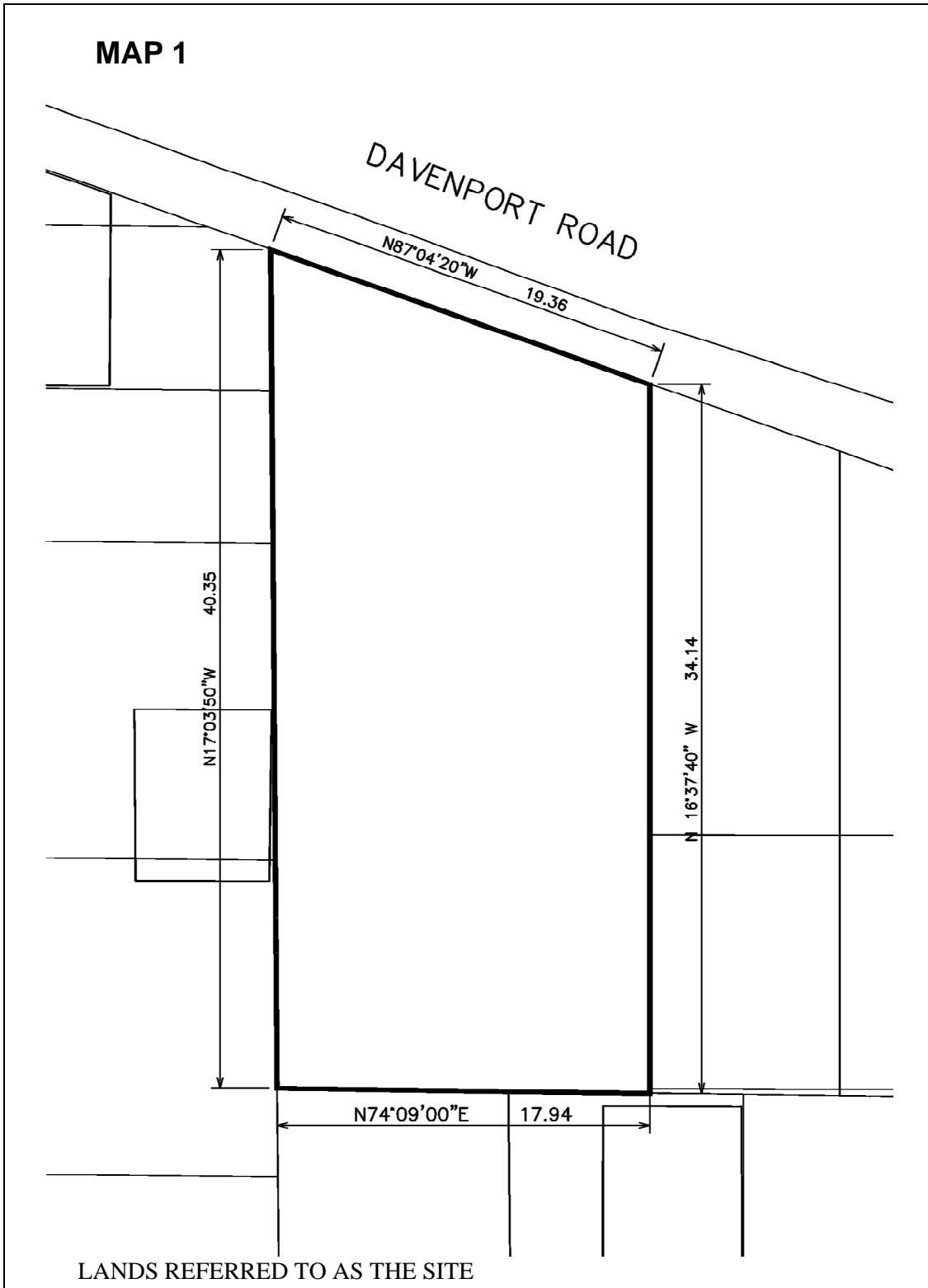
ENACTED AND PASSED this day of , A.D. 2010.

DAVID R. MILLER,
Mayor

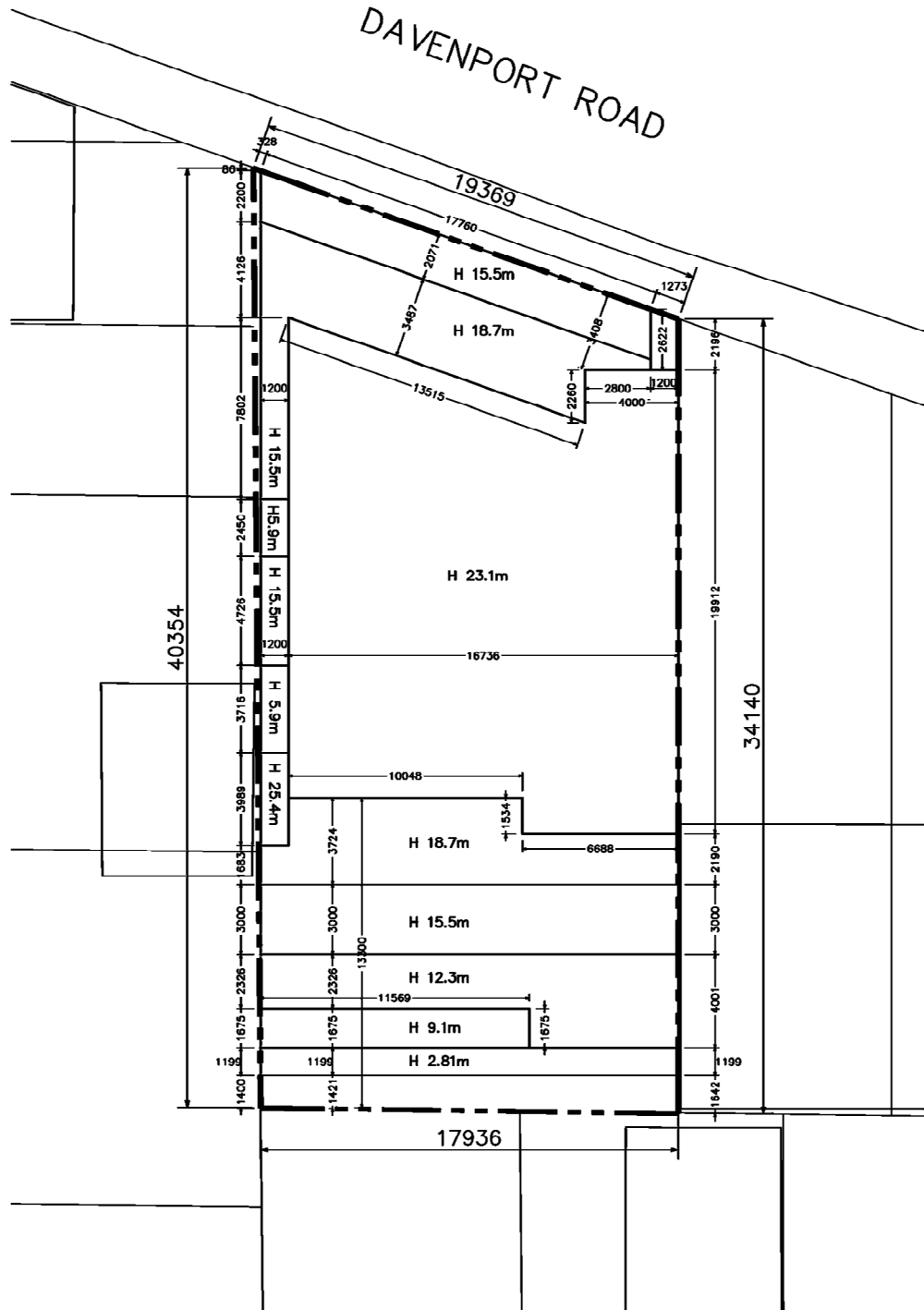
ULLI S. WATKISS
City Clerk

(Corporate Seal)

MAP 1



MAP 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE