

**315 and 327 Royal York Road – Zoning By-law
Amendment Application – Final Report**

Date:	December 13, 2010
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 6 – Etobicoke-Lakeshore
Reference Number:	08 232382 WET 06 OZ

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The proposed application seeks to amend the former City of Etobicoke Zoning Code, and the new Toronto Zoning By-law to permit a 20-storey mixed use condominium apartment building that is integrated with the Mimico GO Transit station and new related parking facilities.

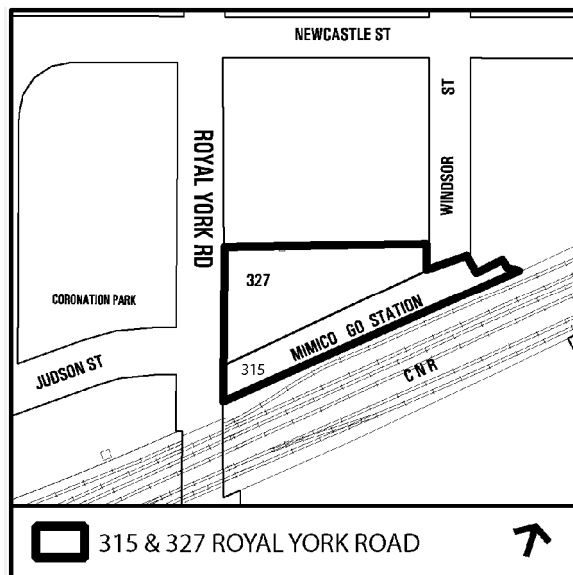
The project is consistent with the Provincial Policy Statement’s call for intensification of residential growth in a manner that implements the City’s Official Plan.

This report reviews and recommends approval of the application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of Etobicoke Zoning Code substantially in accordance with the draft Zoning By-law Amendment



- for the lands at 315 and 327 Royal York Road, attached as Attachment 5.
2. City Council amend the City of Toronto Zoning By-law substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 6.
 3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
 4. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into a Section 37 Agreement to secure community benefits as outlined in this report.
 5. City Council direct that the portion of the cash-in-lieu of parkland dedication that is above the base of 5% required of the residential development be allocated to improvements planned for Prince of Wales Park and the Powerhouse Centre (Colonel Samuel Smith Park).

Financial Impact

The recommendations in this report have no financial impact.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

The site consists of two parcels known municipally as 315 and 327 Royal York Road. The southerly portion of the lands at 315 Royal York were approved for the construction of the existing GO Transit station in 1992, with site plan approval granted in 2002 for additional surface parking. The north portion of the site at 327 Royal York Road was granted approval for a fuel storage depot in 1992.

The previous owner submitted a Zoning By-law amendment application in 2007 to permit fifteen residential townhouse units. Planning staff had indicated concerns regarding access, servicing, site circulation, and appropriateness of the proposed development form given the proximity to the GO Transit Station. The townhouse application was subsequently withdrawn and the property sold, resulting in this new application.

Proposal

The application proposes to amend the former City of Etobicoke Zoning Code and new City of Toronto Zoning By-law to permit a 20-storey mixed use condominium apartment building that is integrated with a new Mimico GO Transit station and 3 levels of related underground parking. The proposed development consists of 190 residential units and approximately 1,100 square metres of retail/commercial space with a total of 361

underground parking stalls (141 spaces for the GO Station and 220 for the condominium building) and 4 grade level visitor parking spaces. The combined commercial and residential gross floor area is approximately 15,500 square metres resulting in an approximate floor space index (FSI) of 2.5 the lot area.

The proposed project is integrated with a new Mimico GO Transit station. The station will retain 109 of the existing 157 above grade parking spaces and gain an additional 141 spaces for commuters within the parking structure of the proposed building.

A statistical summary of the proposal is detailed in Attachment 8 of this report.

Site and Surrounding Area

The site consists of two parcels known municipally as 315 and 327 Royal York Road. The southerly portion of the lands at 315 Royal York is approximately 0.24 hectares and contains the Mimico GO Transit Station and approximately 157 surface commuter parking stalls. To the immediate north, 327 Royal York Road consists of a 0.38 hectare parcel of vacant land that was previously occupied by a fuel storage facility. The land has been subject to environmental remediation and is presently covered in gravel and does not have landscaping or trees.

The lands and the surrounding properties to the north, east and south, are generally flat. The exception is the western edge of the site that changes in elevation by approximately 2.5 metres from the northwest to the southwest corner as Royal York Road passes beneath the railway bridge located to the south of the property.

Surrounding land uses include:

- North: Christ Church Mimico Cemetery, as designated under Part IV of the Ontario Heritage Act
- South: CN/Metrolinx rail corridor and a 7-storey, 300-unit senior's residence located south of the corridor; further south is the Mimico community
- East: the continuation of GO Transit's parking lot and Windsor Street, with vacant Employment land located on the other side of Windsor Street
- West: Royal York Road, with a 16-storey, 308-unit senior's residence and Coronation Park located on the other side of Royal York Road

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*. This designation provides for a range of commercial, residential and institutional uses in either single or mixed use buildings. Development in *Mixed Use Areas* will create a balance of high quality residential, commercial and open space uses that will meet the needs of the local community. The proposed uses are among those permitted for this designation, therefore no amendment is required providing the application complies with all other policies of the Official Plan. Further discussion on compliance to relevant Official Plan policies including built form, density, housing, the environment, Section 37 and development criteria for *Mixed Use Areas* are outlined below.

Zoning

The properties at 315 and 327 Royal York Road are zoned Class 2 Industrial (I.C2) (former City of Etobicoke Zoning Code). This zoning category provides for a range of industrial, manufacturing, institutional and commercial uses. The property at 327 Royal York Road is also subject to site-specific By-law 1996-211 which allowed for the fuel oil storage operation that previously occupied the site. The underlying I.C2 zoning category and the site specific By-law do not allow for residential uses. Therefore, an amendment to the former Etobicoke Zoning Code is required for this proposal.

The property at 315 Royal York Road is exempt from the new City of Toronto Zoning By-law 1156-2010. However, the property at 327 Royal York Road is zoned E (Employment) under the new City of Toronto Zoning By-law, allowing a range of industrial and commercial uses. Transportation uses are permitted in all Zones. Residential uses are not permitted and therefore, an amendment to the new City of Toronto Zoning By-law is required.

This application seeks to bring forth two separate site specific Zoning By-laws to comprehensively rezone the subject lands under the former City of Etobicoke Zoning Code and the new City of Toronto Zoning By-law.

Site Plan Control

The property is subject to Site Plan Control. An application has been submitted and is entering final stages of staff review. Staff anticipates issuing Notice of Approval Conditions (NOAC) shortly.

Reasons for Application

Although the proposal conforms to the Official Plan, Zoning By-law amendments are required as the proposed residential uses are not permitted within the existing zoning category for the site under the former City of Etobicoke Zoning Code nor new City of

Toronto Zoning By-law. As well, the rezoning will establish appropriate site specific development criteria including provisions relating to height, building envelope, density, parking, setbacks and landscaping.

Community Consultation

A community consultation meeting was held on May 7, 2009 with approximately 12 members of the public, the Ward Councillor, the applicant and Planning staff in attendance. Concerns expressed by the public regarding the proposal included:

- 1) appropriateness of the proposed density level
- 2) height impacts
- 3) impacts on pedestrian access to the GO Station
- 4) public safety issues
- 5) site contamination and cleanup
- 6) vehicular access and traffic patterns
- 7) streetscape along Royal York Road

Since the community meeting, the proposal has been refined in order to address the above noted issues. Planning staff are of the opinion that appropriate site-specific development standards are reflected in the draft zoning by-laws, including those related to height and density. Technical matters including those relating to vehicular/pedestrian access and other issues that are more of an aesthetic nature including treatment of the Royal York Road streetscape have been substantially addressed through the Site Plan application.

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 is consistent with the Provincial Policy Statement (PPS). As a residential project it supports the policy objectives of focusing growth in existing settlement areas (intensification). The development promotes efficient land uses, reduces land consumption related to residential development and utilized existing services and infrastructure.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposal's compact and efficient form helps to optimize the utilization of existing services and infrastructure, and promotes intensification along a transit corridor in an area identified to absorb growth.

Land Use

The site is designated *Mixed Use Areas* in the Official Plan. Staff is of the opinion that the development proposal conforms to the *Mixed Use Areas* designations and its development criteria. The high-rise residential use of this land is appropriate as it is compatible with the surrounding area and future planned context. The proposal will have good access to parks, nearby community facilities and institutions, and foremost, maximizes opportunities for transit/commuter rail linkages. The ground floor commercial component of the building will contribute to the vibrancy of the site and will contribute to animating the Royal York Road street frontage. The retail/commercial uses are at an appropriate neighbourhood scale and will serve as a convenience to building occupants, local area residents and GO Station patrons.

Density, Height, Massing

The Official Plan requires redevelopment in *Mixed Use Areas* to demonstrate an appropriate style of development and transition in terms of height, density and urban design to ensure that the general amenity of the existing area is not negatively affected.

Factors to be considered include light, shadows, views, privacy, traffic and parking, among other matters. It calls for new development to frame existing streets, provide an entrance that is visible and accessible from the street, and minimize the impact of parking, service areas, access roads, wind and shadows on future residents of the proposed development and its neighbours.

The proposal has been reviewed in the context of the urban design guidelines "Design Criteria for Review of Tall Building Proposals". The proposal meets the intent of the guidelines by providing an appropriate building floorplate and by articulating a base, middle and top to the building which relate to the surrounding built form character. Multiple entrances, which are identifiable from the street, have been provided. Open space is provided for transit users at grade and for the future residents at the rooftop level. The pedestrian realm is enhanced by providing amenity for pedestrians and transit users through landscaping, streetscaping, and weather protection. The proposal fits harmoniously into its context by adequately limiting shadowing and any adverse wind conditions on the surrounding streets, parks and open spaces. The overall development density of 2.5 FSI with a total of 190 residential units is an appropriate development standard for this site.

Traffic Impact, Access, Parking

The property will have pedestrian and vehicular access at the terminus of Windsor Street and pedestrian access only from Royal York Road. The surface of the site will contain a vehicle drop off area for the condominium tower, a "Kiss-and-Ride" drop-off configuration in relation to the GO commuter station, and 4 surface visitor parking spaces. Within the three levels of underground parking, a total of 141 commuter parking spaces will be provided for the GO Station, and a total of 220 spaces will be provided for the remaining development. The GO facility maintains 109 of its existing surface parking spaces on the easterly adjacent lands abutting the rail corridor.

As part of Site Plan approval, the applicant shall establish all necessary easement/right-of-ways including a vehicle and pedestrian access easement agreement in order that the proposed shared surface and below-grade vehicle/pedestrian access system serves this development in an orderly manner. Further as part of the application review, no negative impacts to the local road network capacity were identified.

Streetscape

A significant grade differential exists between the main grade level of the property and the grade level of Royal York Road as it slopes in a southerly direction towards the CN rail bridge underpass. Despite the fixed constraints, the applicant will provide an attractive Royal York Road streetscape by introducing appropriate landscape treatments that will minimize the use and effect of large expanses of retaining walls, creating a clearly identifiable Go Station entrance, and bolstering the visual prominence to the greatest extent possible of the proposed main grade level retail uses. By placing the building as close as possible to the Royal York Road street edge, the active grade level uses will further enhance the streetscape by providing increased pedestrian amenity and street animation.

Site Servicing, Engineering

A Functional Servicing Report was submitted as part of the application and will be finalized along with all other related technical requirements prior to Site Plan approval. Environmental remediation of the lands has already been performed by the applicant and a Record of Site Condition has been issued by the Ministry of the Environment to demonstrate that the lands are suitable for residential development.

Open Space/Parkland

The site is in the middle quintile of current provision of parkland, as per Map 8B/C of the Official Plan. The site is in a parkland priority area, as per Alternative Parkland Dedication Rate By-law 1420-2007.

The application proposes 190 residential units on a site of 0.62 hectares. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.06 hectares. The commercial component of this development will be subject to a cash-in-lieu of parkland dedication payment.

The applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu and this is appropriate as the required amount of parkland is too small to be of a functional size. The proposal is subject to a cash-in-lieu of 10% of the value of the development site, net of any conveyances for public road purposes.

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

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development applications received on or after January 31, 2010. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

Although compliance is voluntary since the Rezoning and Site Plan applications were submitted prior to January 31, 2010, the applicant has indicated that they intend to comply to Tier 1 of the TGS through the Site Plan Approval process.

Section 37

Section 37 of the Planning Act authorizes a municipality with appropriate approved Official Plan provisions to pass by-law involving increases in the height or density otherwise permitted by a Zoning By-law in return for the provisions of community benefits by the applicant. The benefits are generally capital projects and must bear a planning relationship to the proposed project.

The Official Plan provides for the use of Section 37 of the Planning Act to secure the provision of community benefits in return for height and/or density in development if the increases are first determined to represent good planning. Community Planning staff have discussed matters regarding a Section 37 Agreement with the owner and local Councillor. It had been agreed by the owner that they will restore the Mimico Train Station as their Section 37 contribution. They will be fully responsible for the complete work 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 Conservation Plan approved by Heritage Preservation Services. As part of the Agreement, it is noted that City Parks, Forestry and Recreation staff will agree to allow the applicant to utilize the facility as a sales office for the condominium development for the amount of time required, to a maximum of 2 years. It is proposed that market value rent will be charged to the applicant for occupancy after the first year to the maximum 2 year term. The net value of the restoration works accounting for the value of the sales office lease is expected to be approximately \$600 000.

Further to the above, the owner has agreed to an on-site public art commitment of one percent of the gross construction costs to be implemented in accordance with the City's Percent for Public Art Program Guidelines. This provision would be secured through the Section 37 agreement between the City and the applicant

The value of public art and its essential part in city building are recognized in the Official Plan. Policy 1.(e) of Section 3.1.4 encourages the inclusion of public art in all significant private sector developments across the City. Built Form Policy 5.(g) in Section 3.1.2 of the Official Plan identifies public art as a means of making buildings and open spaces

more attractive and interesting. Given the anticipated high daily pedestrian and vehicular traffic associated with this development and the GO commuter train station, Planning staff are of the opinion that this site is a prime candidate for a public art installation. In this case, a public art installation is also an effective means of maximizing the utility of the limited open space opportunities remaining on the site due to the heavy surface land area demands devoted to vehicular circulation.

Development Charges

It is estimated that the development charges at current rates for this project will be \$1,219,524 (\$1,467,189 at rates effective February 1/11). This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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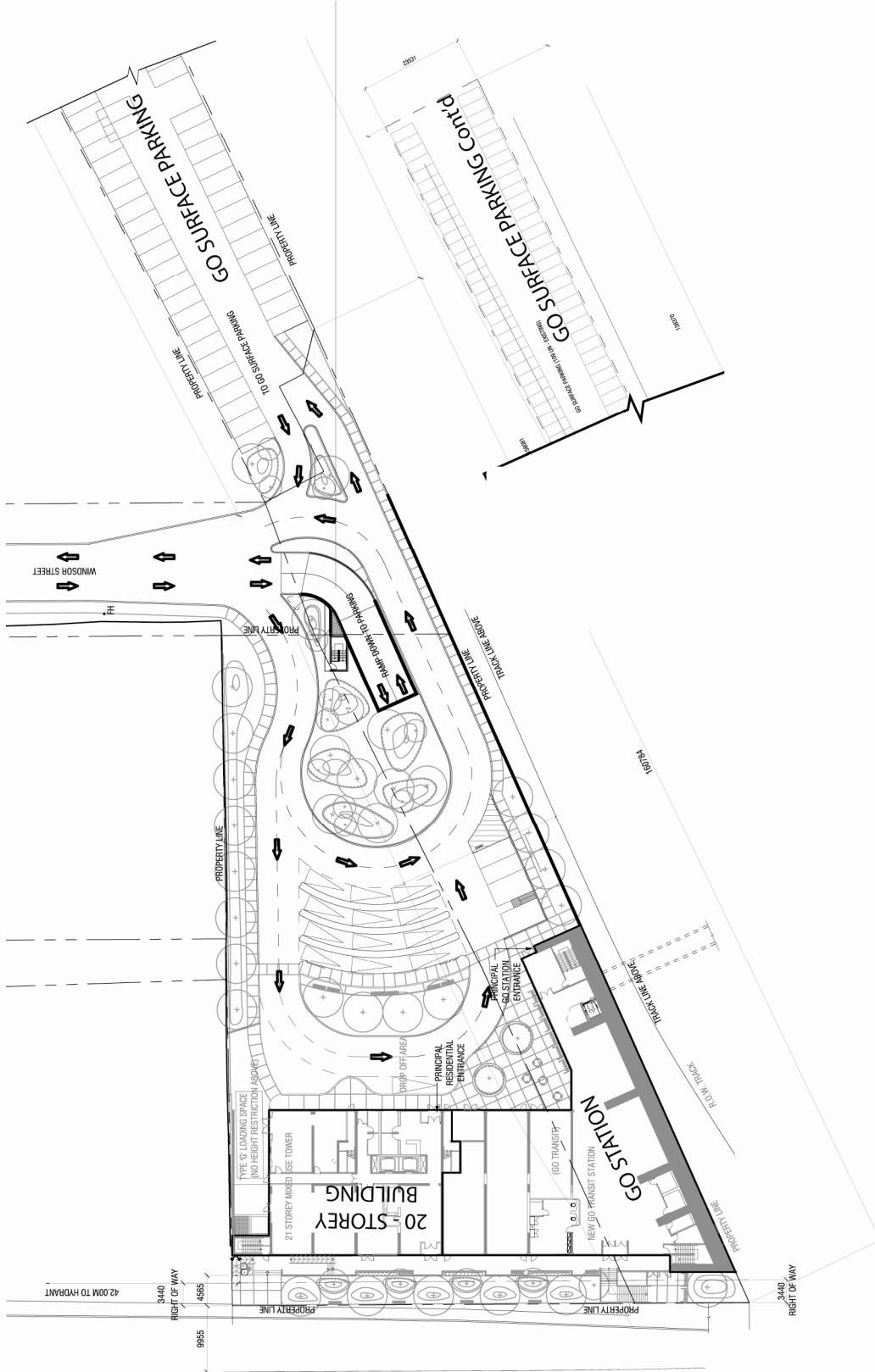
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Gregg Lintern, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: Southwest Elevation
- Attachment 3: East Elevation
- Attachment 4: North Elevation
- Attachment 5: Zoning (Etobicoke Zoning Code)
- Attachment 6: Zoning (Toronto Zoning By-law)
- Attachment 7: Official Plan
- Attachment 8: Application Data Sheet
- Attachment 9: Draft Zoning By-law Amendment (to Toronto Zoning By-law)
- Attachment 10: Draft Zoning By-law Amendment (to Etobicoke Zoning Code)

Attachment 1: Site Plan



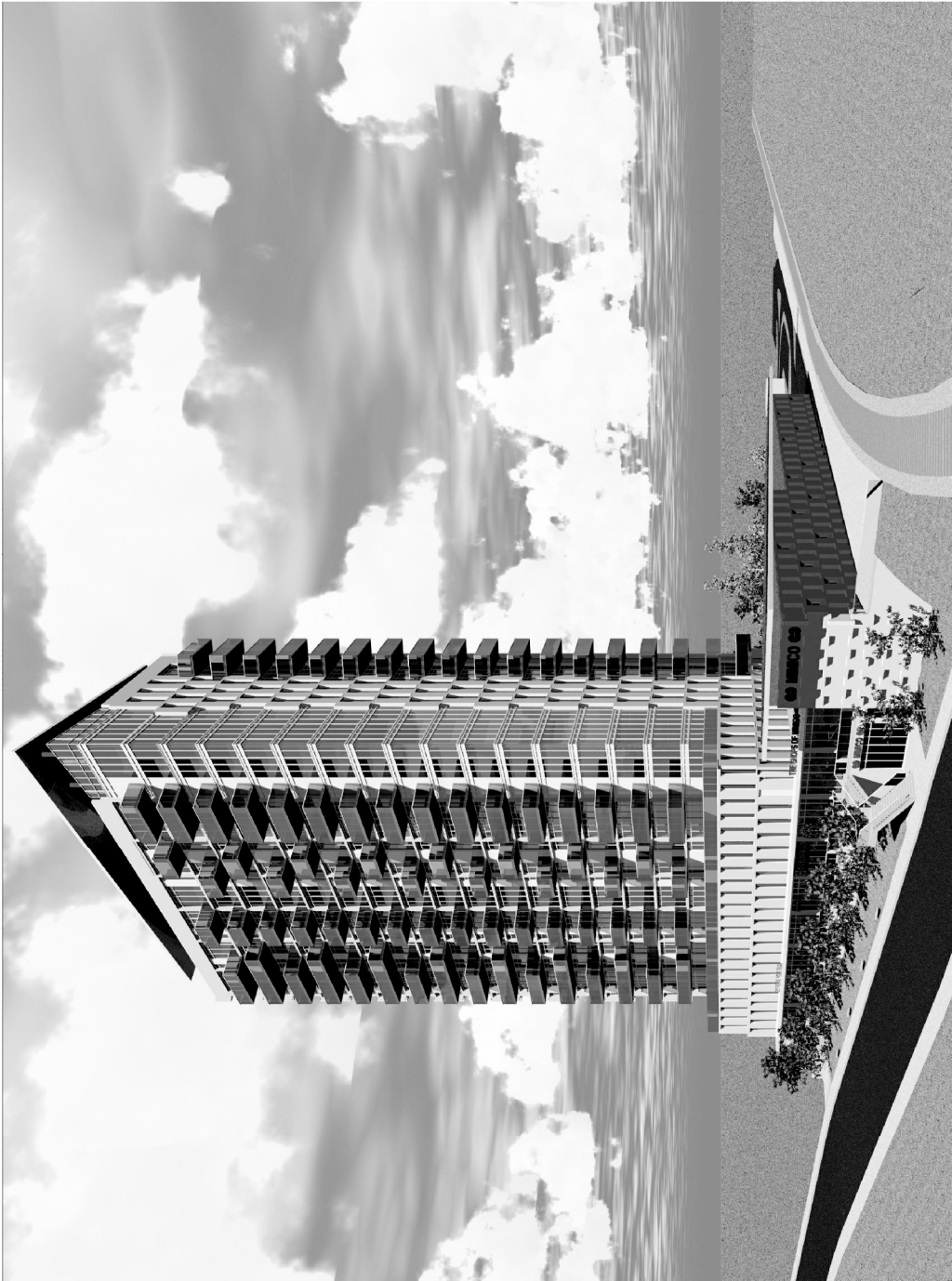
315 & 327 Royal York Rd.

Site Plan
 Applicant's Submitted Drawing

File # 08_232382

Not Scale
 12/10/2010

Attachment 2: Southwest Elevation



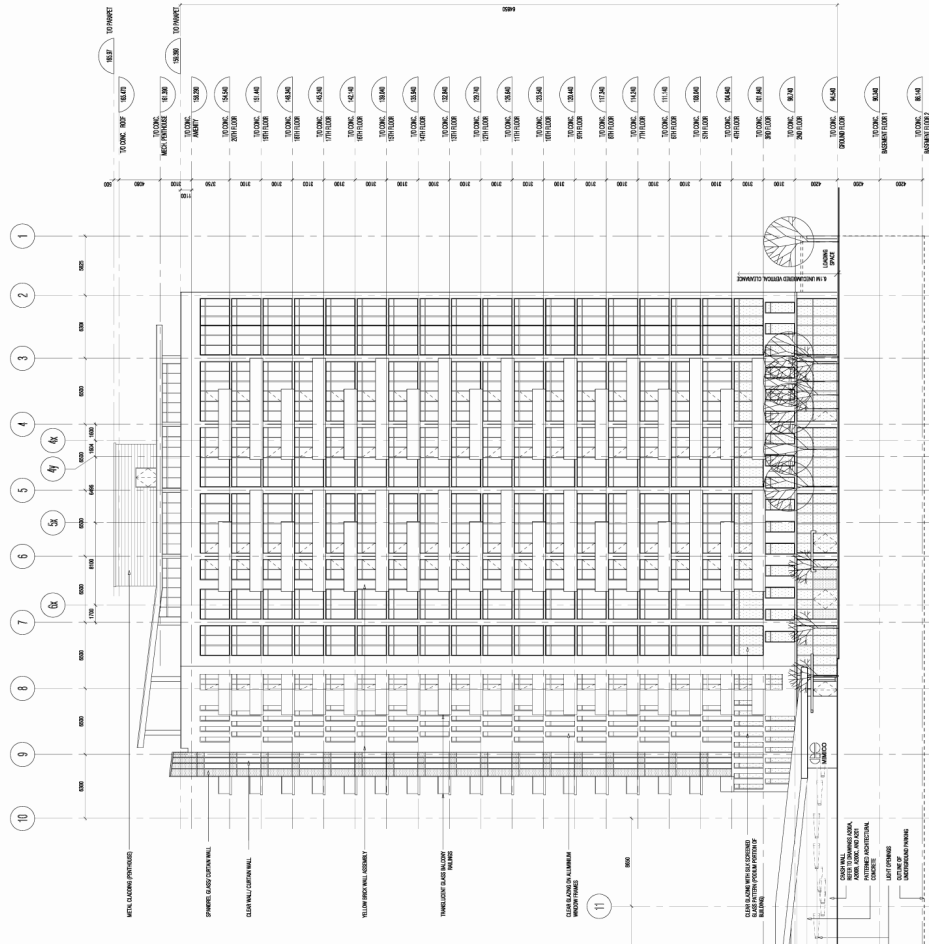
315 & 327 Royal York Road

Perspective View from South West
Applicant's Submitted Drawing

Not to Scale
12/03/2010

File # 08_232382

Attachment 3: East Elevation



East Elevation

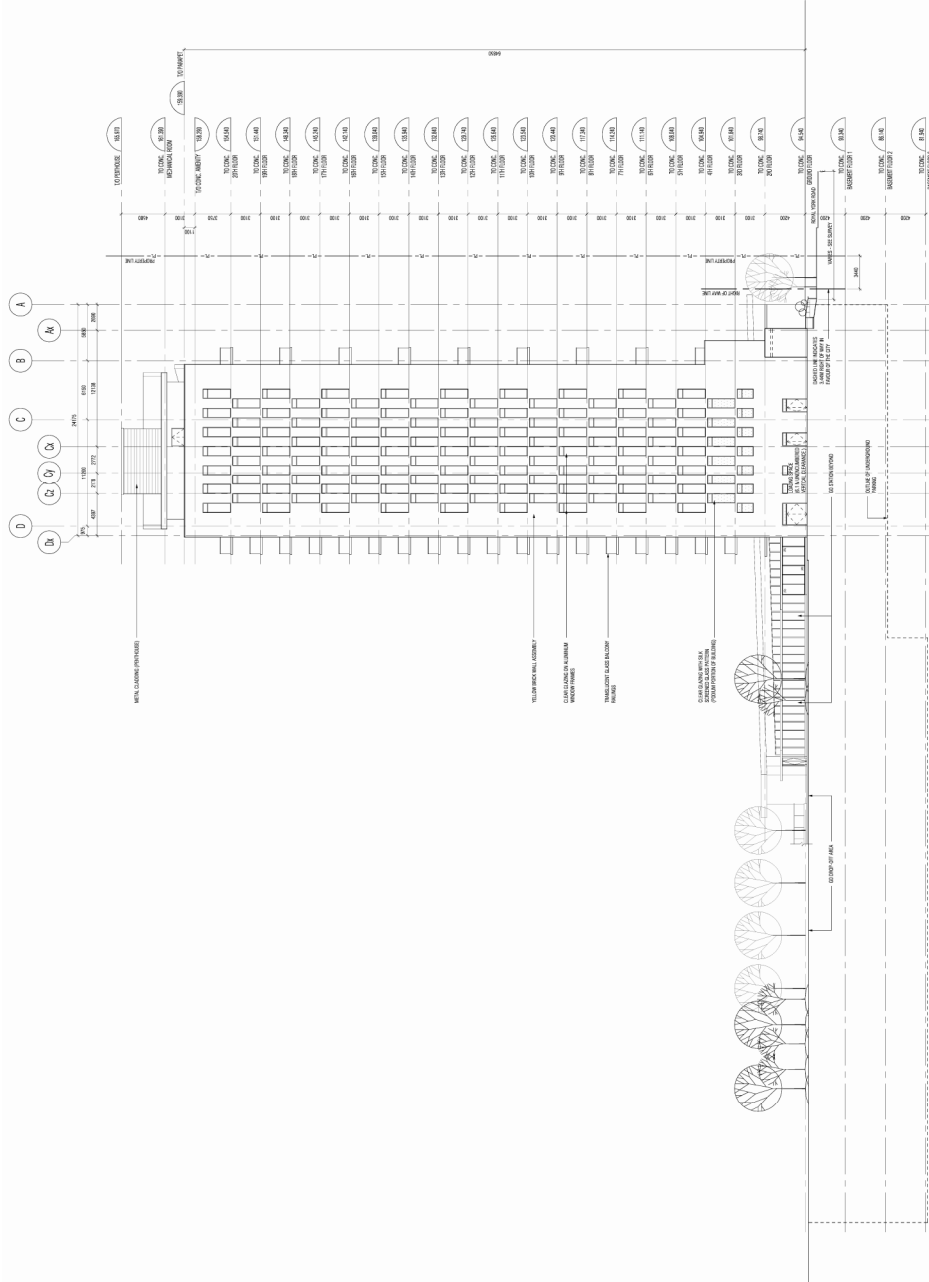
315 & 327 Royal York Road

Elevations
 Applicant's Submitted Drawing

Not to Scale
 12/03/2010

File # 08_232382

Attachment 4: North Elevation



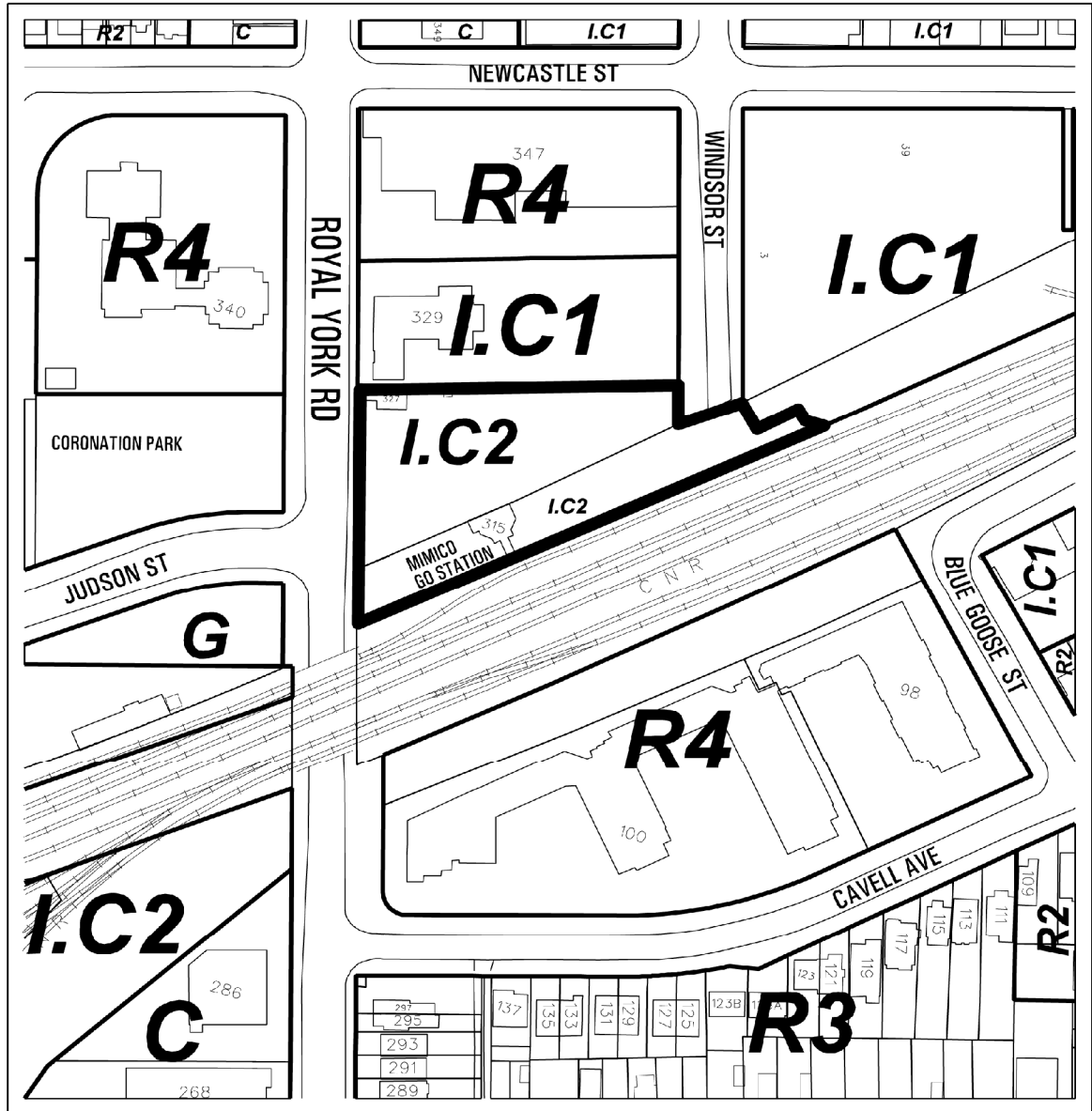
North Elevation

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 12/03/2010

315 & 327 Royal York Road

File # 08_232382

Attachment 5: Zoning (Etobicoke Zoning Code)



TORONTO City Planning
Zoning

315 & 327 Royal York Road

File # 08_232382

Former Mimico

R2 Residential 1, 2, & 3 Family
R3 Residential Multiple
R4 Residential Multiple

C Commercial
G Greenbelt

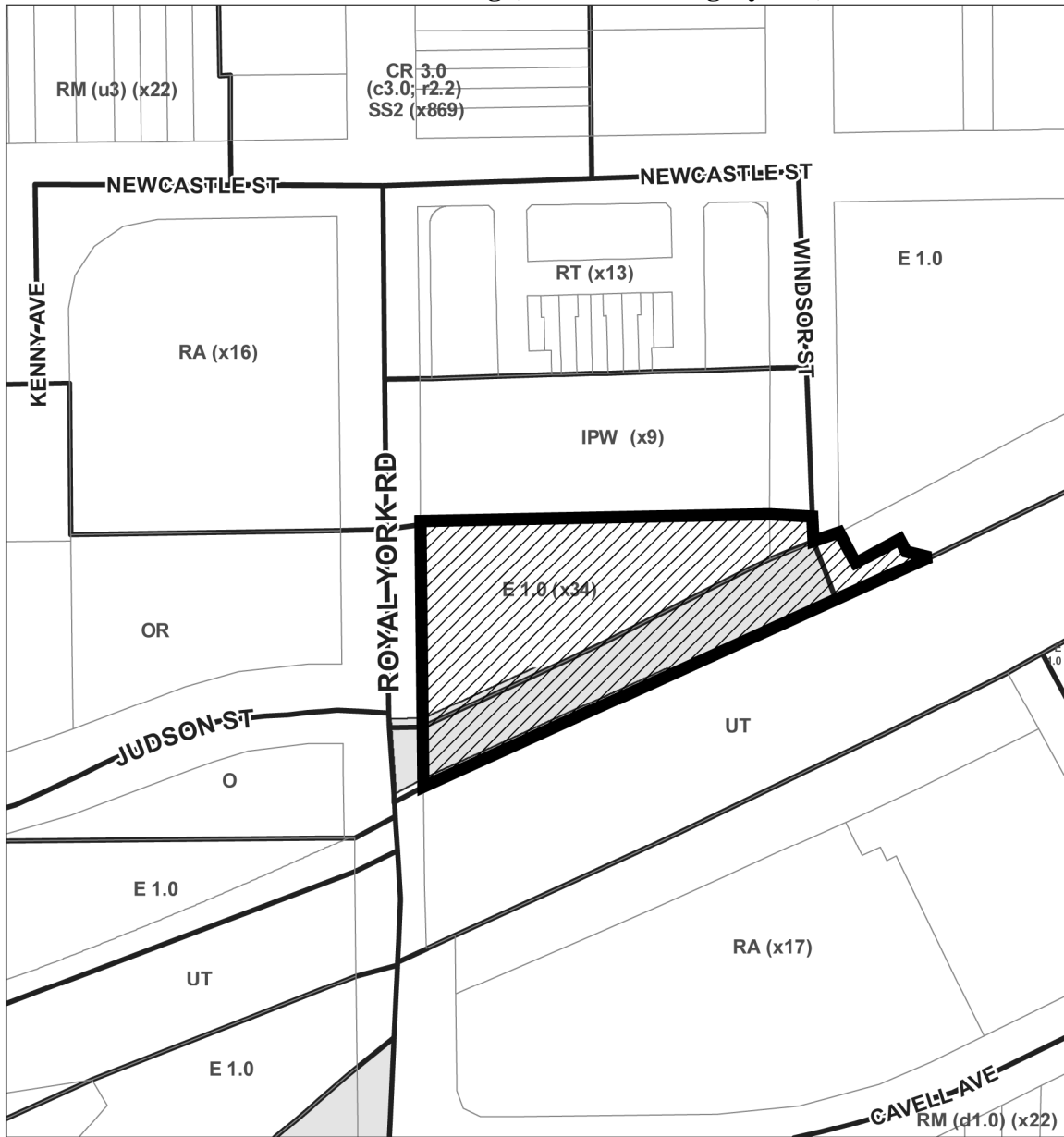
I.C1 Industrial Class 1
I.C2 Industrial Class 2

Not to Scale
Zoning By-law 1930 as amended



Extracted: 12/02/2010/JM

Attachment 6: Zoning (Toronto Zoning By-law)



Zoning By-law 1156-2010

315 & 327 Royal York Road

File # 08 232382 WET 06 0Z

- Subject Site
- Not Part of this By-Law
- RA Residential Apartment Zone
- E Employment Industrial Zone
- RM Residential Multiple Zone
- O Open Space Zone
- RT Residential Townhouse Zone
- OR Open Space - Recreation Zone
- CR Commercial Residential Zone
- UT Utility & Transportation Zone

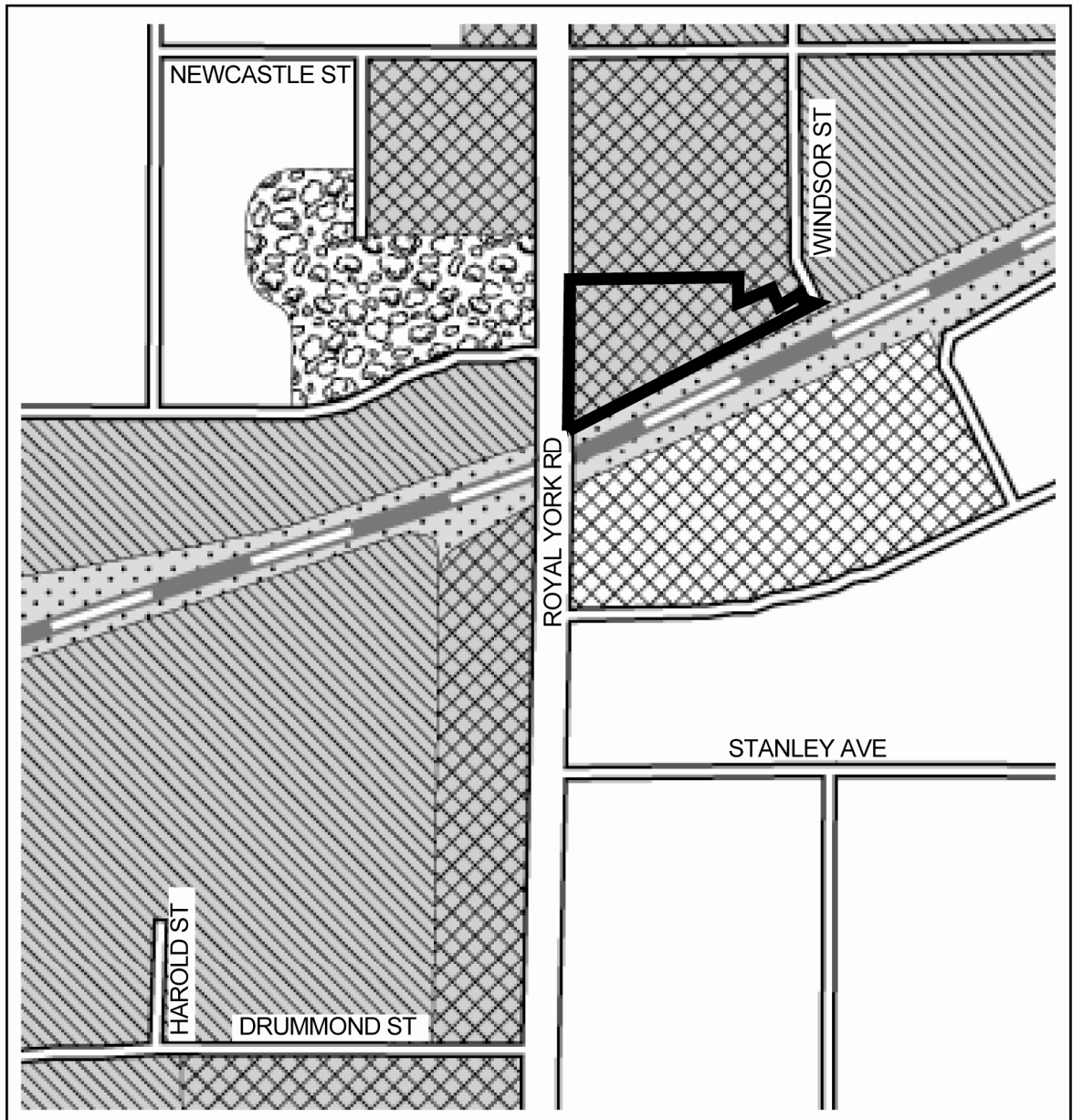
NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale

Extracted 12/10/2010

Attachment 7: Official Plan



Toronto City Planning
Official Plan

315 & 327 Royal Yrpk Road

File # 08_232382

- | | | |
|--------------------------|-------------------|--------------------------|
| Site Location | Utility Corridors | Parks & Open Space Areas |
| Neighbourhoods | Employment Areas | Parks |
| Apartment Neighbourhoods | | |
| Mixed Use Areas | | |

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 Not to Scale
 12/06/10

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	08 232382 WET 06 OZ
Details	Rezoning, Standard	Application Date:	December 31, 2008

Municipal Address: 315+327 ROYAL YORK RD

Location Description: **GRID W0607

Project Description: Zoning By-law Amendment and Site Plan Control Application to permit a 20-storey, 190 unit condominium apartment building. The development will incorporate a new Mimico GO Station.

Applicant:	Agent:	Architect:	Owner:
TERRASAN 327 ROYAL YORK ROAD LIMITED			METROLINX

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	1.C2 Class 2 Industrial 1996-211
Zoning:		Historical Status:	
Height Limit (m):		Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	6283.96	Height:	Storeys:	20
Frontage (m):	77.89		Metres:	64.85
Depth (m):	160.78			
Total Ground Floor Area (sq. m):	1442.05			Total
Total Residential GFA (sq. m):	14295.31		Parking Spaces:	365
Total Non-Residential GFA (sq. m):	1077.88		Loading Docks	1
Total GFA (sq. m):	15373.19			
Lot Coverage Ratio (%):	22.9			
Floor Space Index:	2.44			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Freehold		
Rooms:	0	Residential GFA (sq. m):	14295.31
Bachelor:	0	Retail GFA (sq. m):	1077.88
1 Bedroom:	114	Office GFA (sq. m):	0
2 Bedroom:	76	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	190		

CONTACT:	PLANNER NAME:	Matthew Premru, Planner
	TELEPHONE:	(416) 394-6004

Attachment 9: Draft Zoning By-law Amendment (to Toronto Zoning By-law)

DRAFT

**CITY OF TORONTO
BY-LAW No. ____-2010**

**To amend Zoning By-law 1156-2010 for the City of Toronto
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. That zoning map 46G-21 referred to in Chapter 990 is hereby amended by changing the classification of the lands described in Schedule 'A' attached hereto to Commercial Residential Exception 123 or CR (x. XXX) Zone provided the

following provisions shall apply to the development of the lands identified in Schedule 'A'. Despite Clause 1.20.2.5 and 1.20.2.23, the CR (x. XXX) zoning shall apply to the full extent of the lands described in Schedule 'A' attached hereto.

2. By-law 1996-211, as amended, of the former City of Etobicoke shall no longer apply as it relates to the portion of the Lands known municipally as 327 Royal York Road.
3. (XXX) Exception CR XXX

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

- (A) The maximum gross floor area on the lot shall be 15,500 square metres.
- (B) The maximum residential gross floor area on the lot shall be 14,400 square metres.
- (C) The maximum commercial gross floor area on the lot shall be 1,100 square metres.
- (D) The maximum Floor Space Index permitted shall be 2.5 times the lot area.
- (E) Despite Clause 5.10.40.10, the maximum building height excluding rooftop amenity and mechanical structures to be permitted on the lands shall be 65m, the location and extent of which as shown on Schedule B, attached hereto.
- (F) Despite Clause 5.10.40.10, the maximum building height including equipment and structures used for the functional operation of a building and providing rooftop outdoor recreation, safety and wind protection shall be 73m, and shall be permitted on the lands at the height and to the extent shown on Schedule B, attached hereto.
- (G) Despite Clause 5.1.40.60, permitted encroachments may include steps, staircases, overhangs, building entryways, roof eaves, window sills, railings, cornices, guard rails, balustrades and balconies to a maximum projection of 2 metres.
- (H) Despite Clause 5.10.40.70, the location of building or structures on the land shall be within the Building Envelope shown on Schedule 'B'. For clarification, the crash wall feature will maintain a 0 metre setback from the south lot line.
- (I) Despite Clause 5.10.80.10, additional parking spaces associated with a Transportation Use may be located on adjacent or nearby lands.
- (J) Despite Clause 5.10.80.20, a surface parking space may be located a minimum of 0.25 metres from a lot line.
- (K) Despite Regulation 40.5.1.10.3(G), a minimum 15 % of the lot area shall be reserved for landscaping.
- (L) Despite Clause 40.10.30.40, the maximum coverage of all buildings and structures on the lot shall be 50 percent.
- (M) Despite Regulation 40.10.40.1.2, the first floor level of the first storey is permitted to be located more than 0.2 metres from grade measured at the street line directly opposite each pedestrian entrance and accessed by a ramp which rises vertically at more than a 4% grade.

- (N) Despite Regulation 40.10.40.10.4, the maximum permitted height of a building or structure on the lot shall be shown on Schedule B, attached hereto (equivalent to 20 storeys).
- (O) Despite Regulation 40.10.40.10.7, the minimum height of the first storey of a building or structure shall be 4.2 metres.
- (P) Despite Regulation 40.10.40.50.1, the required outdoor amenity space shall not be required to be located on the ground floor.
- (Q) Despite Regulation 40.10.40.60.1, front yard setbacks shall be in accordance to Schedule B, attached hereto.
- (R) Despite Regulation 40.10.40.60.1(D), a platform located above the third storey and attached to the main front wall shall be permitted provided it does not project more than 2.5 metres from the main front wall.
- (S) 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 and into the municipal right of way provided it does not exceed a distance of 4.5 metres from the main front wall of the building.
- (T) 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 and may encroach into the required front yard and into the municipal right of way provided they do not exceed a distance of 7.5 metres from the main front wall of the building.
- (U) Despite Regulation 40.10.40.60.3, ramps providing access to the building from Royal York Road shall be permitted to project out from the main front wall of the building and may encroach into the required front yard provided they do not exceed a distance of 2.0 metres from the main front wall of the building.
- (V) Despite Regulation 40.10.40.70.4, no building or structure within the Lands shall be located other than within the Building Envelope shown on Schedule 'B'.
- (W) Despite Regulation 40.10.80.20.1, underground parking spaces, loading spaces, drive aisles, driveways and ramps shall be located a minimum of 0.25 metres from the property line and may project into any required yard setback.
- (X) 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.
- (Y) 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
- (Z) Despite Clause 200.5.10.1, any parking requirement for commercial uses in the building shall be shared with and satisfied by the residential visitor to be provided parking on the lot.

- (AA) Despite Clause 200.5.10.1, an additional 141 below grade parking spaces shall be provided for users of the Transportation Use on the lot.
- (BB) Despite Regulation 220.5.1.10.8(c), one loading space is required and shall be situated in a manner that accommodates all truck manoeuvring entirely on-site.
- (CC) Despite Regulation 220.5.20.2, the loading space shall be accessed by a driveway having a minimum width of 5.2 metres.
- (DD) Despite Regulation 230.5.1.10.4, required bicycle parking spaces on the lot shall be permitted to be located at distances greater than 30 metres from a pedestrian entrance to the principal building on the lot.
- (EE) Despite Regulation 230.5.1.10.5, a required bicycle parking space on the lot may have dimensions less than those required under the By-law.
- (FF) Despite Regulation 230.5.1.10.7 and 230.5.1.10.8, a minimum of 96 parking spaces shall be provided below grade in a weather protected parking area and shall contribute towards the required supply of both short term and long term bicycle parking.
- (GG) Despite Regulation 230.5.1.10.7 and 230.5.1.10.8, a minimum of 64 parking spaces shall be provided at grade in a weather protected parking area and shall contribute towards the required supply of both short term and long term bicycle parking.
- (HH) Despite Regulation 230.5.1.10.9, no shower and change facilities for cyclists are to be provided on the lot.
- (II) Despite Regulation 230.5.1.10.11, required long term bicycle parking may be located at grade or within the first two underground level below grade used for vehicular parking. A minimum of 40% of the required indoor parking spaces shall be located on the first underground parking level.
- (JJ) Despite Clause 230.5.10.1 and 230.40.1.10, all required bicycle parking on the lot for long term use by the residents and for short term use by the visitors to the residential units and the commercial units shall be in the form of 160 bicycle parking spaces, consisting of 64 outdoor bicycle parking spaces and 96 indoor bicycle parking spaces.

4. Section 37

The density of development permitted by this By-law is subject to the Owner(s) of the land, 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) The owner shall be responsible for the restoration of the historical Mimico Train Station located in Coronation Park in substantial accordance with an approved Conservation Plan.
- (ii) The Section 37 agreement shall require the provision and maintenance of public art on site in accordance with the City's public art program.

- (iii) The Section 37 agreement shall require compliance with the City's requirements regarding the environmental condition of the Lands and the lands to be dedicated to the City.
 - (iv) Notwithstanding the date by which the Owner is required to satisfy any obligation under Section 16 of this By-law, nothing in this By-law shall prevent the Owner from obtaining a conditional permit under the Building Code Act for shoring and excavation work only.
 - (v) The owner of the Lands enters into and registers 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 (vi) 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.
5. 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.
 6. 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.
 7. 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

Attachment 10: Draft Zoning By-law Amendment (to Etobicoke Zoning Code)

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 Exception (R4*XX) Zone provided the following provisions shall apply to the development of the (R4*XX) 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 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.

“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 190
- b) the maximum building heights 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 15% 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.

Notwithstanding the foregoing clauses, the following provisions shall apply:

- h) all below grade structures and ramps shall be exempt from Schedule 'B' setbacks; and,

- i) Notwithstanding any of the required building setbacks, Minor Projections shall be permitted to encroach into the required building setbacks.
- j) Notwithstanding any of the foregoing clauses, Minor Projections may encroach into a Public Right-of-Way to a maximum distance of 2.5 metres.

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.

11. 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 15% 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.

12. Section 37

The density of development permitted by this By-law is subject to the Owner(s) of the land, 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) The owner shall be responsible for the restoration of the historical Mimico Train Station located in Coronation Park in substantial accordance with an approved Conservation Plan.
- (ii) The Section 37 agreement shall require the provision and maintenance of public art on site in accordance with the City's public art program.
- (iii) Conveyance of 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.
- (iv) The Section 37 agreement shall require compliance with the City's requirements regarding the environmental condition of the Lands and the lands to be dedicated to the City.
- (v) Notwithstanding the date by which the Owner is required to satisfy any obligation under Section 16 of this By-law, nothing in this By-law shall prevent the Owner from obtaining a conditional permit under the Building Code Act for shoring and excavation work only.
- (vi) The owner of the Lands enters into and registers 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 (vi) 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.

13. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.

14. 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.
15. 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.
16. Chapter 342, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY- LAW
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 Exception (R4*XX) Zone.

ENACTED AND PASSED THIS _____ DAY OF _____, 2011.

ROB FORD
Mayor

ULLI S. WATKISS
City Clerk