

TORONTO STAFF REPORT

January 16, 2006

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Subject: Final Report
Official Plan and Rezoning Application 02 035156 SMI 22 OZ
Site Plan Application 04 113711 STE 22 SA
Architect: Alan Tregebov, AJ Tregebov Architect
243 Eglinton Avenue West and 500 Oriole Parkway
Ward 22 - St. Paul's

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law to permit a 6 storey mixed use building at 243 Eglinton Avenue West and 500 Oriole Parkway.

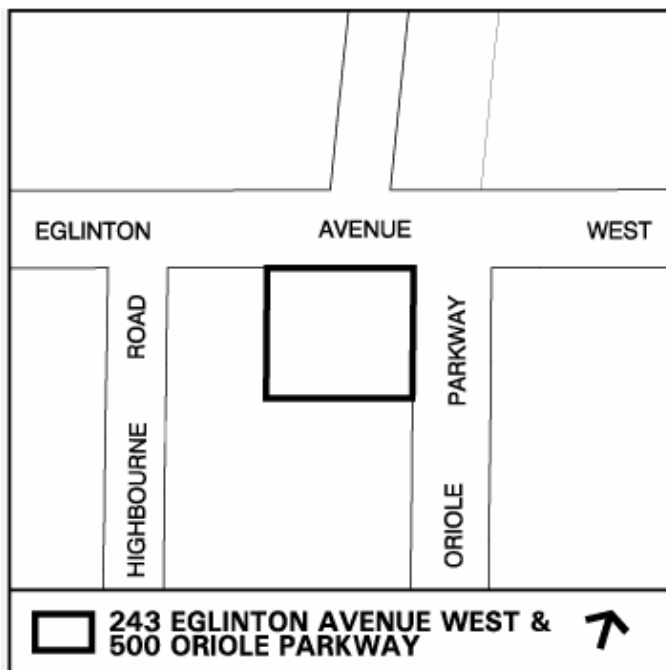
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 8;
- (2) amend the Zoning By-law 438-86 for the City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9;



- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required;
- (4) require that, before introducing the necessary Bills to City Council for enactment, (a) the owner of 243 Eglinton Avenue West and 500 Oriole Parkway enter into a Site Plan Agreement under Section 41 of the Planning Act to secure all of the site plan conditions relating to the Site, and (b) the owner of 191 Highbourne Road join in the site plan application and enter into the Site Plan Agreement, to be registered against 191 Highbourne Road, to secure vehicular access/egress between the Site and Highbourne Road, and (c) the owner of 486 Oriole Parkway join in the site plan application and enter into the Site Plan Agreement, to be registered against 486 Oriole Parkway, to secure vehicular access/egress between the Site and Oriole Parkway; and

Background:

At its meeting held on November 16, 2004, the Toronto and East York Community Council held a statutory public meeting with respect to this matter. The Toronto and East York Community Council adopted the supplementary report (November 9, 2004) from the Acting Director, Community Planning, South District and in so doing deferred consideration of the matter until the issue of vehicular access to the site is resolved. This will now be resolved, as noted in recommendation (4), by the owner of 191 Highbourne Road joining in the site plan application and entering into the Site Plan Agreement, to be registered against 191 Highbourne Road, to secure vehicular access/egress between the Site and Highbourne Road, and by the owner of 486 Oriole Parkway joining in the site plan application and entering into the Site Plan Agreement, to be registered against 486 Oriole Parkway, to secure vehicular access/egress between the Site and Oriole Parkway.

Proposal

The applicant proposes to demolish the existing single storey strip mall on the east part of the site (500 Oriole Parkway) and build a 6 storey structure. The development will have underground parking, commercial uses at street level fronting on Eglinton Avenue West and residential apartments above.

As part of the same project, the applicant will add two residential storeys on top of the adjacent 4 storey mixed-use building at 243 Eglinton Avenue West. Commercial uses currently occupy the first two storeys with 27 residential apartments above.

The resulting building will be linked at all levels, including the underground parking garage. The 8,771 square metre building will contain 2,262 square metres of commercial space, which is an increase of 398 square metres over the existing commercial area. The building will contain 4 bachelor units, 42 one bedroom units, and 25 two bedroom units for a total 71 dwelling units. There will be a total of 46 parking spaces and 42 bike spaces.

The total density on the site would be 4.2 times the area of the lot composed of a commercial density of 1.1 times the area of the lot and residential density of 3.1 times the area of the lot. The height of the new building would be 19.2 metres.

The first four floors of the building will be built to the property line on all four sides. There will be a setback on the south and east sides at the fifth floor. The sixth floor is set back further on the east and north sides. In addition, the interior of the building is open to the sky to allow light to penetrate. A portion of this interior courtyard will be used for outdoor amenity space.

Vehicular access to the underground garage will be from Highbourne Road via a private lane behind the building to the west known as 191 Highbourne Road, which fronts on Eglinton Avenue West. To secure the use of this laneway, the owner of 191 Highbourne Road will be required to join in the site plan application and enter into the Site Plan Agreement, to be registered against 191 Highbourne Road, to secure vehicular access/egress between the Site and Highbourne Road.

Vehicular access to five commercial/visitor parking spaces located at the south eastern edge of the site will be from Oriole Parkway via a private lane to the south known as 496 Oriole Parkway. To secure the use of this laneway the owner of 486 Oriole Parkway will be required to join in the site plan application and enter into the Site Plan Agreement, to be registered against 486 Oriole Parkway, to secure vehicular access/egress between the Site and Oriole Parkway.

Pedestrian access to the new residential lobby will be from Oriole Parkway, while existing residents will continue to gain access from Eglinton Avenue.

Site and Surrounding Area

The 2,105 square metre corner lot is almost square with a 49 metre frontage on Eglinton Avenue West and a 43 metre depth on Oriole Parkway.

To the south of the lot, there are three low rise (3-storey) residential apartment buildings fronting on Oriole Parkway. These buildings are in the same ownership as the subject property.

West of the site the balance of the block is occupied by a two storey building with retail uses at grade and residential apartments above (known as 191 Highbourne Road). As noted, the owner of 191 Highbourne Road will be required to join in the site plan application and enter into the Site Plan Agreement, to be registered against 191 Highbourne Road, to secure vehicular access/egress between the Site and Highbourne Road. A stable residential neighbourhood consisting mostly of single detached homes lies to the southwest of the property.

East of the site, across Oriole Parkway, are small scale commercial and apartment buildings.

North, across Eglinton Avenue West, are “Main Street” style low-rise mixed commercial-residential buildings. Eglinton Park, with its recreational facilities and community centre, is to the northeast.

The site is located approximately 600 metres from the Eglinton subway station and is otherwise well served by public transit.

Former City of Toronto Official Plan

The site is currently designated as “Low Density Mixed Commercial-Residential” by both the Part I Official Plan for the former City of Toronto and the Yonge Eglinton Part II Plan. This designation permits a wide range of commercial and residential uses up to a maximum density of 3 times the area of the lot.

The Official Plan also classifies this segment of Eglinton Avenue as “Main Streets” and indicates that buildings in this classification will generally have heights up to 5-storeys. The Plan states that “Main Streets” provide areas of shopping and housing and should serve as a focus for and define the edges of low rise residential neighbourhoods.

New Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board and the hearing is now in progress

The new Official Plan designates this site as “Mixed Use Areas”. This designation permits a broad range of commercial and residential uses, in single use or mixed use buildings.

The policies of the “Mixed Use Areas” designation include development criteria, which provide direction for new development to:

- a) locate and mass new buildings to provide a transition between areas of different development intensity and scale, particularly providing setbacks from and stepping down of heights towards lower-scale “Neighbourhoods”;
- b) locate and mass new building to minimize shadow impacts on adjacent “Neighbourhoods” during the spring and fall equinoxes;
- c) locate and mass new buildings to frame the edge of streets and parks with good proportion and maintaining sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- d) provide good site access and circulation and an adequate supply of parking for residents and visitors;
- e) locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- f) take advantage of nearby transit services; and

- g) provide indoor and outdoor recreation space for building residents;

The site falls within an “Avenues” area reflecting the current “Main Streets” designation in the Official Plan of the former City of Toronto. The Avenues are important corridors along major streets where re-urbanization can create new housing and jobs while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. Other criteria listed within the “Avenues” designation stipulate that development will:

- contribute to the creation of a range of housing options in the community;
- maintain adequate views and privacy for residents in nearby neighbourhoods and apartment neighbourhoods; and,
- minimize shadows and uncomfortable wind conditions on neighbouring properties, streets and open spaces.

Eglinton Avenue West is designated as Transit Priority Segments indicating that the subject site is well served by public transit.

The proposed development does not require an Official Plan Amendment under the New Official Plan.

Zoning

The property is zoned MCR T3.0 C2.0 R2.5 with a height limit of 16 metres. This zoning allows a mix of residential and commercial uses with a maximum density of three times the area of the lot. Within this maximum density commercial uses should make up no more than two times the area of the lot and residential uses not more than two and a half times the area of the lot.

Site Plan Control

The proposed development is subject to site plan control. An application has been submitted and a Site Plan Approval will be granted by the Chief Planner (under delegated authority) subject to certain conditions to be secured by a Site Plan Agreement. The report recommends that before the Bills giving effect to the Official Plan and Zoning By-law Amendments are introduced, (a) the owner of 243 Eglinton Ave. West and 500 Oriole Parkway enter into a Site Plan Agreement under Section 41 of the Planning Act to secure all of the site plan conditions relating to the Site, and (b) the owner of 191 Highbourne Road join in the site plan application and enter into the Site Plan Agreement, to be registered against 191 Highbourne Road, to secure vehicular access/egress between the Site and Highbourne Road.

Reasons for the Application

The applicant proposes a density of 4.2 times the area of the lot, whereas the maximum permitted under the current Official Plan in a “Mixed Use Area” is 3.0 times.

The proposal contravenes the Zoning By-law with respect to density, height, setbacks, angular planes, location of amenity spaces, amount of vehicular parking and access points.

The Zoning By-law permits a total density on the site of 3.0 times coverage. The density of the proposed building exceeds the Zoning By-law maximum by 1.2 times coverage. Also, the residential portion of the project exceeds the permitted residential density by 0.6 times coverage.

The proposal exceeds the height limit by 3.2 metres, at 19.2 metres.

There is a requirement for a 6.1 metre setback from the south lot line (i.e. from an 'R' district) and the building should be contained within a 60 degree angular plane from the rear lot line. The building does not meet these requirements.

A deficiency of 16 automobile parking spaces exists under the requirements of the Zoning By-law.

One type "G" loading space is required, whereas the applicant will continue to utilize the loading space that exists at the western edge of the site, within the driveway.

Although sufficient indoor and outdoor amenity space is provided, not all of the indoor space is contiguous to the outdoor area, contrary to the By-law.

The Zoning By-law also does not permit vehicular or pedestrian access from other than Eglinton Avenue West. In this case pedestrian access to the residential component of the building will be from Oriole Parkway and vehicular access from Highbourne Road.

Community Consultation

At the direction of Midtown Community Council, a community consultation meeting was held in the neighbourhood. Approximately 16 residents attended along with the Ward Councillor and the applicant. Concerns expressed at the meeting included:

- concerns of dust, noise and vibration due to construction of additional units above existing units;
- shadows cast by new structure and 2 storey addition to existing building;
- separation distance and privacy issues respecting existing units surrounding the internal courtyard; and
- desire of residents to reclad the existing building.

Agency Circulation

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

Comments:

Land Use: Existing Rental Units

The applicant has indicated that he will apply for condominium approval for the 44 new dwelling units proposed, while maintaining the 27 dwelling units within the existing building as rental.

At the community consultation meeting existing residents raised concerns respecting the timing of construction, noise, and the potential temporary loss of utilities and parking. The applicant has indicated that measures will be taken to ensure all impacts on existing tenants are mitigated, and has prepared a communication plan. This plan outlines how and when notification will be given to affected tenants, and also contact information for supervisors, contractors, and those in charge of the construction. In addition Provincial legislation known as the Ontario Housing and Rental Tribunal (OHRT) is in place to protect tenants should assistance be required.

Density

The Mixed Commercial Residential Area designation in the Official Plan generally permits mixed use buildings to have a gross floor area of up to 3.0 times the area of the lot. Similarly the Zoning By-law permits a maximum density of 3.0 times the area of the lot, with a maximum residential permission of 2.5 times the area of the lot. At a total density of 4.2 times the area of the lot, with a residential component totaling 3.1 times the area of the lot the proposal exceeds the permitted density totals, and the maximum residential density permission.

The proposal is appropriately scaled for this corner property, recognizing its context on a major arterial road, and it is consistent with other “Main Streets” buildings along Eglinton Avenue West. The density of the proposal is supportable given that:

- the site has a “Mainstreets” designation in the Official Plan, and it is Council’s policy to encourage new infill development that is in keeping with the built form and residential amenity of adjacent residential neighbourhoods;
- the proposal contains an appropriate mix of residential, street related retail, and service uses;
- the site is located on an arterial roadway and is currently well serviced by transit; and
- the proposal involves a modest increase in the permitted height and has acceptable shadow impacts as described in detail below.

Height and Massing:

The maximum height limit for the site is 16 metres, whereas the applicant is proposing a 3.2 metre increase or 19.2 metres. The increase in height is consistent with the policies of the in force Official Plan which generally encourages a low-rise form ranging from 3 to 5 storeys.

The height and massing of the proposed building respects the lower scale (3 storey) residential development to the south, by having a lower height across the majority of the south elevation,

and by also stepping back from the neighbouring property at the 5th and 6th floors. The majority of the massing on the upper floors is setback between 1.8 to 4.3 metres.

Much of the core of the building is left open to the sky. Terraces and balconies on various levels partially fill the internal courtyard which also provides outdoor amenity space for the residents.

The dimensions of the open air courtyard will not be reduced by the new construction. Therefore, facing distances between residential units will be no less than what currently exist.

Shadow

The applicant has submitted shadow studies for the proposal to illustrate the shadows that would be created by the building at different times of the year and during different times of the day. Due to the proposed massing, height and location on the south-east corner of Eglinton Avenue and Oriole Parkway, the majority of shadow created is cast into the public right-of-way.

The shadow studies submitted by the applicant have been reviewed by staff and are deemed to be acceptable. The studies demonstrate that the new shadows generated by the proposed development will not unduly impact the surrounding lands.

Amenity Space

The applicant will be providing a greater amount of indoor and outdoor amenity space than required by the Zoning By-law. However, all of the interior amenity space is not provided in a single multi-purpose room or a series of contiguous rooms as required by the By-law. The amenity space is proposed to be provided in 2 rooms on the first and second floors. The rooms are appropriately located and sized for their intended function.

Parking, Access and Servicing

During the course of the community consultation meeting some members of the public expressed concerns regarding insufficient parking in the neighbourhood and feared that the proposal could exacerbate this problem.

The Zoning By-law requires that the applicant provide 44 residential parking spaces and 18 residential visitor parking spaces, whereas the applicant will be providing 37 resident spaces, and 9 resident visitor parking spaces to serve the proposal.

The applicant has submitted a parking study justifying a lesser number of parking spaces. Technical Services staff have reviewed the study, and the number and layout of the parking spaces provided, and find it acceptable. The shortfall of 9 visitor parking spaces and 7 resident parking spaces is acceptable given that the area is well served by public transit, the close proximity of commercial parking and the availability of street parking.

Vehicular access to the underground garage currently exists from a laneway accessed from Highbourne Avenue to the west. This laneway will continue to provide access to the existing

and new underground parking area, and will also serve as the loading, garbage, and servicing areas for the proposal. Technical Services staff have reviewed this situation and found it to be acceptable.

Garbage storage will be fully enclosed within the building for both residential and commercial components which will share a common pick-up area accessed from the rear lane off Highbourne Avenue.

Access to the 5 surface parking spaces located at the south-eastern corner of the site will be from an additional right-of-way, shared with the property to the immediate south.

Urban Design

While residents expressed concern over the colour of the exterior cladding of the existing building, the applicant has not proposed to alter or reclad the façade. Old and new portions of the proposed building will be visibly different but coordinated to create a coherent image for the building.

The applicant has also agreed to reconstruct the existing public sidewalks and to incorporate new street trees, and decorative street pavers, as part of this redevelopment. The street tree installation will incorporate an automatic irrigation system. This will enhance the quality of the public realm, create an improved streetscape by eliminating surface parking, and will achieve Council's objectives as set out in the Official Plan.

Development Charges

It is estimated that the Development Charges for this project will be \$225,600.00. This is an estimate. The actual charge is assessed and collected upon issuance of the Building Permit.

Conclusions:

Staff recommend approval of Official Plan and Zoning By-law amendments to permit the development of a mixed use building containing 44 new condominium units, 27 existing residential rental units, and 2,263 square metres of commercial space. The development represents an opportunity for appropriately scaled infill and residential intensification within an established mixed commercial residential strip, with excellent accessibility to public transit and community services and facilities.

Contact:

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Email: mmestyan@toronto.ca

Gary Wright
Director, Community Planning, Toronto and East York District

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List of Attachments:

Attachment 1: Application Data Sheet
Attachment 2: Site Plan
Attachment 3: Elevations
Attachment 4: Elevations
Attachment 5: Section
Attachment 6: Official Plan
Attachment 7: Zoning
Attachment 8: Draft Official Plan Amendment
Attachment 9: Draft Zoning By-law Amendment

Attachment 1: Application Data Sheet
APPLICATION DATA SHEET

Application Type Rezoning Application Number: 02 035156 SMI 22 OZ
Details Rezoning, Standard Application Date: May 30, 2002
Municipal Address: 243 EGLINTON AVE W, Toronto ON
Location Description: 243 EGLINTON AVE W -- SOUTHWEST CORNER OF EGLINTON AVE. W.
AND ORIOLE PKWY. **GRID S2203
Project Description: Strip mall and mixed use building with 28 dwelling units Demolish strip mall,
construct 6 storey mixed use bldg and add 2 storeys to existing mixed use building
with an addition of 43 dwelling units.

Applicant: **Agent:** **Architect:** **Owner:**
AJ TREGEBOV 1345961 ONTARIO
ARCHITECT ALAN LTD.
TREGEBOV

PLANNING CONTROLS

Official Plan Designation: LDMCRA Site Specific Provision: No
Zoning: MCR T3.0 C2.0 R2.5 Historical Status:
Height Limit (m): 16 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m): 2103 Height: Storeys: 6
Frontage (m): 49.039 Metres: 18.28
Depth (m): 43.015
Total Ground Floor Area (sq. m): 1359.8 Total
Total Residential GFA (sq. m): 6508.48 Parking Spaces: 46
Total Non-Residential GFA (sq. m): 2262.58 Loading Docks 0
Total GFA (sq. m): 8771.06
Lot Coverage Ratio (%): 65
Floor Space Index: 4.17

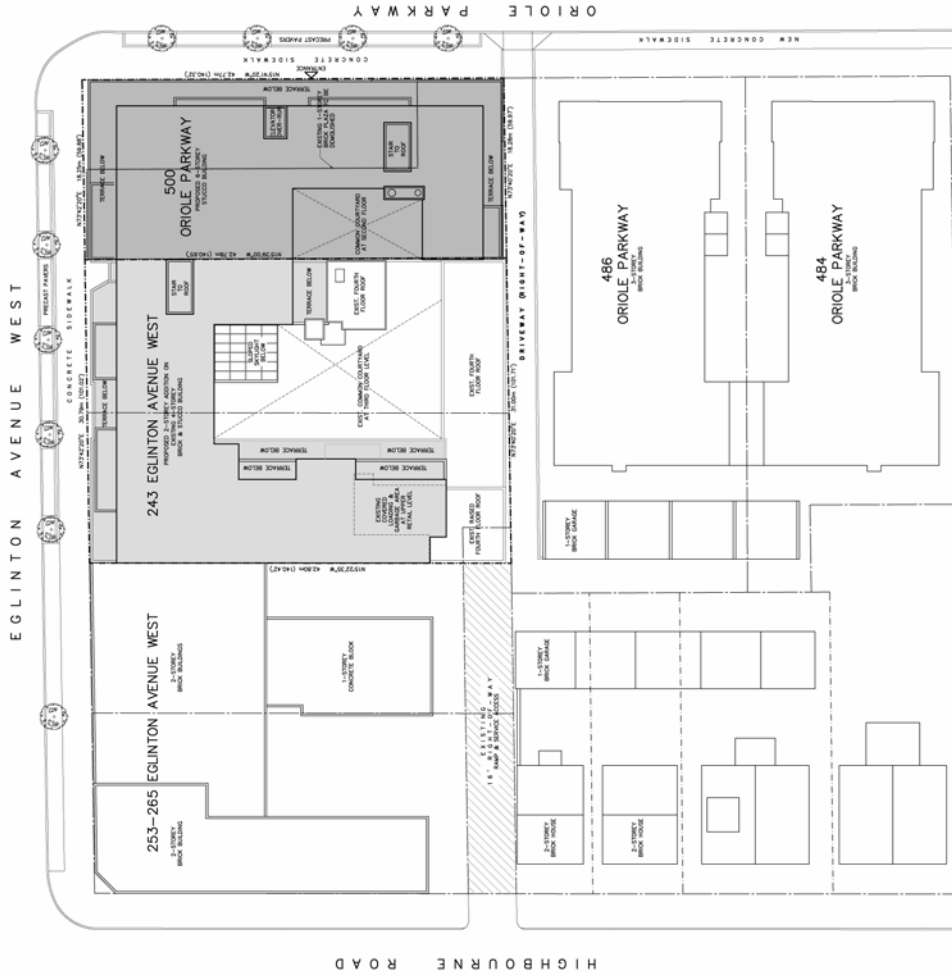
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

DWELLING UNITS		FLOOR AREA BREAKDOWN (upon project completion)		
		Above Grade	Below Grade	
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	6508.48	0
Bachelor:	1	Retail GFA (sq. m):	2262.58	0
1 Bedroom:	27	Office GFA (sq. m):	0	0
2 Bedroom:	16	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	71			

CONTACT: PLANNER NAME: Michael Mestyan, Planner
TELEPHONE: (416) 397-4487

Attachment 2: Site Plan



Context Plan

Applicant's Submitted Drawing

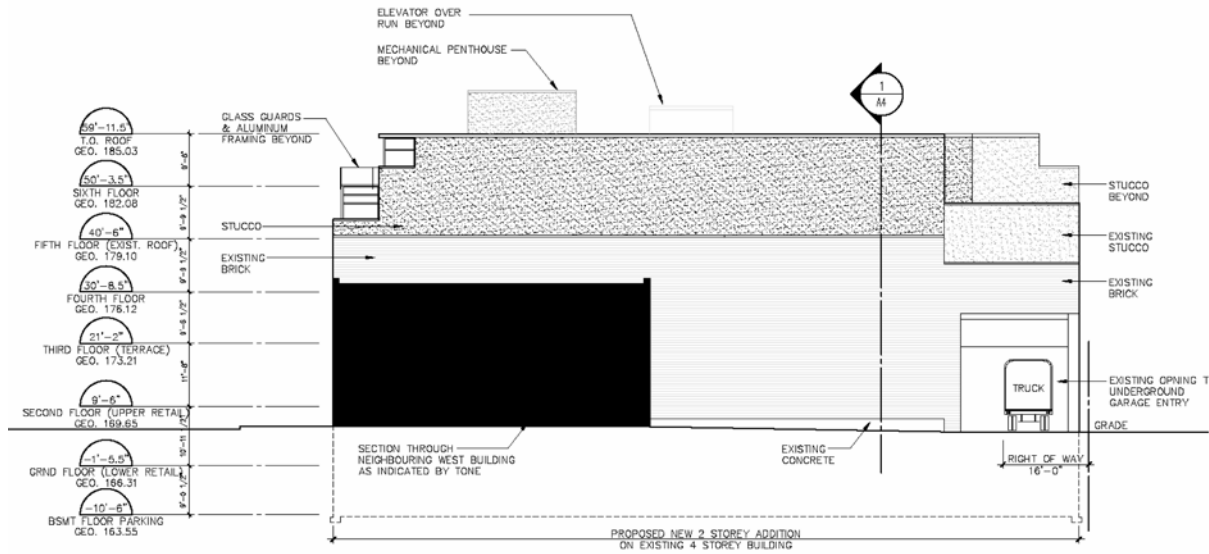
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 10/05/04



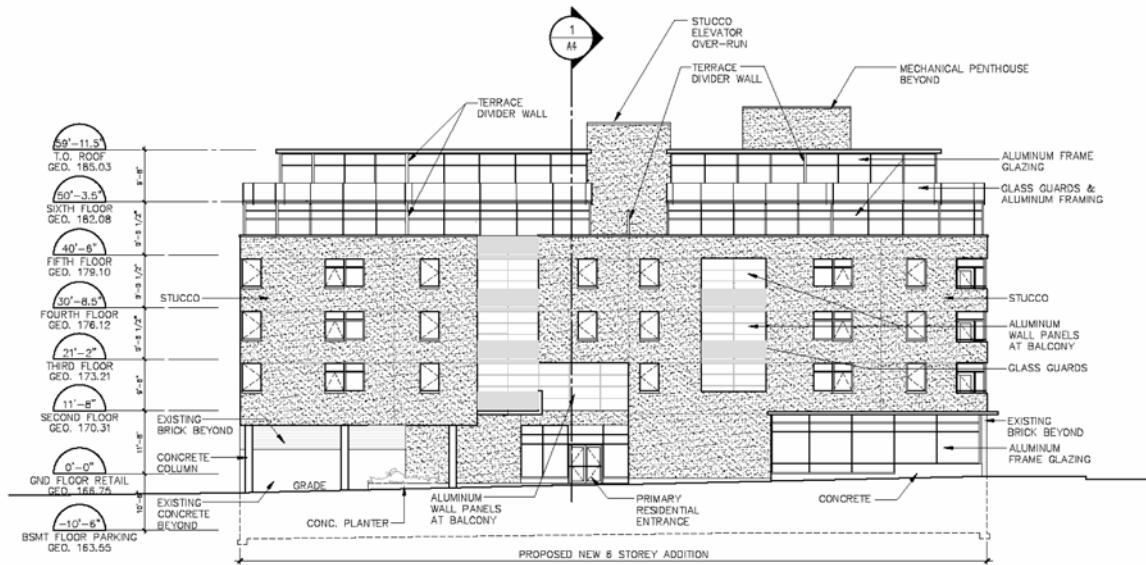
243 Eglinton Avenue West & 500 Oriole Parkway

File # 02_035156

Attachment 3: Elevation 1



West Elevation



East Elevation - Oriole Parkway

Elevations

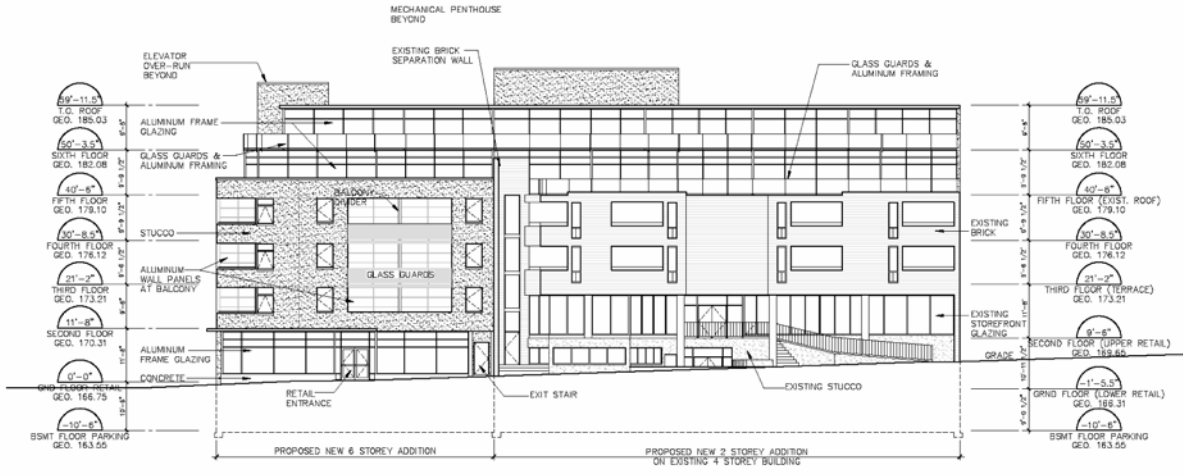
243 Eglinton Avenue West & 500 Oriole Parkway

Applicant's Submitted Drawing

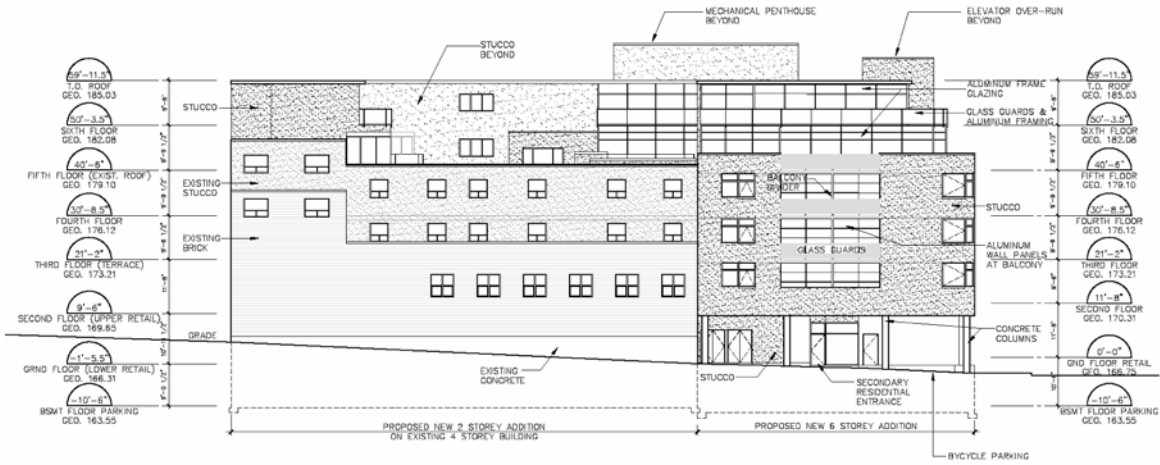
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Attachment 4: Elevation 2



North Elevation - Eglinton Avenue



South Elevation

Elevations

243 Eglinton Avenue West & 500 Oriole Parkway

Applicant's Submitted Drawing

Not to Scale
 10/05/04

File # 02_035156

Attachment 5: Sections

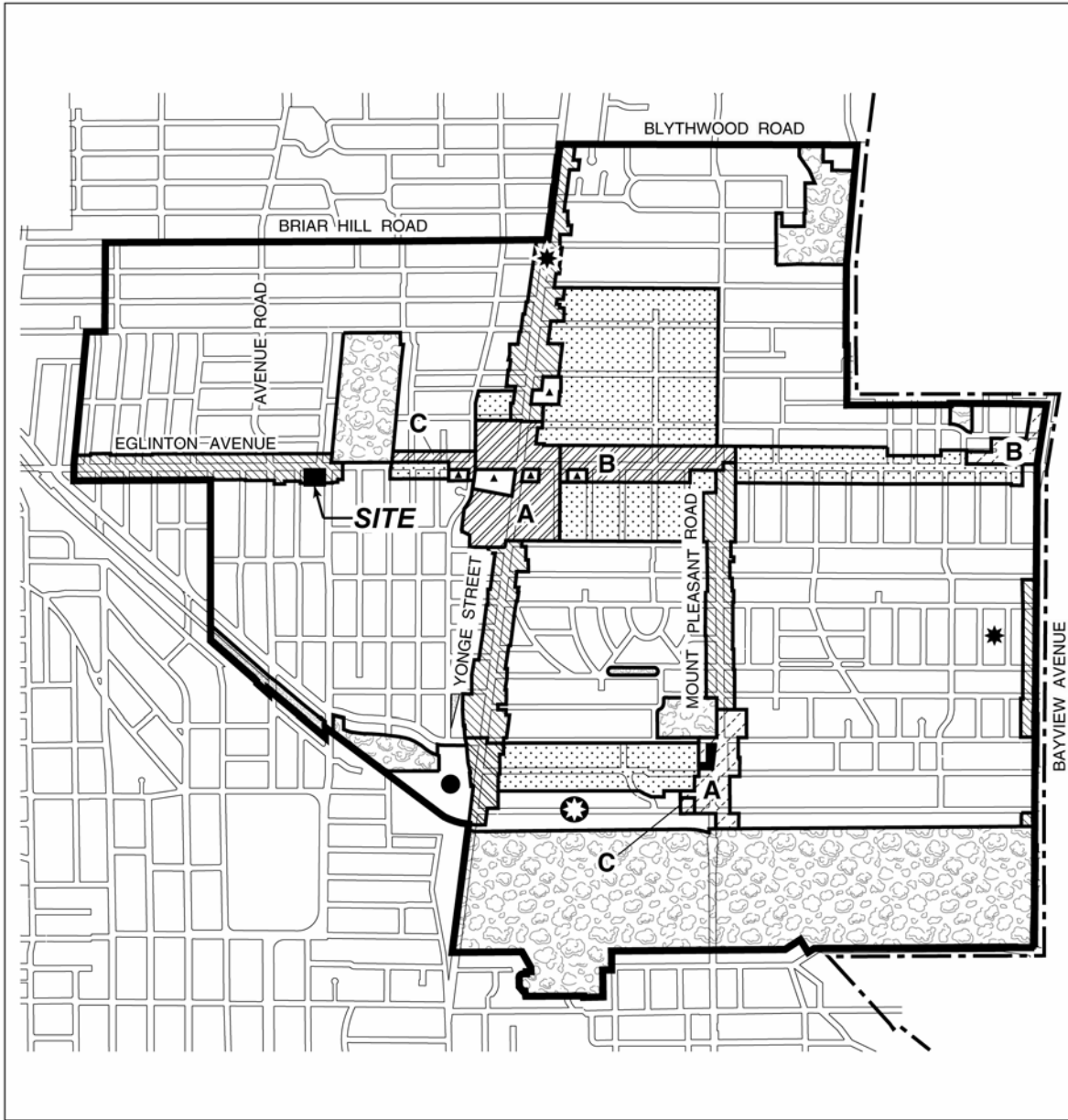


Sections
Applicant's Submitted Drawing
Not to Scale
10/05/04

243 Eglinton Avenue West & 500 Oriole Parkway

File # 02_035156

Attachment 6: Official Plan (Map)



TORONTO Urban Development Services
Official Plan

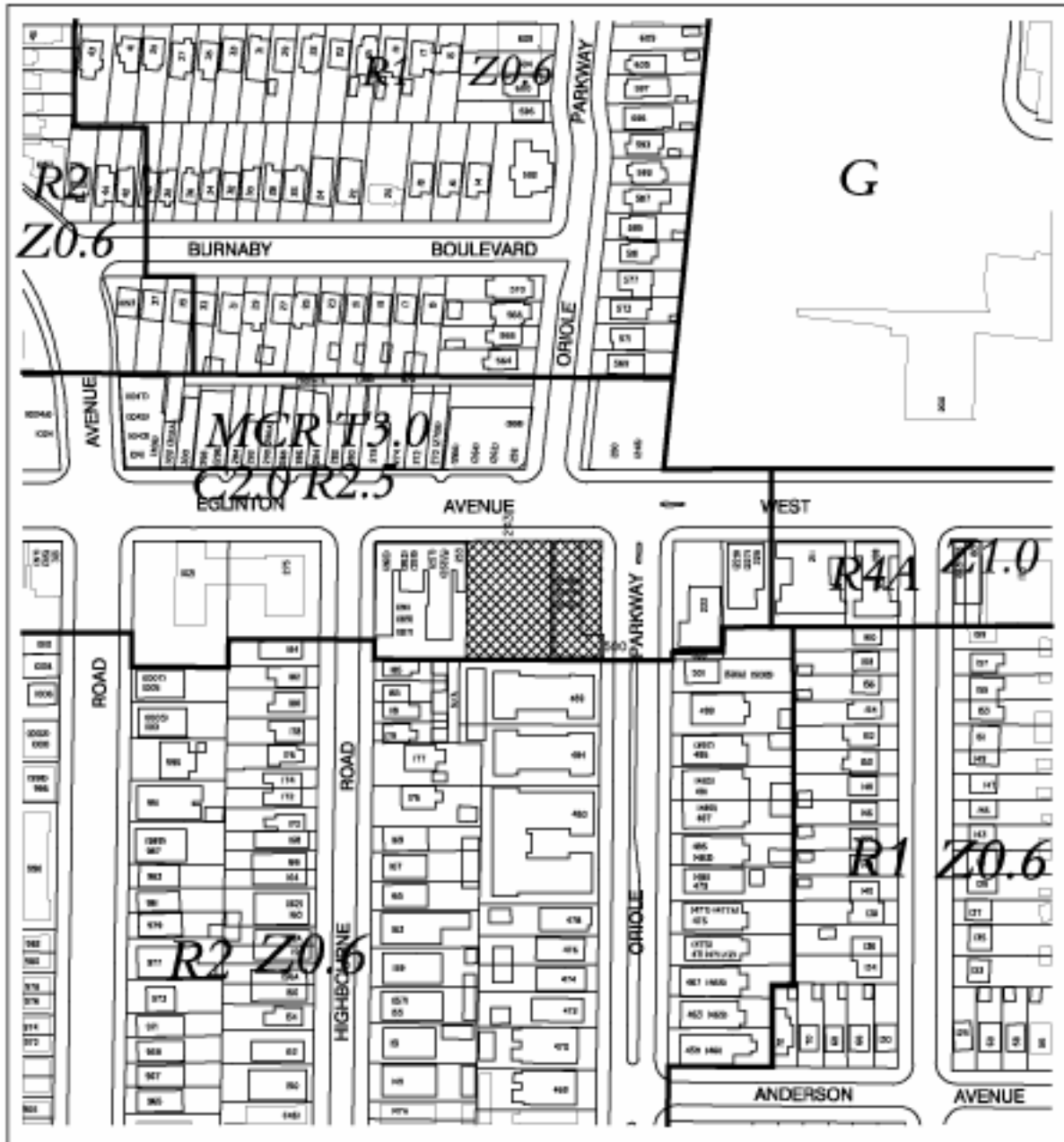
243 Eglinton Avenue West & 500 Oriole Parkway

File # 03_123456

- | | | |
|---|--|--|
| Low Density Residence Areas | Yonge-Davisville Mixed Commercial-Residential Area | Proposed Local Parks |
| High Density Residence Areas | Yonge-Eglinton Mixed Commercial-Residential Areas 'A', 'B' and 'C' | Area Subject to the Provisions of the Part I Plan |
| Low Density Mixed Commercial-Residential Areas | West Mount Pleasant-Davisville Mixed Commercial-Residential Area | Area Subject to the Provisions of Section 18,89 of the Part I Plan |
| Special Mixed Commercial-Residential Areas 'A', 'B' and 'C' | Open Space | Special Study Area |

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Attachment 7: Zoning (Map)



243 Eglinton Avenue West & 500 Oriole Parkway

File # 02_035156

- G Parks District
- R1 Residential District
- R2 Residential District
- R4A Residential District
- MCR Mixed-Use District

↑
 Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 10/5/04 - EM

Attachment 8: Draft Official Plan Amendment

Authority: Community Council Report No. ~, Clause No. ~,
as adopted by City of Toronto Council on ~, 2006
Enacted by Council: ~, 2006

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2006

**To adopt an amendment to the Official Plan
for the former City of Toronto
respecting the lands municipally in the year 2006 known as,
243 Eglinton Avenue West and 500 Oriole Parkway**

WHEREAS authority is given to Council under 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;

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

1. The text and map annexed hereto as Schedule "A" are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan No.

ENACTED AND PASSED this ~ day of ~, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE "A"

1. Section 18 of the Official Plan for the former City of Toronto is amended by adding Section 18____, and the attached Map_____

"18____" Lands known in the year 2006 as 243 Eglinton Avenue West, and 500 Oriole Parkway

Notwithstanding any of the provisions of this Plan, Council may pass by-laws respecting the lands shown delineated by heavy lines on Map 18____(the "Lands") to permit the erection, use and maintenance of a mixed used building and accessory garage provided that:

- (1) the maximum combined residential *gross floor area* and *non-residential gross floor area* does not exceed 8,780 square metres;
- (2) for the purpose of this Official Plan Amendment, each word or expression, which is italicized herein, shall have the same meaning as each word or expression as defined in By-law 438-86, as amended.

Attachment 9: Draft Zoning By-Law Amendment

Authority: Toronto Community Council Report No. ~, Clause No. ~,
as adopted by City of Toronto Council on ~, 2006

Enacted by Council: ~, 2006

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2006

**To amend Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as,
243 Eglinton Avenue West and 500 Oriole Parkway**

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*;

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

1. None of the provisions of Sections 4(2)(a), 4(6)(c), 4(12), 8(3) PART I (1), 8(3) PART I (3)(a), 8(3) PART II (1)(a)(ii), 8(3) PART II 4(c)(i), 8(3) PART II (4)(c)(iii), 8(3) PART IV (2), 12(2)(118)(iv), 12(2)(119)(iii), 12(2)(119)(viii), of By-law 438-86, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to building 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 on the lot, provided:
 - (a) the *lot* comprises the lands outlined by heavy lines on Plan 1 attached to and forming part of this By-law;
 - (b) no portion of the building above *grade* on the *lot* is located otherwise than wholly within the areas delineated by heavy lines and within the height limits shown on Plan 2 attached to and forming part of this By-law, excepting only cornices, canopies, ornamental elements, vents, fences, parapets, retaining walls, ramps to underground garages, railings, chimneys, mechanical penthouse, stair towers heating, cooling or ventilating equipment, and structures on the roof used for outside recreation, safety or wind protection purposes may extend beyond areas delineated by heavy lines and height limits shown on Plan 2.
 - (c) the *height* of the building does not exceed 19.5 metres;
 - (d) the combined *non-residential gross floor area* of the building erected on the *lot* shall not exceed 8,780 square metres;

- (e) the *residential gross floor area* of the building erected on the lot shall not exceed 6,515 square metres, and not contain more the 71 dwelling units;
 - (f) the owner shall provide and maintain a minimum of 41 *parking spaces*, on site of which all be allocated for residents;
 - (g) outdoor *residential amenity space* is not required to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*;
 - (h) the windows of the proposed building are set back 0 metres from the south lot line;
 - (i) the proposed building will penetrate the 45 degree angular plane projecting over the lot from an elevation of 13 metres above the average elevation of the ground at the street line;
 - (j) the proposed building will penetrate the 45 degree angular plane projecting over the lot from an elevation of 10 metres above the average elevation of the ground at a distance of 7.5 metres from a lot line in a residential district;
 - (k) the applicant will provide surface parking spaces located 0 metres from a lot line within an R district;
 - (l) the proposed building wall of the first storey will be located within 0.15 metres within the street line;
 - (m) vehicular access to the surface parking will be provided from Oriole Parkway in lieu of Eglinton Avenue West.
2. For the purpose of this By-law,
- (a) each other italicized word or expression shall have the same meaning as each word or expression as defined in By-law No. 438-86.
3. In cases where there is a conflict between this By-law and the provisions of By-law 438-86, as amended, this By-law shall apply.

ENACTED AND PASSED this ~ day of ~, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)