

Clause embodied in Report No. 3 of the Etobicoke Community Council, as adopted by the Council of the City of Toronto at its meeting held on March 4, 5, 6, 7 and 8, 2002.

1

**Final Report - Application to Amend
the Etobicoke Official Plan and Zoning Code
Aukland Development Inc., 3 Aukland Road
File No. TA CMB 2001 0006 (Ward 5 - Etobicoke-Lakeshore)**

(City Council on March 4, 5, 6, 7 and 8, 2002, adopted this Clause, without amendment.)

The Etobicoke Community Council recommends the adoption of the report (January 31, 2002) from the Director, Community Planning, West District, subject to:

- (1) adding the following requirement to part (1)(a), headed “Section 37 Requirements”, contained in Attachment 6:

“The applicant and abutting property owner be required to enter into a binding arbitration process if agreement cannot be reached for the conditions regarding the shared use of the private road.”; and

- (2) amending the Draft Zoning By-law Amendment contained in Attachment 8 by deleting Section 3.10 and inserting in lieu thereof the following:

“3.10 Notwithstanding the provisions of Section 320-18.B and Section 320.76.G of the Zoning Code, the following parking provisions shall apply:

3.10.1 a minimum of 1.18 parking spaces per unit be provided for units containing two bedrooms or less, and a minimum of 1.4 parking spaces per unit be provided for units with three bedrooms or greater, of which no less than 0.10 spaces per unit be reserved for the exclusive use of visitors; and

3.10(a) Notwithstanding the provisions of Section 320-18.A, not more than six parking spaces on the site may have a minimum length of 5.05 metres.”

The Etobicoke Community Council reports, for the information of Council, having directed that this matter be forwarded to City Council for consideration at its special meeting on March 4, 2002.

The Etobicoke Community Council also reports, for the information of Council, having held a statutory Public Meeting on February 26, 2002, and appropriate notice of this meeting was given in accordance with the Planning Act.

The Etobicoke Community Council submits the following report (January 31, 2002) from the Director, Community Planning, West District:

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for a 13 storey 56 unit condominium apartment building at 3 Auckland Road.

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 Etobicoke substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7;
- (2) amend the Zoning Code for 3 Auckland Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8;
- (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; and
- (4) before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 Agreement with the City regarding the provision of public benefits as set out in Attachment 6 of this report in exchange for the increase in permitted building density on the property and that the Commissioner of Urban Development Services be authorized to report to Community Council or directly to City Council if necessary with the details of the Section 37 Agreement.



Background:

Proposal:

The applicant proposes to construct a 13-storey condominium apartment building containing 56 units on the property. Vehicular access to the site is proposed from Auckland Road with an option to provide the access from a proposed extension of Viking Road should construction of Viking Road be completed prior to the submission of a building permit for this project. Ten visitor and four tenant parking spaces would be provided at grade with the balance of the 66 spaces located in two levels of underground parking. A portion of the floor plate of floors 2 to 13 of the building has been raised on columns to provide surface parking spaces beneath a portion of the building. The ground floor incorporates a lobby, three activity rooms and the elevator core.

TABLE 1

Site Area	1 119.7 square metres	0.27 acres
Number of units	56	
Density	509 units per hectare	207 units per acre
Gross Floor Area	5 428 square metres	58,435 square feet
Floor Space Index	4.85	
Building Coverage	24.76 percent	
Building Height	39.6 metres (not incl. mech.)	113.8 feet
Parking (required)	70 spaces	
(proposed)	66 spaces	
Bedroom Breakdown	1 bedroom 31 2 bedroom 25 TOTAL 56	
Average Unit Size	71 square metres	764 square feet

Site and Surrounding Area:

The site is located on the east side of Auckland Road, 44 metres (144 feet) south of Dundas Street. The property has a frontage of 24.4 metres (80.0 feet) on Auckland Road and an average depth of 45 metres (147 feet). The existing building on the land is currently used for a karate studio and has one vehicular access from Auckland Road.

The uses surrounding the site are outlined below:

North: To the north of the site fronting on Dundas Street are two-storey buildings with retail at grade and office use on the second floor.

South: To the south is a City of Toronto water pumping station housed in a one storey brick building.

East: To the east is the rear portion of a property which fronts onto Dundas Street and contains a four-storey office building. These and other lands to the east have been

approved for the development of five high rise residential buildings (Tridel/Fidani).

West: To the west across Aukland Road is a T.T.C commuter parking lot.

Official Plan:

The subject lands lie within the Kipling/Islington City Centre Secondary Plan and are designated Commercial-Office with a permitted floor space index of 3.0. The Plan indicates that notwithstanding the Commercial-Office designation, lands in this area may be used for regional transit facilities including commuter parking. The Plan sets out that design considerations should include noise abatement factors and the ultimate configuration of the Six Points interchange.

The City Centre Secondary Plan is currently under review by staff. A detailed "Directions Report" regarding the development of a new Plan, was received by City Council at its meeting of October 2, 3, 4, 2001. Council endorsed the strategic direction and proposals and gave consideration to the specific direction on the increase in densities subject to further consultation with the public, agencies and departments. Following the lead of the Directions Report for the forthcoming new City Official Plan, the direction of the new Secondary Plan will be to provide for re-investment and residential intensification to enhance the area as Etobicoke's high density core. The Secondary Plan Directions Report highlights the lands around the Kipling subway station as one of the three development focal points in the City Centre area that also include the Islington subway station area and former Westwood Theatre lands. To take advantage of the high level of transit infrastructure, the Directions Report proposes a "Mixed Use" designation with floor space index of 5.0.

Zoning Code:

The subject lands are currently zoned Class 1 Industrial (I.C1) Zone. Permitted uses include industrial, office and commercial-recreation uses.

Site Plan Control:

The property is subject to site plan control. A site plan application will be filed at some time in the near future.

Reasons for Application:

An amendment to the Official Plan is required to redesignate the property from Commercial Office to the High Density Residential designation to permit the proposed use. Site specific clauses are proposed to permit a development with a floor space index of 5.0.

Community Consultation:

A Community Consultation Meeting was held on October 23, 2001, to present the applicant's proposal and receive input from area residents. A total of four residents attended the meeting and no concerns were raised with respect to the proposal.

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:

The assessment of the application to amend the Official Plan from Commercial-Office to High Density Residential must be made in light of the policies regarding the deletion of Office designations found in Section 4.6.9 of the Official Plan and the planning direction provided in the Directions Report for the review of the City Centre Secondary Plan.

The following is an assessment of the application with respect to the foregoing:

Section 4.6.9 of the Official Plan.

Section 4.6.9 of the City of Etobicoke Official Plan sets out criteria for reviewing proposals to redesignate all or part of an "Office" designation. The Plan states that:

Proposals to amend this Plan to redesignate all or part of an Office designation to an alternative land use designation shall be evaluated on the basis of:

- (a) the viability of the remainder of the designation;
- (b) the viability of that Centre to function as an Office node if the designation is within a Centre identified in Section 2.3;
- (c) no adverse impact on the balance between employment and population in the area being demonstrated;
- (d) a new logical and coherent land use boundary and transition between the new land use and the remainder of the office designation being provided to avoid any de-stabilizing influence on, and land use conflicts within, the remaining office designations. Where appropriate, this may be achieved by the introduction of other employment generating development such as industrial or mixed-use; and
- (e) be demonstrated through a fiscal impact study, in accordance with the Guidelines for Fiscal Impact Studies, (included as Appendix VII) and as outlined in Section 11.10.2, to have no adverse fiscal impact on municipality or the school boards.

The proposed development is evaluated in light of the above criteria as follows:

- (1) The viability of the remainder of the designation:

The City Centre Secondary Plan which was approved in 1987 designated the lands bounded by Kipling Avenue, Dundas Street, Auckland Road and St. Albans Road as Commercial Office.

Over the ensuing years no interest was shown in developing the lands for office use and in 1994 a 0.45 hectare (1.11 acre) parcel of land on the south side of Dundas Street West was redesignated from Commercial-Office to High Density Residential. In December of 2001, City Council gave conditional approval to an application by 1442923 Ontario Inc. (Tridel/Fidani) to redesignate almost all of the remainder of the Commercial-Office designation with the exception of the subject site, the City's water pumping station and two small properties fronting onto Dundas Street. Accordingly, there will only be two Dundas Street properties with a Commercial-Office designation. The proposed amendments are consistent with the change in planning direction toward a mixed-use scenario with the area's office focus centred on the Bloor/Islington intersection.

- (2) The viability of the City Centre to function as an office node if the office designation is removed.

As detailed in the following subsection of this report, the proposed direction for the planning area is for a reduced emphasis on office use. Notwithstanding a change in direction to more of a mixed-use focus, the office focal point in the area has been and is planned to continue to be the Bloor/Islington intersection. This area houses the majority of the City Centre's 10,000 employees. The redesignation of the subject lands away from office use will in no way impair the office function of the Bloor/Islington intersection. Conversely, the removal of the Commercial-Office designation at Kipling/Dundas may in fact help reinforce the Bloor/Islington intersection as the City Centre's office hub.

- (3) No adverse impact on the balance between employment and population in the area:

Presently, the area comprises approximately 10,000 residents and an equal number of employees. The redesignation of the subject lands will not jeopardize existing employment in the immediate vicinity as very little currently exists. As will be noted in the following subsection regarding the shift in planning focus in the City Centre area, it is hoped that the local employment function will ultimately be boosted by the growth of the local residential population. The residential growth is hoped to create a market for new service and local office functions to serve the growing population.

- (4) Creation of a coherent land use boundary between the new land use and the remainder of the office designation:

The nearest office designation is approximately 500 metres to the west. A natural boundary is created by the Kipling subway station/commuter parking area and the high voltage hydro corridor immediately to the west of the subject site. Accordingly, the new High Density Residential designation will not have any impact on the Commercial-Office designation to the west which is currently developed with approximately 26 906 square metres (289,603 square feet) of office space.

(5) No fiscal impact on the municipality or school boards:

The subject property is too small to be developed for any substantial office or employment use and is currently underutilized as a karate school. The development of 56 residential units will generate both additional tax dollars as well as development charges.

With respect to impacts on school boards, the Toronto Catholic District School Board will receive Education Development charges from the project. Such monies can be used towards the acquisition of a school site if one were required.

System-wide, the Toronto District School Board is not short of school space.

Directions of the new City Centre Secondary Plan.

The City Centre Secondary Plan which was approved in 1987 followed the lead of the Metropolitan Toronto Official Plan to provide policies aimed at decentralizing office use. Accordingly, the Plan's primary goal was to organize and manage anticipated office employment growth consistent with existing and planned road infrastructure and physical services. Over the ensuing years very little office development occurred in the area, largely due to the suburbanization of office development in the Toronto area, the absence of direct highway exposure, a limited critical mass of office space, a lack of recognition in the competitive office market and few high-profile tenants in the area.

The new Secondary Plan will aim to create a high intensity core area through a mixed-use approach with less reliance on office development. Significant residential development interest in the past few years can lead the area to its goal of becoming Etobicoke's integrated core area. It is anticipated that a wide variety of service uses and local office functions will be generated in response to residential growth.

The Directions Report for the new City-wide Official Plan that designates Etobicoke's City Centre as a re-investment area, capable of accommodating significant new residential populations. The Directions Report for the new Secondary Plan outlines three development focal points in the area (Kipling/Dundas, Bloor/Islington and the former Westwood Theatre lands).

The adjacent Kipling subway and a lack of sensitive surrounding land uses provide an excellent opportunity to develop a successful high density residential neighbourhood. Accordingly, the land use and density provided in the Secondary Plan Directions report is for a mix of land uses including residential, with a floor space index of 5.0.

In light of the foregoing, the proposed development on the subject site is appropriate and would implement the planning direction for the area.

Implementing the Proposed Development

In order to successfully implement the proposed development, a number of zoning regulations, area improvements and a Section 37 contribution will be required.

(a) Access Provisions:

Vehicular access to the site is currently proposed from Auckland Road. Access to and from the site via Auckland Road is possible but could prove difficult with the queuing of cars and buses at the nearby Auckland Road/Dundas Street intersection. The eastern end of the subject property abuts the planned north-south extension of Viking Road which will form a part of the proposed Tridel development. Access to the property from Viking Road would be preferable in terms of both convenience for motorists and the ability to provide a better Auckland Road streetscape. Although the proposed extension of Viking Road would be in private ownership, provisions will be provided in the Tridel Section 37 agreement which will require Tridel to provide access to Viking Road from the properties to the west (subject to a contribution for the reasonable costs of construction and ongoing maintenance).

The proponents of the subject application have agreed to take their vehicular access from the new Viking Road provided that such access is physically available at the time of the application for building permit for 3 Auckland Road. If Viking Road is not completed at the time of the submission of a building permit application, vehicular access to Auckland Road will be permitted. This arrangement will be detailed in the Section 37 Agreement for 3 Auckland Road.

(b) Parking:

The proposal by the applicant indicates a total of 66 parking spaces or a ratio of 1.18 spaces per unit. The minimum acceptable number of parking spaces acceptable to the Transportation Services Division of the Works and Emergency Services Department is 70 or a ratio of 1.25 spaces per unit. In addition to the foregoing, 5 of the 66 parking spaces are slightly undersized with respect to length. The smallest space being 0.95 metres short of the required 6.0 metres.

Notwithstanding the applicants proposal, the draft implementing zoning by-law will require that there be a minimum of 1.25 spaces per unit and no exception is made for the 5 undersized spaces.

(c) Section 37 Bonus:

Based on the request for a density beyond what is permitted by the Official Plan, a Section 37 agreement will be required. A list of the items to be secured in the agreement is found in Attachment 6.

(d) Park Contributions:

Due to the very small size of the site and that a new park will be developed in the adjacent Tridel development, cash-in-lieu of parkland will be provided by the developer. The applicant will be required to provide the cash equivalent of up to 0.5 hectares per 300 units.

Conclusions:

The proposed development represents an opportunity to implement the planning direction provided by both the forthcoming new City-wide Official Plan and the forthcoming new City Centre Secondary Plan.

The forthcoming City-wide Official Plan aims to provide for the accommodation of new residents within designated “Centres” in the City such as the Etobicoke Centre. New developments in centres are to take full advantage of existing transit infrastructure such as subway stations. The proposed development provides new residential accommodation within 100 metres of the Kipling subway station.

The goals of the forthcoming City Centre Secondary Plan will be met through the change in land use direction away from office use toward a mixed-use focus including residential uses. The redesignation of the subject property helps complete the planning of the new community around the Kipling subway station.

Contact:

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(Attachment 7)

Draft Official Plan Amendment No. 100-2002 CITY OF ETOBICOKE OFFICIAL PLAN

2.1 INTRODUCTION

All of this part of the Amendment, consisting of the following text and attached map entitled Schedule “A”, constitute Amendment No. 100-2002 to the Official Plan for the Etobicoke Planning area. The Official Plan is hereby amended as follows:

2.2 MAP CHANGES

Schedule 3 of the City Centre Secondary Plan is amended as shown on Schedule “A” attached hereto to reflect the redesignation of the site from Commercial-Office to High Density Residential as amended under Section 13.3.18. Schedule “A” attached hereto shall form part of the amendment.

2.3 TEXT CHANGES

The Official Plan is amended by adding a new Special Site Policy identified as Section 13.3.18 as follows:

“13.3.18 3 Auckland Road

- (1) The Site may be developed as follows provided that the Owner complies with the provisions of subsections (2) and (3) herein.

Designation: High Density Residential

Density: 5.0 FSI (Gross)

Description: The site may be developed for residential uses as follows:

The maximum gross floor space index shall be 5.0 which shall be calculated on a gross site basis over the entire site.

- (2) Section 37 Agreement

The following requirements are to be incorporated into the Section 37 Agreement (or other appropriate agreements as determined by the City Solicitor) in consultation with appropriate City staff.

Vehicular Access Location

- (a) The applicant agrees to develop the property with its vehicular access from the extension of Viking Road (which will be privately owned). The applicant acknowledges that they may be responsible for a share of the reasonable construction costs and on-going maintenance costs of the private road. The design of the site and vehicular access to Viking Road will be to the satisfaction of the Commissioner of Urban Development Services and the Commissioner of Works and Emergency Services.
- (b) The applicant may develop the property with its vehicular access from Auckland Road if the new private road (extension of Viking Road) is not complete at such time that a building permit is applied for.

Park Dedication

The applicant will be required to provide the cash-in-lieu of parkland equivalent of up to 0.5 hectares per 300 units to the satisfaction of the Commissioner of Economic Development, Culture and Tourism.

Public Art Contribution

The applicant agrees to provide to the City a public art contribution of \$25,000.00 to be used for area public art works.

Area Sidewalk and Streetscape Improvements

- (a) The applicant agrees to design and construct to the satisfaction of the Commissioners of Urban Development Services and Works and Emergency Services area sidewalk and streetscape improvements.
- (b) The design details, location and timing of construction of the sidewalk and streetscape improvements shall be to the satisfaction of the Commissioners of Works and Emergency Services and Urban Development Services and set out in the Section 37 Agreement.

School Board Notice

- (a) The applicant agrees to provide the Toronto District School Board and the Toronto Catholic District School Board with appropriate notice of its intention to apply for building permits.
- (b) The applicant also agrees to install on-site signage and insert warning clauses in offers of purchase and sale, advising purchasers that students may be accommodated outside the area.

Mitigation Requirements

- (a) The applicant shall incorporate appropriate mitigation measures to address the comments of Canadian Pacific and the Toronto Transit Commission.
- (b) The applicant shall include warning clauses in all Purchase and Sale and/or Lease Agreements, respecting the concerns expressed by Canadian Pacific and the Toronto Transit Commission, if deemed necessary.

Environmental Assessment

The owner be required to satisfy the City with respect to the environmental condition of the site, including any lands to be conveyed to the City.

(3) Execution and Registration of Section 37 Agreement

The Owner of the Site shall enter into an Agreement with the City of Toronto pursuant to Section 37 of the Planning Act, to secure the facilities, services and matters referred to in subsection (2) herein and such Agreement shall be in a form satisfactory to the City and registered on title to the Site as a first priority, subject only to the fee interest in the Site.”

(Attachment 8)

Authority: Etobicoke Community Council Report No. , Clause No. ,
adopted by City of Toronto Council on

Enacted by Council:

CITY OF TORONTO
BY-LAW No. XXX-2001

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to
certain lands located on the east side of Aukland Road,
known municipally as 3 Aukland Road

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

1. That the Zoning Map referred to in Section 320-5, Article II of the Zoning Code, is hereby amended by changing the classification of the lands shown on Schedule "A" attached hereto from Industrial Class 1 (I.C1) to Residential Sixth Density (R6).
2. Notwithstanding the provisions of the Zoning Code, a temporary sales office may be erected on the lands shown on Schedule "A", and no setbacks shall be required for such temporary sales office.
3. Notwithstanding the provisions of the Zoning Code, and provided there is compliance with the provisions of subsections 4 and 5 herein, the following provisions shall apply to the lands described in Schedule "A" attached hereto:

Definitions

3.1 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:

3.1.1 Build-to-Wall – shall mean the portion of the exterior face of a building which is located within a Build-to-Zone.

3.1.2 Build-to-Zone – shall mean the area in which the front wall of a building must be located as shown on Schedule B to this By-law.

3.1.3 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 Recreational Amenity Areas to a maximum of 1.5 square metres per dwelling unit; storage lockers located below Grade; and, unenclosed balconies;

- 3.1.4 Height - shall mean, the vertical distance between the finished grade and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, stairs and stair enclosures located on the roof of such building provided the maximum height of the top of such elements is no higher than 6 metres above the height limit otherwise applicable to the said building
- 3.1.5 Lands - shall mean the lands described in Schedule "A" annexed hereto;
- 3.1.6 Mechanical Floor Area - shall mean 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 (including elevator shafts, but not escalators) or telecommunications equipment that serves only such building; and,
- 3.1.7 Recreational Amenity Area - shall mean a common area or areas which are provided for the exclusive use of residents of a building for recreational or social purposes.

Permitted Uses

- 3.2 No building or structure shall be erected or used on the Lands, except for the following uses: any of the Sixth Density Residential Zone (R6) uses permitted under Sections 320-76.A to 320-76.G, inclusive, of the Zoning Code, Apartment Buildings, Senior Citizen Apartment Buildings, nursing homes, Day Nurseries, Recreational Amenity Areas, temporary sales offices with associated parking, pedestrian walkways, fencing and hoarding.
- 3.3 Accessory structures, including any of the accessory structures permitted under Section 320.76.F of the Zoning Code, covered ramps, exterior stairs, garbage enclosures, stair enclosures, gatehouses and ventilation shafts shall be permitted on the Lands.

General

- 3.4 The provisions of Section 320-77 of the Zoning Code shall not apply.

Gross Floor Area

- 3.5 The maximum Gross Floor Area, as defined herein, permitted on the Lands shall be 5 595 square metres.

Height

- 3.6 No building or structure erected or used on the Lands shall have a Height greater than 41 metres.

Setbacks

3.7 No building or structure within the Lands shall be located other than in accordance with the following:

- 3.7.1 Minimum North Side Yard: 6 metres
- 3.7.2 Minimum South Side Yard: nil
- 3.7.3 Minimum Front Yard: nil
- 3.7.4 Minimum Rear Yard: 12.2 metres

3.8 Build to Zone

No building shall be erected on the property unless:

- 3.8.1 such building has a Build-to-Wall in the Build-to-Zone as shown on Schedule B;
- 3.8.2 the linear length of such Build-to-Wall occupies a minimum of 90% of the length of the applicable Build-to-Zone, and;
- 3.8.3 such Build-to-Wall occupies at least 90% of the area of the plane created by the linear length of such Build-to-Wall multiplied by the applicable Build-to-Wall Height.

3.9 Notwithstanding the foregoing, the following provisions shall apply:

- 3.9.1 Any portion of any such building or structure which is located below the finished exterior ground level immediately adjoining such building or structure may be located outside of the setbacks outlined in Section 3.7;
- 3.9.2 Provided that no building elements extend beyond a property line, building elements including, but not limited to roof eaves, window sills, guard rails, solariums, chimney breasts, balustrades and cornices may project outside of the setbacks in Section 3.7 by not more than 0.5 metres, except that bay windows and balconies may project not more than 1.8 metres outside of such heavy lines; and,
- 3.9.3 Permitted accessory structures, canopies, wheelchair ramps, exterior stairs, parapets and railings related to underground parking structures, vents, temporary sales offices, fences, safety railings and other landscape features shall be permitted outside of the setbacks indicated in Sections 3.7 hereto and shall be exempt from any provisions with respect to setbacks.

Parking

3.10 Notwithstanding the provisions of Section 320-18.B and Section 320-76.G of the Zoning Code, a minimum of 1.25 parking spaces per unit shall be provided, of which no less than 0.20 spaces shall be reserved for visitors.

- 3.11 The provisions with respect to a minimum amount of surface visitor parking contained in Section 320-18.B.(2)(a)[4] shall not apply.

Fencing

- 3.12 Notwithstanding the provisions of Section 320-46 of the Zoning Code, fences may be permitted to a maximum height of 2.0 metres.

Section 37 Agreement

4. The owner of the Lands shall provide the City of Toronto with the following facilities, services and matters:

Vehicular Access Location

- (a) The applicant agrees to develop the property with its vehicular access from the extension of Viking Road (which will be privately owned). The applicant acknowledges that they may be responsible for a share of the reasonable construction costs and the on-going maintenance costs of the private road. The design of the site and vehicular access to Viking Road will be to the satisfaction of the Commissioner of Urban Development Services and the Commissioner of Works and Emergency Services.
- (b) The applicant may develop the property with its vehicular access from Auckland Road if the new private road (extension of Viking Road) is not complete at such time that a building permit is applied for.

Park Dedication

The applicant will be required to provide the cash-in-lieu of parkland equivalent of up to 0.5 hectares per 300 units to the satisfaction of the Commissioner of Economic Development, Culture and Tourism.

Public Art Contribution

The applicant agrees to provide to the City a public art contribution of \$25,000 to be used for area public art works.

Area Sidewalk and Streetscape Improvements

- (a) The applicant agrees to design and construct to the satisfaction of the Commissioners of Urban Development Services and Works and Emergency Services area sidewalk and streetscape improvements.
- (b) The design details, location and timing of construction of the sidewalk and streetscape improvements shall be to the satisfaction of the

Commissioners of Works and Emergency Services and Urban Development Services and set out in the Section 37 Agreement.

School Board Notice

- (a) The applicant agrees to provide the Toronto District School Board and the Toronto Catholic District School Board with appropriate notice of its intention to apply for building permits.
- (b) The applicant also agrees to insert warning clauses in offers of purchase and sale, advising purchasers that students may be accommodated outside the area.

Mitigation Requirements

- (a) The applicant shall incorporate appropriate mitigation measures to address the comments of Canadian Pacific and the Toronto Transit Commission.
- (b) The applicant shall include warning clauses in all Purchase and Sale and/or Lease Agreements, respecting the concerns expressed by Canadian Pacific and the Toronto Transit Commission, if deemed necessary.

Environmental Assessment

The owner be required to satisfy the City with respect to the environmental condition of the site, including any lands to be conveyed to the City.

Execution and Registration of Section 37 Agreement

- 5. The owner of the Lands shall enter into an Agreement with the City of Toronto, pursuant to Section 37 of the Planning Act, to secure the facilities, services and matters referred to in subsection 4 herein and such Agreement shall be in a form satisfactory to the City and registered on title to the Lands as a first priority, subject only to the fee interest in the Lands.

Miscellaneous

- 6. None of the provisions of the Zoning Code shall apply where they conflict with this by-law.
- 7. Notwithstanding any severance, partition, or division of the Lands, the provisions of this By-law shall apply to the whole of the Lands as if no severance, partition or division occurred.
- 8. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this by-law by adding the following to Section 324.1, Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
_____ - 2002 _____, 2002	Lands located on the east side of Aukland Road.	To provide for site specific development standards and provisions with respect to Section 37 of the Planning Act to permit a residential development consisting of 56 dwelling units.

ENACTED AND PASSED this day of A.D. 2002.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

(A copy of each of Attachments Nos. 1 to 6, Schedule A to Attachment No. 7 (Draft Official Plan Amendment) and Schedules A and B to Attachment No. 8 (Draft Zoning By-law Amendment) referred to in the foregoing report, was forwarded to all Members of the Etobicoke Community Council with the agenda for its meeting on February 26, 2002, and a copy of each is on file in the City Clerk's Office, Etobicoke Civic Centre.)