

Authority: Planning and Housing Committee Item PH25.2,
as adopted by City of Toronto Council on July 14, 15 and
16, 2021

CITY OF TORONTO

Bill 780

BY-LAW -2021

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 970 Kipling Avenue and 5207 Dundas Street West, and the lands located southeast of the intersection of Dundas Street West and Biindagen Trail.

Whereas Council of the City of Toronto has the authority to pursuant to 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 enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this by-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 5.0 (c1.5; r3.5) SS1 (x377) as shown on Diagram 3, and CR 5.0 (c1.5; r3.5) SS1 (x377) as shown on Diagram 4, and OR (x31) as shown on Diagram 5 attached to this by-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1, and applying the following label to these lands: PA 2 as shown on Diagram 6 attached to this by-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Article 995.20.1, and applying the following label to these lands: HT 8.0, HT 10.0 and HT 15.0 as shown on Diagram 7 attached to this by-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Article 995.30.1, as shown on Diagram 8 and Diagram 9 attached to this by-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Article 995.40.1 for the lands subject to this By-law, and assigning a null value.

8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 377 so that it reads:

(377) Exception CR 377

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-law and Prevailing Sections.

Site Specific Provisions:

- (A) On 970 Kipling Avenue and 5207 Dundas Street West, a **building, structure**, addition or enlargement may be erected or used if it complies with (B) to (VV) below:
- (B) For the purposes of this exception, each **lot** is separately comprised of "Area A" and "Area B" as shown on Diagram 2 of By-law [Clerks to insert By-law Number];
- (C) In accordance with clause 5.10.30.20, in "Area A" and "Area B" the **lot line** abutting Dundas Street West is the **front lot line**;
- (D) In addition to those uses of which an **outdoor patio** must be combined with listed in regulation 40.10.20.100(21)(A), a **retail store** is also a permitted use which can be combined with an **outdoor patio**;
- (E) Despite clause 40.10.30.40, the permitted maximum **lot coverage** is:
 - (i) in "Area A" as shown on Diagram 2 of By-law [Clerks to insert By-law Number]: 67 percent; and
 - (ii) in "Area B" as shown on Diagram 2 of By-law [Clerks to insert By-law Number]: 57 percent.
- (F) Despite regulation 40.10.40.1(1), all residential use portions of the **building** must be located above non-residential use portions of the **building** except for those uses located on the first, second, third and fourth **storey** above ground;
- (G) Regulation 40.10.40.1(6), with regards to locations of entrances when abutting residential uses, does not apply;
- (H) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 126.25 metres for "Area A" and 133.1 metres for "Area B" as shown on Diagram 2 of By-law [Clerks to insert By-law Number] and the highest point of the **building** or **structure**;

- (I) Despite regulation 40.10.40.10(1), for the "Base Building" located in "Area A" as shown on Diagram 2 of By-law [Clerks to insert By-law Number]:
- (i) for the portion of the **building** facing "Frontage A" as shown on Diagram 10 of By-law [Clerks to insert By-law Number], the permitted maximum height of a **building** or **structure** is 27.0 metres, except that:
 - (a) a maximum of 39 metres of the portion of the **building** or **structure** facing "Frontage A" is permitted to have a height in addition to that permitted by (I)(i) above of 3.5 metres;
 - (b) where a **main wall** stepback of at least 1.8 metres is provided from the **main wall** of the "Base Building" below it, or from the portion of the **building** permitted in (I)(i)(a) above, the cumulative permitted maximum height of a **building** or **structure** specified in (I)(i) and (I)(i)(a) above is increased by a further 7.0 metres;
 - (c) a maximum of 63 metres of the portion of the **building** or **structure** facing "Frontage A" is permitted to have a height in addition to that permitted by (I)(i) above of 7.0 metres; and
 - (d) where a **main wall** stepback of at least 2.8 metres is provided from the **main wall** of the "Base Building" below it, or from the portion of the **building** permitted in (I)(i)(c) above, the cumulative permitted maximum height of a **building** or **structure** specified in (I)(i) and (I)(i)(c) above is increased by a further 7.0 metres.
 - (ii) for the portion of the **building** facing "Frontage B" as shown on Diagram 10 of By-law [Clerks to insert By-law Number], the permitted maximum height of a **building** or **structure** is 27.0 metres;
 - (iii) for the portion of the **building** facing "Frontage C" as shown on Diagram 10 of By-law [Clerks to insert By-law Number], the permitted maximum height of a **building** or **structure** is 24.0 metres, except that:
 - (a) where a **main wall** stepback of at least 2.2 metres is provided from the **main wall** of the "Base Building" below it, the permitted maximum height of a **building** or **structure** specified in (I)(iii) above is increased by 7.0 metres.
 - (iv) for the portion of the **building** facing "Frontage D1" as shown on Diagram 10 of By-law [Clerks to insert By-law Number], the permitted maximum height of a **building** or **structure** is 30.0 metres, except that:
 - (a) where a **main wall** stepback of at least 1.8 metres is provided from the **main wall** of the "Base Building" below it, the permitted maximum height of a **building** or **structure** specified in (I)(iv) above is increased by a further 7.0 metres.

- (v) for the portion of the **building** facing "Frontage D2" as shown on Diagram 10 of By-law [Clerks to insert By-law Number] the permitted maximum height of a **building** or **structure** is 34.0 metres;
- (vi) for the "Tower" area labelled as "Tower 1" on Diagram 10 of By-law [Clerks to insert By-law Number], the permitted maximum height of a **building** or **structure** is 65 metres, provided:
 - (a) the "Tower" does not exceed a maximum floor area, measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor, of 750 square metres; and
 - (b) a minimum "Tower" separation distance of 25.0 metres between the **main walls** of "Tower 1" and "Tower 2" as shown on Diagram 10 of By-law [Clerks to insert By-law Number] is maintained.
- (vii) for the "Tower" labelled as "Tower 2" on Diagram 10 of By-law [Clerks to insert By-law Number], the permitted maximum height of a **building** or **structure** is 86.0 metres, provided:
 - (a) the "Tower" does not exceed a maximum floor area, measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor, of 750 square metres;
 - (b) where the "Tower" is located above a height of 73.0 metres, the "Tower" must not exceed a maximum floor area of 675 square metres, measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor; and
 - (c) a minimum "Tower" separation distance of 25.0 metres between the **main walls** of "Tower 1" and "Tower 2" as shown on Diagram 10 of By-law [Clerks to insert By-law Number] is maintained.
- (viii) where the **main wall** of the "Base Building" contains **dwelling units** or indoor **amenity space** on the ground abutting the "Landscaped Courtyard Area", the permitted maximum **building** or **structure** height is 11.0 metres and any additional height as noted in (I)(i) to (v) above must be setback from the **main wall** of the **building** below it by a minimum of 6.0 metres;
- (ix) for the purpose of determining permitted maximum **building** and **structure** heights, the requirement commences from "Frontage A", "Frontage B", "Frontage C", "Frontage D1" and "Frontage D2" and proceeds into the interior of the **lot** at a right angle;

- (x) where any permitted maximum **building** or **structure** height requirement listed in (I)(i) to (v) above is in conflict based on a right angle projection of the Frontages as shown in Diagram 10 of By-law [Clerks to insert By-law Number], the greater permitted **building** or **structure** height prevails for the first 10 metres of that conflicting requirement;
 - (xi) The permitted maximum **building** height for a "Tower" prevails over the permitted maximum **building** height for the "Base Building";
 - (xii) where a **building** or **structure** faces more than one Frontage as shown on Diagram 10 of By-law [Clerks to insert By-law Number], that portion of the **building** which faces the frontage with the greater permitted maximum **building** or **structure** height as described in (I)(i) to (v) above prevails, measured from the first 10 metres from that Frontage, projected at a right angle;
- (J) despite regulation 40.10.40.10(1), for the "Base Building" located in "Area B" as shown on Diagram 2 as shown on By-law [Clerks to insert By-law Number]:
- (i) for the portion of the **building** or **structure** facing "Frontage A" as shown on Diagram 11 of By-law [Clerks to insert By-law Number] the permitted maximum height of a **building** or **structure** is 29.0 metres, except that:
 - (a) a maximum of 32 metres of the portion of the **building** or **structure** facing "Frontage A" is permitted to have a height in addition to that permitted by (J)(i) above of 7.0 metres provided a **main wall** setback of 3.0 metres from the **main wall** of the "Base Building" below it is maintained; and
 - (b) a maximum of 31 metres of the portion of the **building** or **structure** facing "Frontage A" is permitted to have a height in addition to that permitted by (J)(i) above of 3.5 metres and a further 7.0 metres of height is permitted provided a minimum **main wall** setback of 4.5 metres from the **main wall** of that portion of the **building** below it is maintained.
 - (ii) for the portion of the **building** or **structure** facing "Frontage B" as shown on Diagram 11 as shown on By-law [Clerks to insert By-law Number] the permitted maximum height of a **building** or **structure** is 10.5 metres, except that:
 - (a) for a maximum width of 27.0 metres of the portion of the **building** or **structure** facing "Frontage B", the permitted maximum height specified in (J)(ii) above is increased by 22.0 metres;
 - (b) for a maximum width of 20.0 metres of the portion of the **building** or **structure** facing "Frontage B", the permitted maximum height specified in (J)(ii) above is increased by 18.5 metres; and

- (c) for a maximum width of 26 metres of the portion of the **building** or **structure** facing "Frontage B", the permitted maximum height specified in (J)(ii) above is increased by 25.5 metres.
- (iii) for the portion of the **building** facing "Frontage C" as shown on Diagram 11 of By-law [Clerks to insert By-law Number] the permitted maximum height of a **building** and **structure** is 34.5 metres;
- (iv) for the portion of the **building** facing "Frontage D" as shown on Diagram 11 of By-law [Clerks to insert By-law Number] the permitted maximum height of a **building** or **structure** is 10.5 metres, except that:
 - (a) for a maximum width of 40 metres of the portion of the **building** facing "Frontage D", the permitted maximum height specified in (J)(iv) above is increased by 25.5 metres; and
 - (b) for a maximum width of 34 metres of the portion of the **building** facing "Frontage D", the permitted maximum height specified in (J)(iv) above is increased by 18.5 metres;
- (v) for the area labelled "Historical Alignment" on Diagram 11 of By-law [Clerks to insert By-law Number], the permitted maximum height of a **building** or **structure** is 0 metres, except that:
 - (a) **landscaping** and **soft landscaping** elements, public art **structures**, and park equipment such as benches, tables and outdoor fitness, recreation and play **structures** may exceed the permitted maximum height by 5.0 metres.
- (vi) for the "Tower" area labelled as "Tower 1" on Diagram 11 of By-law [Clerks to insert By-law Number], the permitted maximum height of a **building** or **structure** is 91 metres, provided:
 - (a) where the "Tower" is located between a height of 36.0 metres and 66.9 metres, the "Tower" must not exceed a maximum floor area, measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor, of 750 square metres;
 - (b) where the "Tower" is located above a height of 67.0 metres, the "Tower" must not exceed a maximum floor area, measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor, of 690 square metres; and
 - (c) a minimum "Tower" separation distance of 25.0 metres between the **main walls** of "Tower 1" and "Tower 2" as shown on Diagram 11 of By-law [Clerks to insert By-law Number] is maintained.

- (vii) for the "Tower" labelled as "Tower 2" on Diagram 11 as shown on By-law [Clerks to insert By-law Number], the permitted maximum height of a **building** or **structure** is 42 metres, provided:
 - (a) where the "Tower" is located above a height of 32.0 metres, the "Tower" must not exceed a maximum floor area of 750 square metres, measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor; and
 - (b) a minimum "Tower" separation distance of 25.0 metres between the **main walls** of "Tower 1" and "Tower 2" as shown on Diagram 11 of By-law [Clerks to insert By-law Number] is maintained.
 - (viii) for the purpose of determining permitted maximum **building** and **structure** heights, the requirement commences from "Frontage A", "Frontage B", "Frontage C", and "Frontage D" and proceeds into the interior of the **lot** projected at a right angle;
 - (ix) where any permitted maximum **building** or **structure** height requirement listed in (J)(i) to (v) above is in conflict based on a right angle projection of the Frontages as shown in Diagram 11 of By-law [Clerks to insert By-law Number], the greater permitted **building** height prevails for the first 10 metres of that conflicting requirement;
 - (x) The permitted maximum **building** height for a "Tower" prevails over the permitted maximum **building** height for the "Base Building";
 - (xi) where a **building** or **structure** faces more than one Frontage as shown on Diagram 11 of By-law [Clerks to insert By-law Number], that portion of the **building** which faces the frontage with the greater permitted maximum **building** or **structure** height as described in (J)(i) to (iv) above prevails, measured from the first 10 metres from that Frontage projected at a right angle;
- (K) Despite regulation 40.5.40.10(4), and in compliance with regulation 40.5.40.10(5), the following equipment and **structures** located on the roof of the "Base Building" may exceed the permitted maximum permitted **building** height:
- (i) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment, **structures** or parts of the **building** used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment, storage, elevator shafts, chimneys, vents, and water supply facilities to a maximum extent of 7.0 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (K)(i) above to a maximum extent of 7.0 metres; and

- (iii) screens or other unenclosed **structures** used to mitigate wind or noise, balustrades, railings, guards, dividers, pergolas, trellises, eaves, privacy screens, skylights, access hatches, window washing equipment, lightning rods, terraces, **landscaping** elements, and **structures** located on the roof used for outdoor **amenity space** and outside or open air recreation, to a maximum extent of 3.0 metres.

- (L) Despite regulation 40.5.40.10(7), all parapets may exceed the permitted maximum height for a **building** by 2.0 metres;

- (M) Despite regulation 40.5.40.10(8), the following equipment and **structures** on the roof of a "Tower" may exceed the permitted maximum **building** height as specified:
 - (i) equipment, **structures** or parts of a **building** listed in regulation (K)(i) and (ii) above by 7.0 metres, if the total area of those listed elements cover no more than 450 square metres, measured horizontally;
 - (ii) exterior chimneys, pipes and vents may further exceed the permitted maximum **building** height, or exceed the permitted maximum height by an amount in addition to that described in (M)(i) above by 3.0 metres;
 - (iii) screens or other unenclosed **structures** used to mitigate wind or noise, balustrades, railings, guards, dividers, pergolas, trellises, eaves, privacy screens, skylights, access hatches, window washing equipment, lightning rods, terraces, **landscaping** elements, and **structures** located on the roof used for outdoor **amenity space** and outside or open air recreation, to a maximum extent of 3.0 metres; and
 - (iv) the definition of "Tower" in this by-law prevails over the definition of "tower" described in regulation 40.5.40.10(8).

- (N) Despite regulation 40.5.75.1(2)(A)(ii), a **photovoltaic solar energy** device or a **thermal solar energy** device that is located on a **building** may exceed the permitted maximum height for a **building** by 2.0 metres, and where located on top of a mechanical penthouse, the devices may exceed the additional permitted maximum height of the mechanical penthouse by 2.0 metres;

- (O) Despite regulation 40.10.40.10(5), the required minimum height of the first **storey** is:
 - (i) 4.5 metres for non-residential uses;
 - (ii) 3.0 metres for residential uses; and
 - (iii) a mezzanine shall not constitute a **storey**.

- (P) Regulation 40.10.40.10(7), with regards to the maximum number of **storeys**, does not apply;
- (Q) Despite regulation 40.10.40.40(1) in "Area A" as shown on Diagram 2 of By-law [Clerks to insert By-law Number], the permitted maximum **gross floor area** is 57,959 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 53,250 square metres; and
 - (ii) the required minimum **gross floor area** for non-residential uses is 4,709 square metres.
- (R) Despite regulation 40.10.40.40(1) in "Area B" as shown on Diagram 2 of By-law [Clerks to insert By-law Number], the permitted maximum **gross floor area** is 49,314 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 45,795 square metres; and
 - (ii) the required minimum **gross floor area** for non-residential uses is 3,519 square metres.
- (S) Despite regulation 40.5.40.40(3), the **gross floor area** of a **mixed use building** is reduced by the area in the **building** used for:
- (i) all areas located below ground;
 - (ii) all **loading spaces**;
 - (iii) all **bicycle parking spaces** and the entirety of the room separated by demising walls containing those **bicycle parking spaces**;
 - (iv) all storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms;
 - (v) all shower and change facilities;
 - (vi) all indoor **amenity space**;
 - (vii) elevator shafts;
 - (viii) garbage shafts;
 - (ix) mechanical penthouse; and
 - (x) exit stairwells.

- (T) Despite regulation 40.10.40.50(1), in each of "Area A" and "Area B" as shown on Diagram 2 of By-law [Clerks to insert By-law Number], **amenity space** must be provided in accordance with the following:
- (i) a minimum of 2.0 square metres of indoor **amenity space** per **dwelling unit**;
 - (ii) a minimum of 2.0 square metres of outdoor **amenity space** per **dwelling unit**; and
 - (a) of the minimum required outdoor **amenity space** in "Area A", a minimum of 95 square metres of outdoor **amenity space** must be provided abutting the "Landscaped Courtyard Area";
 - (iii) at least 40.0 square metres of outdoor **amenity space** is required to be in location adjoining or directly accessible to the indoor **amenity space**; and
 - (iv) no portion of the **green roof** is considered outdoor **amenity space**.
- (U) Regulation 40.10.40.50(2), with regards to **amenity space** for **buildings** with non-residential uses in SS1 areas, does not apply;
- (V) Despite regulation 40.10.40.70(1), in "Area A" as shown on Diagram 2 of By-law [Clerks to insert By-law Number], the required minimum **building setbacks** are as follows:
- (i) for the portion of the **building** facing "Frontage A" as shown on Diagram 10 of By-law [Clerks to insert By-law Number]:
 - (a) the required minimum aggregate **building setback** of the **main walls** facing "Frontage A" must be equal to or greater than an average of 1.9 metres;
 - (b) no more than 35 percent of the **main walls** may be directly abutting "Frontage A"; and
 - (c) the permitted maximum length of any single continuous **building setback** is 35 percent of the **main wall**.
 - (ii) for the portion of the **building** facing "Frontage B" as shown on Diagram 10 of By-law [Clerks to insert By-law Number]:
 - (a) the required minimum **building setback** is 3.0 metres from the midpoint of the **main wall** for a minimum length of 30 metres in either direction from the midpoint of the **main wall** facing "Frontage B";

- (b) no more than 15 percent of the **main walls** may be directly abutting "Frontage B"; and
 - (c) despite (a) and (b) above, a **building setback** of 0 metres is permitted for the **building** located at the vertex of "Frontage B" and "Frontage C" as shown on Diagram 10 of By-law [Clerks to insert By-law Number].
- (iii) for the portion of the **building** facing "Frontage C" as shown on Diagram 10 of By-law [Clerks to insert By-law Number]:
- (a) the required minimum aggregate **building setback** of the **main walls** facing "Frontage C" east of the selected opening to the "Gateway to Open Space Zone" as shown on By-law [Clerks to insert By-law Number] and described in (BB) below must be equal to or greater than an average of 3.0 metres; and
 - (b) the required minimum **building setback** west of the selected opening to the "Gateway to Open Space Zone" as shown on Diagram 10 of By-law [Clerks to insert By-law Number] and described in (BB) below is 6.0 metres, measured only at the midpoint of that portion of the **main wall** facing "Frontage C".
- (iv) for the portion of the **building** facing "Frontage D1" as shown on Diagram 10 of By-law [Clerks to insert By-law Number]:
- (a) the required minimum **building setback** is 1.5 metres, except that a **building setback** of 0 metres for a maximum 15 percent of the **main wall** is permitted;
- (v) for the portion of the **building** facing "Frontage D2" as shown on Diagram 10 of By-law [Clerks to insert By-law Number]:
- (a) the required minimum **building setback** is 3.0 metres measured only from the midpoint of the **main wall** facing "Frontage B";
- (vi) required minimum **building setbacks** are measured from each Frontage as shown on Diagram 10 of By-law [Clerks to insert By-law Number], projected at a right angle;
- (vii) where any required minimum **building setback** listed in (V)(i) to (v) above is in conflict based on a right angle projection of the Frontages as shown in Diagram 10 of By-law [Clerks to insert By-law Number], the lesser required **building setback** prevails for the first 10 metres of that conflicting requirement;

- (viii) where a **building** faces more than one frontage as shown on Diagram 10 of By-law [Clerks to insert By-law Number], that portion of the **building** which faces the frontage with the lesser required **building setback** as described in (V)(i) to (v) above prevails, measured from the first 10 metres from that frontage, projected at a right angle;
- (ix) For the "Towers" shown as "Tower 1" and "Tower 2" on Diagram 10 of By-law [Clerks to insert By-law Number], the required minimum **building setbacks** are as shown on Diagram 10; and
 - (a) required minimum **building setbacks** for "Tower 1" and "Tower 2" are only as they are shown on Diagram 10, otherwise **building setbacks** do not apply for "Tower 1" and "Tower 2";
- (x) The required "Tower" **building setbacks** prevail over the required "Base Building" **building setbacks**;
- (xi) No **building** or **structure** may penetrate a 45 degree **angular plane** as measured:
 - (a) along the average elevation of the **lot line** of the closest **lot** located in the Residential Zone category or Residential Apartment Zone category; and
 - (b) For "Area A" as shown on Diagram 2 of By-law [Clerks to insert By-law Number], along the average elevation of the south **lot line** of "the lands located northeast of the intersection of Kipling Avenue and Dundas Street West".
- (W) Despite regulation 40.10.40.70(1), in "Area B" as shown on Diagram 2 of By-law [Clerks to insert By-law Number], the required minimum **building setbacks** are calculated as follows:
 - (i) for the portion of the "Base Building" facing "Frontage A" as shown on Diagram 11 of By-law [Clerks to insert By-law Number], no minimum **building setbacks** are required except for those portions of the **building** located on the ground and below the second **storey** of the **building**, where:
 - (a) a minimum **building setback** of 2.0 metres is required for a minimum of 43.0 metres of the **main wall** as measured from the northernmost point of the **main wall** and projecting south;
 - (b) a combined minimum **building setback** of 3.0 metres is required for a minimum of 19.0 metres of the **main wall**; and

- (c) a minimum **building setback** of 6.0 metres is required for a minimum 10.5 metres of the **main wall** located at the southernmost end of "Frontage A" and projecting north.
- (ii) for the portion of the "Base Building" facing "Frontage B" as shown on Diagram 11 of By-law [Clerks to insert By-law Number], no minimum **building setbacks** are required except for those portions of the **building** located on the ground and below the second **storey** of the **building**, where:
 - (a) a minimum **building setback** of 2.0 metres is required, located at the easternmost end of "Frontage B" and projecting west, for a minimum width of 23 metres. This setback is to be measured at the midpoint of the 23 metre width from the **main wall** as it fronts on to "Frontage B";
 - (b) a minimum **building setback** of 3.0 metres, located at the westernmost end of "Frontage B", and projecting east, for a minimum width of 24 metres of the **main wall**; and
 - (c) where a required minimum **building setback** listed in (a) and (b) above is in conflict, the lesser required **building setback** prevails.
- (iii) for the portion of the "Base Building" facing "Frontage C" as shown on Diagram 11 of By-law [Clerks to insert By-law Number], the required minimum **building setback** is 1.0 metres, measured only at the midpoint of the **main wall**;
- (iv) for the portion of the "Base Building" facing "Frontage D" as shown on Diagram 11 of By-law [Clerks to insert By-law Number], the required minimum **building setback** is 4.0 metres, except:
 - (a) the portion of the **building** on the ground and located below the second **storey** containing **dwelling units** with direct entrances to each **dwelling unit**, the required **building setback** is 5.75 metres;
- (v) required minimum **building setbacks** are measured from each Frontage as shown on Diagram 11 of By-law [Clerks to insert By-law Number], projected at a right angle;
- (vi) where any required minimum **building setback** listed in (W)(i) to (iv) above is in conflict based on a right angle projection of the Frontages as shown in Diagram 11 of By-law [Clerks to insert By-law Number], the lesser required **building setback** prevails for the first 10 metres of that conflicting requirement;

- (vii) where a **building** faces more than one frontage as shown on Diagram 11 of By-law [Clerks to insert By-law Number], that portion of the **building** which faces the frontage with the lesser required minimum **building setback** as described in (W)(i) to (iv) above prevails, measured from the first 10 metres from that frontage, projected at a right angle;
- (viii) For the "Towers" shown as "Tower 1" and "Tower 2" on Diagram 11 of By-law [Clerks to insert By-law Number], the required minimum **building setbacks** are as shown on Diagram 11; and
 - (a) required minimum **building setbacks** for "Tower 1" and "Tower 2" are only as they are shown on Diagram 11, otherwise **building setbacks** do not apply for "Tower 1" and "Tower 2";
- (ix) The required "Tower" **building setbacks** prevail over the required "Base Building" **building setbacks**;
- (x) No **buildings** or **structures** are permitted in the area labelled "Historical Alignment" on Diagram 11 as shown on By-law [Clerks to insert By-law Number], except:
 - (a) **landscaping** and **soft landscaping** elements, public art **structures**, and park equipment such as benches, tables and outdoor fitness, recreation and play **structures**;
- (xi) No **building** or **structure** may penetrate a 45 degree **angular plane** as measured along the average elevation of the **lot line** of the closest **lot** located in the Residential Zone category or Residential Apartment Zone category;
- (X) Regulation 40.10.40.70(4), with regards to the required minimum **building setback** from the **front lot line** for residential uses on the first **storey**, does not apply;
- (Y) Despite regulation 40.10.40.60(1)(B), a platform or balcony attached to the **main wall** with a floor level higher than the floor level of the first **storey** of the **building**;
 - (i) must be located behind the **main wall** if located on a "Base Building"; or
 - (ii) if located on the portion of a "Base Building" where additional height is permitted where a stepback is provided as described in (I) and (J) above, the platform or balcony may project into the required minimum **building setback** provided it does not exceed that required stepback.

- (Z) Despite regulation 40.10.40.60(2)(B)(iii), a canopy, awning or similar **structure**, with or without structural support, or a roof over a platform, may not encroach into a required minimum **building setback** for the **building** where the minimum **building setback** is less than 1.0 metres except that:
- (i) in "Area B" as shown in Diagram 2 of By-law [Clerks to insert By-law Number], and abutting "Frontage B" and "Frontage C" as shown on Diagram 11 [Clerks to insert By-law Number], for no more than 50 percent of the length of either "Frontage B" or "Frontage C", a canopy is permitted to project into any required **building setback** provided it is located at or below the second **storey**;
- (AA) Despite regulation 40.10.50.10(1):
- (i) in "Area A" as shown on Diagram 2 of By-law [Clerks to insert By-law Number], a combined minimum of 1,825 square metres of **landscaping** and **soft landscaping** is required to be provided, which forms the "Landscaped Courtyard Area", of which also:
 - (a) forms a continuous connection between the two "Gateway to Open Space Zones" identified on Diagram 10 of By-law [Clerks to insert By-law Number];
 - (b) is "publicly accessible space"; and
 - (c) the provision of an **outdoor patio** which is **ancillary** to non-residential uses reduces the required **landscaping** and **soft landscaping** requirement described in (AA)(i) above to a maximum of 10 percent of that required area.
 - (ii) in "Area B" as shown on Diagram 2 of By-law [Clerks to insert By-law Number], a combined minimum of 560 square metres of **landscaping** and **soft landscaping** is required to be provided which must be provided in one continuous area, surrounded by at least three **main walls**;
- (BB) in "Area A" as shown on Diagram 2 of By-law [Clerks to insert By-law Number], two pedestrian accesses to the "Landscaped Courtyard Area", with no obstructions by a **building** or **structure** as described below, must be provided in the "Gateway to Open Space Zones" as shown on Diagram 10 of By-law [Clerks to insert By-law Number], of which:
- (i) the southern pedestrian access to the "Landscaped Courtyard Area" will have a minimum width of 27.0 metres abutting "Frontage C" and must be open to the sky; and
 - (ii) the northern pedestrian access to the "Landscaped Courtyard Area" will have a minimum width of 11.0 metres and a minimum height of 9.0 metres, as measured from the ground below it.

- (CC) Regulation 40.10.50.10(2), with regards to fence requirements if abutting a **lot** in the Residential or Residential Apartment Zone category, does not apply;
- (DD) Regulation 40.10.50.10(3), with regards to **landscaping** requirements if abutting a **lot** in the Residential or Residential Apartment Zone category, does not apply;
- (EE) Despite regulations 40.10.80.10(1) and 40.10.80.20(1) and (2), **parking spaces** are not permitted to be located above ground;
- (FF) Despite regulation 40.10.90.10(1), all **loading spaces** must be located inside a **building**;
- (GG) Despite clauses 40.10.90.40 and 40.10.100.10, all **vehicle** access and access to **loading spaces** for "Area A" as shown in Diagram 2 of By-law [Clerks to insert By-law Number] is required to be from St. Alban's Road, Adobigok Pathway or Biindagen Trail and all **vehicle** access and access to **loading spaces** for "Area B" as shown in Diagram 2 of By-law [Clerks to insert By-law Number] is required to be from Beamish Drive;
- (HH) Despite regulation 200.5.1.10(2)(A)(iv), a maximum of 10 percent of obstructed **parking spaces** in each of "Area A" and "Area B" as shown on Diagram 2 of By-law [Clerks to insert By-law Number] are not required to provide 0.3 metres of additional width for each obstructed side;
- (II) Despite regulation 200.5.1.10(12)(C), a **vehicle** entrance or exit to the **building** must be at least 3.5 metres from the **lot line** abutting the **street** in "Area A" as shown on Diagram 2 of By-law [Clerks to insert By-law Number] and 0.7 metres for "Area B" as shown on Diagram 2 of By-law [Clerks to insert By-law Number];
- (JJ) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, and in each of "Area A" and "Area B" as shown on Diagram 2 of By-law [Clerks to insert By-law Number], **parking spaces** must be provided in accordance with the following:
 - (i) a minimum of 0.3 **parking spaces** and a maximum of 0.48 **parking spaces** for each **dwelling unit** for residential occupants;
 - (ii) a minimum of 0.1 **parking spaces** for each **dwelling unit** for residential visitors;
 - (iii) a minimum of 1.0 **parking spaces** for each 100 square metres of **gross floor area** for non-residential uses, except that:
 - (a) no **parking spaces** are required for a **community centre** or **day nursery**;

- (iv) For each of the morning, afternoon and evening parking periods identified in Table 1 of By-law [Clerks to insert By-law Number], the required minimum number of **parking spaces** for each use is calculated using the respective **parking space** requirement rate outlined in (JJ)(i) to (iii) above multiplied by the shared parking occupancy rate in Table 1, and:
 - (a) the minimum number of **parking spaces** required for each parking period is the total of the **parking spaces** required for all uses during that parking period; and
 - (b) the minimum number of **parking spaces** required for all uses on the **lot**, is equal to the largest number of parking space required for a parking period.
- (v) "car-share parking spaces" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
 - (a) a reduction of four residential occupant **parking spaces** will be permitted for each "car-share" **parking space** provided and that the maximum reduction be capped by the following formula:
 - i. 4 [multiplied by] (total number of **dwelling units** divided by 60), rounded down to the nearest whole number.
- (vi) Despite regulation 40.5.80.1(1), 40 percent of **parking spaces** required by (JJ)(i)(ii) and (iii) above may be provided as **public parking** on a non-exclusive basis;
- (KK) Despite regulation 40.5.80.10(1), a maximum of 30 percent of the required residential visitor and non-residential **parking spaces** for each of "Area A" and "Area B" as shown on Diagram 2 of By-law [Clerks to insert By-law Number] may be provided on "the lands located northeast of the intersection of Kipling Avenue and Dundas Street West";
- (LL) despite regulation 200.5.1.10(2) and 200.5.1(3), any **parking space** provided as part of **public parking** may have a minimum length of 5.2 metres, provided they are accessed by a **drive aisle** having a width of 7.0 metres or greater;
- (MM) Despite regulation 200.15.1(1), an accessible **parking space** must have the following dimensions:
 - (i) length of 5.6 metres;
 - (ii) width of 3.4 metres; and
 - (iii) vertical clearance of 2.1 metres.

- (NN) Despite regulation 200.15.1(4), accessible **parking spaces** must be **parking spaces** located closest to a pedestrian access to a **building** or a passenger elevator that provides access to the first **storey** of the **building**;
- (OO) Despite regulation 200.15.10(1), accessible **parking spaces** must be provided at the following minimum rates:
- (i) if the number of required **parking spaces** is 25 to 100, a minimum of 1 accessible **parking space** for every 25 **parking space** or part thereof; and
 - (ii) if the number of required **parking spaces** is greater than 100, a minimum of 4 accessible **parking spaces** plus 1 accessible **parking space** for every 50 **parking spaces** or part thereof, in excess of 100 **parking spaces**.
- (PP) Despite clause 220.5.10.1 and regulation 40.10.90(1), **loading spaces** must be provided in accordance with the following:
- (i) in "Area A" as shown in Diagram 2 of By-law [Clerks to insert By-law Number], a minimum of 1 Type "B" **loading space**, 2 Type "C" **loading spaces** and 1 Type "G" **loading space**, is required; and
 - (ii) in "Area B" as shown in Diagram 2 of By-law [Clerks to insert By-law Number], a minimum of 1 Type "C" **loading space**, and 1 Type "G" **loading space**, is required.
- (QQ) despite regulation 230.5.1.10(10), both "short-term" and "long-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (RR) regulation 230.5.1.10(4) will apply with the exception that, if a **stacked bicycle parking space** is provided in a mechanical device, where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such **stacked bicycle parking space** is 0.43 metres;
- (SS) Despite regulation 230.5.10.1(6), to calculate **bicycle parking space** requirements for other than **dwelling units**, the **interior floor area** of a **building** is reduced by the area in the **building** used for:
- (i) all areas located below ground;
 - (ii) all **loading spaces**;
 - (iii) all **bicycle parking spaces** and the entirety of the room separated by demising walls containing those **bicycle parking spaces**;
 - (iv) all storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms;
 - (v) all shower and change facilities;

- (vi) all indoor **amenity space**;
 - (vii) elevator shafts;
 - (viii) garbage shafts;
 - (ix) mechanical penthouse; and
 - (x) exit stairwells.
- (TT) In each of "Area A" and "Area B", and applied either independently or collectively:
- (i) a minimum of 25 percent of the total number of **dwelling units** must contain two bedrooms; and
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must contain three bedrooms.
- (UU) In each of "Area A" and "Area B", and applied either independently or collectively:
- (i) a minimum of 10 percent of the total number of **dwelling units** must contain two bedrooms containing a minimum **interior floor area** of 87 square metres each; and
 - (ii) a minimum of 7 percent of the total number of **dwelling units** must contain three bedrooms containing a minimum **interior floor area** of 100 square metres each.
- (VV) In "Area A" as shown on Diagram 2 of By-law **[Clerks to insert By-law Number]**, 14 **dwelling units** which abut the "Landscaped Courtyard Area" are required as part of the **mixed use building**, and each of those **dwelling units** shall have exclusive use of a yard comprised of a minimum area of 18 square metres of combined **landscaping** and **soft landscaping**, and:
- (i) the **landscaping** and **soft landscaping** requirement is in addition to that required by (AA) above.

Prevailing By-laws and Prevailing Sections: (None Apply)

9. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.42.10 Exception Number 31 so that it reads:

31 Exception OR 31

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) For the purposes of this exception, the **lot** is defined as "Area C" as shown on Diagram 2 of By-law [Clerks to insert this by-law Number];
- (B) Despite clauses 90.30.20.10 and 90.30.20.20, the following uses are not permitted uses: Ambulance Depot, **Amusement Arcade, Art Gallery, Club, Fire Hall, Library, Municipal Shelter, Museum, Personal Service Shop, Place of Assembly, Police Station, Retail Store, Service Shop, or Transportation Use**; and
- (C) Despite regulation 90.30.40.70(1), the required minimum **front yard setback** is 3.0 metres.

Prevailing By-laws and Prevailing Sections: (None Apply)

10. For the purposes of this By-law, each word or expression that is bolded in this By-law shall have the same meaning as each such word or expression as defined in By-law 569-2013, as amended, except for the following:

- (A) "Area A" and "Area B" means the areas shown on Diagram 2 of By-law [Clerks to insert By-law Number];
- (B) "Base Building" means the portion of the **Building** excluding the "Tower";
- (C) "Car-share" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
- (D) "Car-share parking space" means a **parking space** that is exclusively reserved and actively used for "car-share";
- (E) "Frontage A", "Frontage B", "Frontage C", "Frontage D1", and "Frontage D2" refer to the **lot lines** abutting those measured Frontages as described in Diagrams 10 and 11;
- (F) "Frontage D" in "Area B" as shown in Diagram 2 of By-law [Clerks to insert By-law Number], refers to the heavy line dividing the "Historical Alignment" and "Frontage D" as shown on Diagram 11 of By-law, and represents the **lot line** for the determination of minimum required **building setbacks** [Clerks to insert By-law Number];
- (G) "Gateway to Open Space Zone" means the areas identified on Diagram 10 of By-law [Clerks to insert By-law Number] where pedestrian access to the "Landscaped Courtyard Area" must be provided based on the minimum criteria described in

this By-law;

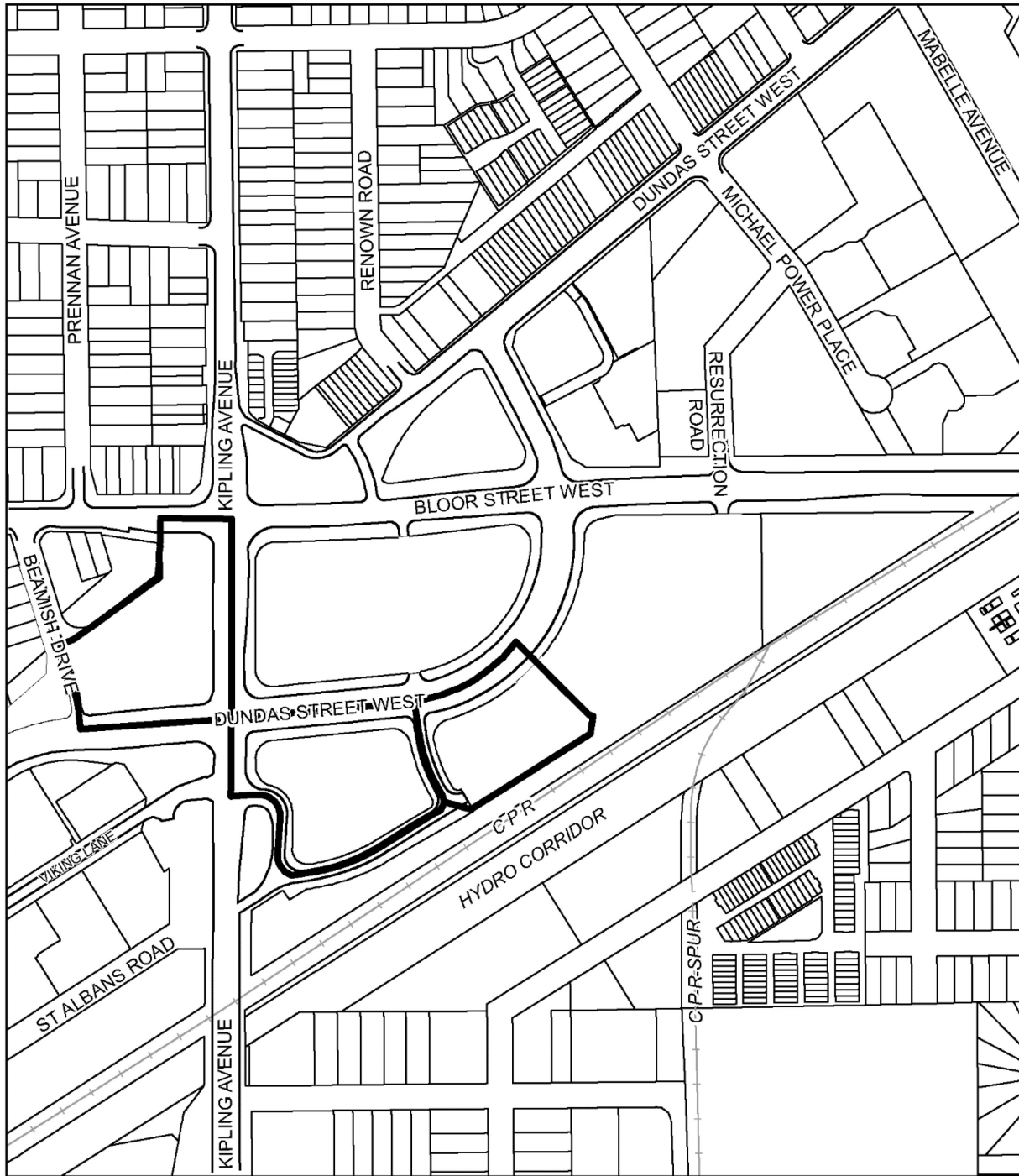
- (H) "Landscaped Courtyard Area" means the required area comprised of **landscaping** and **soft landscaping**, which is open to the sky, except as noted in Section 8(BB)(ii), forming a continuous connection between the two "Gateways to Open Space" in "Area A";
- (I) "Publicly-accessible space" means an area which is accessible to both occupants and non-occupants (all members of the general public) of a **building**;
- (J) "the lands located northeast of the intersection of Kipling Avenue and Dundas Street West" means the future **lot** intended to be the future location of the Etobicoke Civic Centre;
- (K) "Tower" means, despite regulation 40.5.40.10(8), the portions of a **building** excluding the "Base Building" which collectively enclose the entirety of a **storey** with a height greater than:
 - (i) 36 metres for Tower 1 and 24 metres Tower 2 as shown on Diagram 10 of By-law [Clerks to insert By-law Number]; and
 - (ii) 36 metres for Tower 1 and 32.5 metres for Tower 2 as shown on Diagram 11 of By-law [Clerks to insert By-law Number].

Enacted and passed on October , 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)



 **TORONTO**
Diagram 1

970 Kipling Avenue, 5207 Dundas Street West
and the lands located to the southeast of the
intersection of Dundas Street West and Bindagen Trail
File # 19 259429 WET 03 02



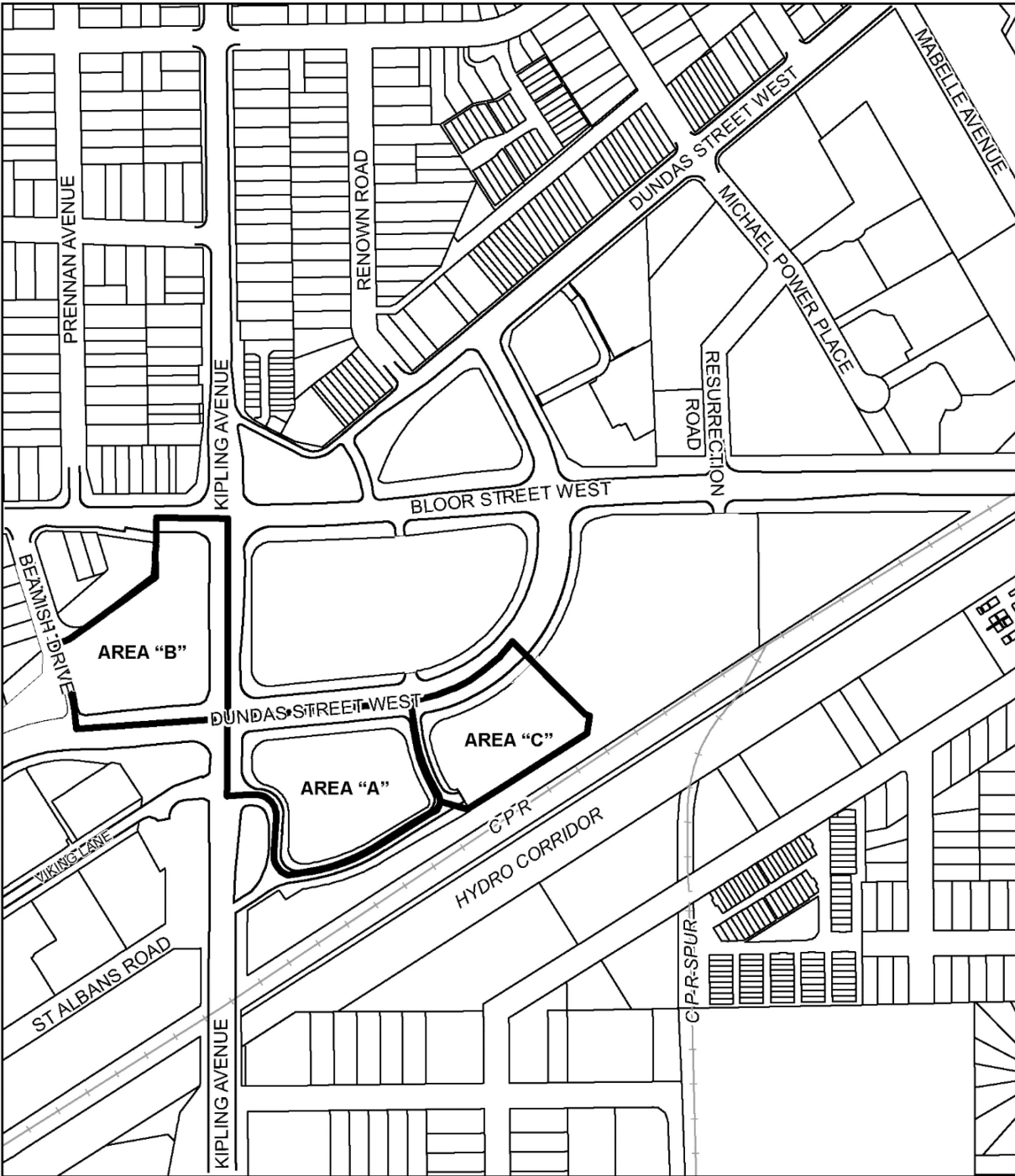


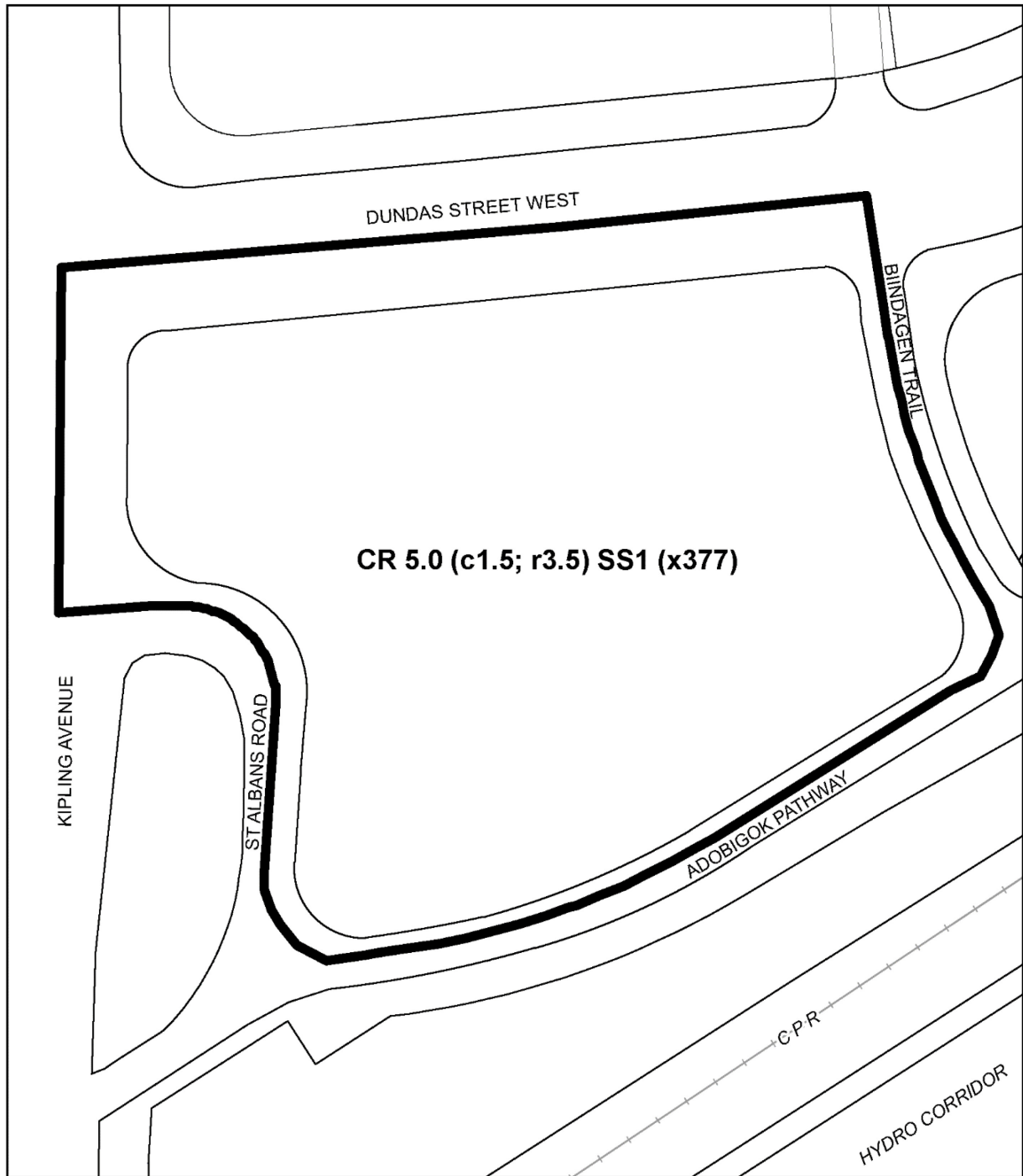
Diagram 2 - Area Listings


970 Kipling Avenue, 5207 Dundas Street West

and the lands located to the southeast of the
intersection of Dundas Street West and Biindagen Trail

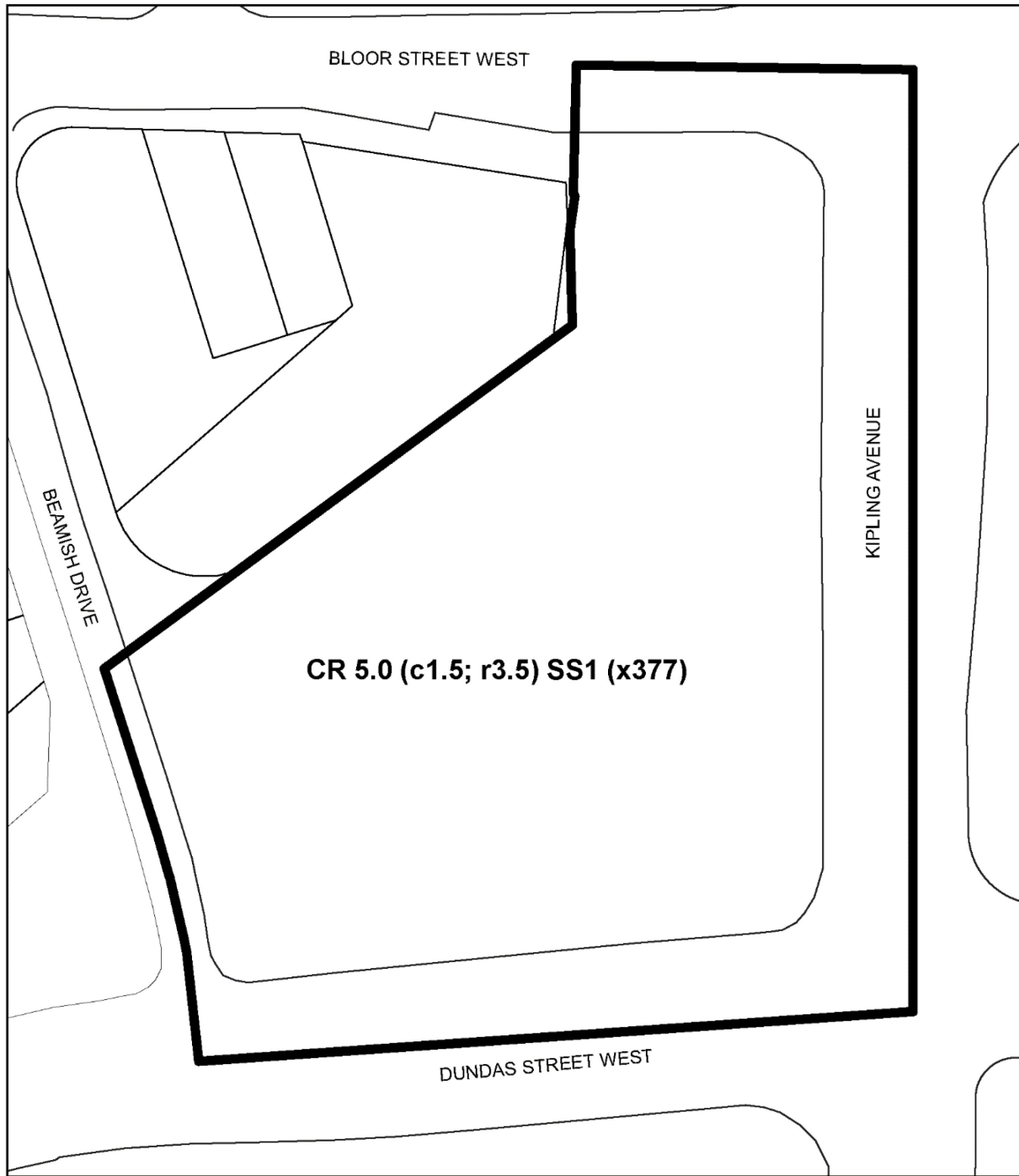
File # 19 259429 WET 03 02





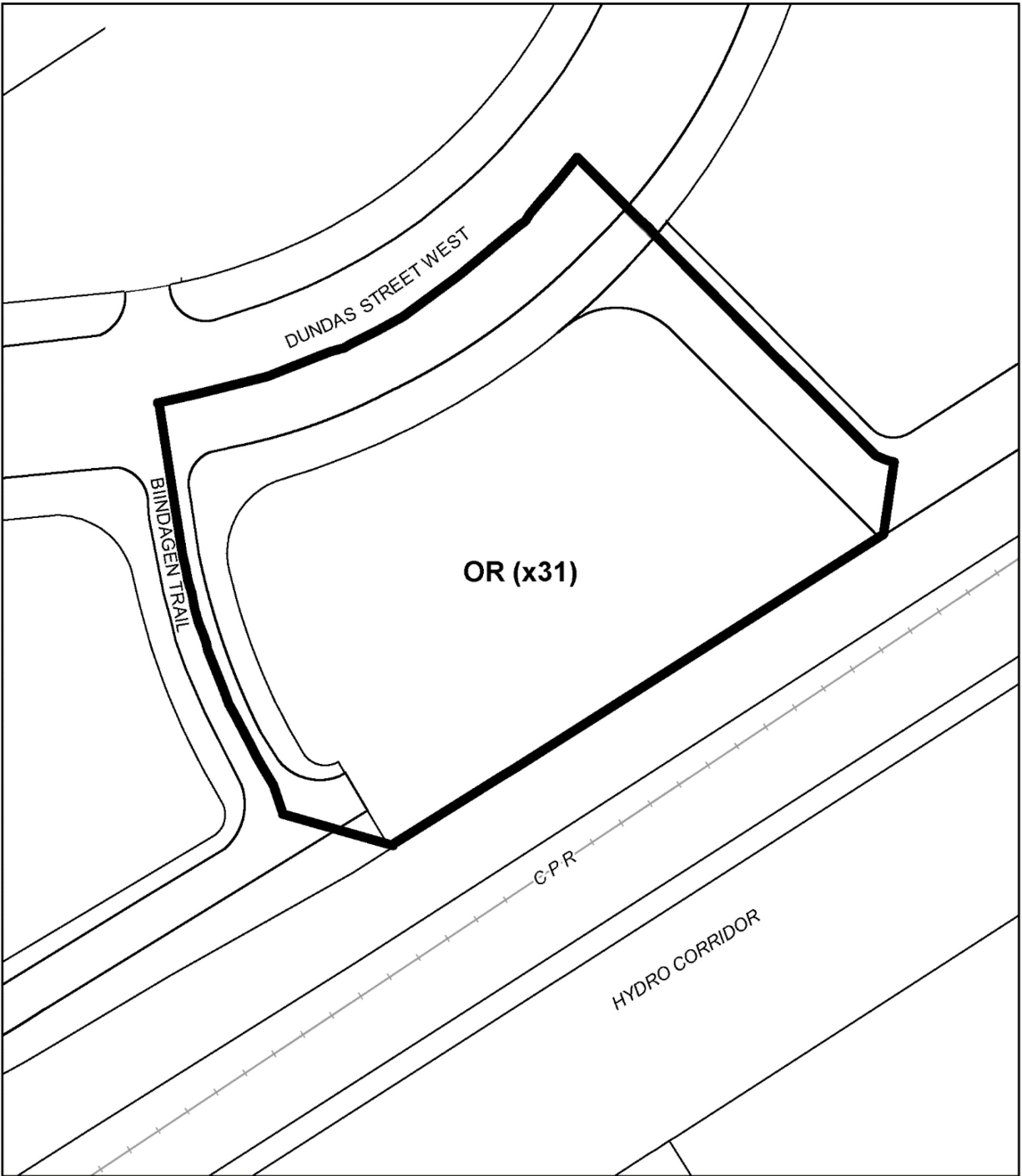
 **TORONTO**
Diagram 3 -
Area "A" - Zoning

970 Kipling Avenue, 5207 Dundas Street West
and the lands located to the southeast of the
intersection of Dundas Street West and Biindagen Trail
File # 19 259429 WET 03 0Z



TORONTO
Diagram 4 -
Area "B" - Zoning

970 Kipling Avenue, 5207 Dundas Street West
and the lands located to the southeast of the
intersection of Dundas Street West and Biindagen Trail
File # 19 259429 WET 03 OZ



**Diagram 5 -
Area "C" - Zoning**

970 Kipling Avenue, 5207 Dundas Street West
and the lands located to the southeast of the
intersection of Dundas Street West and Biindagen Trail
File # 19 259429 WET 03 OZ



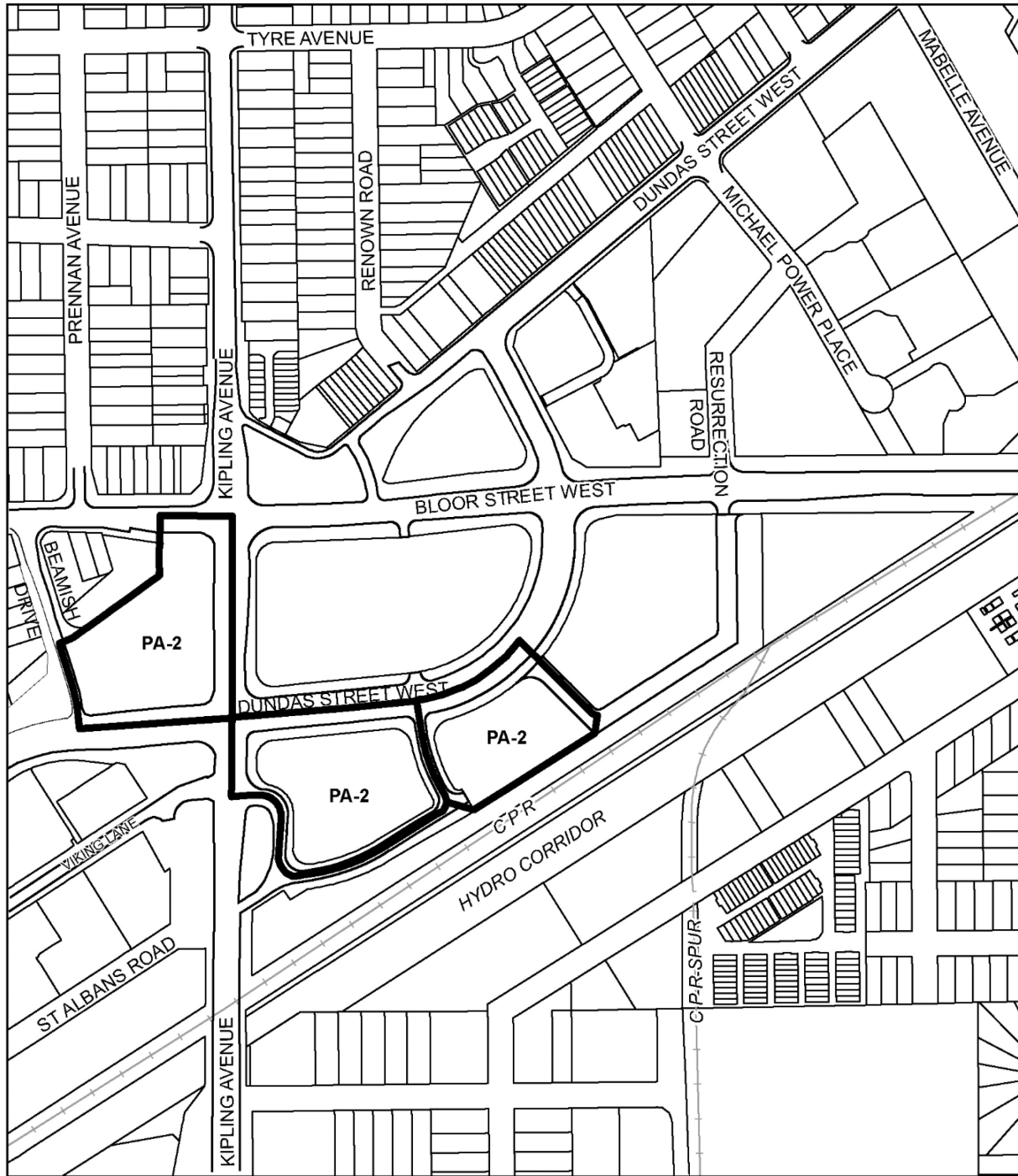
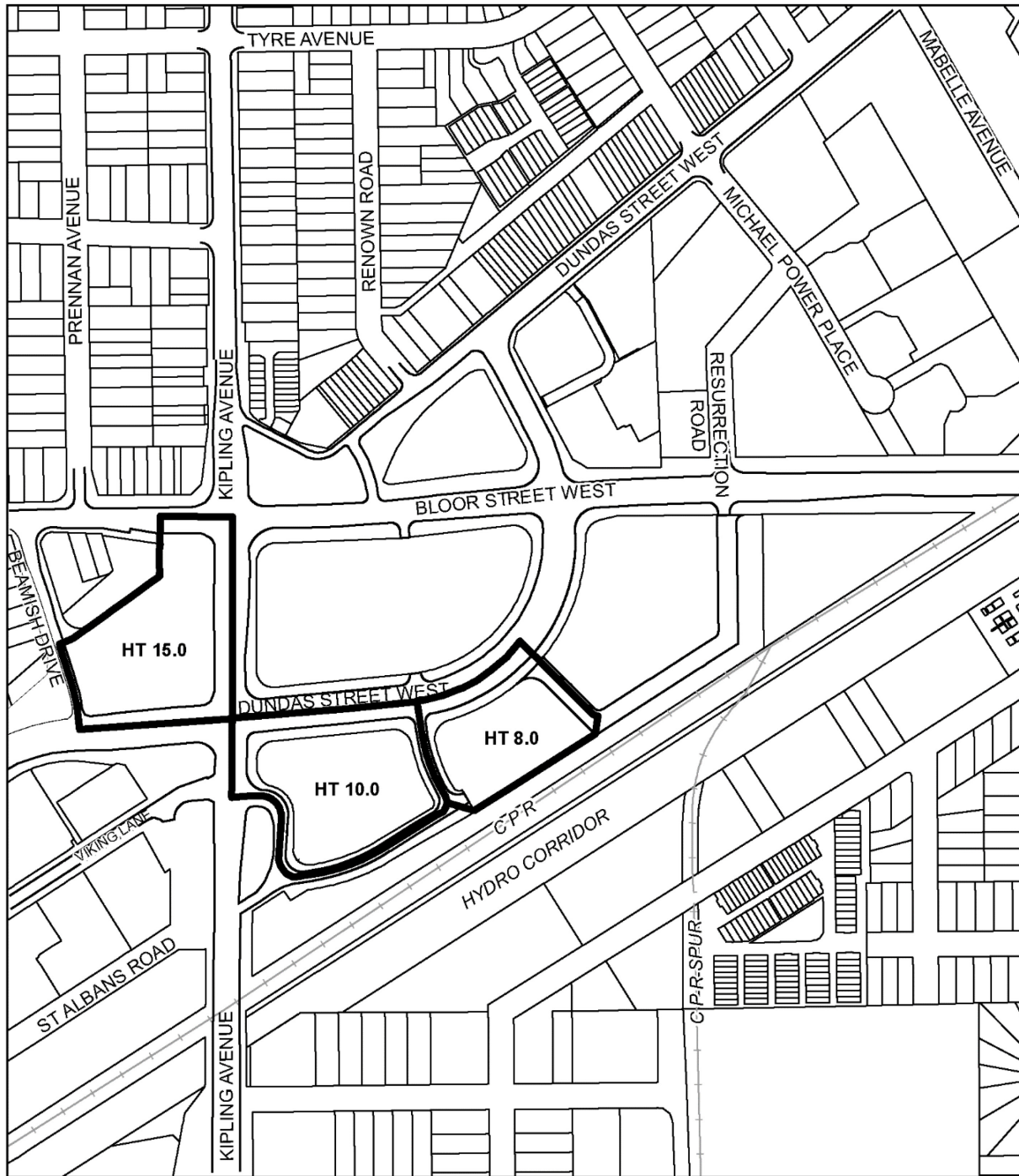


Diagram 6 - Policy Area 2

970 Kipling Avenue, 5207 Dundas Street West

and the lands located to the southeast of the
intersection of Dundas Street West and Biindagen Trail
File # 19 259429 WET 03 02





**Diagram 7 - Areas A,B,C
Height Overlay Map**

970 Kipling Avenue, 5207 Dundas Street West

and the lands located to the southeast of the
intersection of Dundas Street West and Biindagen Trail
File # 19 259429 WET 03 OZ



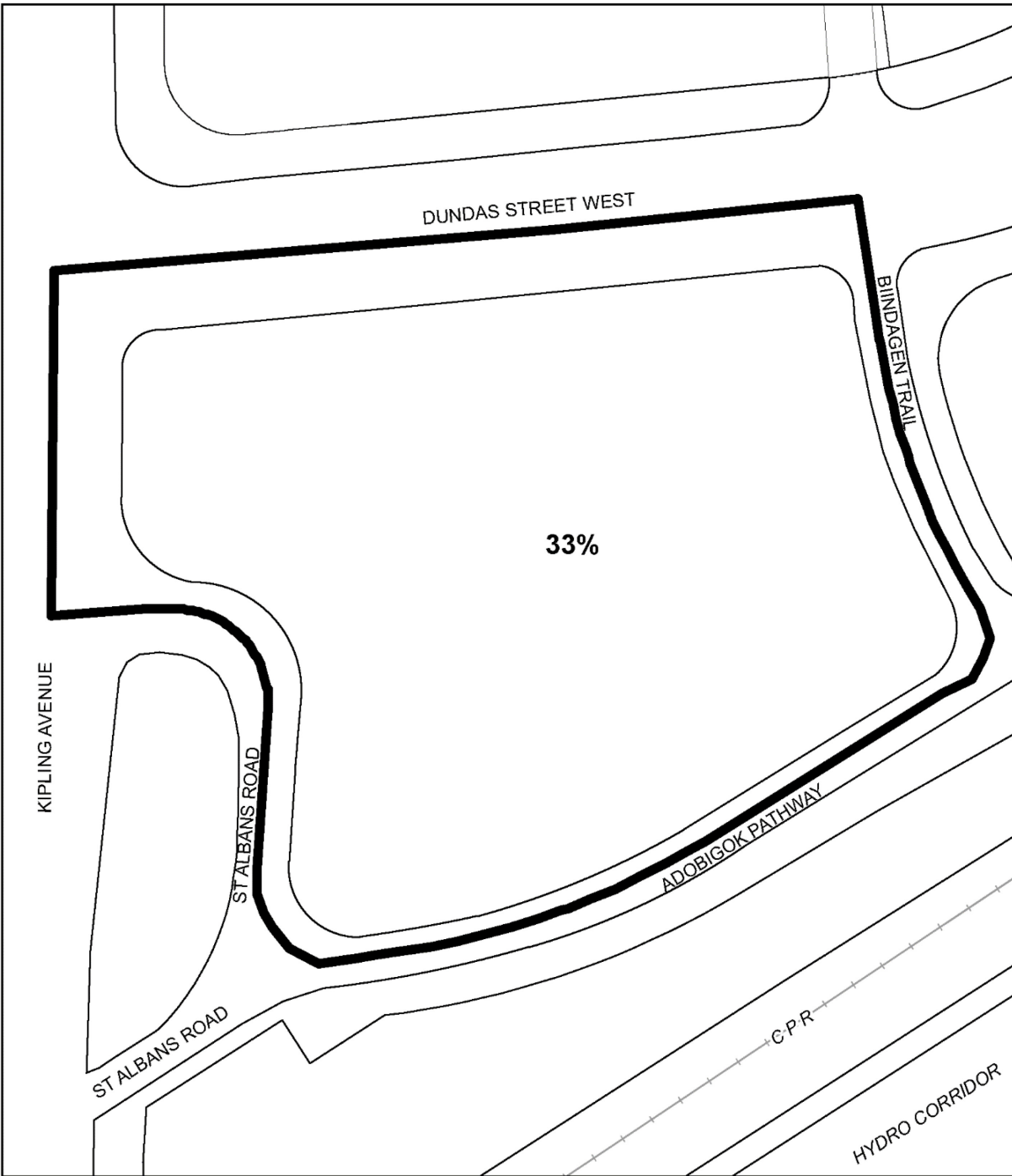
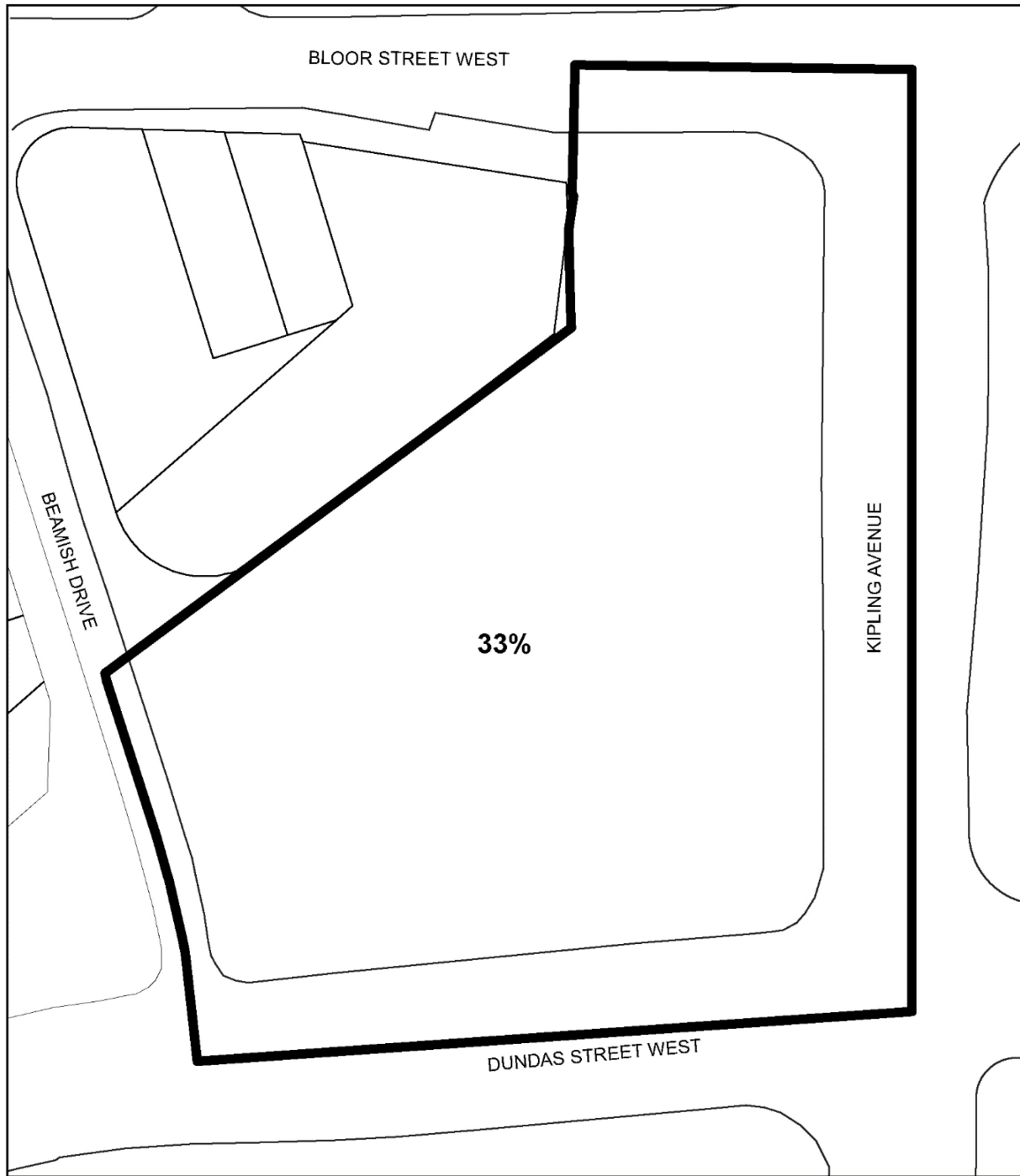


Diagram 8 -
Area "A" - Lot Coverage

970 Kipling Avenue, 5207 Dundas Street West
and the lands located to the southeast of the
intersection of Dundas Street West and Biindagen Trail
File # 19 259429 WET 03 0Z





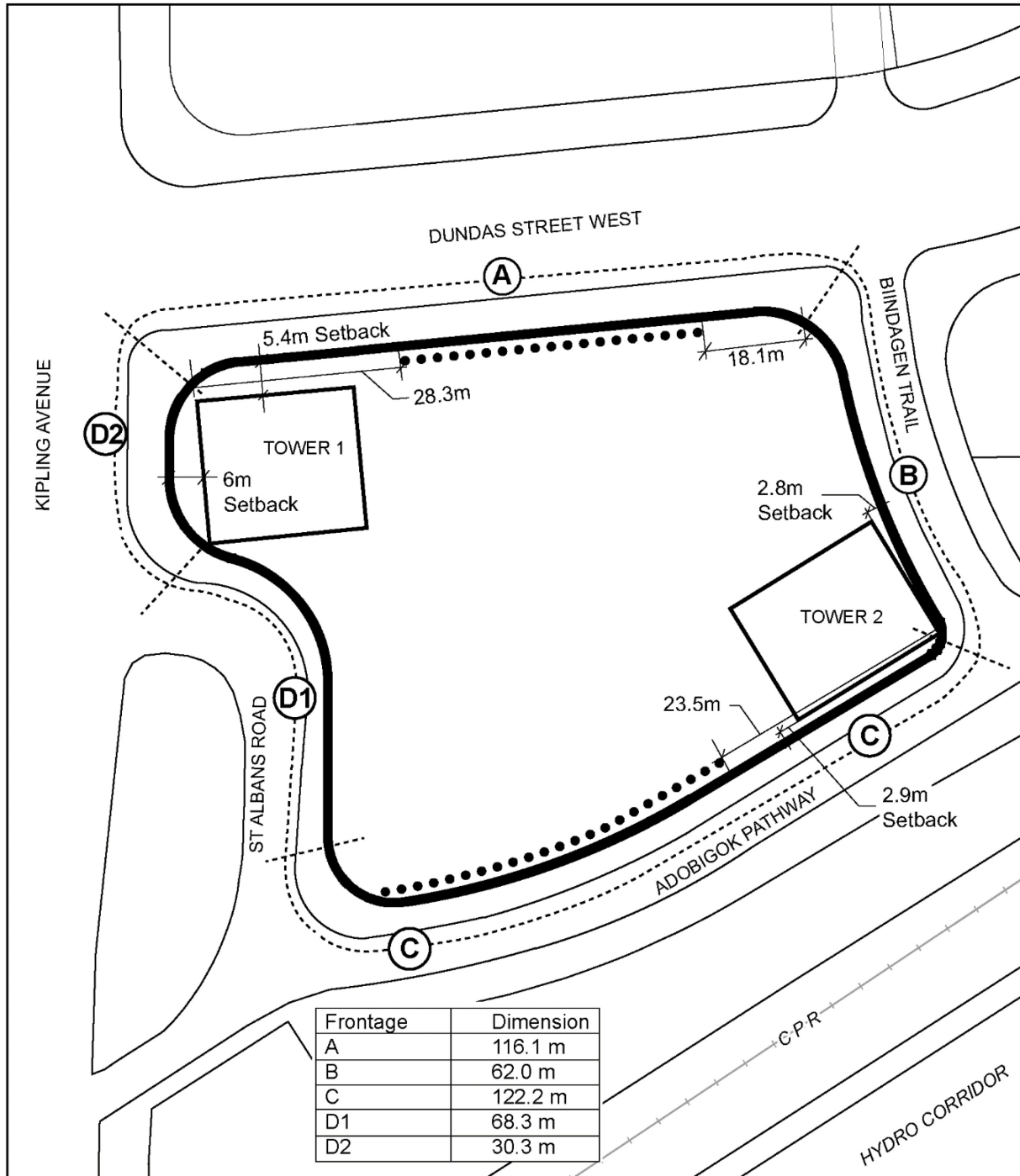
**Diagram 9 -
Area "B" - Lot Coverage**

970 Kipling Avenue, 5207 Dundas Street West

and the lands located to the southeast of the
intersection of Dundas Street West and Biindagen Trail

File # 19 259429 WET 03 0Z





**Diagram 10 - Area "A"
Frontages and Tower Setbacks**

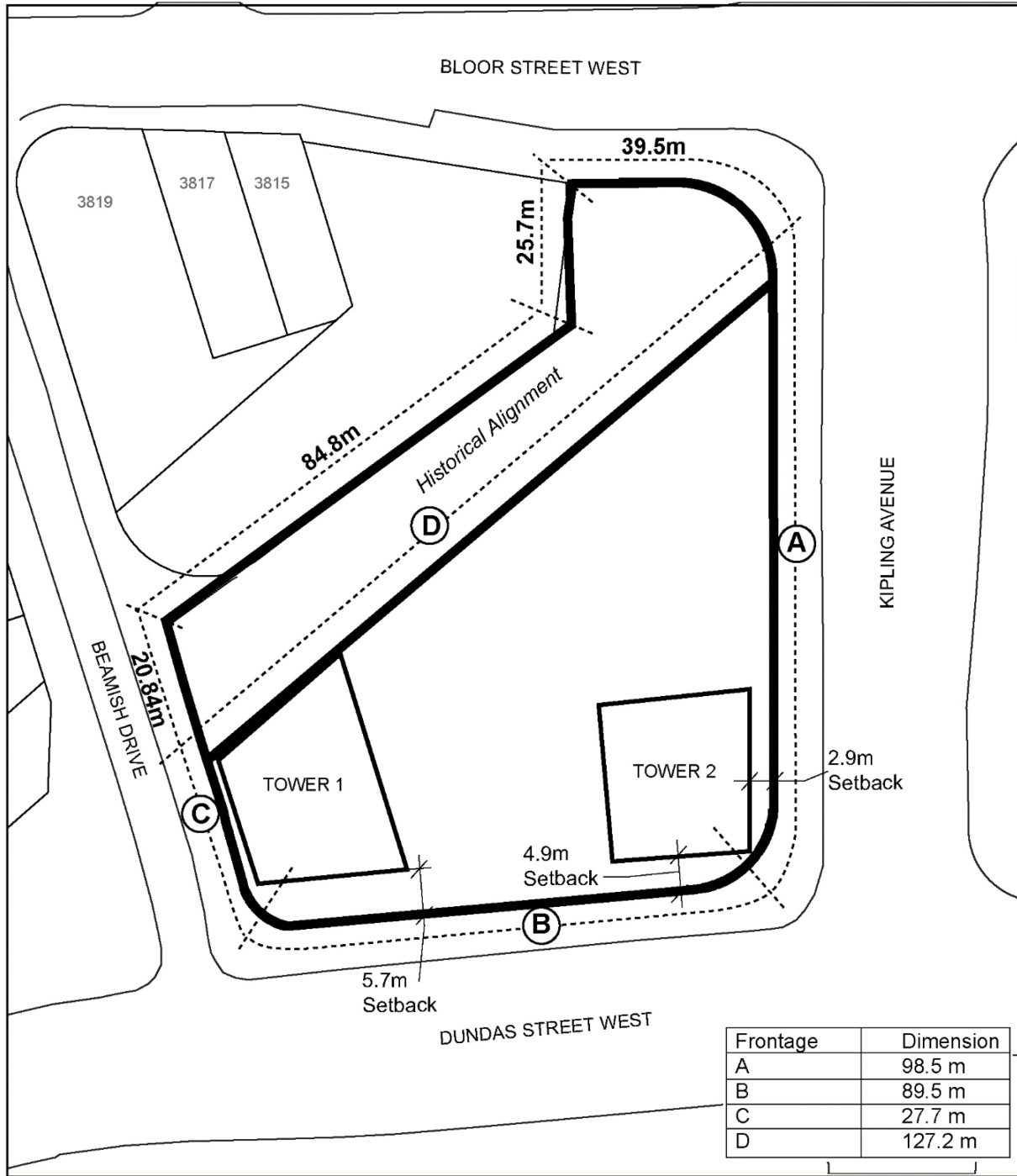
970 Kipling Avenue, 5207 Dundas Street West

and the lands located to the southeast of the
intersection of Dundas Street West and Biindagen Trail

File # 19 259429 WET 03 0Z

●●● Gateway to Open Space -Ⓐ- Frontages





**Diagram 11 - Area "B"
 Frontages and Tower Setbacks**

970 Kipling Avenue, 5207 Dundas Street West

and the lands located to the southeast of the
 intersection of Dundas Street West and Bindagen Trail

File # 19 259429 WET 03 02

- (A) - Frontages



Table 1

Parking Space Rates and Parking Space Occupancy Table

Parking Use	Parking Occupancy Rate		
	Morning	Afternoon	Evening
Residential Occupants	100 percent	100 percent	100 percent
Residential Visitors	10 percent	35 percent	100 percent
Non-residential: Retail store, retail service and service shop	20 percent	60 percent	100 percent
All other non-residential uses	100 percent	60 percent	0 percent

Morning= 6 a.m. to Noon

Afternoon= Noon to 6 p.m.

Evening= 6 p.m. to 6 a.m.