

Authority: Etobicoke Community Council Report No. 10, Clause No. 23, as adopted by City of Toronto Council on December 4, 5 and 6, 2001, Notice of Motion J(27), moved by Councillor Milczyn, seconded by Councillor Augimeri, as adopted by City of Toronto Council on June 18, 19 and 20, 2002
Enacted by Council: June 20, 2002

CITY OF TORONTO

BY-LAW No. 561-2002

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the south side of Dundas Street and west of Kipling Avenue.

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 held at least one public meeting in accordance with the *Planning Act*;

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, originally attached to Township of Etobicoke Zoning By-law No. 11,737, be and the same is hereby amended by rezoning the lands described in Schedule 'A' annexed hereto from Class 1 Industrial (I.C1) Zone to Residential Sixth Density (R6) Zone on the lands identified on Schedule 'A' attached hereto.
2. Notwithstanding the provisions of the Zoning Code, a temporary sales office and temporary construction facilities and operations may be erected on the Lands and no setbacks shall be required for such temporary uses.
3. Notwithstanding the provisions of the Zoning Code, and provided there is compliance with the provisions of Sections 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-Wall Height - shall mean, with respect to each building including podium erected within a Building Envelope, the vertical distance between the Grade of such building and the top of the roof slab of such Build-to-Wall, exclusive of parapets and safety railings;

- 3.1.3 Build-to-Zone shall mean for each of Building Envelopes 'A' and 'D', the Build-to-Zone respectively identified on Schedule 'B' as the Build-to-Zone for such Building Envelope and each such Build-to-Zone shall have a length equal to the full length of such Build-to-Zone as shown on Schedule 'B'.
- 3.1.4 Building Envelope - shall mean the Building Envelopes delineated on Schedule 'B' attached hereto;
- 3.1.5 Grade - shall mean, with respect to each building including attached podium, erected within a Building Envelope, the average elevation of the finished exterior ground level adjoining the Main Front Wall of the building which would be the wall containing the principal entrance to the building;
- 3.1.6 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:
- 3.1.6.1 Mechanical Floor Area;
 - 3.1.6.2 Indoor Day Nurseries/Community Facilities;
 - 3.1.6.3 Indoor Recreational Amenity Areas to a maximum of 1.5 square metres per dwelling unit;
 - 3.1.6.4 Unenclosed balconies; and
 - 3.1.6.5 Any buildings or structures erected and used for Public Open Space uses on Part "A" of Schedule 'C' attached hereto;
- 3.1.7 Height - shall mean, with respect to each building erected within a Building Envelope, the vertical distance between the Grade of such building 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 roof line of the said building;
- 3.1.8 Lands - shall mean the lands described in Schedule 'A' annexed hereto;
- 3.1.9 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 (other than escalators) or telecommunications equipment that serves only such building; and

- 3.1.10 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 structures 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, Lodging Houses, Nursing Homes, Day Nurseries, Recreational Amenity Areas, temporary sales offices with associated parking, temporary construction facilities and operations, pedestrian walkways, fencing and hoarding, and the uses permitted under Section 320-91.B of the Zoning Code with the exceptions of undertaking establishments, service stations, public garages, drycleaning plants and new and used car sales.
- 3.3 Subject to Section 2 no building or structures shall be erected or used on the portions of the Lands described as Part "A" on Schedule 'C' except for any of the Public Open Space (OS) uses permitted under Section 320-32 of the Zoning Code.
- 3.4 Accessory structures, including any of the accessory structures permitted under Section 320.76F of the Zoning Code, podiums, covered ramps, exterior stairs, garbage enclosures, stair enclosures, gatehouses and ventilation shafts shall be permitted on the Lands.
- 3.5 The provisions of Section 320-77 of the Zoning Code shall not apply.

Number and Types of Residential Units

- 3.6 Not more than 1,347 Dwelling Units, in aggregate, shall be permitted on the Lands, provided that a minimum of 25% of the total units shall be either 1 bedroom or bachelor units.

Gross Floor Area

- 3.7 The maximum Gross Floor Area, as defined herein, permitted on the Lands shall be 111,890 square metres.

Height

- 3.8 No building or structure erected or used within a Building Envelope shall have a height greater than the height in storeys or in metres, whichever is the lesser, shown on Schedule 'B' for such Building Envelope.

Setbacks

- 3.9 No building or structure within the Lands shall be located other than within a Building Envelope as shown on Schedule 'B'.
- 3.10 Notwithstanding the foregoing, the following provisions shall apply:
- 3.10.1 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 Building Envelope for such building or structure, and any below grade parking structure or, an exposed portion thereof, connected to a building may be located outside of the Building Envelope up to the property line of Part B as shown on Schedule 'C' with the exception of the property lines located along Dundas Street and the south side of the Private Road to be constructed on the Lands, as shown on Schedule 'B' where no portion of the below grade parking structure may be exposed.
- 3.10.2 Minor building elements including roof eaves, window sills, guard rails, bay windows, balconies, solariums, chimney breasts, balustrades, cornices and canopies may project outside of the Building Envelopes on Schedule 'B' by not more than 0.5 metres, except that cornices shall be permitted to project a maximum of 1 metre on the exterior faces of buildings located within the Build-to-Zones identified on Schedule 'B';
- 3.10.3 Porches and decks of less than 2.3 square metres in area, permitted accessory structures, canopies, wheelchair ramps, exterior stairs, parapets and railings related to underground parking structures, vents, gatehouses, temporary sales offices, fences, safety railings and other landscape features and buildings or structures associated with Public Open Space uses shall be permitted outside of the Building Envelopes illustrated on Schedule 'B' attached hereto and shall be exempt from any provisions with respect to setbacks.

Build-To-Zones

- 3.11 No building shall be erected within Building Envelope A or D unless:
- 3.11.1 such building has a Build-to-Wall in the Build-to-Zone applicable to such building;
- 3.11.2 the linear length of such Build-to-Wall in Build to Zone A occupies a minimum of 60% of the length of the applicable Build-to-Zone,
- 3.11.3 the linear length of such Build-to-Wall in Build-to-Zone B occupies a minimum of 80% of the length of the applicable Build-to-Zone,

- 3.11.4 the linear length of such Build-to-Wall in Build-to-Zone C occupies a minimum of 60% of the length of the applicable Build-to-Zone, and
- 3.11.5 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.

Build-to-Wall Height

- 3.12 Build-to-Walls shall have a minimum and maximum number of storeys in height, as shown on Schedules 'B-1 to B-3' attached hereto.

Stepbacks at the Top of Each Build-to-Wall

- 3.13 No building shall be erected within Building Envelopes A and D unless the exterior face facing a Build-to-Zone is setback above the Build-to Wall, as illustrated on Schedules 'B-1 to B-3' attached hereto.
- 3.14 Any building located within 15 metres of the northerly limit of Building Envelopes "B" or "C" shall be subject to the setback provisions as illustrated in Schedule 'B-3'.
- 3.15 Any portion of a building within Building Envelopes "B", "C" and "D" that contains residential units shall be set back from St. Albans Road a minimum of 6 metres.

Building Entrances

- 3.16 All building faces assigned a Build-to-Zone shall have a pedestrian entrance or exit facing a public or private street and provided:
- 3.16.1 the finished floor level of such public pedestrian entrance/exit is located no higher than 0.2 metres above the elevation of the public sidewalk immediately adjacent to such public pedestrian entrance/exit, or where there is no public sidewalk immediately adjacent to such public pedestrian entrance/exit, above the level of the immediately adjacent finished ground or podium; and
- 3.16.2 the finished floor level of any exterior entrance to a private dwelling unit located within such building shall be located no higher than 0.45 metres above the elevation of the sidewalk immediately adjacent to such exterior entrance or where there is no sidewalk immediately adjacent to such exterior entrance, above the level of the immediately adjacent finished ground or podium.

Parking

- 3.17 Notwithstanding the provisions of Section 320-18.B and Section 320-76.G of the Zoning Code, the following minimum parking standards shall apply to the Lands.
- 3.17.1 1.25 parking spaces shall be provided for each bachelor, one and two bedroom dwelling unit, of which not less than 0.2 spaces per unit shall be reserved for the exclusive use of visitors;
- 3.17.2 1.4 parking spaces shall be provided for each three or more bedroom dwelling unit, of which not less than 0.2 spaces shall be reserved for the exclusive use of visitors; and
- 3.17.3 the provisions with respect to Section 320-18.B (2)(a)[5] and Section 320-18.B (3) shall apply.
- 3.18 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

- 3.19 Notwithstanding the provisions of Section 320-46 of the Zoning Code, accoustical fencing 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:

4.1 Private Road

The applicant agrees to construction of the new private road through the site connecting Dundas Street West and Kipling Avenue subject to the terms and conditions of the Section 37 Agreement.

4.2 Traffic/Intersection Improvements

The applicant will provide funding for intersection improvements at the intersection of Dundas Street West and Aukland Road, including upgrading signal hardware and turn lane extensions, if required. The applicant will be responsible for the costs of all modifications of signal phasing and all costs associated with any required improvements to signal hardware. The applicant will design and construct the intersection of the proposed private road at Dundas Street West to the satisfaction of the City and subject to the terms of the Section 37 agreement.

4.3 Six Points Interchange Study

The applicant agrees to contribute \$37,500 to the cost of a functional design study for a potential reconfiguration of the Six Points Interchange.

4.4 Auckland Road Pedestrian Walkway

The applicant to provide funding towards the cost of design and construction to the satisfaction of the Commissioners of Urban Development Services and Works and Emergency Services an east-west pedestrian walkway leading from the private road across the City-owned pumping station lands to connect with Auckland Road. The said funding to be provided pursuant to the terms of the Section 37 agreement.

4.5 St. Albans Road Pedestrian Walkway

The applicant agrees to designing and constructing to the satisfaction of the Commissioner of Urban Development Services a north-south pedestrian walkway leading from the private road across private lands in the development to connect with St. Albans Road. The walkway must be completed pursuant to the terms of the Section 37 agreement.

4.6 Area Sidewalk and Streetscape Improvements

The applicant agrees to design and construct to the satisfaction of the Commissioners of Urban Development Services and Works and Emergency Services sidewalk and streetscape improvements.

4.7 Park Dedication

At the discretion of the Commissioner of Economic Development Culture and Tourism, the applicant shall convey to the City a parcel of land having an area of approximately a 0.22 hectare in accordance with the terms of the Section 37 Agreement.

4.8 Daycare Facility/Community Space

The applicant shall provide funding or dedicate space within a building and contiguous outdoor play area for a daycare facility/community space to the satisfaction of the Commissioner of Urban Development Services. The location, size, use and level of finish to be set out in the Section 37 Agreement. Delivery of the daycare/community space shall be prior to the occupancy of any of the buildings located south of the private road. Prior to the issuance of the first building permit for the first building subject to these approvals, the applicant will deliver to the City a letter of credit in the amount of \$250,000 to secure a portion of the cost of the daycare/community space facility.

4.9 Design Guidelines

Design guidelines will be incorporated into the Section 37 Agreement to guide future development of this phased project. The design guidelines will include such matters as built form, massing, architectural design, streetscape design, wind remediation measures and pedestrian connections.

4.10 School Board Notice

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.

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.

4.11 Mitigation Requirements

The applicant shall incorporate appropriate mitigation measures to address the comments of Canadian Pacific and the Toronto Transit Commission.

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.

4.12 Environmental Assessment

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

5. The owner of the Lands enters into an Agreement with the City of Toronto, pursuant to Section 37 of the Planning Act, to secure facilities, services and matters referred to in subsection 4 herein and such Agreement is in a form satisfactory to the City and is registered on title to the Lands as a first priority, subject only to the fee interest in the Lands.
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
561-2002 June 20, 2002	Lands located south side of Dundas Street west of Kipling Avenue	To provide for site specific development standards and provisions with respect to Section 37 of the <i>Planning Act</i> to permit a residential development consisting of 1347 dwelling units.

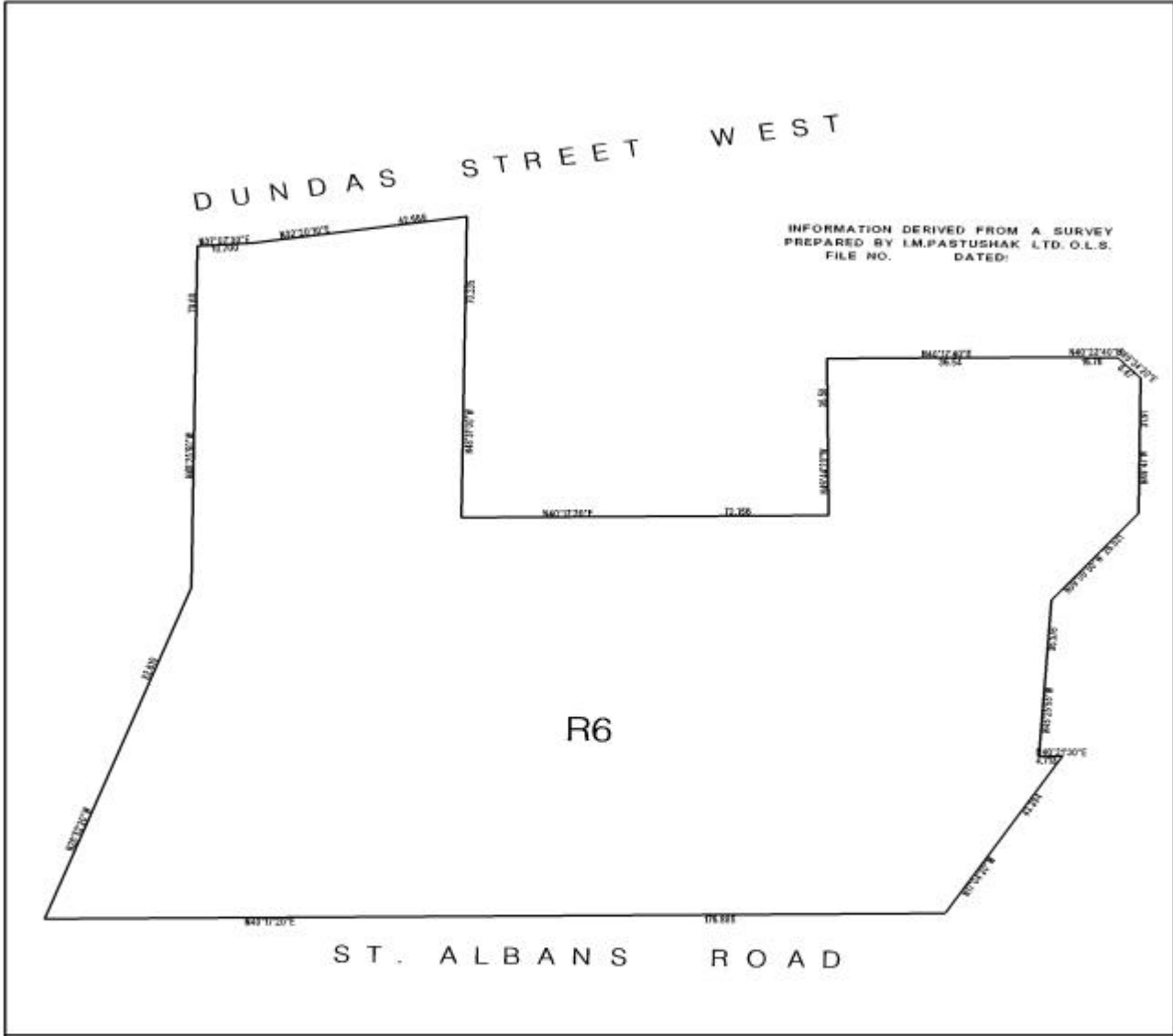
ENACTED AND PASSED this 20th day of June, A.D. 2002.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

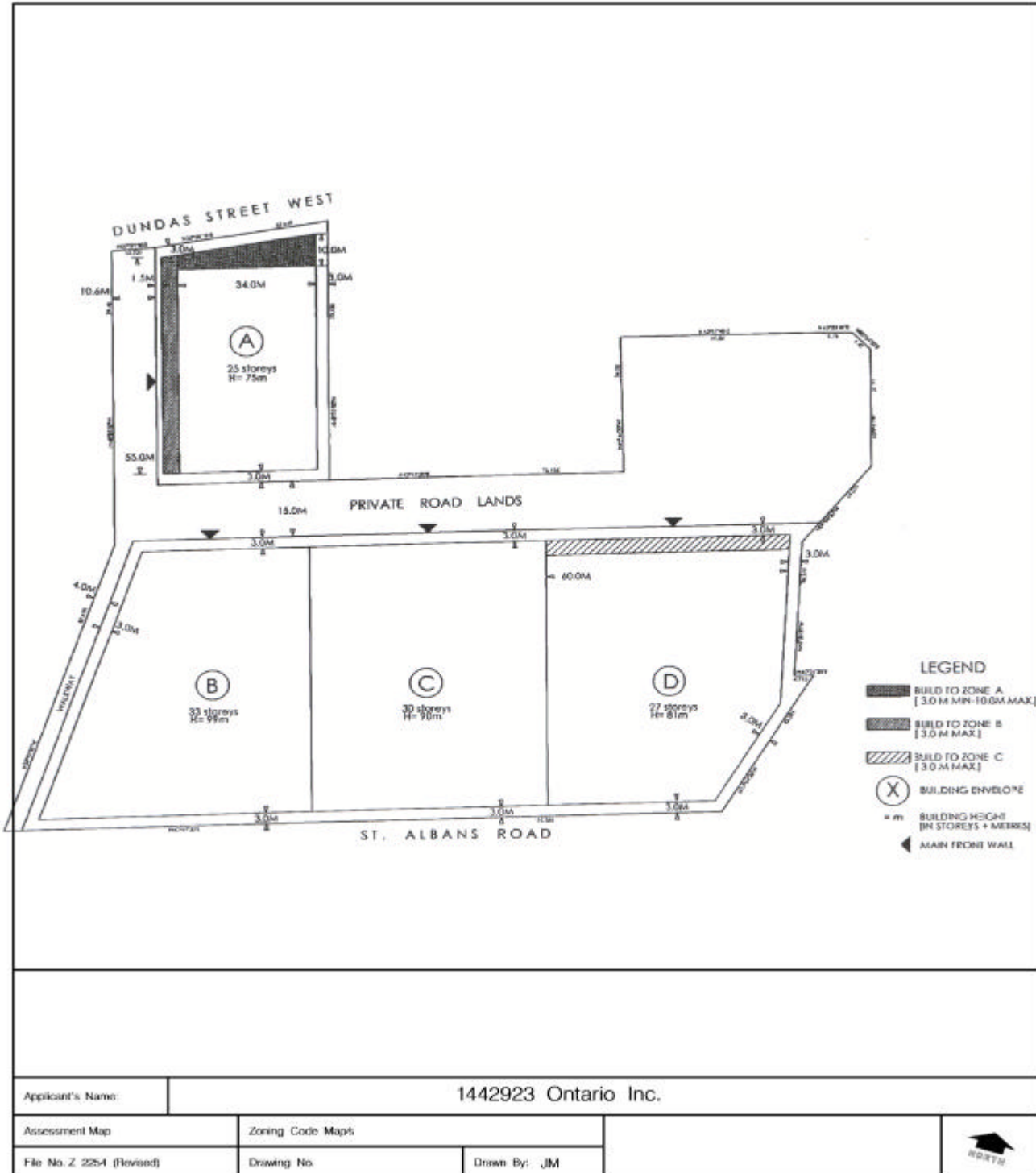
(Corporate Seal)

Toronto Schedule 'A' BY-LAW

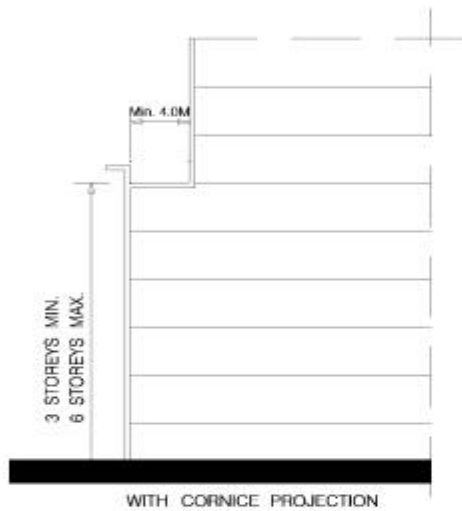


Applicant's Name:	1442923 Ontario Inc.		
Assessment Map	Zoning Code Maps		
File No. Z 2254 (Revised)	Drawing No.	Drawn By: JM	

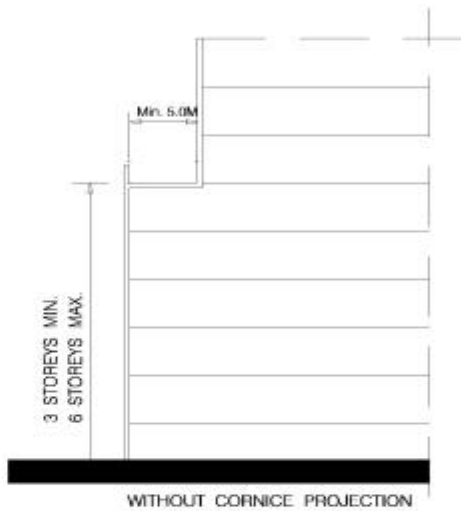
TORONTO Schedule 'B' BY-LAW



Toronto Schedule 'B1' BY-LAW



WITH CORNICE PROJECTION



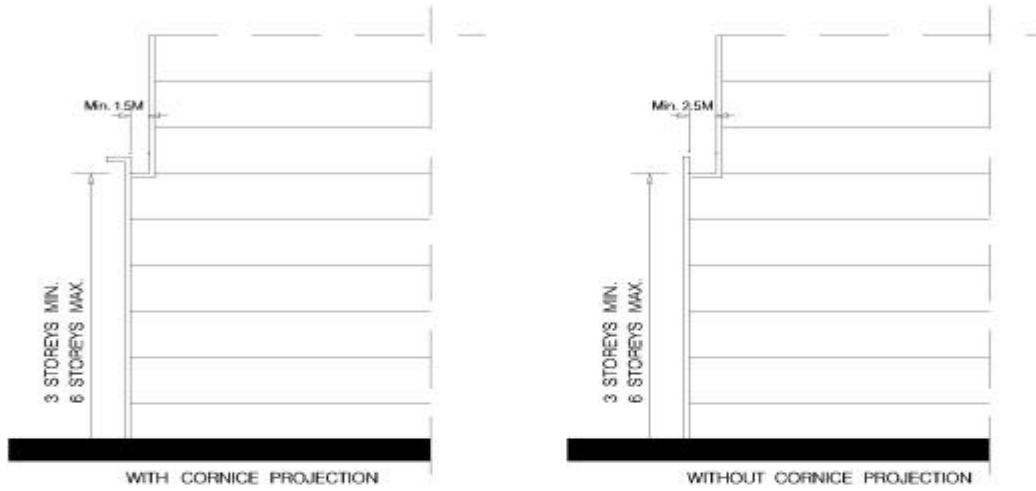
WITHOUT CORNICE PROJECTION

BUILDING STEPBACK- BUILD TO ZONE- DUNDAS ST.
BUILDING 'A'

INFORMATION DERIVED FROM A SURVEY
PREPARED BY UMAYANTUSHAK LTD. O.L.S.
FILE NO. _____ DATED: _____

Applicant's Name:	1442923 Ontario Inc.		
Assessment Map	Zoning Code Maps		
File No. Z2254 (Revised)	Drawing No.	Drawn by: J.M.	

Toronto Schedule 'B2' BY-LAW

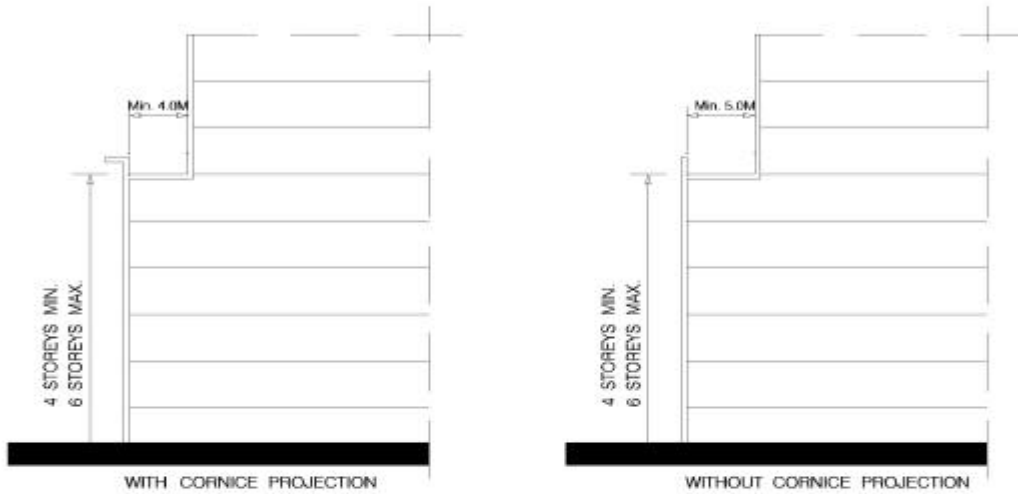


**BUILDING STEPBACK- BUILD TO ZONE-WEST FACADE
BUILDING 'A'**

INFORMATION DERIVED FROM A SURVEY
PREPARED BY IMPACTUS/SHAK LTD. O.L.S.
FILE NO. _____ DATED _____

Applicant's Name:		1442923 Ontario Inc.	
Assessment Map	Zoning Code Maps		
File No 22254 (Revised)	Drawing No.	Drawn By: J.M	

Toronto Schedule 'B3' BY-LAW

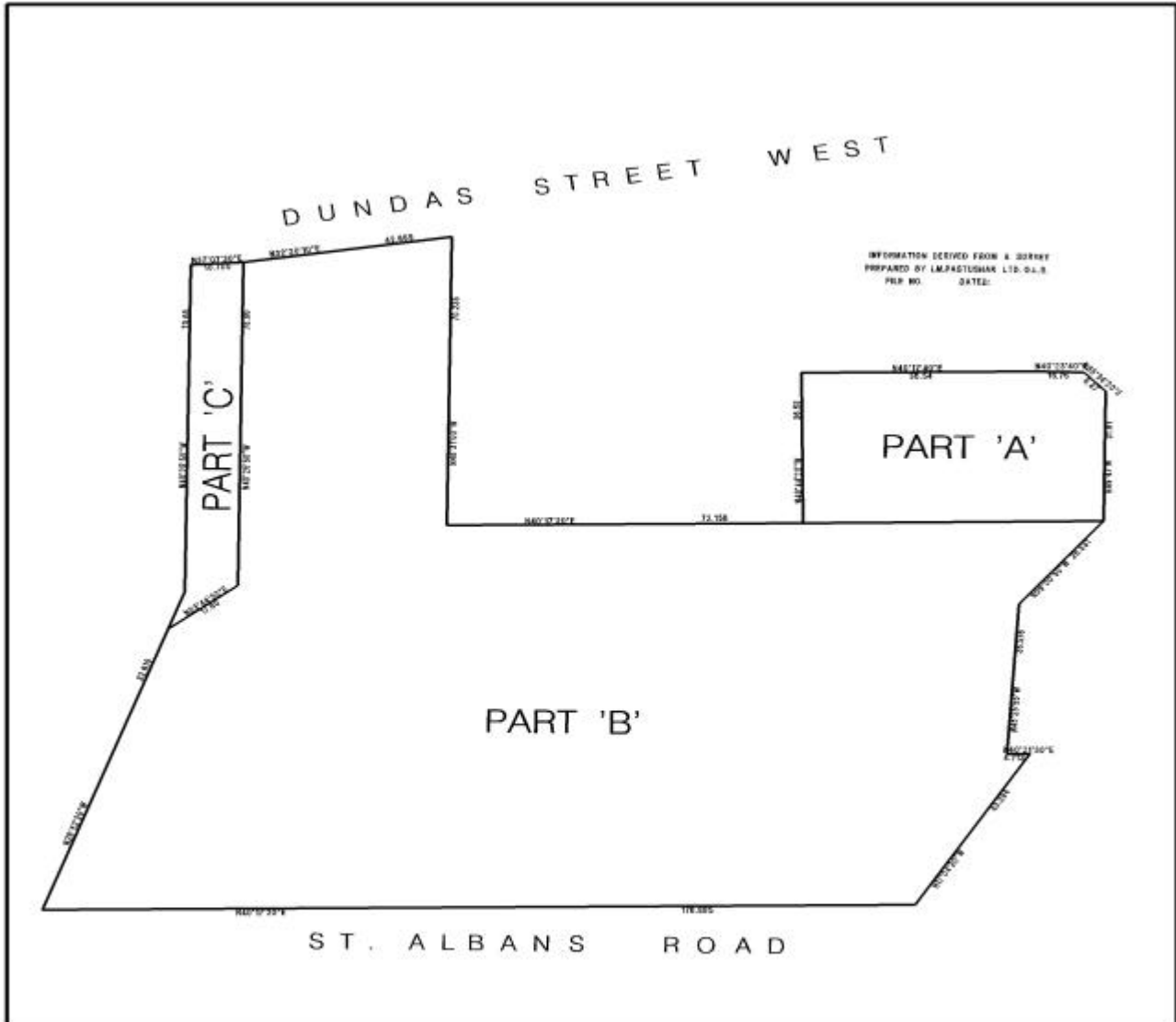


BUILDING STEPBACK- BUILD TO ZONE
BUILDING 'D'

INFORMATION DERIVED FROM A SURVEY
PREPARED BY IMPASSIBILIAK LTD. O.L.S.
FILE NO. _____ DATED _____

Applicant's Name:	1442923 Ontario Inc.		
Assessment Map	Zoning Code Maps		
File No. 22254 (Revised)	Drawing No.	Drawn By: J.M	

Toronto Schedule 'C' BY-LAW



Applicant's Name:		1442923 Ontario Inc.	
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Assessment Map	Zoning Code Maps		
File No. Z. 2254 (Revised)	Drawing No.	Drawn By: J.M.	