

Authority: Etobicoke York Community Council Item 14.31, as adopted by City of Toronto Council on March 3 and 4, 2008, and Motion M20.25, moved by Councillor Holyday, seconded by Councillor Ford, as adopted by City of Toronto Council on April 28 and 29, 2008

Enacted by Council: April 29, 2008

CITY OF TORONTO

BY-LAW No. 392-2008

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to lands municipally known as 2 Holiday Drive.

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS subsection 37(3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height and density of development, the Municipality may require the owner to enter into one or more agreements with the Municipality dealing with the facilities, services and matters; and

WHEREAS the owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands in Chapters 320 and 324 of the Etobicoke Zoning Code, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

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

1. That the zoning map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737, be, and the same is hereby amended by repealing Bylaw No. 10955 as it applies to the lands described in Schedule 'A' attached hereto, and changing the classification of the lands located in the former Township of Etobicoke as described in Schedule 'A' annexed hereto from Planned Commercial Preferred (CPP) to Sixth Density Residential (R6) provided the following provisions shall apply to the development of the (R6) lands identified in Scheduled 'A'.

2. Notwithstanding Sections 320-18, 320-52, 320-76 and 320-77 of the Etobicoke Zoning Code, the following development standards shall apply to the (R6) lands described in Schedule 'A' attached hereto.

3. Definitions

The provisions of Section 304-3 Definitions of the Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law the following definitions shall apply:

“Building Envelope” – means the building area permitted within the setbacks established in this By-law, as shown generally on Schedule ‘B’ attached hereto;

“Grade” – means with respect to the building the average geodetic elevation at ground level adjoining the main front wall of the building based upon a geodetic elevation of 143.8 metres above sea level;

“Gross Floor Area” – shall have the same meaning as the Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: Mechanical Floor Area; Indoor Amenity Areas up to 1,341 square metres; storage areas, underground garage levels and unenclosed balconies;

“Height” – means, with respect to each section of the building erected within the Building Envelope, the vertical distance between the geodetic grade of the Lands as defined in this By-law and the highest point of the roof surface of the building, but for the tower elements of the building shall exclude mechanical equipment, mechanical penthouses, parapets, architectural elements, 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 the number of metres specified on Schedule ‘B’ for each tower element above the height limit otherwise applicable to the said tower element, and in no case shall any portion of the building exceed an absolute geodetic elevation of 219.46 metres above sea level anywhere on the building, including decorative features;

“Lands” – shall mean the lands described in Schedule ‘A’ attached hereto;

“Mechanical Floor Area” – means a room or enclosed area, including its enclosing walls within a building or structure above or below grade, that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators), elevator shafts, or telecommunications equipment that serves only such building;

“Minor Projections” – means minor building elements which may project from the main wall of the building beyond the Building Envelope, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, to a maximum projection of 1.5 metres, provided that in no case shall any building element project into the 14 metre setback from the Ministry of Transportation property abutting the site on the east and south sides.

“Indoor Amenity Area” – means a common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes.

“Outdoor Amenity Area” – means an outdoor common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes.

“Floor Plate Area” – means the gross horizontal floor area of a single floor measured from the exterior walls of a building or structure.

“Tower Elements” – means the portion(s) of the building which contain more than 6 storeys.

4. Permitted Uses

No building or structures shall be erected or used on the Lands, except for the following uses;

- (i) Apartment houses, senior citizen apartment buildings;
- (ii) Retail store within apartment house as permitted under S.320-52, provided that the combined Gross Floor Area of such uses is not greater than 225 square metres and any such uses are located on the ground floor;
- (iii) Accessory structures, including any of the accessory structures permitted under Section 320.76F of the Zoning Code;
- (iv) A temporary sales office for the purpose of marketing and sales related to use(s) permitted on the property within a building on the same Lands.

5. Gross Floor Area

The maximum Gross Floor Area, as defined herein, permitted on the Lands shall be 80,841 square metres.

6. Maximum Density

The maximum Floor Space Index (FSI) permitted on the Lands shall be 3.71.

7. Minimum/Maximum Height

The maximum building heights to be permitted on the lands designated R6 and identified on Schedule ‘A’, attached hereto, shall be as shown on Schedule ‘B’, attached hereto.

8. Setbacks/Floor Plate Restrictions/Building Envelope

- (i) No building or structure within the Lands shall be located other than within the Building Envelope shown on Schedule 'B'.
- (ii) Notwithstanding the provisions of this By-law, the maximum floor plate area for each tower element of the building shall be as shown on Schedule 'B' attached hereto;

Notwithstanding the foregoing clause, the following provisions shall apply:

- (a) Any portion of any 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 that building or structure, provided that in no case shall any portion of any building or structure, above or below grade, project into the 14 metre setback from the Ministry of Transportation property abutting the site on the east and south sides;
- (b) Minor projections shall be permitted to project outside the Building Envelope, provided that in no case shall any portion of any building or structure project into the 14 metre setback from the Ministry of Transportation property abutting the site on the east and south sides.
- (c) Permitted accessory structures, canopies, wheelchair and covered ramps, exterior stairs and associated covering, parapets and railings related to underground parking structures, vents, temporary sales offices, fences, safety railings and other landscape features, including gazebos to a maximum aggregate covered area of 200 square metres, shall be permitted outside the Building Envelope, provided that in no case shall any portion of any building or structure, above or below grade, project into the 14 metre setback from the Ministry of Transportation property abutting the site on the east and south sides.

9. Parking and Loading Requirements

Notwithstanding the provisions of Section 320-18.B and C and Section 320-76.G of the Zoning Code, the following requirements shall apply to the Lands:

- (i) Vehicle parking for residential apartment uses shall be provided at a minimum ratio of 1.0 stall per dwelling unit for units with less than three bedrooms, and 1.35 stalls per dwelling for units with three or more bedrooms. An additional 0.2 stalls per dwelling unit shall be provided and reserved for the exclusive use of visitors.
- (ii) No person shall use any portion of a lot at or above the natural ground level of the ground for the purpose of parking or storing a motor vehicle, except that 9 stalls may be provided at ground level in the interior courtyard.

- (iii) Each tower element in the building shall be provided with a loading space with dimensions of 13 metres in length, 4.0 metres in width, and with a vertical clearance of 4.5 metres.
- (iv) Indoor bicycle parking spaces (other than in dwelling units or privately owned locker areas) shall be provided at the rate of at least 100 spaces per phase.

10. Area Requirements

Notwithstanding the provisions of the Etobicoke Zoning Code, the following area requirements shall apply to the Lands:

- (i) Landscaped Open Space: a minimum 52% of the lot area shall be reserved for Landscaped Open Space.
 - (ii) Indoor Amenity Space: a minimum 1.5 square metres per dwelling unit of Indoor Amenity Space shall be provided.
 - (iii) Outdoor Amenity Space: a minimum of 2.2 square metres per dwelling unit of Outdoor Amenity Space shall be provided.
- 11.** Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
- 12.** Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law.
- 13.** Nothing in this By-law shall apply to prevent the phased construction of the development, provided that the requirements of the By-law are complied with upon the completion of each phase.
- 14.** Section 37

The density of development permitted by this By-law is subject to the Owner of the land, at its expense, providing the following capital facilities and/or cash contributions toward specific capital facilities pursuant to Section 37 of the *Planning Act* in order to permit a residential development with a maximum Floor Space Index of 3.71; a maximum number of dwelling units of 887; and heights as shown on Schedule 'B' as follows:

- (i) Prior to the issuance of the first above ground building permit, the owner shall be required to make arrangements satisfactory to the Chief Planner and Executive Director, City Planning Division, including providing adequate financial guarantees, to design and construct or provide adequate financing for, as the case may be, the following road improvements to the satisfaction of the Director of Development Engineering and at no cost to the City:
 - (a) Provide sufficient funding to install traffic control signals at Holiday Drive/The West Mall intersection, including all related intersection

- improvements, including but not limited to signal ductwork, storage lanes, curb work, and anything that is needed to signalize the intersection.
- (b) Provide a southbound auxiliary left turn lane at the north approach to the West Mall/ Holiday Drive intersection, with 15 metres of storage and a 30 metre taper.
 - (c) Provide left turn storage lengths and transition tapers at the following intersections:
 - 1. 70 metre storage with a 30 metre taper at the east approach to The West Mall/ Rathburn Road intersection.
 - 2. 170 metre storage with a 30 metre taper at the north approach to The West Mall/ Burnhamthorpe Road intersection.
 - 3. 45 metre storage with a 30 metre taper at the west approach to The West Mall/ Burnhamthorpe Road intersection.
 - (d) Provide sufficient funding to introduce a protected eastbound left-turn advance phase for the west approach to The West Mall/ Burnhamthorpe Road intersection.
 - (e) Provide funding in the amount of \$65,000 to cover the costs associated with implementing transit signal priority features at The West Mall/ Rathburn Road, The West Mall/Holiday Drive, and The West Mall/ Burnhamthorpe Road intersections.
 - (f) Make sidewalk and landscape improvements along both sides of Holiday Drive from the entrance to the Lands to The West Mall, at a minimum cost of \$50,000 or, alternatively, make a cash contribution to the City in the amount of \$50,000.
- (ii) Prior to the issuance of the first above ground building permit, the owner is required to make a cash contribution to the City in the amount of \$700,000 to renovate and/or construct day care facilities within the Broadacres Public School and/or the Etobicoke Civic Centre and/or other local buildings.
 - (iii) Prior to the issuance of the first above ground building permit, the owner is required to make a cash contribution to the City in the amount of \$475,000 for a new playground and waterplay facility in Broadacres Park.
 - (iv) Prior to the issuance of a building permit for a temporary sales office the owner is required to fulfill the School Boards' requirements regarding signage and warning clauses to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

- (v) The owner is required to comply with requirements regarding building modifications and notification to prospective buyers regarding noise levels and noise mitigation measures, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

The owner of lands shall enter into an agreement with the City, pursuant to Section 37 of the *Planning Act* and satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor, to secure the services, facilities and matters outlined in items (i) to (v) of this section.

Building permit issuance with respect to the lands to which this By-law applies shall be dependant upon satisfaction of the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance.

References above to “first above ground building permit” do not include a building permit issued for the erection of a temporary sales office or a building permit for the demolition of buildings or structures on the lands described in Schedule ‘A’.

- 15.** Within the lands shown on Schedule ‘A’ attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with, to the satisfaction of the Chief Planner and Executive Director, City Planning Division:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
392-2008 April 29, 2008	Lands located on the north side of Holiday Drive, west of Highway 427, municipally known as 2 Holiday Drive.	To rezone 2 Holiday Drive from Planned Commercial Preferred (CPP) to Residential Sixth Density (R6) subject to site specific development standards to permit a residential development.

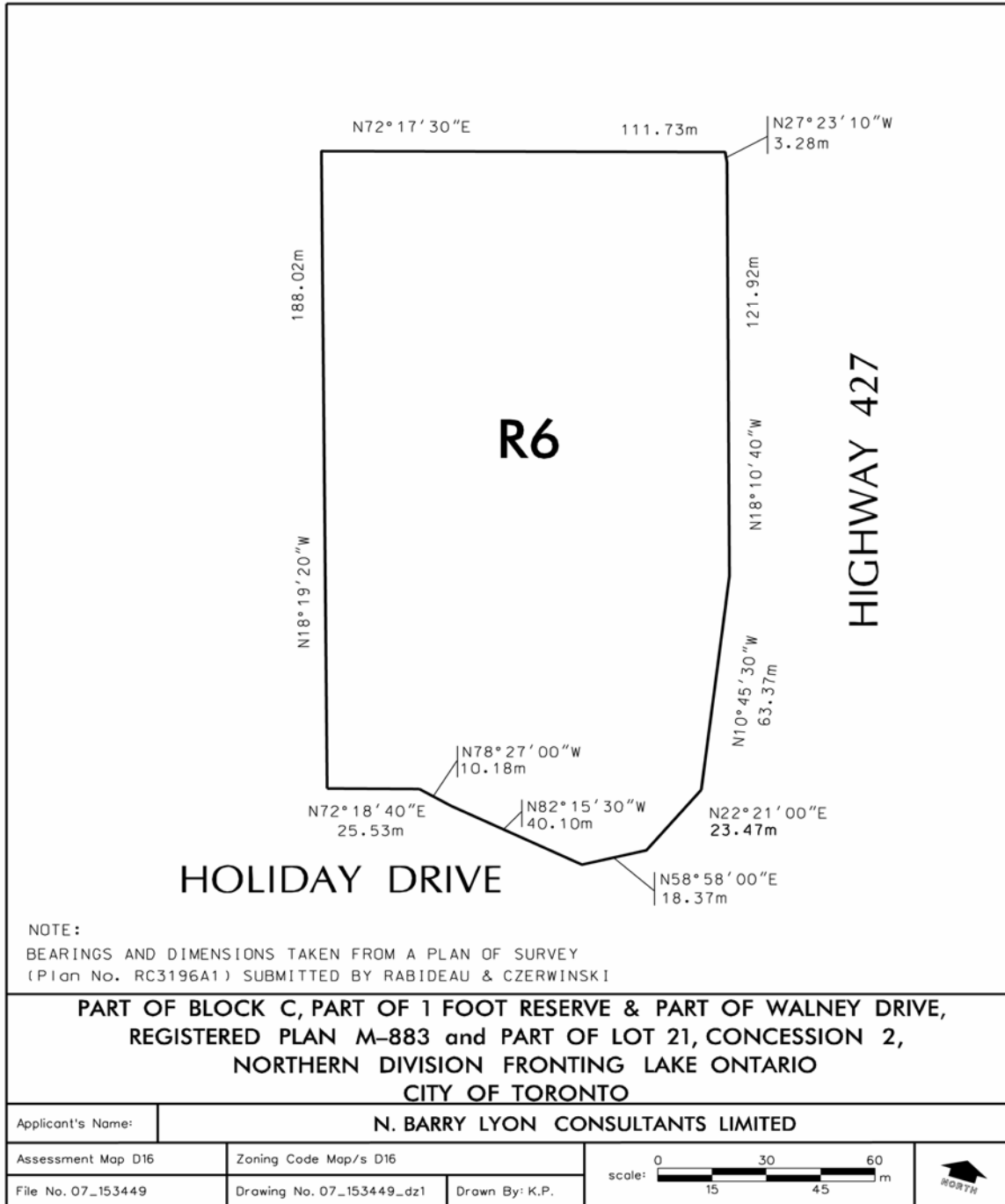
ENACTED AND PASSED this 29th day of April, A.D. 2008.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Toronto Schedule 'A' BY-LAW



TORONTO Schedule 'B' BY-LAW




MAXIMUM HEIGHTS

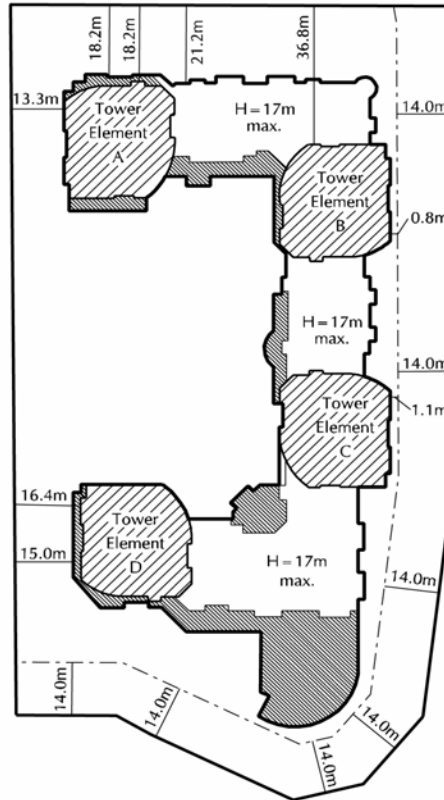
	Maximum Height	Maximum Height of Elements Located on Roof
Tower Element A	62.66m	5.0m
Tower Element B	71.16m	4.5m
Tower Element C	71.16m	4.5m
Tower Element D	57.16m	5.0m

MAXIMUM FLOOR PLATE AREA FOR TOWER ELEMENTS

Floors	Maximum Floor Plate Area
All Tower Elements - Fl 7 to 3rd Highest Residential floor	779m ²
All Tower Elements - 2nd Highest Residential floor (Penthouse 1)	571m ²
All Tower Elements - Highest Residential floor (Penthouse 2)	545m ²

LEGEND



-  Building Envelope
-  Tower Element
-  H=7.5m maximum



HIGHWAY 427

HOLIDAY DRIVE

PART OF BLOCK C, PART OF 1 FOOT RESERVE & PART OF WALNEY DRIVE,
 REGISTERED PLAN M-883 and PART OF LOT 21, CONCESSION 2,
 NORTHERN DIVISION FRONTING LAKE ONTARIO
 CITY OF TORONTO

Applicant's Name:		N. BARRY LYON CONSULTANTS LIMITED	
Assessment Map D16	Zoning Code Map/s D16	scale: 	
File No. 07_153449	Drawing No. 07_153449_dz2		