

Authority: Etobicoke York Community Council Item EY18.5, adopted as amended, by City of Toronto Council on December 13, 14 and 15, 2016

CITY OF TORONTO

BY-LAW 463-2017

To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code and By-law 717-2006 with respect to the lands municipally known as 4208, 4210 and 4214 Dundas Street West.

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 authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; 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 zoning maps referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law 11,737 (Etobicoke Zoning Code), and attached as Schedule A-4 to Zoning By-law 717-2006 be and the same are amended by changing the classification of a portion of the lands as described in Schedule A from General Commercial (CG) to Public Open Space (OS).
2. Schedule A-4 to Zoning By-law 717-2006 is amended by changing the designation of the lands described in Schedule A such that the designation is revised from "CG-AV(H)" to "CG-AV" as shown on Schedule A.
3. In addition to the Etobicoke Zoning Code and By-law 717-2006, the following provisions and development standards shall apply to the Lands.
4. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code or By-law 717-2006, the provisions of this By-law shall apply.

5. Definitions

In addition to Section 304-3 of the Etobicoke Zoning Code and By-law 717-2006, for the purposes of this By-law, the following definitions will apply:

"Bicycle Parking Spaces - Long-term" means bicycle parking spaces intended for use by residents and employees;

"Bicycle Parking Spaces - Short-term" means bicycle parking spaces intended for use by visitors;

"Building 1", "Building 2", "Building 3" and "Building 4" means "BUILDING 1", "BUILDING 2", "BUILDING 3" and "BUILDING 4", identified on Schedule B to this By-law;

"Building Envelope" means the area delineated by heavy lines and identified on Schedule B to this By-law;

"Grade" means 118.83 metres Canadian Geodetic Datum;

"Gross Floor Area" means the total area of all floors in a building between the outside faces of the exterior walls, except that the following areas shall be excluded: storage areas, parking areas for motor vehicles, parking areas for bicycles, loading areas, Mechanical Penthouse, Mechanical Floor Area, Indoor Amenity Areas up to 2 square metres per unit, and unenclosed balconies;

"Height" means the vertical distance between Grade and the highest point of the roof of a building, excluding the following: any mechanical equipment, window washing equipment, Mechanical Penthouse, parapets, railings, trellises, landscape planters, stairs and stair enclosures located on the roof of the building, provided the maximum height of such elements is no higher than 6 metres above the roof of a building;

"Indoor Amenity Area" means an indoor common area or areas which are provided for the use of residents of the building, and their guests, for recreational or social purposes;

"Lands" means the lands described in Schedule A attached;

"Mechanical Floor Area" means a room or enclosed area, including its enclosing walls, 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;

"Mechanical Penthouse" means an enclosed structure and/or area located on the roof surface of the building that may include mechanical equipment such as generators, cooling towers, chillers, electrical equipment and elevator shafts;

"Minor Projections" means minor building elements which may project from the main walls of the building beyond the Building Envelope, including balconies, bay windows, roof eaves, window sills, railings, cornices, guard rails, balustrades, doors, canopies, exterior stairs and covered ramps, parapets and vents, all to a maximum projection of 1.5 metres with the exception of the main entrance canopy, which may extend to a maximum of 3.0 metres. Minor Projections shall not encroach into any public park, public road right-of-way or future public road right-of-way;

"Outdoor Amenity Area" means an outdoor common area or areas which are provided for the use of residents of the building, and their guests, for recreational or social purposes;

"Stacked Townhouse" means a multiple dwelling consisting of a series of units attached both vertically and horizontally, each having direct access from the outside; and

"Storey" means the part of a building which is between one floor level and the next higher floor level, but excludes a Mechanical Penthouse.

6. Permitted Uses

A. In addition to the uses permitted in Section 3.A. of By-law 717-2006, for the portion of the Lands with a zone symbol CG-AV and located more than 60 metres from Dundas Street West, the following use is permitted:

(1) Stacked Townhouses.

B. In addition to the use permitted by Section 320-95.A. of the Etobicoke Zoning Code, for the portion of the Lands with a zone symbol CG, the following use is permitted:

(1) Stacked Townhouses.

7. Building Heights

Notwithstanding Section 320-97 of the Etobicoke Zoning Code and Sections 3.B.(1) and 3.B.(3) of By-law 717-2006, the maximum Height permitted, in metres above Grade and storeys, is as shown on Schedule B, attached.

8. Maximum Gross Floor Area

Notwithstanding Section 3.D.(2) and Schedule A-6 of By-law 717-2006, the maximum Gross Floor Area permitted on the Lands is 36,840 square metres, of which a maximum Gross Floor Area of 35,640 square metres is permitted for all residential uses.

A minimum non-residential Gross Floor Area of 1,200 square metres is required in Building 4.

9. Parking Requirements

Notwithstanding Section 320-18 of the Etobicoke Zoning Code and Section 3.E of By-law 717-2006, vehicle parking shall be provided on the Lands as follows:

A. The following minimum number of parking spaces will be provided:

(1) 0.7 parking spaces per unit for bachelor units;

(2) 0.8 parking spaces per unit for one-bedroom units;

(3) 0.9 parking spaces per unit for two-bedroom units;

(4) 1.1 parking spaces per unit for three-bedroom units;

(5) 0.15 parking spaces per unit for visitors;

- (6) 2.69 spaces per 100 square metres of gross floor area for Business Uses;
 - (7) Despite 9.A.(6) above, 5.0 parking spaces per 100 square metres of gross floor area for restaurant uses over 500 square metres in gross floor area;
 - (8) Despite 9.A.(6), 1 parking space per 100 square metres for a day nursery; and
 - (9) 4 parking spaces plus 1 parking space for every 50 parking spaces or part thereof in excess of 100 parking spaces must comply with the requirements for an accessible parking space.
- B. A parking space is subject to the following:
- (1) Minimum length of 5.6 metres;
 - (2) Minimum width of 2.6 metres;
 - (3) Minimum vertical clearance of 2.0 metres; and
 - (4) The minimum width in 9.B.(2) above must be increased by 0.3 metres for each side of the parking space that is obstructed according to 9.E.below.
- C. For a parking space accessed by a drive aisle with a width of less than 6.0 metres, whether it is a one-way or two-way drive aisle, the dimensions of a parking space are:
- (1) Minimum length of 5.6 metres;
 - (2) Minimum width of 2.9 metres;
 - (3) Minimum vertical clearance of 2.0 metres; and
 - (4) The minimum width in 9.(C)(2) above must be increased by 0.3 metres if one or both sides of the parking space is obstructed according to 9.(E) below.
- D. The dimensions of a parking space that is adjacent and parallel to a drive aisle from which vehicle access is provided are:
- (1) Minimum length of 6.7 metres;
 - (2) Minimum width of 2.6 metres;
 - (3) Minimum vertical clearance of 2.0 metres; and
 - (4) The minimum width in 9.D(2) above must be increased by 0.3 metres for each side of the parking space that is obstructed according to 9.E below.

- E. The side of a parking space is obstructed if any part of a fixed object such as a wall, column, bollard, fence or pipe is situated:
- (1) within 0.3 metres of the side of the parking space, measured at right angles; and
 - (2) more than 1.0 metre from the front or rear of the parking space.
- F. The maximum dimensions for a parking space are:
- (1) Length of 6.0 metres; and
 - (2) Width of 3.2 metres.
- G. An accessible parking space is subject to the following:
- (1) Minimum length of 5.6 metres;
 - (2) Minimum width of 3.9 metres
 - (3) Minimum vertical clearance of 2.1 metres; and
 - (4) Minimum width in 9.G.(2) above must be increased by 0.3 metres for each side of the parking space that is obstructed according to 9.E. above.
- H. The minimum vertical clearance for a parking space or accessible parking space extends over the entire length and width of the parking space, excluding a wheel stop with a height of less than 18.0 centimetres.
- I. Despite the minimum vertical clearances in 9.B.(3), 9.C.(3), 9.D.(3) and 9.G.(3) above, parking spaces wholly or partially located within 6 metres of the south property line adjacent to Dundas Street West and located on the first underground level (P1) may have a reduced vertical clearance of a minimum of 1.5 metres for the southmost 1.5 metres of the parking spaces.
- J. Accessible parking spaces must be the parking spaces located:
- (1) closest to a main pedestrian access to a building;
 - (2) at the same level as the pedestrian entrance to the building; and
 - (3) despite 9.J.(1) above, not located in an area of permitted reduced vertical clearance.
- K. A minimum 6.0 metre wide access drive aisle shall be provided.

- L. Sharing of the required residential visitor and commercial parking spaces is permitted; however, this shared parking supply shall be the sum of the minimum residential visitor parking requirement and the minimum business use parking requirement.
- M. No fee will be charged for the public's use of residential visitor parking spaces.

10. Loading

Despite Section 3.J. of By-law 717-2006, loading spaces shall be provided as follows:

- A. For Buildings 1, 2 and 3 collectively, one loading space with a minimum length of 13.0 metres, a minimum width of 4.0 metres and a minimum vertical clearance of 6.1 metres shall be provided;
- B. For Building 4:
 - (1) one loading space with a minimum length of 13.0 metres, a minimum width of 4.0 metres and a minimum vertical clearance of 6.1 metres shall be provided for residential uses and the first 1,500 square metres of non-residential gross floor area;
 - (2) a second loading space with a minimum length of 11.0 metres, a minimum width of 3.5 metres and a minimum vertical clearance of 4.0 metres shall be provided for non-residential gross floor area in excess of 1,500 square metres; and
- C. The loading space provided for residential uses within Building 4 may be shared with non-residential uses, and shall satisfy the requirement for one loading space required for non-residential uses.

11. Indoor and Outdoor Amenity Space

Section 3.F. of By-law 717-2006 shall not apply to Stacked Townhouses.

12. Building Setbacks and Yard Requirements

- A. Notwithstanding Section 320-80 of the Etobicoke Zoning Code and Sections 3.L.(2) and 3.L.(3) of By-law 717-2006:
 - (1) Minimum building setbacks above grade shall be as shown on Schedule B;
 - (2) Within 1.5 metres of the Dundas Street West street line in 2016, an underground parking garage shall not be permitted within the first 1.2 metres below grade;
 - (3) Building setbacks, including underground parking structures, shall be measured from the Dundas Street West right-of-way limit as it was in

2016 and/or the right-of-way limit of the proposed (and future proposed) public road, as the case may be;

- (4) Minor Projections are permitted outside the Building Envelope.

13. Section 37

- A. The density and heights of development permitted by this By-law are subject to the owner of the Lands at its sole expense, providing facilities, services and matters in accordance with and subject to the Agreement required in this Section, pursuant to Section 37 of the *Planning Act* as follows, including insurance, indemnity, and letters of credit:
- (1) An indexed cash contribution of \$150,000 to be paid to the City prior to issuance of the first above-ground building permit for either Building 1, Building 2 or Building 3 for parkland improvements and/or access to the Humber River Valley trail system in Ward 4 in the vicinity of the site and/or community facilities in Ward 4 with an appropriate geographic relationship to the development.
 - (2) An indexed cash contribution of \$150,000 to be paid to the City prior to issuance of the first above-ground building permit for Building 4 for parkland improvements and/or access to the Humber River Valley trail system in Ward 4 in the vicinity of the site and/or community facilities in Ward 4 with an appropriate geographic relationship to the development.
 - (3) The cash amounts identified in 13.A.(1) and 13.A.(2) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of expenditure of the sum by the owner.
 - (4) In the event the cash contributions in 13.A.(1) and 13.A.(2) have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

- B. Prior to issuance of any Building Permit for all or any portion of the Lands, the owner of the Lands is required to enter into and register on title to the Lands one or more agreements with the City pursuant to Section 37 of the *Planning Act*, as a method to secure the facilities, services and matters set forth in 13.(B)(1) to 13.(B)(15) herein, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, including providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement.
- (1) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee and updated in 2013.
 - (2) The owner shall construct a minimum of 1,200 square metres of non-residential floor space in Building 4.
 - (3) The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
 - (4) The owner shall provide a minimum area of 550 square metres of privately-owned publicly-accessible space (POPS), as generally shown on Schedule C, with the specific location, configuration and design of this space to be determined through the Site Plan approval process and secured in a Site Plan Agreement.
 - (5) The owner shall own, operate, maintain and repair the privately-owned publicly-accessible space (POPS).
 - (6) The owner shall install and maintain a centralized sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days of the year.
 - (7) The owner shall provide public access easements to and over the POPS, and to access the Ravine Lands described in 13.(B)(14)vii below for members of the public as well as City of Toronto and Toronto Region Conservation Area maintenance vehicles.
 - (8) The owner shall convey the public access easements described in vii. above to the City and to the Toronto Region Conservation Authority for nominal consideration.
 - (9) The owner shall convey public access easements over the private driveway such that the public and maintenance vehicles can drive through the site in a forward motion, prior to the earlier of first occupancy or condominium registration.

- (10) The owner shall execute an agreement to undertake adjustments to the traffic control signal timing at the Prince Edward Drive North/Dundas Street West intersection, as noted in Table 22 of the January 22, 2016 Traffic Impact Study prepared by BA Group, to be completed to the satisfaction of the General Manager of Transportation Services and at no cost to the City.
- (11) The owner shall execute an agreement to construct the proposed public road / Dundas Street West unsignalized intersection which will require removal of the portion of the existing centre left-turn lane pavement markings along Dundas Street West through the proposed intersection, to the satisfaction of the General Manager of Transportation Services and at no cost to the City.
- (12) The owner shall apply to revise existing by-laws regarding the existing centre left-turn lane along this section of Dundas Street West, to the satisfaction of the General Manager of Transportation Services and at no cost to the City.
- (13) The owner shall secure the following conditions through the Site Plan Control process:
- i. The owner shall revise the design of the P1 level of the underground garage to achieve appropriate soil volumes for large-growing canopy trees along Dundas Street West and where appropriate throughout the site, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
 - ii. The owner shall design and construct the streetscape along Dundas Street West to the satisfaction of the Executive Director, Engineering and Construction Services, the General Manager of Transportation Services and the Chief Planner and Executive Director, City Planning, and at no cost to the City.
 - iii. The owner shall construct or reconstruct the abutting public road and municipal sidewalks according to applicable City standards and shall comply with AODA requirements for accessibility, to the satisfaction of the General Manager of Transportation Services and at no cost to the City.
 - iv. The owner shall incorporate revisions, as required, to minimize electromagnetic field exposure for residents, if necessary, to the satisfaction of the Medical Officer of Health, Toronto Public Health and the Chief Planner and Executive Director, City Planning.
- (14) The owner shall secure such conditions of Subdivision approval as the Chief Planner and Executive Director, City Planning determines are appropriate, prior to first above grade building permit, including:

- i. Conveyance of land to the City for road widening along Dundas Street West as shown in Schedule C.
 - ii. Conveyance of land to the City for a new public road extending northward from Dundas Street West, and associated daylight triangle as shown in Schedule C.
 - iii. Conveyance of land to the City for half the width of a future public road extending westward from the new public road described in Subsection ii. above, as shown in Schedule C.
 - iv. Conveyance of land to the City for public parkland, with a minimum size of 1,580 square metres, as shown in Schedule C.
 - v. Securing the design and construction of the new public park to Above Base Park Improvements.
 - vi. Compliance with the Parks, Forestry and Recreation Division standard conditions relating to the conveyance, design and development of the new public park.
 - vii. Conveyance of Ravine Lands to the Toronto Region Conservation Authority, as shown in Schedule C of this by-law.
 - viii. Submission of a revised Functional Servicing Report, to the satisfaction of the Executive Director, Engineering and Construction Services, addressing all servicing related matters.
 - ix. Execution of a financial agreement with the City to construct municipal infrastructure necessary to support the development.
 - x. Submission of engineering fees, inspection fees, and insurance as required, in relation to municipal infrastructure.
- (15) The owner shall enter into the City's standard Subdivision Agreement, register the Plan of Subdivision and satisfy the pre-registration conditions contained therein, prior to first above grade building permit.
- C. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the Planning Act in accordance with the provisions of Section 13 of this By-law, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
- D. Notwithstanding any of the foregoing provisions, where the provisions of this By-law or an agreement entered into with the City pursuant to Section 37 of the *Planning Act* require the provision of facilities, services and matters prior to issuance of a Building Permit for the proposed development of the Lands, the

owner may not erect or use any building or structure on the Lands until the Owner has satisfied the said requirements and Building Permit issuance shall be dependent on the same.

14. By-law Applies to Whole of Lands

Notwithstanding any conveyance, severance, partition or division of Lands, the provisions of this By-law shall apply to the whole of the Lands as if no severance, partition or division occurred.

15. Chapter 324, Site Specifics

Chapter 324, Site Specifics, of the Zoning Code is 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
463-2017 April 28, 2017	Lands located on the north side of Dundas Street West, west of Prince Edward Drive North, known as 4208, 4210 and 4214 Dundas Street West.	To provide site specific development standards to permit a comprehensive mixed-use development at 4208, 4210 and 4214 Dundas Street West.

Enacted and passed on April 28, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





