

Clause embodied in Report No. 13 of the Planning and Transportation Committee, as adopted by the Council of the City of Toronto at its regular meeting held on November 26, 27 and 28, 2002.

1

**Draft Etobicoke Centre Secondary Plan and Zoning By-law
(formerly Kipling-Islington City Centre Secondary Plan)**

(City Council, at its regular meeting held on November 26, 27 and 28, 2002, amended this Clause by adding thereto the following:

“It is further recommended that:

- (a) Council adopt the supplementary report dated November 19, 2002, from the Commissioner of Urban Development Services, embodying the following recommendations:*

‘It is recommended that:

- (1) the draft Etobicoke Centre Secondary Plan dated August 2002, as revised by Planning and Transportation Committee at its meeting of November 4, 2002, be further revised in accordance with the changes outlined in Attachment 1;*
 - (2) the draft Etobicoke Centre Secondary Plan dated August 2002, as further revised, be adopted;*
 - (3) the draft Etobicoke Centre Zoning By-law, as revised by Planning and Transportation Committee at its meeting of September 9, 2002, and November 4, 2002, be further revised in accordance with the changes outlined in Attachment 2;*
 - (4) the draft Etobicoke Centre Zoning By-law, as further revised, be enacted; and*
 - (5) the Terms of Reference for a Community Improvement Plan for Etobicoke Centre, originally requested to be presented to Planning and Transportation Committee by staff on January 13, 2003, be presented to Etobicoke Community Council as early as possible in 2003.’; and*
- (b) the supplementary report dated November 22, 2002, from the Chief Financial Officer and Treasurer, be referred to the Policy and Finance Committee for consideration.”)*

The Planning and Transportation Committee recommends:

- (A) based on the facts and findings contained in the reports (August 15, 2002 and October 27, 2002) from the Commissioner, Urban Development Services and the Etobicoke Centre Secondary Plan – August 2002, that the report (October 27, 2002) from the Commissioner, Urban Development Services be adopted, subject to:**

- (1) amending Recommendations (1) and (3) to read:**

“(1) The draft Etobicoke Centre Secondary Plan dated August 2002, be amended as shown in Attachment 1 subject to amending revised Policy 4.2.5.9. in Attachment 1 by deleting the word “potential” and inserting the word “need”;

- (3) the draft Etobicoke Centre Zoning By-law be revised as per Attachment 2 of this report, subject to amending Schedule “D” in Attachment 2 as it relates to 2 Dunbloor Road by increasing the height on that block from 60 metres to 78 metres;”;**

- (2) adding the following additional Recommendation (5):**

“(5) authority be granted for the introduction of the necessary Bill(s) in Council to give effect thereto.”

so that the recommendations of the report, now read:

“(1) The draft Etobicoke Centre Secondary Plan dated August 2002, be amended as shown in Attachment 1 of this report subject to amending revised Policy 4.2.5.9. in Attachment 1 by deleting the word “potential” and inserting the word “need”;

- (2) the Etobicoke Centre Secondary Plan dated August 2002, as revised, be adopted and that the existing City Centre Secondary Plan be repealed;**

- (3) the draft Etobicoke Centre Zoning By-law be revised as per Attachment 2 of this report, subject to amending Schedule “D” in Attachment 2 as it relates to 2 Dunbloor Road by increasing the height on that block from 60 metres to 78 metres;**

- (4) the Etobicoke Centre Zoning By-law, as revised, be enacted; and**

- (5) authority be granted for the introduction of the necessary Bill(s) in Council to give effect thereto.”;**

- (B) the Commissioner of Urban Development Services be requested to report to the January 13, 2003 meeting of Planning and Transportation Committee on Terms of Reference for the Community Improvement Plan; and**

- (C) **the Commissioner of Urban Development Services be requested to review the application submitted by Concert Properties on the basis of negotiating a Section 37 Agreement for increased density within the parameters of the proposal submitted by the applicant and to also review the applicant's revised height schedule, and submit a report for consideration at a statutory public meeting at the January 21, 2003 meeting of the Etobicoke Community Council.**

The Planning and Transportation Committee reports having:

- (1) held a statutory public meeting on November 4, 2002 and that notice of this meeting was given in accordance with The Planning Act;
- (2) endorsed in principle the following motion and referred this motion, together with the Committee's endorsement, to the Policy and Finance Committee and to Mayor Lastman:

"That tax increment financing be put in place for commercial office development in the Central area."

- (3) requested the Commissioner of Urban Development Services to report directly to City Council for its meeting on November 26, 2002, on:
 - (1) strengthening the public art component of the plan;
 - (2) only permitting underground retail areas adjacent to subway stations.

The Planning and Transportation Committee submits the following report (October 27, 2002) from the Commissioner of Urban Development Services:

Purpose:

To recommend changes to the draft Etobicoke Centre Secondary Plan and Zoning By-law resulting from recent community consultation, written submissions and deputations.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) the draft Etobicoke Centre Secondary Plan dated August 2002, be amended as shown in Attachment 1;
- (2) the Etobicoke Centre Secondary Plan dated August 2002, as revised, be adopted and that the existing City Centre Secondary Plan be repealed;
- (3) the draft Etobicoke Centre Zoning By-law be revised as per Attachment 2, of this report; and

- (4) the Etobicoke Centre Zoning By-law, as revised, be enacted.

Background:

A report containing the draft Etobicoke Centre Secondary Plan and Zoning By-law was presented to Planning and Transportation Committee on September 9, 2002. Planning and Transportation Committee recommended that the report be forwarded to Etobicoke Community Council for their review and comments to City Council and that a meeting under the requirements of the Planning Act be held at the November 4, 2002 Planning and Transportation Committee meeting.

Etobicoke Community Council at its meeting of October 16, 2002, heard deputations from the public and recommended that staff report directly to Planning and Transportation Committee regarding the possibility of tax increment financing to promote office/commercial development, the identification of potential parkland sites and quantitative parkland requirements for additional population and a terms of reference and composition of a community reference group for a Community Improvement Plan. This report responds to Etobicoke Community Council's requests and also considers the comments received from the public since the Secondary Plan and Zoning By-law were first presented to Planning and Transportation Committee on September 9, 2002. Recommended changes to the draft Secondary Plan and Zoning By-law are detailed in Attachments 1 and 2 of this report.

Comments:

1 Public Comments and Submissions

1.1 New employment should be in place prior to new residential development

Concern has been raised that the Secondary Plan should limit new residential growth until there is new employment growth. The primary focus of the current Secondary Plan approved in 1987 was to promote new office development. Whereas, very little office development has occurred over the past 15 years, the new Secondary Plan and Zoning By-law provides a mixed-use framework permitting a wide range of uses including both employment and residential. New residential population in the area will assist in developing markets for a variety of service and employment uses in Etobicoke Centre and hence the development of new employment uses may in fact be hindered if residential development was limited.

1.2 Proposed heights in draft Zoning By-law

Concerns have been raised by members of the public as well as certain area property owners that the maximum heights proposed in the draft zoning by-law are either too high or too low in some areas.

Heights contained in the draft Zoning By-law were determined on the basis of the following:

- (a) protecting surrounding neighbourhoods from the effects of shadows, overlook and building massing;

- (b) implementing a regime of providing the greatest heights and densities around the two subway stations; and
- (c) providing development opportunities to implement the vision of creating a high density urban focal point.

The proposed heights were developed to implement the foregoing objectives and it is difficult to provide heights limits on all individual properties that will meet with the interests of all parties concerned. It should be noted that individual applications have been submitted which requested increases in height. Through the review of these applications the merit of the site specific proposals will be assessed.

1.3 The Zoning By-law should regulate Units Per Hectare:

Concern was raised that in addition to limits on floor space index (F.S.I.), the number of units per hectare should also be regulated by the Zoning By-law. One of the primary objectives of the Zoning By-law is to regulate the built form of the area rather than regulating the precise number of units. Regulation of building height and floor space index (ratio of gross floor area to lot area) provides control over the look and feel of a building and how it will relate to its surrounding context. Precisely regulating the number of units on a property in advance of development, pre-supposes market trends relating to unit size and will not offer assistance assist in governing the physical properties of a building. In light of this, staff recommend that residential density only be regulated by F.S.I.

1.4 Senior Citizen Apartment Buildings

A submission was received by staff that the proposed Zoning By-law did not specifically permit residential accommodation for seniors. Whereas, the “Mixed Use” designation of the draft Secondary Plan permits institutional uses, and the Etobicoke Centre is well suited for such a use, it is appropriate to include senior citizen apartment buildings. It is proposed that senior citizen apartment buildings be permitted in the EC1, EC2 and EC3 Zones. This change is incorporated in Attachment 2.

1.5 Requirements for new Public Roads:

The draft Etobicoke Centre Secondary Plan outlines areas with larger redevelopment parcels where it is desirable to create a new public road to provide a streets and blocks pattern within the site to allow for adequate public pedestrian and vehicular access and ensure suitably arranged development parcels. To implement this requirement, the Etobicoke Centre Zoning By-law provides holding provisions to prohibit redevelopment of those properties until a property owner can prove to the City that a new streets and blocks pattern can be created. Property owners affected by the Secondary Plan policy Zoning By-law holding provision are concerned that the future use of their property may be unduly constrained.

Without knowing the precise layout and configuration of future development on these properties, it is intended that the City have an opportunity to investigate the ability to develop a new streets and blocks pattern. Such investigations may reveal that it is not possible or appropriate to develop a new road through certain properties or that it may be possible to develop a private road

rather than a public road. Accordingly, it is recommended that the wording of the Secondary Plan be revised to require the investigation of developing a new road rather than the requirement that a new public road be built prior to redevelopment of the properties in question. The revised wording of the Secondary Plan policy is provided in Attachment 1.

1.6 Development prior to removal of a holding symbol

Concerns have been raised that expansions to existing buildings would not be permitted on properties that contain a holding symbol. Notwithstanding a major redevelopment of a site, it was never the intent that the Zoning By-law prohibit expansions of existing buildings that would not undermine an appropriate future development pattern. The current wording of the draft By-law would prohibit any expansions until the City was satisfied that a streets and blocks pattern could be established. Attachment 2 of this report contains amended wording which permits expansions of existing buildings on properties that contain a holding symbol.

1.7 Bloor/Islington Intersection

A submission has been received regarding the building height and massing of the southwest corner of the Bloor Street/Islington Avenue intersection. The submission notes that although there is narrative in the Secondary Plan regarding the need to provide sufficient building mass and height at this location to lend prominence to this high profile intersection, there is no specific policy to implement this direction.

It is recommended that a policy be added to the “Main Street Mixed Use Area” applying to the southeast and southwest corners of the Bloor/Islington intersection giving direction to the Zoning By-law to permit greater building height and massing. This additional policy direction is provided in Attachment 1.

1.8 Recent Site Plan Approved Drive-through Restaurant

A submission was received requesting an exemption for the property at 5322 Dundas Street West from the regulation that prohibits drive-throughs in the Etobicoke Centre Zoning By-law. An exemption was granted to this property in the City-wide by-law restricting drive-throughs on the basis that a site plan for two drive-throughs had been recently approved by City Council. In light of this, the Etobicoke Centre Zoning By-law has been revised to provide a similar exemption to permit the two site plan approved drive-throughs on this property. Changes to the wording of the By-law are found in Attachment 2 to this report.

2.0 Etobicoke Community Council Requests

At the October 16, 2002 Etobicoke Community Council meeting, staff were asked to report to Planning and Transportation Committee regarding the terms of reference and composition of a community reference group for a Community Improvement Plan; the possibility of tax increment financing to promote office/commercial development, and the identification of potential parkland sites and quantitative parkland requirements for the additional population anticipated in the area. These requests are discussed below.

2.1 Community Improvement Plan

One of the key implementing tools of the Etobicoke Centre Secondary Plan will be the development of a Community Improvement Plan. In addition to the ability to confer public benefits to private properties, a Community Improvement Plan can also act as a key budgeting and infrastructure planning tool for a wide range of area improvements.

It is anticipated that a precise terms of reference, list of improvement projects as well as participating groups, departments and agencies will be developed through a collaborative process to initiate the development of the Plan. Notwithstanding the foregoing, Attachment 3 of this report provides a potential list of goals and objectives as well as projects and participants for a Community Improvement Plan for Etobicoke Centre.

2.2 Tax Increment Financing to encourage Commercial Development

Etobicoke Community Council requested staff to report on the potential use of Tax Increment Financing (T.I.F.) to promote office and commercial development in Etobicoke Centre.

Under the enabling legislation of Section 28 of the Planning Act, municipalities may provide benefits to private landowners to assist in the implementation of the goals in an approved Community Improvement Plan. One of the goals of a Community Improvement Plan for Etobicoke Centre will be to develop business and employment opportunities in the area. This endeavour would be greatly assisted through the development of new commercial and office space. Tax increment financing could be used to provide an incentive to developers to build new commercial and office space in Etobicoke Centre. Based upon the increase in tax revenue anticipated through the redevelopment of the property, the City could offer grants to the developer to assist in the improvements to lands and buildings to implement new commercial and/or office development. The provision of the grants is based upon the premise that development of the commercial or office space would not occur in the absence of such grants. However, the use of such mechanisms can have a City-wide impact on tax revenue.

Tax Increment Financing is a tool that has not been used in the City to date. Staff are considering the use of Tax Increment Financing in the New Toronto area as part of a pilot project for the City. Prior to considering the use of Tax Increment Financing in Etobicoke Centre, staff should finalize the implementation and review of the New Toronto pilot project.

2.3 Parks and Open Space Requirements

The provision of appropriate levels of new parkland that are geographically located to meet the needs of new populations is essential to providing a high quality of life in Etobicoke Centre.

In determining long-term needs for additional parkland, the Council-adopted "Parkland Acquisition: Strategic Direction Report" (P.A.S.D.R.) can be used as a tool to forecast future demands. The P.A.S.D.R. has set a performance based approach of assessing parkland provision, however, for higher density areas such as Etobicoke Centre, a modified standard (alternate provision assessment tool) for local parkland provision, a range of between 0.4 – 0.6 ha is recommended. This range does not specifically account for the quality of parkland either

existing or future and does not account for a variety of variables including urban form, community character, demographics and other parkland and open space opportunities that may help meet some of the demand.

In anticipation of 16,000 additional persons living in Etobicoke Centre over the next 20 years, based on approximately 10,000 new dwelling units and an average of 1.6 persons per dwelling unit, 6.4 to 9.6 ha of new local parkland will be required. Notwithstanding this, other opportunities to acquire and utilize new park and open space lands other than through the development approval process, may be possible, such as the use of hydro corridors and school yards.

The geographic location of new local parks and open space must be in close proximity and accessible to new populations. Access to parkland in Etobicoke Centre is made difficult due to the number of multi-lane arterial roads bisecting the area. Accordingly, new local parks must be located within the bounds of the development blocks that are bordered by the arterial roads. Although there is considerable residential development and an existing parks and open space system anchored by a large district park (Tom Riley Park) in the east portion of Etobicoke Centre, very little parkland exists in areas west of Kipling Avenue where new populations are likely to emerge in the coming years. In light of this situation, it is recommended that policies be added to the draft Secondary Plan to highlight the need to acquire and develop new local parkland on Westwood Theatre and lands west of Kipling Avenue. These policies are included in Attachment 1.

3.0 Additional Modifications

Since the Etobicoke Centre Secondary Plan and Zoning By-law were presented to Planning and Transportation Committee on September 9, 2002, staff have had a further opportunity to review and refine various policies and regulations and to make various technical and administrative changes. The policy and regulatory changes are described below. The various technical and administrative changes are provided in Attachments 1 and 2.

3.1 Properties to retain site specific zoning regulations

Many properties in Etobicoke Centre have been developed over the years through site specific zoning approvals. Specific zoning regulations such as height, number of units, setbacks and parking regulations were applied to these properties to implement good planning principles and to account for local circumstances. To ensure that the planning principles implemented by these site specific zoning regulations are maintained, it is appropriate to ensure that the effect of these by-laws continues. Accordingly, Paragraph 14 of the Etobicoke Centre Zoning By-law found in Attachment 2 of this report contains a list of by-laws applying to properties where current zoning regulations will be kept in force.

3.2 Parking and Loading Regulations

The draft zoning by-law presented to Etobicoke Community Council incorporated reduced parking standards for a number of non-residential and residential uses. Upon further review by staff of Works and Emergency Services the proposed parking regulations to be applied to the

EC1 (Mainstreet) Zone of the draft Etobicoke Centre Zoning By-law have been revised. It is recommended that the requirement for non-residential uses be changed from 1.0 spaces per 100 m² to 2.0 spaces per 100 m². The revised parking requirement will more adequately meet anticipated parking demands. This increase from the previously proposed standard still represents a decrease in the parking standard for retail uses required by the Etobicoke zoning code.

With respect to residential parking standards the minimum parking requirement for 3 or more bedroom dwelling units has been reduced from 1.25 spaces per unit to 1.0 to reflect the limited differences in auto ownership and transit modal share experienced between these units and those with fewer bedrooms. In addition, a requirement for loading facilities has been added to the draft Zoning By-law. These changes are found in Attachment 2.

3.3 Uses permitted in EC1 Zone

In reviewing the list of uses in the EC1 Zone (main street commercial area) it was determined that there were certain permitted uses that by virtue of their typical scale, operation and parking generation, are not suitable for this area. Accordingly, it is recommended that the following uses not be permitted in the EC1 Zone: hotels, undertaking establishments, theatres/cinemas, health centres, medical centres and laboratories, convention centres, hospitals, museums, and television and radio broadcasting studios. The revised list of permitted uses is provided in Attachment 2.

3.4 Mapping Changes

Changes have been made to the Zoning Schedules to improve clarity. Such changes include the assignment of density numbers or zone categories to properties that were missing them.

3.5 Interpretation

Schedule "B" of the Etobicoke Centre Zoning By-law delineates the boundaries between various zone classifications. Boundaries between zone categories follow property boundaries except in the case of the EC1 Zone where the boundary splits some properties. To provide greater clarity as to the depth of the EC1 Zone that abuts properties along Dundas Street and Bloor Street, text has been added to the Zoning By-law to indicate that the depth of the zone is 43 metres except where the zone line abuts a property line.

3.6 Need for additional public parking facilities

Planned increases in area population as well as additional service, retail, institutional and entertainment uses will necessitate the requirement for additional public parking spaces in the future. Although growth and the demand for new parking will occur incrementally, planning for new off-street parking for the area must begin in the near future. As the popularity of Etobicoke Centre increases, the ability to accommodate additional demand will diminish. In light of this situation, Planning staff will consult with the Toronto Parking Authority respecting strategic planning for the development of new parking facilities within Etobicoke Centre.

Conclusions:

The proposed amendments to both the draft Secondary Plan and Zoning By-law outlined in this report are a result of input by the public, area property owners and further review by staff since the documents were first presented to Planning and Transportation Committee on September 9, 2002. These amendments, are important for both documents to function in a technically appropriate manner.

Contact:

Patrick Lee, MCIP, RPP
Senior Planner, Community Planning, West District
Tel.: (416) 394-8238; Fax: (416) 394-6063; E-mail: pleee4@city.toronto.on.ca

Attachment 1

Recommended changes to the draft Etobicoke Centre Secondary Plan

Section 4.2.2 – Parks, Open Space and Natural Heritage

- (a) Policy 4.2.2.1 is amended by adding the following phrase after the word “population”, ‘with specific consideration given to new parkland being added in the western portion of the Secondary Plan including the former Westwood Theatre site.’
- (b) That the sentence between Policy 4.2.2.6 and 4.2.2.7 that reads “The implementation of improvements will be provided through the following policies:” be deleted.

Section 4.2.4 – A Range of Housing Opportunities

Policy 4.2.4.3 is repeated as Policy 4.2.4.4. Policy 4.2.4.4 is deleted in its entirety and subsequent sub-sections are renumbered accordingly.

Section 4.25 - A Balanced Transportation Network

- (a) Policy 4.2.5.8 is amended by deleting the existing draft policy and replacing it with the following:

‘Implementing zoning by-laws will restrict major new development on the Westwood Theatre lands until the potential for a new road pattern has been established to improve vehicular access to the lands and to ensure that access to new development from adjacent arterial roads will be compatible with any future reconfiguration of the Six Points Interchange, and improve connectivity with the local road pattern.’
- (b) Policy 4.2.5.9 is amended by deleting the existing draft policy and replacing it with the following:

‘Implementing zoning by-laws will restrict major new development on the lands on the south side of Dundas Street west of Kipling Avenue, shown conceptually on Schedule C, until the potential for a new road pattern to provide a publicly accessible lots and blocks pattern has been established.’

Section 4.3 – Main Street Mixed Use Area

Add a new policy sub-section as follows:

- ‘d) Notwithstanding the policies of Section 4.3.1.4 c), lands at the southeast and southwest corners of the Bloor Street/Islington Avenue intersection may develop at greater heights and densities than provided in other Main Street Mixed Use Areas to provide sufficient building mass and height to lend prominence to this high profile intersection.’

Attachment 2

Etobicoke Centre Zoning By-law

Authority:

Enacted by Council:

CITY OF TORONTO

BY-LAW No. -2002

To amend Chapters 320 and 324, of the Etobicoke Zoning Code, with respect to certain lands located in the vicinity of Bloor Street West, Dundas Street West, Kipling Avenue, and Islington Avenue, known as the “Etobicoke Centre Secondary Plan Area”

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O., 1990, c.P13, 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 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 11,737 be and the same is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as shown in heavy outline on Schedule “A” attached hereto from Residential Second Density (R2) Zone, Residential Third Density (R3) Zone, Residential Fourth Density (R4) Zone, Residential Sixth Density (R6) Zone, Class 1 Industrial (I.C1) Zone, Open Space (OS) Zone, Utility (U) Zone and Limited Commercial (CL) Zone, to Etobicoke Centre 1 (EC1) Zone, Etobicoke Centre 2 (EC2) Zone, Etobicoke Centre 3 (EC3) Zone, Utility (U) Zone, Class 1 Industrial (I.C1) Zone and Open Space (OS) Zone, as shown on Schedule “B”.
2. For the purposes of this by-law, the following definitions shall be applicable:
 - (i) **“Build-To-Area”** means the area of the lands within which a streetwall of a building or structure shall be located;
 - (ii) **“Streetwall”** means any exterior wall of a building abutting a public street;

- (iii) **“Minor projections”** means minor building elements which may project from the main wall of the building into required yards and Build-to Areas, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, to a maximum projection of 1.0 metres;
- (iv) **“Drive-Through Facility”** means a structure or a building or a part thereof which is designated to provide or dispense products or services, either wholly or in part, to persons remaining in automotive vehicles that are queued in a designated service lane;
- (v) **“Floor Plate Area”** means the gross horizontal floor area of a single floor measured from the exterior walls of a building or structure.
- (vi) **“Grade”** means the average elevation of the finished ground level at the main front wall of the building.
- (vii) **“Height”** means the vertical distance between grade and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, stairs and stair enclosures, located on the roof of such building provided the maximum height of the top of such elements is no higher than 6 metres above the roof line of the said building.
- (viii) **“bicycle parking space – occupant”** means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
 - a) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres; and
 - b) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres.
 - c) in the case of a bicycle rack, is located in a secure room or area;
- (ix) **“bicycle parking space – visitor”** means an area that is equipped with a bicycle rack for the purposes of parking and securing bicycles, and:
 - a) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - b) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - c) may be located outdoors or indoors but not within a secured room, enclosure or bicycle locker.
- (x) **“gross floor area”** means 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 Day Nurseries/Community Facilities; and Indoor Amenity Areas to a maximum of 1.5 square metres per dwelling unit.

3. Permitted Uses

The following uses shall be permitted on the lands designated EC1, EC2, and EC3 on Schedule “B” attached hereto:

A. EC1 Zone

- (i) residential dwelling units and senior citizen apartment units above the ground floor only, in combination with any other permitted uses,
- (ii) neighbourhood stores; bakery shops; banks; municipal uses; temporary sales offices for the purposes of marketing and sales related to use(s) permitted on the property within a building on the same lot; administrative/business/professional offices; photographers; shoe repair shops; tailor; public parking areas; customer-operated automatic laundries; nursery schools and day nurseries; health centres; commercial schools; athletic/fitness clubs; convenience/take-out/standard restaurants, with or without patios; one (1) food vending cart, except on a corner lot where a second food vending cart will be permitted; medical and dental offices; dry cleaners; service rental shops; duplicating stores; personal service/grooming shops; community centres; places of worship; veterinary hospitals; retail stores; craft and art galleries;
- (iii) drive-through facilities shall not be permitted.

B. EC2 Zone

- (i) all of the uses permitted in Section 3A shall be permitted including apartment houses, a senior citizen apartment building and a seniors community house; a hotel, theatres/cinemas, undertaking establishments, health centres, medical centres and laboratories, convention centres, hospitals, museums, television and radio studios and movie film studios.
- (ii) drive-through facilities shall not be permitted.

C. EC3 Zone

- (i) apartment houses; senior citizen apartment building; seniors community house and residential dwelling units in combination with any other permitted uses;
- (ii) the following uses are permitted provided they are restricted to the ground floor or below grade: neighbourhood stores; confectionery stores; florist and gift shops; municipal uses; customer-operated automatic laundries; nursery schools and day nurseries; dry cleaners; personal service/grooming shops; and, community centres;
- (iii) temporary sales offices for the purposes of marketing and sales related to use(s) permitted on the property within a building on the same lot; and
- (iv) drive-through facilities shall not be permitted.

4. Minimum/Maximum Density

For the purposes of this By-law, the minimum gross Floor Space Index (FSI) permitted on lands designated EC1, EC2 and EC3 on Schedule “B” attached hereto shall be 2.0 while the maximum gross Floor Space Index (FSI) shall be as shown on Schedule “C” – “Maximum Floor Space Index”.

5. Minimum/Maximum Height

For the purposes of this By-law, the maximum building height to be permitted on the lands designated EC1, EC2, EC3 and IC.1 on Schedule “B”, attached hereto, shall be as shown on Schedule “D” – “Maximum Height in Metres”, while minimum building heights shall be two storeys and maximum floor plate area restrictions shall be as required in Section 6 of this By-law.

Notwithstanding the prescribed maximum permitted height identified on Schedule “D” – “Maximum Height in Metres”, no portion of a building or structure shall be higher than the horizontal distance from any Residential or Open Space zone to any portion of the building or structure.

6. Setbacks/Build-to Areas/Floor Plate Restrictions

For the purposes of this By-law, buildings or structures or projections thereof, on lands designated EC1, EC2, EC3 and IC.1 as shown on Schedule “B” – Zoning Map attached hereto, shall provide a minimum front yard setback of 0.0 metres and a maximum front yard setback of 3.0 metres. In the case of flanking lots, the same setback requirements shall be required. All buildings and structures on lands zoned EC1, EC2, EC3 and IC.1 shall be subject to Build-to Area requirements and floor plate restrictions in accordance with the following regulations:

- (i) The Build-to Area for any Lot within the lands identified in Schedule “A” – The Lands, attached hereto, shall be a minimum of sixty (60) percent of any lot frontage abutting a public street, to a minimum height of six (6) metres, and a maximum height of twelve (12) metres. For any portion of the building above twelve (12) metres, a minimum three (3) metres setback from any face of the building wall at grade shall be required. In the case of buildings above sixty (60) metres, a setback of six (6) metres from any face of the building wall at grade shall be required, commencing at a height of 12 metres.
- (ii) Notwithstanding the provisions of this By-law, a maximum floor plate area restriction of 825 square metres shall be applied to the portion of any building or structure located between thirty-six (36) metres and sixty (60) metres in height. For any portion of a building or structure above sixty (60) metres in height, the maximum floor plate area shall be restricted to 750 square metres.
- (iii) Notwithstanding any of the required building setbacks, Minor Projections shall be permitted to encroach into the required building setbacks.
- (iv) Notwithstanding the provisions and regulations of this By-law, a minimum 7.5 metres rear yard setback shall be provided from any Residential or Open Space zone.

- (v) Notwithstanding the provisions of this By-law, an eleven (11) metre separation distance to a window of another dwelling unit (other than a window of a kitchen or bathroom) on the same lot or abutting lot shall be required.

7. Area Requirements

Notwithstanding the provisions of the Zoning Code, the following area requirements shall apply to the lands designated (EC2) and (EC3) on the lands described in Schedule "A" and as shown on Schedule "B" attached hereto:

- (i) Lot Frontage: minimum twenty-four (24) metres.
- (ii) Landscaped Open Space: a minimum 25% of the lot area shall be reserved for Landscaped Open Space.
- (iii) Indoor Amenity Space: a minimum 1.5 square metres per dwelling unit of Indoor Amenity Space shall be provided.

8. Parking and Loading Requirements

Notwithstanding Section 320-18 B), C), D), and E) of the Zoning Code, the following requirements shall apply to EC1, EC2, and EC3 zones, save and except that Section 320-23 A) and C) of the Zoning Code shall apply to any restaurants over 150 square metres in gross floor area.

- (i) Parking spaces shall be provided in accordance with the following minimum and maximum requirements:
 - (a) Non-residential - minimum two (2) parking spaces per 100 m² of gross floor area in the EC1 Zone. In EC2 and EC3 Zones, the Zoning Code provisions shall apply; and,
 - (b) Residential - minimum 1.0 parking spaces per Dwelling Units dwelling unit of which 0.2 parking (less than spaces per dwelling unit is reserved for 3 bedrooms) visitor parking; and
maximum 1.25 parking spaces per unit of which 0.2 parking spaces per unit are reserved for visitor parking.
 - (c) Residential - minimum 1.0 parking spaces per Dwelling Units dwelling unit of which 0.2 parking (3 bedrooms spaces per dwelling unit is reserved for or greater) visitor parking; and
maximum 1.4 parking spaces per unit of which 0.2 parking spaces per unit are reserved for visitor parking.

- (ii) For the purposes of this By-law, the reserved on-site residential visitor parking requirement in Section 8 (i) b) and c) can be shared with, and used to meet the parking requirements for non-residential uses within the same building or structure in an EC1 Zone provided that there are no more than 10 residential units on the property.
 - (iii) Bicycle parking shall be provided for all properties zoned EC2 and EC3, with the exception of senior citizens apartment buildings and seniors community houses, in accordance with the following minimum requirements:
 - (a) Residential - 0.75 bicycle parking spaces for each dwelling unit in a building containing greater than ten (10) dwelling units, to a maximum of 200 bicycle parking spaces;
 - (b) Non-Residential - in buildings with greater than 2 000 square metres of non-residential gross floor area, one bicycle parking space for every 1 250 square metres of net non-residential floor area;
 - (iv) Notwithstanding Section 8 iii) a) of this by-law, 80 percent of all required residential bicycle parking spaces shall be deemed as bicycle parking – occupant and 20 percent as bicycle parking space – visitor.
 - (v) Where a lot is abutting a flanking street or laneway, all vehicular access for parking shall be restricted to the flanking street or laneway.
 - (vi) No person shall use any portion of a lot located between the main front wall of a building and the street, at or above the natural ground level of the ground, for the purpose of parking or storing a motor vehicle.
 - (vii) Every building containing more than 420 square metres of gross floor area shall provide a loading space with dimensions of 12m in length, 3.0m in width, and with a vertical clearance of 4.5m.
9. Public Pedestrian Entrances and Exits
- Where any building face is located within 20 metres of a public road allowance, that building face shall contain a public pedestrian entrance and exit to and from the building.
10. The uses permitted in this By-law are not permitted in respect of lands shown on Schedule “B” to this By-law with a zone symbol that possesses an (H) prefix until such time as the holding symbol is removed by amendment to this By-law.

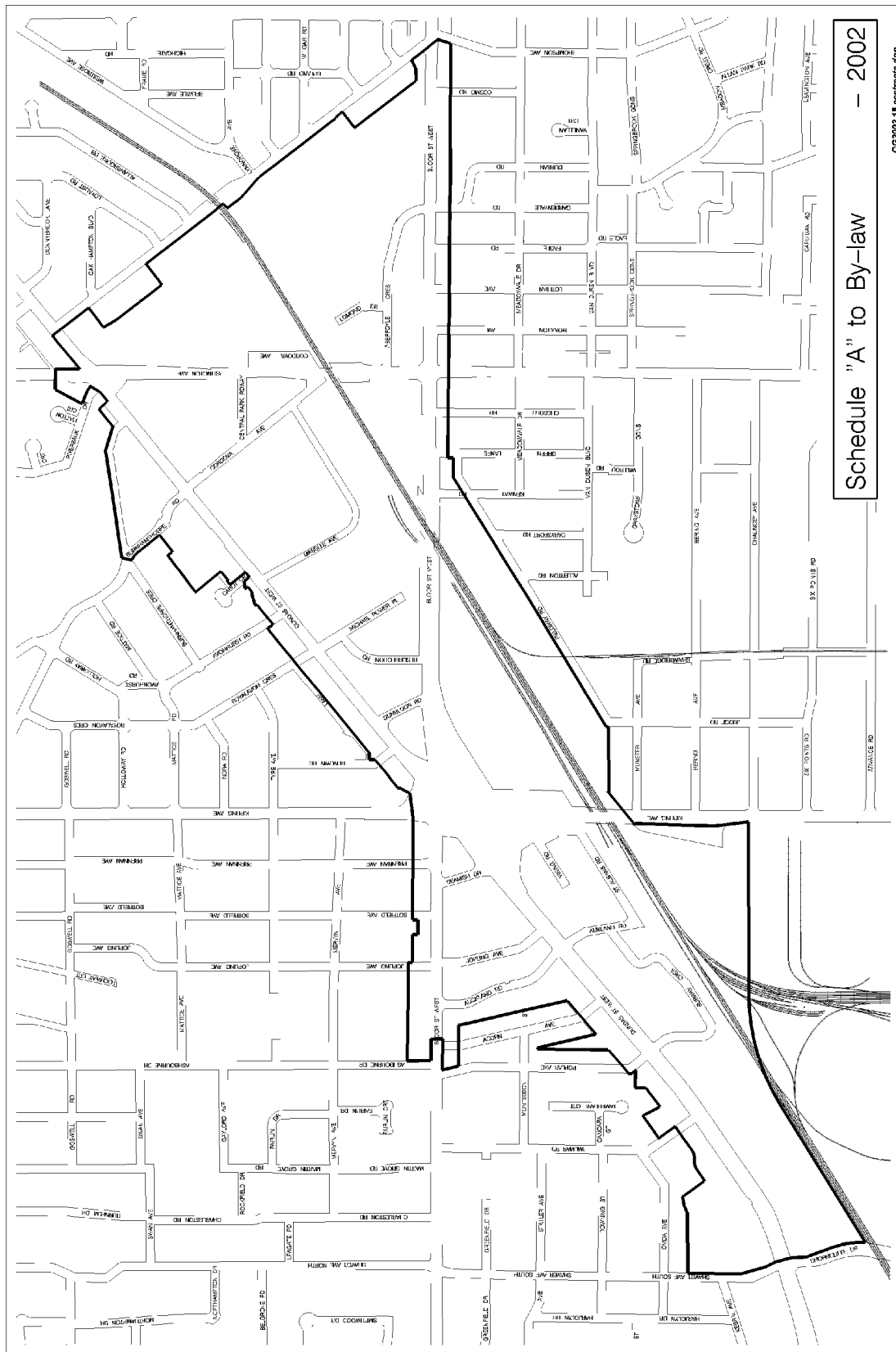
11. In accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990, c.P.13 as amended, the Holding Symbol (H) will be removed from the lands shown on Schedule "B" to this By-law upon the delivery of plans and, if required, executed development agreements securing the provision of required municipal works including municipal rights-of-ways, municipal walkways and the dedication of land and/or easements for future public roads and walkways.
12. Notwithstanding the (H) prefix established under this By-law, until such time as the (H) prefix is removed, enlargement of existing lawful non-residential uses on such lands and expansions of existing buildings and structures on such lands for non-residential uses permitted in the (H) Zone is permitted, provided all regulations applicable to such lands on the day prior to enactment of this By-law are met.
13. Where the boundary between an EC1 Zone and another zone do not follow a property line, the depth of the EC1 Zone shall be 43.0 metres from the streetline.
14. Notwithstanding the provisions of this by-law, no person shall use the lands or premises to which the following by-laws apply except in accordance with all zoning regulations in effect on the day prior to the passing of this By-law: By-law 1984-229; By-law 1986-51; 1990-39; By-law 1997-86; By-law 1997-232; By-law 1999-222; By-law 1999-646; By-law 914-2000; By-law 561-2002; By-law 1163; By-law 1164; By-law 1334; By-law 1451; By-law 4020; By-law 8134; By-law 9547; By-law 9557; By-law 11134; By-law 11149; By-law 11366; By-law 11367; By-law 13715; By-law 13852; By-law 14506; a By-law approved by Ontario Municipal Board Order No. 0981 dated July 6, 2000 and amended on July 13, 2000; and no person shall use the lands described as Part of Lot 7, Concession 5 Colonel Smith's Tract, designated as Part 4 on Plan 64R-4854, City of Toronto, (Formerly City of Etobicoke), PIN: 07542-0082 (LT), except in accordance with all zoning regulations in effect on the day prior to the passing of this By-law.
15. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
_____-2002 _____, 2002	Lands located in the vicinity of Bloor Street West, Dundas Street West, Kipling Avenue, and Islington Avenue, known as the "Etobicoke Centre Secondary Plan Area".	To rezone the Etobicoke Centre Secondary Plan Area to permit mixed uses and implement the policies of the Secondary Plan.

ENACTED AND PASSED this ____ day of _____, 2002.

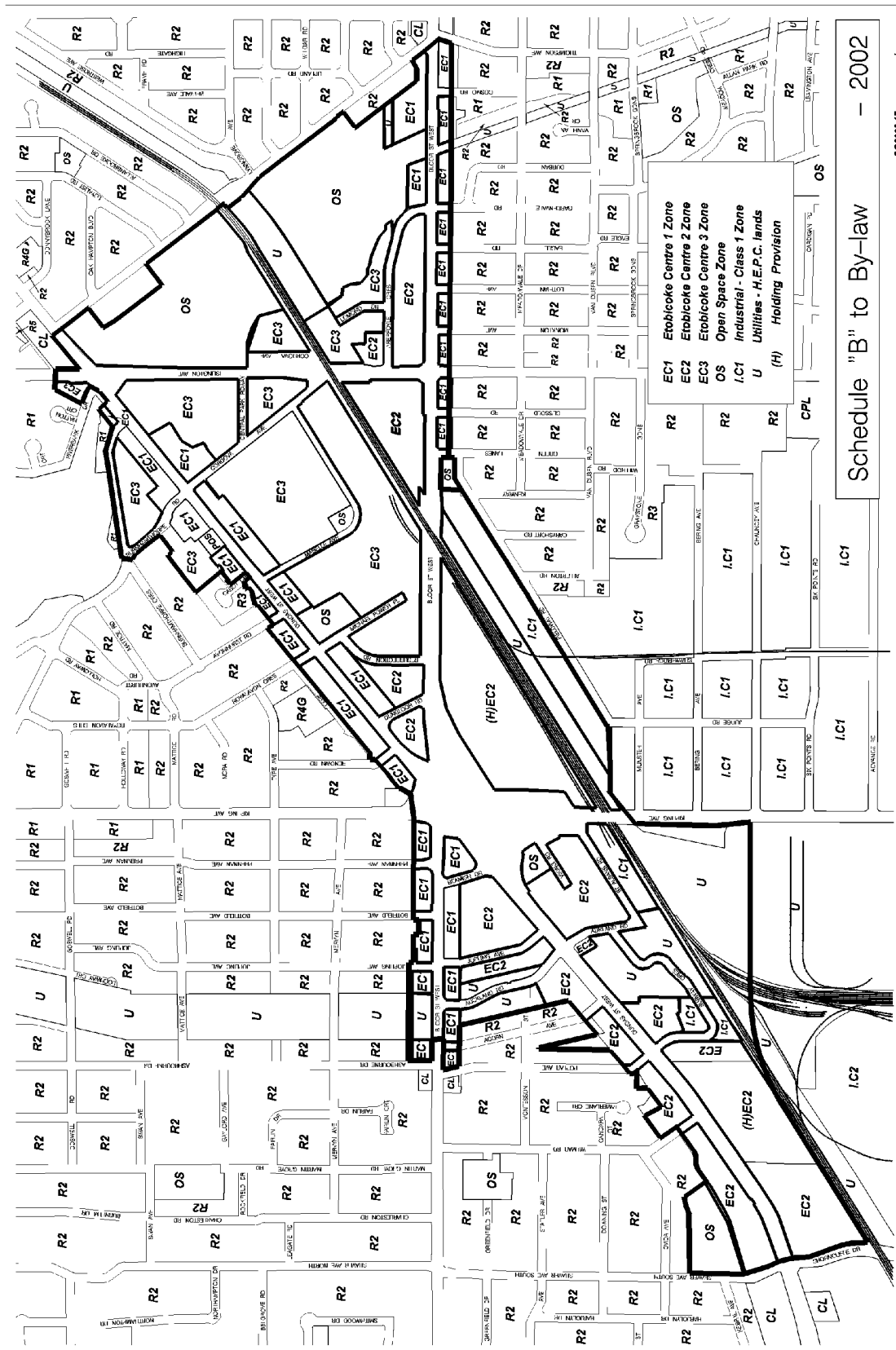
Mel Lastman,
Mayor

Uli Watkiss,
City Clerk

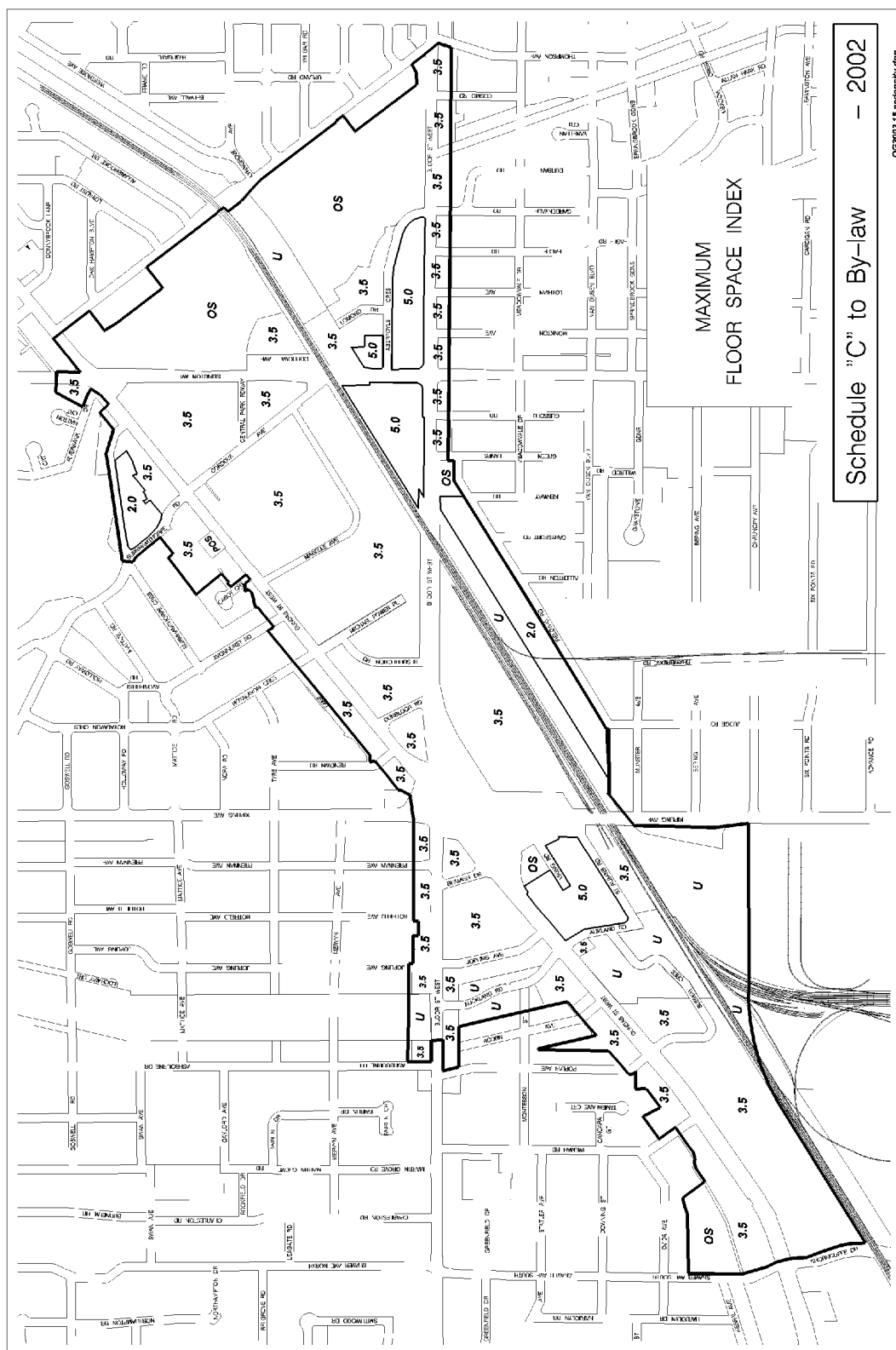


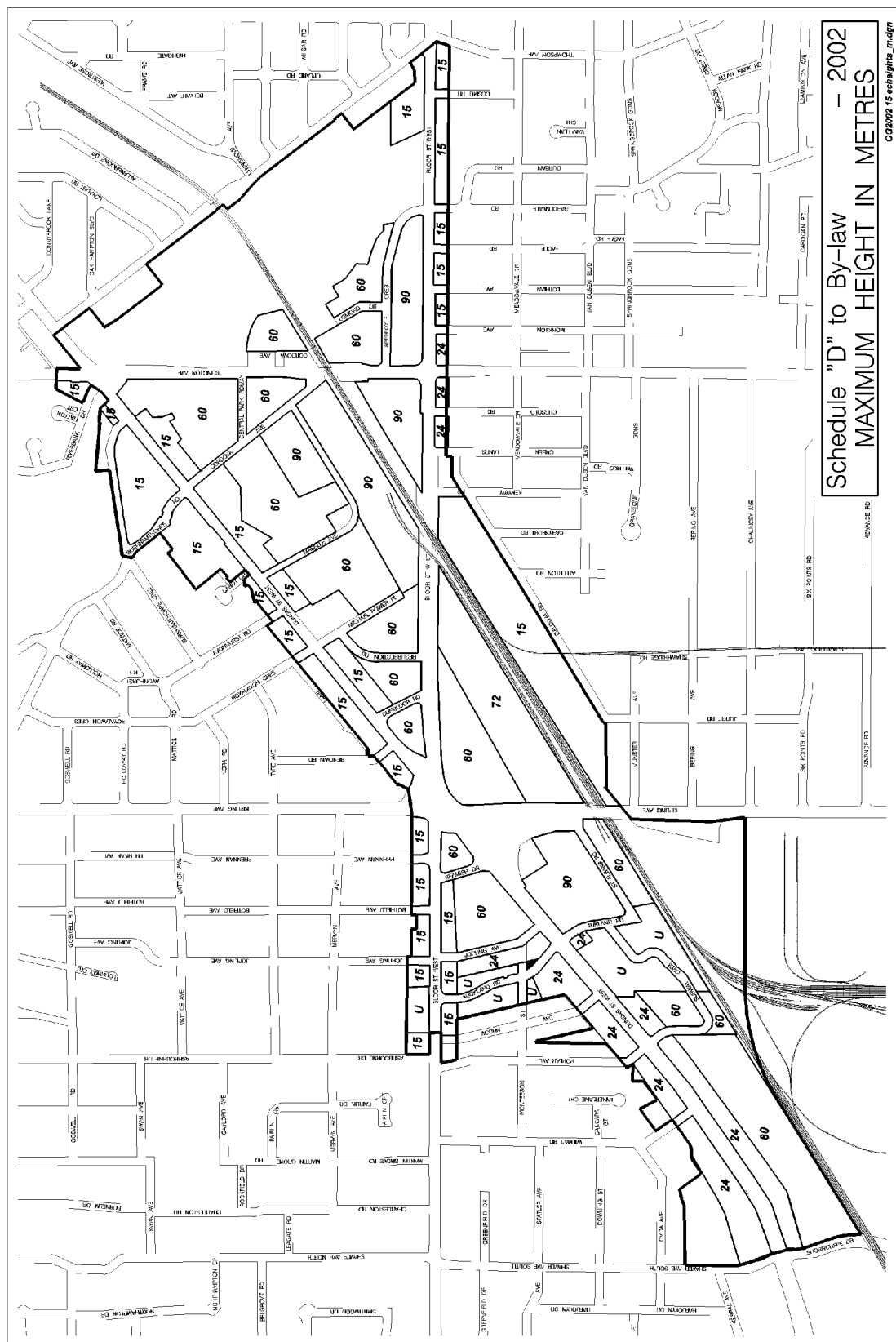
Schedule "A" to By-law – 2002

00200218 streets.dgn



035002 15 enwzone.dgn





Attachment 3

Discussion Draft

Community Improvement Plan Etobicoke Centre

1. Background

- Community Improvement Plan (CIP) is a key implementing tool of the Etobicoke Centre Secondary Plan
- CIP provides ability to confer public benefits to private properties.
- CIP acts as a key budgeting and infrastructure planning tool for a wide range of area improvements. The Plan should identify and prioritize a range of physical, social and recreation improvements to assist in implementing the goals of the Secondary Plan.

2. Process

A detailed terms of reference will be developed through a collaborative process with the participants of the Plan.

3. Goals and Objectives of the CIP

The general goals and objectives of a Community Improvement Plan for Etobicoke Centre will revolve around improving community infrastructure including both hard and soft services, developing business and employment opportunities and boosting cooperative capacity building and civic pride.

3.1 Potential Improvements to community infrastructure

- upgrading of water and sanitary sewer facilities to meet the demands of new development;
- implementation of stormwater management and environmental initiatives;
- increased on and off-street automobile parking;
- road improvements including potential changes to the Six Points interchange;
- expanded parks;
- improved recreation facilities;
- improved social service programs and facilities.

3.2 Potential Improvements to business and employment opportunities

- promotion and marketing of Etobicoke Centre;
- grants and/or loans for signage and façade improvements;
- improved streetscape elements including benches, planters, signage and lighting.
- undertaking of special events such as street festivals;
- business and service promotions;
- community self-help forums related to social service delivery.

4 Participants for a Community Improvement Plan

Participants in the various initiatives described above will include:

- City departments, boards, agencies and commissions;
- the local B.I.A.;
- appropriate ministries and departments of the provincial and federal government;
- the local business community;
- area social service providers;
- resident representatives.

The Planning and Transportation Committee also submits the following report (August 15, 2002) from the Commissioner of Urban Development Services:

Purpose:

The purpose of this report is to make recommendations to Council regarding the draft Etobicoke Centre Secondary Plan and Zoning By-law.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) Planning and Transportation Committee authorize a public meeting under the requirements of the Planning Act to be held at the October 7, 2002 Planning and Transportation Committee meeting;
- (2) notice of the Public meeting be published in a daily newspaper with City-wide circulation as well as a local Etobicoke community newspaper;
- (3) the City Solicitor be authorized to make such stylistic and technical changes to the draft Secondary Plan and Zoning By-law as may be required; and
- (4) Planning and Transportation Committee forward this report to Etobicoke Community Council for their review and comments to City Council.

Background:

The original Kipling-Islington City Centre Secondary Plan was approved on November 24, 1987. The Secondary Plan promoted the growth of office development in the area consistent with the goals of the Metropolitan Toronto Official Plan to create significant office nodes in areas designated as Metropolitan Centres. The Secondary Plan's primary goal was to organize and manage anticipated office employment growth consistent with existing and planned road infrastructure and physical services.

Since the approval of the original Secondary Plan, a number of factors occurred which necessitated its review. These include:

- (a) a market place that has shown a much greater preference for residential development than the originally planned office development;
- (b) changes in the scale of public and private investment whereby change occurs incrementally rather than through large master-planned developments and major public infrastructure projects, and
- (c) the creation of the new City of Toronto which encouraged a re-evaluation of the area and its role within the broader context of the new City.

In light of the foregoing, on July 29, 30 and 31, 1998, Council authorized staff to undertake a review of the Kipling-Islington City Centre Secondary Plan. Staff provided a status report to City Council on December 14, 15 and 16, 1999, wherein Council directed staff to prepare a report containing proposals for amendments to the Kipling-Islington City Centre Secondary Plan.

A detailed directions report outlining the development of a new secondary plan was received by Council at its meeting of October 2, 3 and 4, 2001. The report titled "City Centre West Secondary Plan Directions Report" outlined a strategy for implementing the vision of a high intensity mixed-use centre to further utilize the area's existing infrastructure and act as an urban focal point for the west part of Toronto. Consistent with the direction provided in the report, Council authorized staff to carry out departmental, agency and public consultations and prepare a new Secondary Plan and Zoning By-law to implement the goals for the area.

Throughout the fall of 2001 and the first half of 2002, City staff undertook a number of consultation sessions with the local development industry, area landowners, the Islington Ratepayers Association and the general public. On the basis of input from agencies and departments and the above-noted consultations, the Etobicoke Centre Secondary Plan and Zoning By-law have been prepared and are attached to this report as Attachments 1 and 2 respectively.

Comments:

The new Secondary Plan and Zoning By-law provide less emphasis on office development in the area and promote a less prescriptive mixed-use, land use framework that will accommodate new growth and attract investment. The Secondary Plan provides a strategic framework for the undertaking of a variety of physical and social improvements, to enhance the area's foundations for becoming a high intensity, mixed-use community.

Four key initiatives are identified to bring the area's vision to reality. Within these key initiatives are a subset of area improvements, the implementation of which will require a co-ordinated approach across a number of City departments and agencies, long-term budgeting and innovative use of existing resources. The key initiatives are:

- (a) Creating a Climate for Re-investment;
- (b) Creating a Liveable Community;
- (c) Developing Community Identity, and
- (d) Relocation of Regional Transit Terminal Facilities.

Implementation of the goals of the Secondary Plan will be carried out through plans and strategies which will include a Community Improvement Plan, Community Services Strategy, Marketing and Promotions Campaign and a Monitoring and Evaluation Process. These efforts can begin in the near future and will be on-going processes.

Implementation will also be furthered through a number of regulatory tools, the most notable of which is the new Zoning By-law for Etobicoke Centre. The new Zoning By-law (attached to this report as Attachment 2) is an amendment to the Etobicoke Zoning Code that will permit a wide mix of land uses to create synergies and support the local workforce and area residents. The Zoning By-law also provides transit-supportive densities consistent with the development of a high intensity mixed use area. Urban design guidelines which are attached to, but do not constitute a formal part of the Secondary Plan will assist in developing a pedestrian oriented public realm.

Although the new Secondary Plan is consistent with the direction of the new City-wide Official Plan (which is not yet in effect), the new Secondary Plan is designed to implement the existing City of Etobicoke Official Plan which envisions the same general goals for the area as a high intensity mixed use area. At such time that the new City-wide Official Plan is in effect, the Etobicoke Centre Secondary Plan will be modified accordingly to remove any redundancies and ensure consistent format.

Conclusions:

The Etobicoke Centre Secondary Plan and implementing Zoning By-law provide mechanisms to encourage and support new investment and allow the area to develop as the urban focal point for the west part of Toronto. Ongoing implementation strategies will facilitate capacity building and the development of partnerships to bring about various physical and social improvements in the area to assist in meeting the broader goals and objectives of the Plan.

Contact:

Patrick Lee, Senior Planner
Community Planning, West District
Tel: (416) 394-8238; Fax: (416) 394-6063
E-mail: plee4@city.toronto.on.ca

Authority:

Enacted by Council:

CITY OF TORONTO

BY-LAW No. -2002

To amend Chapters 320 and 324, of the Etobicoke Zoning Code, with respect to certain lands located in the vicinity of Bloor Street West, Dundas Street West, Kipling Avenue, and Islington Avenue, known as the “Etobicoke Centre Secondary Plan Area”

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O., 1990, c.P13, 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 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 11,737 be and the same is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as described in schedule “A” attached hereto from Residential Second Density (R2) Zone, Residential Third Density (R3) Zone, Residential Fourth Density (R4) Zone, Residential Sixth Density (R6) Zone, Class 1 Industrial (I.C1) Zone, and Limited Commercial (CL) Zone, to Etobicoke Centre 1 (EC1) Zone, Etobicoke Centre 2 (EC2) Zone, Etobicoke Centre 3 (EC3) Zone, and Open Space (OS) Zone, as shown on Schedule “B” – Zoning Map.
2. For the purposes of this by-law, the following definitions shall be applicable:
 - (i) **“Build-To-Area”** means the area of the lands within which a streetwall of a building or structure shall be located;
 - (ii) **“Streetwall”** means any exterior wall of a building abutting a public street;
 - (iii) **“Minor projections”** means minor building elements which may project from the main wall of the building into required yards and Build-to Areas, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, to a maximum projection of 1.0 metres;
 - (iv) **“Drive-Through Facility”** means a structure or a building or a part thereof which is designated to provide or dispense products or services, either wholly or in part, to customers remaining in automotive vehicles that are queued in a designated service lane;

- (v) **“Floor Plate Area”** shall mean the gross horizontal floor area of a single floor measured from the exterior walls of a building or structure.
- (vi) **“Grade”** shall mean the average elevation of the finished ground level at the main front wall of the building.
- (vii) **“Height”** shall mean the vertical distance between grade and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, stairs and stair enclosures, located on the roof of such building provided the maximum height of the top of such elements is no higher than 6 metres above the roof line of the said building.
- (viii) **“bicycle parking space – occupant”** means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
 - a) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres; and
 - b) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres.
 - c) in the case of a bicycle rack, is located in a secure room or area;
- (ix) **“bicycle parking space – visitor”** means an area that is equipped with a bicycle rack for the purposes of parking and securing bicycles, and:
 - a) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - b) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - c) may be located outdoors or indoors but not within a secured room, enclosure or bicycle locker.
- (x) **“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 Day Nurseries/Community Facilities; and Indoor Amenity Areas to a maximum of 1.5 square metres per dwelling unit.

3. Permitted Uses

The following uses shall be permitted on the lands designated EC1, EC2, and EC3 on Schedule “B” - Zoning Map attached hereto:

A. EC1 Zone

- (i) residential dwelling units above the ground floor only, in combination with any other permitted uses,

- (ii) neighbourhood stores; bakery shops; confectionery stores; florist and gift shops; hotels; jewellery stores; municipal uses; temporary sales offices for the purposes of marketing and sale of use(s) within a building on the same lot; administrative/business/professional offices; photographers; shoe stores and shoe repair shops; tailor; clothing and wearing apparel shops; theatres/cinemas; undertaking establishments; public parking areas; customer-operated automatic laundries; nursery schools and day nurseries; health centres; commercial schools; athletic/fitness clubs; convenience/take-out/standard restaurants, with or without patios; one (1) food vending cart, except on a corner lot where a second food vending cart will be permitted; medical centres and laboratories; medical and dental offices; dry cleaners; service rental shop; duplicating store; personal service/grooming shops; convention centres; community centres; place of worship; veterinary hospitals; hospitals; retail store; taxi stands; craft and art galleries; museums; television and/or radio broadcasting studios; and movie film studios;

- (iii) drive-through facilities shall not be permitted.

B. EC2 Zone

- (i) all of the uses permitted in Section 3A shall be permitted including an apartment house;
- (ii) drive-thru facilities shall not be permitted.

C. EC3 Zone

- (i) apartment houses; residential dwellings in combination with any other permitted uses;
- (ii) the following uses are permitted provided they are restricted to the ground floor or below grade: neighbourhood stores; confectionery stores; florist and gift shops; municipal uses; customer-operated automatic laundries; nursery schools and day nurseries; dry cleaners; personal service/grooming shops; and, community centres;
- (iii) temporary sales offices for the purposes of marketing and sale of use(s) within a building on the same lot; and
- (iv) drive-through facilities shall not be permitted.

4. Minimum/Maximum Density

For the purposes of this By-law, the minimum and maximum gross Floor Space Index (FSI) permitted on lands designated EC1, EC2, EC3, and IC.1 on Schedule “B” – Zoning Map attached hereto shall be as shown on Schedule “C” – “Densities – Floor Space Index”.

5. Minimum/Maximum Height

For the purposes of this By-law, the maximum building height to be permitted on the lands designated EC1, EC2, EC3 and IC.1 on schedule “B”, attached hereto, shall be as shown on Schedule “D” – Maximum Height in Metres, while minimum building heights of two storeys and maximum floor plate area restrictions shall be as required in Section 6 of this By-law.

Notwithstanding the prescribed maximum permitted height identified on Schedule “D” – Maximum Height Map, no portion of a building or structure shall be higher than the horizontal distance from any Residential or Open Space zone to any portion of the building or structure.

6. Setbacks/Build-to Areas/Floor Plate Restrictions

For the purposes of this By-law, buildings or structures or projections thereof, on lands designated EC1, EC2, EC3 and IC.1 as shown on Schedule “B” – Zoning Map attached hereto, shall provide a minimum front yard setback of 0.0 metres and a maximum front yard setback of 3.0 metres. In the case of flanking lots, the same setback requirements shall be required. All buildings and structures on lands zoned EC1, EC2, EC3 and IC.1 shall be subject to Build-to area requirements and floor plate restrictions in accordance with the following regulations:

- (i) The Build-to Area for any Lot within the lands identified in Schedule “A” – The Lands, attached hereto, shall be a minimum of sixty (60) percent of any lot frontage abutting a public street, to a minimum height of six (6) metres, and a maximum height of twelve (12) metres. For any portion of the building above twelve (12) metres, a minimum three (3) metres setback from any face of the building wall at grade shall be required. In the case of buildings above sixty (60) metres, a setback of six (6) metres from any face of the building wall at grade shall be required, commencing at a height of 12 metres.
- (ii) Notwithstanding the provisions of this By-law, a maximum floor plate area restriction of 825 square metres shall be applied to the portion of any building or structure located between thirty-six (36) metres and sixty (60) metres in height. For any portion of a building or structure above sixty (60) metres in height, the maximum floor plate area shall be restricted to 750 square metres.
- (iii) Notwithstanding any of the required building setbacks, Minor Projections shall be permitted to encroach into the required building setbacks.
- (iv) Notwithstanding the provisions and regulations of this By-law, a minimum 7.5 metres rear yard setback shall be provided from any Residential or Open Space zone.
- (v) Notwithstanding the provisions of this By-law, an eleven (11) metre separation distance to a window of another dwelling unit (other than a window of a kitchen or bathroom) on the same lot or abutting lot shall be required.

7. Area Requirements

Notwithstanding the provisions of the Zoning Code, the following area requirements shall apply to the lands designated (EC2) and (EC3) on the lands described in Schedule “A” – The Lands, and as shown on Schedule “B” – Zoning Map attached hereto:

- (i) Lot Frontage: minimum twenty-four (24) metres.
- (ii) Landscaped Open Space: a minimum 25% of the lot area lot area shall be reserved for Open Landscaped Space
- (iii) Indoor Amenity Space: a minimum 1.5 square metres per dwelling unit of Indoor Amenity Space shall be provided

8. Parking Requirements

Notwithstanding Section 320-18 B), C), D), and E) of the Zoning Code, the following requirements shall apply to EC1, EC2, and EC3 zones, save and except that Section 320-18 of the Zoning Code shall apply to any restaurants over 150 square metres in gross floor area:

- (i) Parking spaces shall be provided in accordance with the following minimum and maximum requirements:
 - a) Non-residential - minimum one (1) parking space per 100 m² of gross floor area in the EC1 Zone. In the EC2 and EC3 Zones, the Zoning Code provisions shall apply; and,
 - b) Residential - minimum 1.0 parking spaces per Dwelling Units dwelling unit of which 0.2 parking (less than spaces per dwelling unit is reserved for 3 bedrooms) visitor parking; and,

maximum 1.25 parking spaces per unit of which 0.2 parking spaces per unit are reserved for visitor parking.
 - c) Residential - minimum 1.25 parking spaces per Dwelling Units dwelling unit of which 0.2 parking (3 bedrooms spaces per dwelling unit is reserved for or greater) visitor parking; and,

maximum 1.4 parking spaces per unit of which 0.2 parking spaces per unit are reserved for visitor parking.

- (ii) For the purposes of this By-law, reserved residential visitor parking can be shared with, and used to meet the parking requirements for non-residential uses within the same building or structure in a EC1 Zone.
- (iii) Bicycle parking shall be provided for all properties zoned EC2 and EC3 in accordance with the following minimum requirements:
 - a) Residential - 0.75 bicycle parking spaces for each dwelling unit in a building containing greater than ten (10) dwelling units, to a maximum of 200 bicycle parking spaces;
 - b) Non-Residential - in buildings with greater than 2 000 square metres of non-residential gross floor area, one bicycle parking space for every 1 250 square metres of net non-residential floor area;
- (iv) Notwithstanding Section 8 iii) a) of this by-law, 80 percent of all required residential bicycle parking spaces shall be deemed as bicycle parking – occupant and 20 percent as bicycle parking space – visitor.
- (v) Where a lot is abutting a flanking street or laneway, all vehicular access for parking shall be restricted to the flanking street or laneway.
- (vi) No person shall use any portion of a lot located between the main front wall of a building and the street, at or above the natural ground level of the ground, for the purpose of parking or storing a motor vehicle.

9. Public Pedestrian Entrances and Exits

Where any building face is located within 20 metres of a public road allowance, that building face shall contain a public pedestrian entrance and exit to and from the building.

- 10. Where the use of any property in existence at the time of enactment of this By-law is permitted by the provisions of this By-law but a development standard or regulation applicable to that property is limited by the provisions of this By-law, the enlargement or expansion of the use of any building or structure on the property used for such use shall be permitted under this By-law, provided such enlargement or expansion is not limited by the performance standards or regulations established pursuant to this By-law.
- 11. Where any building or structure in existence on any property at the time of enactment of this by-law is use for a purpose permitted by this By-law, but such building or structure has a height or floor space index that exceeds the performance standards or regulations applicable pursuant to this By-law, the height and floor space index applicable to that property shall be the height and floor space index of the building or structure in existence on that property at the time of enactment of this By-law; however, all other provisions of this By-law shall apply to that property.

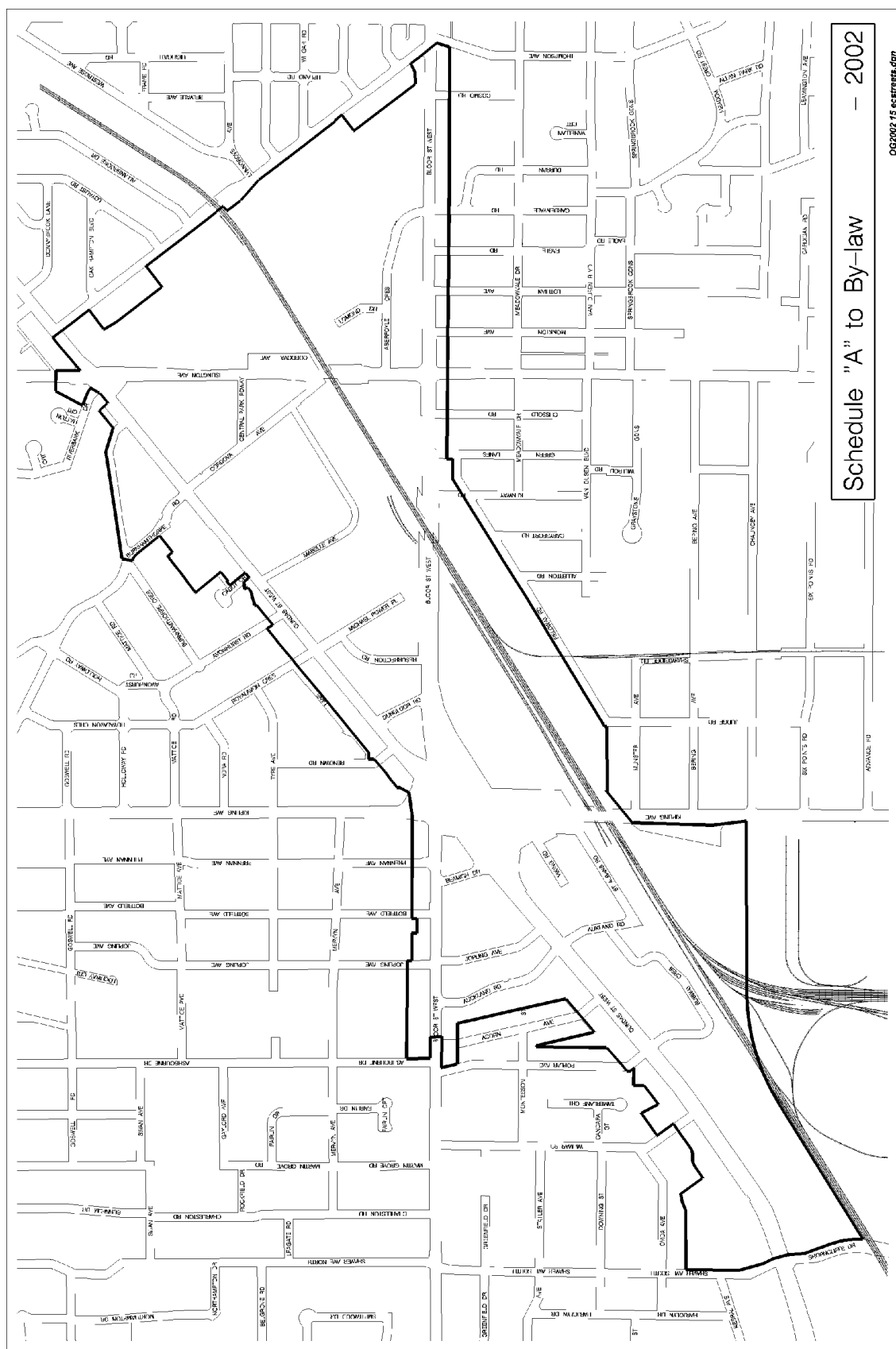
12. Notwithstanding the provisions of this By-law, By-law 561-2002 and a By-law approved by Ontario Municipal Board Order No. 0981 dated July 6, 2000 and amended on July 13, 2000 shall remain in effect on the properties to which they apply.
13. Notwithstanding the provisions of this By-law, this By-law shall not apply to the lands municipally known as 7, 9 and 11 Burnhamthorpe Crescent.
14. On lands shown on Schedule "B" to this By-law with a zone symbol that possesses an (H) prefix, only those buildings and structures legally existing on the date of the passing of this By-law shall be permitted.
15. In accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990, c.P.13 as amended, the Holding Symbol (H) will be removed from the lands shown on Schedule "B" to this By-law upon the delivery of plans and/or executed development agreements in a form satisfactory to the City of Toronto addressing and agreeing to the provision of all required municipal works including municipal rights-of-ways, municipal walkways and the dedication of land and/or easements for future public roads and walkways.
16. All other provisions of the Zoning Code shall continue to apply except in the case where provisions of this By-law are in conflict in which case the provisions of this By-law shall prevail.
17. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
_____-2002 _____, 2002	Lands located in the vicinity of Bloor Street West, Dundas Street West, Kipling Avenue, and Islington Avenue, known as the "Etobicoke Centre Secondary Plan Area".	To rezone the Etobicoke Centre Secondary Plan Area to permit mixed uses and implement the policies of the Secondary Plan.

ENACTED AND PASSED this ____ day of ____, 2002.

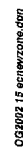
Mel Lastman,
Mayor

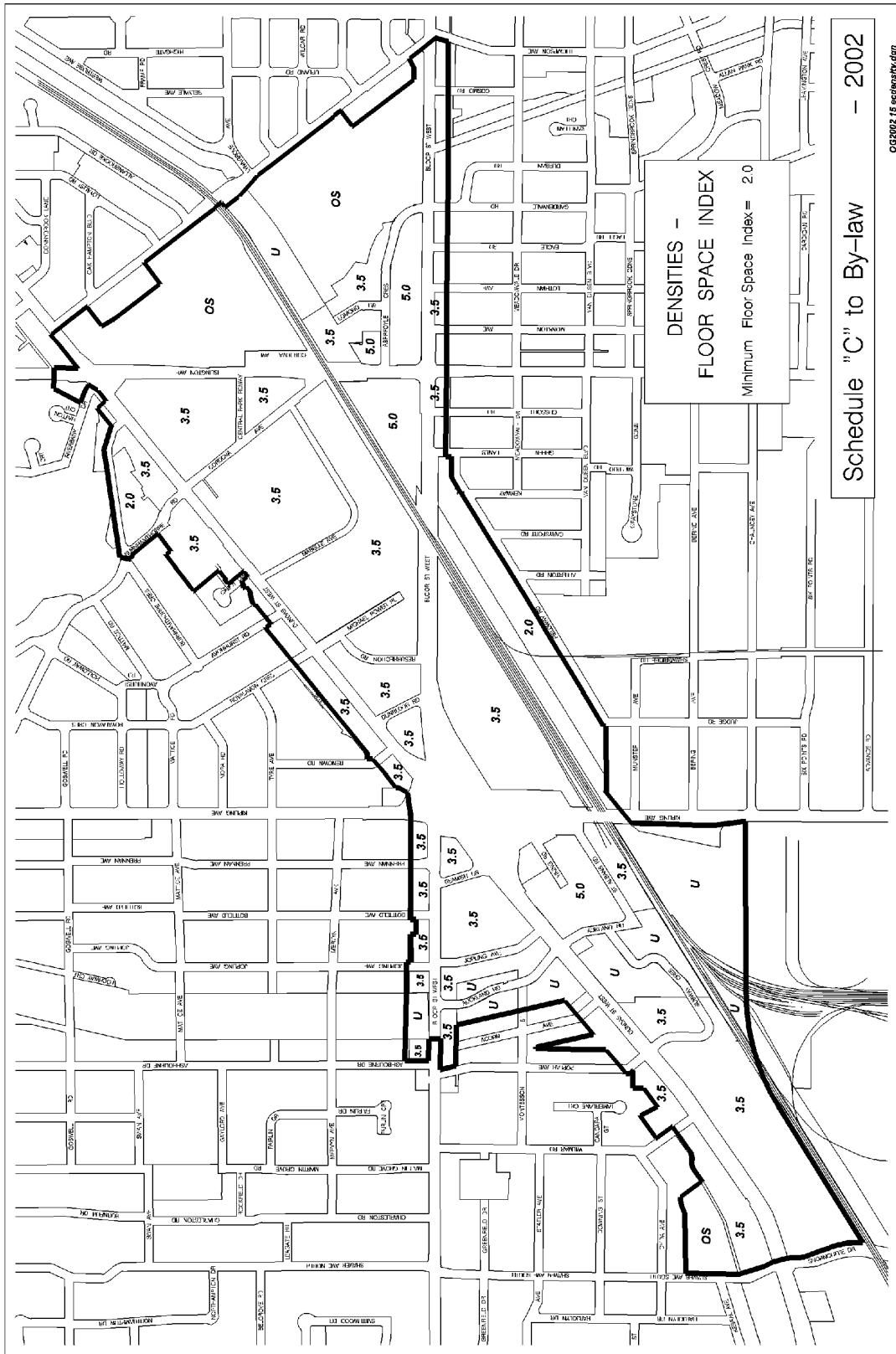
Uli Watkiss,
City Clerk



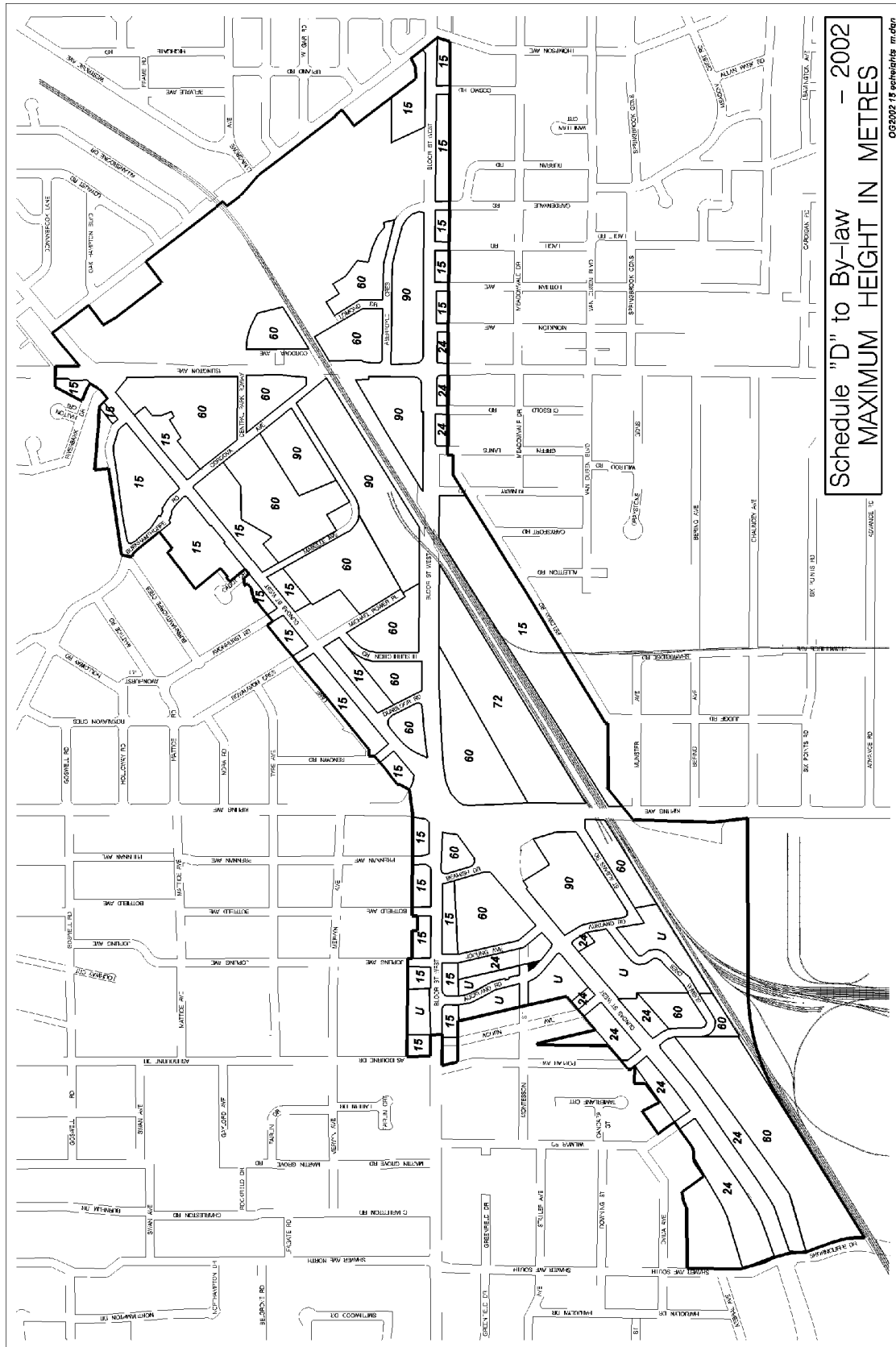
Schedule "A" to By-law – 2002

OG2002 15 ecstreets.dgn





032002 15 cslwerty.dgn



The Planning and Transportation Committee also submits the following communication (October 21, 2002) from the City Clerk, Etobicoke Community Council.

The Etobicoke Community Council, at its meeting held on October 16, 2002:

- (1) requested the Director, Community Planning, West District, to submit a report directly to the Planning and Transportation Committee for its meeting scheduled to be held on November 4, 2002, on:
 - (a) proposed changes to the draft Etobicoke Centre Secondary Plan and Zoning By-law;
 - (b) the possibility of Tax Increment Financing to promote office/commercial development in the Secondary Plan Area;
 - (c) the identification of potential parkland sites and quantitative parkland requirements for the additional population; and
 - (d) the terms of reference and composition of a community reference group for the Community Improvement Plan; and
- (2) requested the Chief General Manager, Toronto Transit Commission, to submit a report to the Planning and Transportation Committee for its meeting scheduled to be held on November 4, 2002, or as soon as practicable thereafter, respecting the public transit improvement aspects of the draft Etobicoke Centre Secondary Plan.

Background:

The Etobicoke Community Council had before it a communication dated September 13, 2002, from the City Clerk, Planning and Transportation Committee, advising that the Planning and Transportation Committee at its meeting held on September 9, 2002, adopted, as amended, the report dated August 15, 2002, from the Commissioner of Urban Development Services, and in so doing, amongst other things:

- (1) authorized a Public Meeting under the Planning Act to be held by the Planning and Transportation Committee at its meeting on November 4, 2002;
- (2) directed that notice of the Public Meeting be published in a daily newspaper with City-wide circulation as well as a local Etobicoke community newspaper; and
- (3) forwarded the report from the Commissioner of Urban Development Services to the Etobicoke Community Council for review and comments to City Council.

The Etobicoke Community Council also had before it, during consideration of this matter, the following communications:

- (i) (October 7, 2002) from Adam J. Brown, Brown Dryer Karol, advising that they are the solicitors for the owners of 5322 Dundas Street West who recently received planning approvals, including site plan approval, from Council to proceed with a commercial development on the site which incorporates drive-through facilities; that City Council at its meeting on October 2, 3 and 4, 2002, passed a by-law amendment to regulate drive-through facilities and specifically included an exemption from the by-law for the property at 5322 Dundas Street West because of the recent approvals for its redevelopment; further advising that in the Draft Etobicoke Centre Secondary Plan and Zoning By-law, the subject property has been assigned an express prohibition to have drive-throughs; and requesting that in light of the exemption granted by Council, the proposed Secondary Plan and Zoning-By-law be consistent with Council's decision and grant the same exemption from any prohibition to have drive-throughs and related development regulations;
- (ii) (October 11, 2002), from Neil M. Smiley, Fasken Martineau DuMoulin LLP, advising that their client, 1503342 Ontario Limited, owners of the property located at the south-west corner of Bloor Street West and Islington Avenue in the City Centre Plan area, currently has an application for official plan and zoning by-law amendments to redevelop the property with a mixed-use residential commercial development; outlining the serious concerns with the "implementation" portions of the official plan and zoning by-law as they relate to its property; further advising that these portions would appear not permit the full achievement of the site's potential as anticipated elsewhere in the Secondary Plan;
- (iii) (October 16, 2002) from Elizabeth Hoyle submitting comments including: manageable housing for older residents as they transition out of their homes; blocking off traffic from the local neighbourhoods; better maintained park areas around Mimico Creek; uniform development of the land between Islington Avenue and Kipling Avenue; and the influx of traffic being reflected in the TTC's capacity to hold the traffic; and
- (iv) (October 16, 2002) from Jim Murphy, Director, Government Relations, and Paula J. Tenuta, Municipal Government Advisor, Greater Toronto Home Builders' Association, submitting comments regarding the parkland dedication policy, as the Association's primary area of concern with both the City's Draft Official Plan and the proposed Etobicoke Centre Secondary Plan.

The following persons appeared before the Etobicoke Community Council in connection with this matter:

- Adam Brown, Brown Dryer Karol, on behalf of Concert Properties Ltd.;
- Bob Berry, Islington Residents and Ratepayers Association;
- Terry Reardon;
- Jim Murphy, Director, Greater Toronto Home Builders' Association;
- Robert Sexton;
- Ron Quinn;
- Alan Shiels; and
- Margaret Williams, Acting President, Islington Residents and Ratepayers Association.

The Planning and Transportation Committee also had before it during consideration of this matter, the Etobicoke Centre Secondary Plan - August 2002 and a copy has been forwarded to Council under separate cover.

The Planning and Transportation Committee reports, for the information of Council having also had before it during consideration of this matter, the following communications and copies are on file in the office of the City Clerk, City Hall:

- appended to the foregoing communication (October 21, 2002) from the City Clerk, Etobicoke Community Council:
- (October 7, 2002) from Adam J. Brown, Brown Dryer Karol, advising that they are the solicitors for the owners of 5322 Dundas Street West who recently received planning approvals, including site plan approval, from Council to proceed with a commercial development on the site which incorporates drive-through facilities; that City Council at its meeting on October 2, 3 and 4, 2002, passed a by-law amendment to regulate drive-through facilities and specifically included an exemption from the by-law for the property at 5322 Dundas Street West because of the recent approvals for its redevelopment; further advising that in the Draft Etobicoke Centre Secondary Plan and Zoning By-law, the subject property has been assigned an express prohibition to have drive-throughs; and requesting that in light of the exemption granted by Council, the proposed Secondary Plan and Zoning-By-law be consistent with Council's decision and grant the same exemption from any prohibition to have drive-throughs and related development regulations;
- (October 11, 2002), from Neil M. Smiley, Fasken Martineau DuMoulin LLP, advising that their client, 1503342 Ontario Limited, owners of the property located at the south-west corner of Bloor Street West and Islington Avenue in the City Centre Plan area, currently has an application for official plan and zoning by-law amendments to redevelop the property with a mixed-use residential commercial development; outlining the serious concerns with the "implementation" portions of the official plan and zoning by-law as they relate to its property; further advising that these portions would appear not permit the full achievement of the site's potential as anticipated elsewhere in the Secondary Plan;
- (October 16, 2002) from Elizabeth Hoyle submitting comments including: manageable housing for older residents as they transition out of their homes; blocking off traffic from the local neighbourhoods; better maintained park areas around Mimico Creek; uniform development of the land between Islington Avenue and Kipling Avenue; and the influx of traffic being reflected in the TTC's capacity to hold the traffic; and
- (October 16, 2002) from Jim Murphy, Director, Government Relations, and Paula J. Tenuta, Municipal Government Advisor, Greater Toronto Home Builders' Association, submitting comments regarding the parkland dedication policy, as the Association's primary area of concern with both the City's Draft Official Plan and the proposed Etobicoke Centre Secondary Plan;

- (October 30, 2002) from Keith Lew, MCIP, RPP, Lew Associates Limited, Planning Development Consultants, forwarding comments on behalf of Canadian Tire Real Estate Limited (CTREL) respecting land located on the south side of Dundas Street West, opposite Wilmar Road;
- (October 31, 2002) from Laurie McPherson, RPP, MCIP, Bousfield, Dale-Harris, Cutler & Smith Inc., Consulting Town Planners, submitting client's comments with respect to the Etobicoke Centre Secondary Plan as it relates to lands municipally known as 2 Dunbloor Road between Dundas Street and Bloor Street;
- (November 3, 2002) from Barry A. Horosko, Bratty and Partners LLP, Barristers and Solicitors, obo Canadian Tire Real Estate Limited ("CTREL"), submitting client's comments with respect to the Etobicoke Centre Secondary Plan as it relates to lands on the south side of Dundas Street West, located within the study area;
- (undated) motion from Adam Brown, Concert Properties Ltd., requesting a revision to the Etobicoke Centre Secondary Plan as it relates to 5145 Dundas Street West;
- (November 4, 2002) from Scott Arbuckle, Senior Planner, Planning & Engineering Initiatives Ltd., obo McDonald's Restaurants of Canada, submitting client's comments with respect to the Etobicoke Centre Secondary Plan as it relates to 5453 Dundas Street West, west of Wilmar Road and 5230 Dundas Street West, west of Beamish Drive;
- (November 4, 2002) from Michael W. Foley, MCIP, RPP, Manager of Planning, Tim Hortons, obo TDL Group Ltd. and Wendy's Restaurants of Canada, submitting client's comments with respect to the Etobicoke Centre Secondary Plan as it relates to 5250 Dundas Street West; and
- (October 11, 2002) from Neil M. Smiley, Fasken Martineau DuMoulin LLP, Barristers and Solicitors, obo 1503342 Ontario Limited, submitting client's comments with respect to the Etobicoke Centre Secondary Plan as it relates to lands located on the south-west corner of Bloor St. West and Islington Avenue.

The following persons appeared before the Planning and Transportation Committee in connection with the foregoing matter:

- Adam Brown, Brown Dryer Karol, Barristers and Solicitors submitted a motion and requested the Committee to revise the Etobicoke Centre Secondary Plan and Zoning By-law as proposed in his motion;
- Keith Lew, Lew Associates Ltd., obo Canadian Tire Real Estate Ltd., requested that the Etobicoke Centre Secondary Plan and By-law be amended to delete the new street and the holding zone from the CTREL property;
- Scott Arbuckle, Planning & Engineering Initiatives Ltd., obo McDonald's Restaurants of Canada Limited, requested an exemption for properties located at 5453 and 5230 Dundas Street West and submitted a communication dated November 4, 2002;

- Ursula Andrachuk, expressed concerns about her taxes increasing if her property is zoned commercial;
- Michael Foley, The TDL Group Ltd. requested that the draft Etobicoke Centre Secondary Plan and implementing Zoning by-law recognize the OMB Order and his property be treated in a similar fashion as KFC, and filed a submission dated November 4, 2002;
- Nathalie Richard, stated that she wanted to know who the public contact for more information was on the sale of a public laneway directly adjacent to proposed development at Islington and the process involved in the sale of a public laneway; and
- Neil M. Smiley, Fasken Martineau DuMoulin LLP, Barristers and Solicitors, expressed concerns with respect to the proposed Etobicoke Centre Secondary Plan and implementing By-law and filed a copy of his submission dated October 11, 2002 to the Etobicoke Community Council.

(City Council, at its regular meeting held on November 26, 27 and 28, 2002, had before it, during consideration of the foregoing Clause, the following report (November 19, 2002) from the Commissioner of Urban Development Services:

Purpose:

To recommend minor modifications to the draft Etobicoke Centre Secondary Plan and Zoning By-law arising from the November 4, 2002 Planning and Transportation Committee meeting and further staff review.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) The draft Etobicoke Centre Secondary Plan dated August 2002, as revised by Planning and Transportation Committee at its meeting of November 4, 2002, be further revised in accordance with the changes outlined in Attachment 1.*
- (2) The draft Etobicoke Centre Secondary Plan dated August 2002, as further revised, be adopted.*
- (3) The draft Etobicoke Centre Zoning By-law, as revised by Planning and Transportation Committee at its meeting of September 9, 2002 and November 4, 2002 be further revised in accordance with the changes outlined in Attachment 2.*
- (4) The draft Etobicoke Centre Zoning By-law, as further revised, be enacted.*

- (5) *The Terms of Reference for a Community Improvement Plan for Etobicoke Centre, originally requested to be presented to Planning and Transportation Committee by staff on January 13, 2003, be presented to Etobicoke Community Council as early as possible in 2003.*

Background:

Planning and Transportation Committee at its meeting of November 4, 2002 recommended that the draft Etobicoke Centre Secondary Plan and Zoning By-law, as revised, be approved. The Committee also directed the Commissioner of Urban Development Services to report directly to City Council regarding the strengthening of the public art component of the Plan and the development of policies to restrict underground retail areas to locations adjacent to subway stations.

Minor modifications to the Secondary Plan and Zoning by-law resulting from further staff review are also proposed in this report. Some of the changes to the Secondary Plan are proposed to ensure conformity with the modifications that were made to the new City-wide Official Plan just prior to its adoption.

Comments:

1.0 Public Art

Planning staff were asked to report directly to City Council on strengthening the public art component of the draft Secondary Plan.

The existing draft policies relating to public art found in Section 4.1.2.3 would:

- (a) require the adoption of a "District Public Art Plan" in Etobicoke Centre;*
- (b) encourage the inclusion of public art projects or financial contributions thereto in all significant new private developments; and*
- (c) encourage public art initiatives on all publicly owned properties.*

Staff have reviewed the section on public art and recommend the improvements discussed below.

The proposed District Public Art Plan will identify locations, themes and funding strategies for the development of public art in Etobicoke Centre. It is intended that the District Public Art Plan be an integral part of a broader Community Improvement Plan for Etobicoke Centre. The Community Improvement Plan will identify and prioritize a wide range of physical and social improvements in the area and will act as one of the key implementing mechanisms for the Secondary Plan.

To provide greater emphasis and prominence of the role of the District Public Art Plan, it is recommended that the public art policies found in Section 4.1.2.3 of the Secondary Plan place the District Public Art Plan in the context of the broader Community Improvement Plan. Conversely, the policies of the Community Improvement Plan found in Section 5.1.1 of the Secondary Plan should prominently include the role of the District Public Art Plan.

Planning and Transportation Committee at its meeting of November 4, 2002 recommended that staff present a terms of reference regarding a Community Improvement Plan to the Committee on January 13, 2003. Given the need for local community input on such a process and the need to consult with a wide variety of City departments and agencies, it is recommended that staff report to Etobicoke Community Council as early as possible in 2003. A more detailed role of public art in the context of the Community Improvement Plan will be provided in the terms of reference.

Additional improvements to the public art policies of the Secondary Plan have been included in this report. These modifications provide for the encouragement of active solicitations of funding as well as a policy that would require that one percent of the capital budget of all major municipal buildings and structures in Etobicoke Centre be dedicated to public art. These changes would reflect the policies of the new City-wide Official Plan. The details of the proposed policy modifications are found in Attachment 1.

2.0 Underground Retail Units

Staff were also asked to report on limiting underground retail units to areas adjacent to subway stations. Concern was raised that underground retail units are often not economically viable and result in vacant underground spaces. These areas may ultimately have little pedestrian traffic and hence become unsafe due to a lack of surveillance.

Staff recommend that a policy be added to the Secondary Plan to limit underground retail uses to areas that are in close proximity and directly accessible to subway stations. This additional policy is detailed in Attachment 1 of this report.

3.0 Additional Modifications

3.1 Relocating Inter-regional Transit terminal Facilities

One of the 4 key initiatives in implementing the vision for Etobicoke Centre is to relocate inter-regional transit terminal facilities (specifically, Mississauga Transit) away from Islington station to Kipling station or further west should the subway line ever be extended. The policies of the Secondary Plan discuss the relocation of “non-local” bus terminal facilities away from Kipling station. Concern has been raised that “non-local” bus terminal facilities could be interpreted to include some T.T.C. bus functions that may serve areas of Toronto beyond Etobicoke Centre and vicinity.

It has never been the intention to relocate any T.T.C. bus facilities away from Islington station. To clarify the intent of the movement of terminal facilities, it is recommended that the words “regional” and “non-local” be changed to “inter-regional” in Section 4.4 of the Secondary Plan. The detailed wording of these changes is found in Attachment 1 of this report.

3.2 Secondary Plan conformity with Zoning By-law regarding drive-through exemption

A recent City-wide zoning by-law prohibits drive-throughs in all areas designated as “Centres” (including Etobicoke Centre). This by-law did however, grant an exemption permitting a

drive-through for the property at 5322 Dundas Street West on the basis of a recently approved site plan. Accordingly, the proposed Etobicoke Centre Zoning By-law grants a similar exemption that will permit drive-throughs on this property.

The Planning Act requires that all zoning by-laws must conform to Official Plans and Secondary Plans. To provide for this conformity, it is recommended that the Etobicoke Centre Secondary Plan contain a policy that permits the property at 5322 Dundas Street to develop in accordance with the recently approved site plan (which includes 2 drive-throughs). This will allow the Zoning By-law exemption to be in conformity with the Secondary Plan. A new Secondary Plan policy is detailed in Attachment 1.

3.3 Schools as a permitted use in Etobicoke Centre Zoning By-law

It has come to staff's attention that schools have been left off the list of permitted uses in the Etobicoke Centre Zoning By-law. It is important that schools continue to be permitted uses in Etobicoke Centre. Therefore, it is proposed that elementary, secondary and commercial schools all be permitted in the EC1 and EC2 Zones while elementary schools and secondary schools be permitted in the EC3 Zone. Also, the existing schools that are located in the OS Zone (our Lady of Sorrows and Etobicoke Collegiate) be recognized as permitted uses.

4.0 Technical modifications and conformity with the new City-wide Official Plan

Technical modifications to the Secondary Plan including grammatical improvements and the renumbering of policies where required, are provided in Attachment 1. In addition, changes to policies of the Secondary Plan to provide conformity with the recently adopted City Official Plan have also been incorporated.

Conclusions:

The recommended modifications to the Etobicoke Centre Secondary Plan and Zoning By-law result from additional staff review, requests from Planning and Transportation Committee, and the need to ensure conformity with the City's recently adopted Official Plan.

Contact:

*Patrick Lee, MCIP, RPP
Senior Planner, Community Planning, West District
Tel.: (416) 394-8238; Fax: (416) 394-6063; E-mail: plee4@city.toronto.on.ca*

List of Attachments:

*Attachment 1: Recommended Modifications to the Etobicoke Centre Secondary Plan
Attachment 2: Recommended Modifications to the Etobicoke Centre Zoning By-law*

Attachment 1

Recommended Modifications to the Etobicoke Centre Secondary Plan

1) *Section 4.1.2.1 – Scale*

Section 4.1.2.1.4 is amended by deleting the phrase “and in the vicinity of the subway stations”.

2) *Section 4.1.2.2 – Urban Design*

(a) *Section 4.1.2.2.5 currently follows 4.1.2.2.3. Section 4.1.2.2.5 is renumbered as 4.1.2.2.4 and subsequent policies are renumbered accordingly.*

(b) *A new subsection is added to Section 4.1.2.2.14 as follows:*

“f) notwithstanding the policies of Section 4.1.2.2.14, the property at 5322 Dundas Street West may develop in accordance with a site plan approved by Council on May 21, 22 and 23, 2001.”

(c) *A new policy is added as Section 4.1.2.2.15:*

“New multi-residential development will provide indoor and outdoor amenity space for residents of the new development. Each resident will have access to outdoor amenity spaces such as balconies, terraces, courtyards, roof-top gardens and other types of outdoor spaces.”

3) *Section 4.1.2.3 - Public Art*

Two new subsections are added to Section 4.1.2.3 as follows:

“d) actively soliciting tax deductible gifts to the City to implement the District Art Plan; and

e) dedicating one percent of the capital budget of all major municipal buildings and structures to public art.”

4) *Section 4.2.2 – Parks, Open Space and Natural Heritage*

Section 4.2.2.13 is amended by eliminating the (s) in the word “meets”.

5) *Section 4.2.4 – A Range of Housing Opportunities*

(a) *Section 4.2.4.1 is amended by deleting the second sentence and replacing it with the following:*

“Housing will include ownership and rental housing, affordable and mid-range rental and ownership housing, social housing, shared and/or congregate-living housing arrangements, supportive housing, emergency and transitional housing for homeless people and at-risk groups, housing that meets the needs of people with physical disabilities and housing that makes more efficient use of the existing housing stock.”

- (b) *Section 4.2.4 is amended by adding the following new policy as Section 4.2.4.2 and that subsequent subsections are renumbered accordingly:*

“4.2.4.2 The existing stock of housing will be maintained and replenished. New housing supply will be encouraged through intensification and infill that is consistent with this Secondary Plan.”

- (c) *That the following housing definitions found in the new City Official Plan be inserted immediately after Section 4.2.4.8:*

Housing Definitions

Rental housing is a building or related group of buildings containing one or more rented residential units, but does not include condominium-registered, life lease or other ownership forms. *Rental property means the land upon which rental housing is located.*

A related group of buildings are buildings that are under the same ownership and on the same parcel of land as defined in section 46 of the Planning Act, as may be amended from time to time or form part of the same development application.

Affordable rental housing and affordable rents means housing where the total monthly shelter cost (gross monthly rent including utilities – heat, hydro and hot water – but excluding parking and cable television charges) is at or below one times the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation.

Affordable ownership housing is housing which is priced at or below an amount where the total monthly shelter cost (mortgage principle and interest – based on a 25-year amortization, 10% down payment and the chartered bank administered mortgage rate for a conventional 5-year mortgage as reported by the Bank of Canada at the time of application – plus property taxes calculated on a monthly basis) equals the average City of Toronto rent, by unit type, as reported annually by the Canada Mortgage and Housing Corporation. *Affordable ownership price includes GST and any other mandatory costs associated with purchasing the unit.*

Mid-range rents are the total monthly shelter costs which exceed affordable rents but fall below one and one-half times the average City of Toronto rent, by unit type, as reported annually by Canada Mortgage and Housing Corporation.

Social housing refers to rental housing units produced and/or funded under federal and/or provincial programs providing comprehensive funding and/or financing arrangements, whether or not in partnership with municipal government.

6) *Section 4.2.5 – A Balanced Transportation Network*

Section 4.2.5.6 is amended by adding the word “of” after the word “status” and before the word “development” in the last line of the Section.

7) *Section 4.3.1 - Flexible, Growth-Oriented Land Use Policies*

(a) *In the text under Mixed Use Areas, adding a hyphen between the word “vision” and the word “an” in the first sentence.*

(b) *A new policy is added immediately after Policy 4.3.1.3 as follows:*

“4.3.1.4 Retail units located below grade are only permitted where there is direct access to a subway station.”

8) *Section 4.4 - Relocating Regional Transit Facilities*

(a) *The title of Section 4.4 is changed by replacing the word “Regional” with the words “Inter-regional”.*

(b) *In the first sentence of the sidebar on page 48, the words “non-local” are replaced with the words “inter-regional”.*

(c) *Section 4.4.1 is amended by replacing the words “non-local” with the words “inter-regional”.*

9) *Section 5.1.1 - Community Improvement Plan*

(a) *Section 5.1.2.2 is renumbered as Section 5.1.1.2*

(b) *Section 5.1.1.2 e) is amended by changing the phrase “to guide” to “guiding” and also adding the phrase “implementing public art plans,” after the word “stability” and before the word “facilitating”.*

(c) *Section 5.1.1.2 g) is amended by pluralizing the word “resident”.*

(d) *Section 5.1.1.2 h) is amended by changing the word “identify” to “identifying”.*

10) *Section 5.2.2 – Height and/or Density Bonuses*

(a) *Section 5.2.2.1 is amended by changing the word “would” in the second line and replacing it with the word “is” and also eliminating the word “be” in the second line.*

- (b) *Section 5.2.2.1 is amended by adding the word “are” between the words “agreements” and “that”*
 - (c) *Section 5.2.2.3 i) is amended by adding the words “mid-range or” between the words “with” and “affordable”.*
 - (d) *Section 5.2.2.3 j) is deleted and replaced by the following*
 - “j) improvements to transit facilities including rapid and surface transit including pedestrian connections to transit facilities.”*
- 11) *Section 5.2.4 – Holding Zones*
- (a) *Section 5.2.4.2 b) is amended by adding the word “parks” before the words “open space”.*
 - (b) *Section 5.2.4.2 c) is amended by adding the word “protection” after the word “environmental”.*

Attachment 2

Recommended Modifications to the Etobicoke Centre Zoning By-law

- 1) *Paragraph 3 A (ii) is amended by adding the words “elementary schools, secondary schools; commercial schools” after the words “places of worship” and “veterinary hospitals”*
 - 2) *Paragraph 3 C (ii) is amended by adding the words “elementary schools and secondary schools” after the words “permitted uses”.*
 - 3) *A new paragraph is added as Paragraph 15 as set out below and subsequent paragraphs are renumbered accordingly.*
 - “15. Notwithstanding the provisions of Section 320-32 of the Zoning Code, the elementary school located at 32 Montgomery Road and the secondary school located at 86 Montgomery Road, each existing on the day prior to the passing of this By-law, shall be permitted in the OS Public Open Space Zone and all development regulations existing on the day prior to the passing of this By-law shall remain in effect and constitute the sole development regulations applicable with respect to those schools.”)*
-

(City Council also had before it, during consideration of the foregoing Clause, the following report (November 22, 2002) from the Chief Financial Officer and Treasurer:

Purpose:

To respond to a request from the Policy and Finance Committee to report to Council on a motion that tax increment financing be put in place for commercial office development within the draft Etobicoke Centre Secondary Plan Area.

Financial Implications and Impact Statement:

A proposal to incorporate tax increment financing for commercial office development within the Etobicoke Centre Secondary Plan area has the potential to increase the city's operating budget requirement, as tax revenue from new development that would normally be added to the city's tax base would instead be used to fund annual incentive grants, thereby increasing the city's total annual grants. The overall effect of a system of tax increment-based grants would be to decrease the total potential new assessment growth that is added to the tax base each year.

Recommendation:

It is recommended that tax increment financing for commercial office development not be pursued as an incentive mechanism within the Etobicoke Centre Secondary Plan area at this time.

Background:

The Planning and Transportation Committee at its meeting held November 4, 2002, in its consideration of two reports from the Commissioner, Urban Development Services concerning the draft Etobicoke Centre Secondary Plan and dated August 15, 2002 and October 27, 2002, endorsed in principle the following motion, and referred the motion to the Policy and Finance Committee and Mayor Lastman:

"that tax increment financing be put in place for commercial office development in the Central area."

Subsequently, on November 14, 2002, the Policy and Finance Committee, in considering the recommendations of the Planning and Transportation Committee in this matter, requested that the Chief Financial Officer and Treasurer report directly to Council on the recommendation above for its meeting of November 26, 2002, for consideration with Clause No. 1 of Report No. 13 of the Planning and Transportation Committee. This report responds to that request.

Comments:

Tax increment financing (TIF) is an incentive mechanism that can be used to encourage property development or redevelopment, usually within designated areas. Tax increment financing is generally used to encourage development in situations where, due to environmental conditions or other economic factors, development would be unlikely to proceed in the absence of financial

incentives. In U.S. jurisdictions, tax increment financing has been used with some success to encourage the redevelopment of brownfield sites, or the revitalization of areas that are economically depressed or that suffer from low assessment values.

In general, tax increment financing is a method of using future incremental property tax revenues generated by the redevelopment of a property to offset the upfront costs of redevelopment. In other words, as a property or area is redeveloped, the increase in the assessed value of the property raises the amount of taxes payable by that property. The difference between the taxes paid by the property prior to redevelopment and the taxes paid following redevelopment is referred to as the “tax increment.”

In one type of TIF common in U.S. jurisdictions, the amount of property taxes paid to various taxing bodies (e.g., state, municipalities and school boards) is frozen at the pre-development level on all property within a designated TIF district. Any incremental taxes arising from redevelopment are directed towards a separate TIF authority, and used to finance or to provide incentives for other redevelopment efforts within the TIF zone. In these cases, the City and other taxing authorities temporarily forego additional tax revenue for an agreed-upon period of time, but receive the full amount of taxes based on the increased property value at the end of the TIF period. While this option is common in U.S. jurisdictions, municipalities in Ontario are not permitted to establish TIF districts or to divert tax increases to a separate TIF authority.

A second form of TIF that has been used in Ontario involves City funds being made available, in the form of annual grants, on a site-specific basis to assist in remediation and/or redevelopment, with the grants being funded by the increase in property taxes over the original level. These tax increment-based grants use authority established under the Community Improvement Plan provisions of the Planning Act.

A municipality may base annual grant amounts on a declining percentage of the tax increment, e.g., grants may be structured such that the grant amount in the first year following redevelopment is based on 100% of the tax increment, followed by 90% in the second year, 80% in the third, etc. Tax increment-based grants could also be based on a fixed percentage of the tax increment. In either case, the developer is responsible for the upfront costs of redevelopment, and must pay the increased taxes arising from the higher assessed value following redevelopment, but the annual grants help to offset the initial costs of the redevelopment. At the end of the grant period, the City receives the full property tax value associated with the redeveloped property.

Feasibility of using Tax Increment Financing as a development incentive within the draft Etobicoke Centre Secondary Plan Area:

As previously mentioned, current legislative authority does not permit Ontario municipalities to establish TIF districts or to divert tax increases to a separate TIF authority. This limitation precludes the use of TIFs similar to those used in U.S. jurisdictions, where municipal and school board taxes within a designated TIF zone are frozen at the pre-development level and incremental taxes are diverted to fund redevelopment efforts.

Further, the Municipal Act specifically prohibits a municipality from providing bonuses to businesses enterprises, including grants, loans or other forms of financial assistance. A municipality may, however, using authority established under the Planning Act and subject to provincial approvals, make grants to owners of lands to pay for rehabilitating lands or buildings within a community improvement project area, provided the rehabilitation is consistent with and conforms to an approved community improvement plan.

Approval of the Minister of Municipal Affairs and Housing is required in order for a municipality to make grants within the context of a community improvement plan. A program of tax increment-based grants for commercial office development within the Etobicoke Centre Secondary Plan area would therefore be subject to approval by the Minister, and would require the terms and conditions of such grants and eligibility criteria to be explicitly set out within the draft community improvement plan. It is uncertain whether the Province would approve a system of tax increment-based grants for commercial office development, given the Municipal Act prohibitions on bonusing, and the potential precedent-setting implications.

Where TIFs have been used as a financial incentive mechanism, the rationale for employing TIFs has been to encourage development in situations where, due to environmental conditions or other economic factors, development would be unlikely to proceed in the absence of financial incentives or other forms of financial assistance. It has not been established that this would be the case for commercial office development within the draft Etobicoke Secondary Plan area.

It can also be argued that TIFs may not be necessary for projects where redevelopment involves a change in land use. Often the change in land use (e.g., from industrial to residential, or from low density mixed use to commercial office) in and of itself generates a substantial increase in the assessed value of the property, which negates the need to provide financial incentives to achieve the same end. TIFs may actually encourage the conversion of industrial land to residential or mixed uses, which conflicts with the City's economic development strategy. As such, TIFs are considered more appropriate for redevelopment projects that focus on amelioration of environmental conditions in abandoned or underutilized brownfield sites where no change in land use is proposed.

Financial Implications of TIFs:

In essence, TIFs earmark a portion of the taxes that arise from new development, and redirect these revenues to provide grants to property developers within a designated area, rather than having these incremental tax amounts contribute to the City's overall tax revenues.

From a budgetary perspective, tax increment-based grants would increase the city's operating budget requirement, as the tax revenue from new development that would normally be added to the city's tax base would instead be used to increase the city's total annual grants. While it may be argued that the incremental tax revenue would more than offset the amounts provided as grants, the overall effect of a system of tax increment-based grants would be to decrease the total potential new assessment growth that is added to the tax base each year.

Beyond local improvement levies permitted by the Municipal Act (special tax levies within a designated area that fund a particular capital facility or increased service levels within that area), there is no precedent for dedicating property tax revenues raised within a particular geographic area to a specific purpose. In short, the city's tax base must fund all of the city's programs and services on a city-wide basis.

The actual costs of a system of tax increment-based grants are difficult to predict in advance, as annual grant amounts are calculated as some percentage of the increase in property taxes over the pre-development level of taxes, and grants are only paid once an increase in assessed value has taken place. As such, the actual amount of potential tax revenue provided as grants would be established on a site-specific basis, and would be a function of the total increase in assessed value arising from the particular redevelopment project.

In the case of tax increment-based grants, grant assistance may only be based on the increase in the municipal portion of taxes – current legislation does not allow the provincial education portion of taxes to be redirected to fund such grants. This may limit the potential effectiveness of a system of tax increment-based grants as an incentive mechanism.

For these reasons, and the potential precedent-setting implications, it is recommended that tax increment financing not be pursued as an incentive mechanism within the Etobicoke Centre Secondary Plan area at this time. The Chief Financial Officer and Treasurer will report further on other potential incentive mechanisms that may be used to encourage commercial office development in this and other areas.

Conclusions:

This report examines the feasibility and financial implications of incorporating a system of tax increment financing for commercial office development within the draft Etobicoke Centre Secondary Plan area. Tax increment financing used as an incentive mechanism to provide annual grants based on the incremental taxes arising from redevelopment would increase the city's operating budget requirement. The overall effect of a system of tax increment-based grants would be to decrease the total potential new assessment growth that is added to the tax base each year.

It is recommended that tax increment financing for commercial office development not be pursued within the Etobicoke Centre Secondary Plan area at this time. The Chief Financial Officer and Treasurer will report further on other potential incentive mechanisms that may be used to encourage commercial office development in this and other areas.

Contact:

Casey Brendon

Senior Financial Analyst, Development, Policy and Research Division, Finance

Telephone: 416-397-4476

Fax: 416-397-4465

E-mail: cbrendo@toronto.ca

Joe Farag
Director, Development, Policy and Research Division, Finance
Telephone: 416-392-8108
Fax: 416-397-4465
E-mail: jfarag@toronto.ca)

(City Council also had before it, during consideration of the foregoing Clause, communications from the following, pertaining to the proposed Etobicoke Centre Secondary Plan and Zoning By-law:

- (a) (November 4, 2002) from Stephen H. Diamond, McCarthy Tétrault, Barristers and Solicitors, on behalf of Hollyburn Properties Limited; and*
- (b) (November 4, 2002) and (November 26, 2002) from Cynthia A. MacDougall, McCarthy Tétrault, Barristers and Solicitors, on behalf of Wittington Properties Limited.)*