

Authority: Etobicoke York Community Council Item EY10.2, as adopted by City of Toronto Council on December 9 and 10, 2015 and MM18.40, moved by Councillor Justin J. Di Ciano, seconded by Councillor John Campbell, adopted as amended, by City of Toronto Council on May 3, 4 and 5, 2016

## CITY OF TORONTO

### BY-LAW No. 447-2016

#### **To amend Chapters 320 and 324 of the Etobicoke Zoning Code, with respect to the lands municipally known as 5239, 5245 and 5249 Dundas Street West and 3 Aukland Road.**

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

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

The Council of the City of Toronto enacts:

1. Notwithstanding the provisions of By-law No. 1088-2002, the following provisions shall apply to the lands described in Schedule 'A' attached hereto:

#### **1.1 Definitions**

For the purposes of this By-law the following definitions will apply:

"Building Envelope" means the areas delineated by heavy lines on Schedule 'B' to this By-law;

"Commercial Parking Garage" means a building or portion of a building, other than a *private garage*, located below *grade* that is used for the temporary parking of motor vehicles, as an accessory use to the principle use or uses permitted on the *lot*, and a fee may be charged for the use of such *parking spaces*;

"Grade" means 129.75 metres Canadian Geodetic Datum;

"Gross Floor Area" means the same meaning as Etobicoke Zoning Code definition in Section 304-3, except that the following areas shall also be excluded:

- (a) parking, loading and bicycle parking below grade;
- (b) required loading spaces at the ground level and required bicycle parking spaces at or above grade;
- (c) storage rooms, electrical, utility, mechanical and ventilation rooms;
- (d) required shower and change facilities for bicycle parking spaces;
- (e) indoor amenity space to a maximum of 2.0 square metres per dwelling unit;

- (f) elevator shafts;
- (g) garbage shafts;
- (h) mechanical penthouse; and
- (i) exit stairwells in the building.

"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, telecommunications equipment, green roof elements, equipment for the production of energy, 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;

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

"Landscaped Open Space" means an area on the Lands located at grade, above underground parking area and/or on a rooftop, which contains landscaping. It shall include any part of the Lands occupied by outdoor recreational buildings or structures such as gazebos, surfaced walks, patios or similar areas, sports or recreational areas, but shall exclude driveways or ramps;

"Minor Projections"- means minor building elements which may project from the main walls of the buildings into required yards and beyond the Building Envelopes, including but not limited to roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, doors, canopies, exterior stairs associated covering, wheelchair and covered ramps, parapets and vents, awnings, skylights, ornamental elements, trellises, lighting fixtures, fences, landscape features and seating areas, retaining walls, ramps to an underground garage, all to a maximum projection of 1.6 metres;

"Temporary Sales Office" means a building, structure, facility or trailer on the lot used for the purpose of the sale of dwelling units to be erected on the Lands;

"Tower Element" means the portion of a building above the first 3 storeys from grade at the north façade (front).

## **1.2 Permitted Uses**

Notwithstanding Section 3 of By-law No. 1088-2002, for the purposes of this By-law, no building or structures shall be erected or used on the Lands except for the following uses:

- (a) All uses permitted under Section 3 (A) and 3 (B) of By-law No. 1088-2002;
- (b) Grocery Store;

- (c) Accessory structures, including but not limited to access roads, underground parking garages, television antennae, private swimming pools and structures in conjunction with such pools, covered ramps, exterior stairs, stair enclosures, noise barriers and ventilation shafts;
- (d) A Temporary Sales Office; and
- (e) A Commercial Parking Garage.

### **1.3 Gross Floor Area**

Notwithstanding Section 4 of By-law No. 1088-2002, for the purposes of this By-law:

- (a) The maximum Gross Floor Area (GFA) permitted on the Lands shall be 33,400 square metres;
- (b) A maximum of 5,150 square metres of non-residential Gross Floor Area may be provided on the lands. This GFA is included in the maximum GFA permitted in Section 1.3(a) of this By-law.

### **1.4 Maximum Height**

Notwithstanding Section 5 of By-law 1088-2002, for the purposes of this By-law, the maximum heights permitted within the Building Envelope, in metres above grade, shall be as shown on Schedule 'B', attached hereto.

### **1.5 Setbacks/Build-to Areas/Floor Plate Restrictions**

For the purposes of this By-law:

- (a) Notwithstanding Section 6 (i) of By-law No. 1088-2002, no building or structure above grade shall be located anywhere other than within the Building Envelope shown on Schedule 'B'.
- (b) Notwithstanding Section 6(ii) of By-law No. 1088-2002, the maximum floor plate area for any Tower Element shall be 781 square metres.
- (c) Notwithstanding Section 6(v) of By-law No. 1088-2002 the minimum separation distance between a Tower Element and the portion of any building above 5 storeys on an abutting lot, existing as of the date this By-law comes into force, shall be 22.9 metres.
- (d) Notwithstanding Section 1.5 (a) of this By-law, the following provisions shall apply:
  - (i) Any portion of any building or structure which is located below the finished exterior ground level may extend to the property line.

- (ii) Minor Projections are permitted to extend beyond the Building Envelope.
- (iii) Temporary sales offices and permitted accessory structures shall be permitted outside the Building Envelope. Permitted accessory structures include but are not limited to access roads, underground parking garages, television antennae, private swimming pools and structures in conjunction with such pools, covered ramps, exterior stairs, stair enclosures, noise barriers and ventilation shafts.

## **1.6 Area Requirements**

Notwithstanding Section 7(ii) of By-law No. 1088-2002, a minimum of 14.5 percent of the lot area shall be reserved for Landscaped Open Space.

## **1.7 Parking and Loading Requirements**

Notwithstanding the minimum parking requirements of Section 8(i)(a), (b) and (c) of By-law No. 1088-2002, parking spaces shall be provided in accordance with the following minimum requirements:

Residential:

- Bachelor units: minimum of 0.5 spaces per unit
- One-bedroom units: minimum of 0.6 spaces per unit
- Two-bedroom units: minimum of 0.9 spaces per unit
- Three-bedroom units: minimum of 1.0 space per unit

Residential Visitor:

- Minimum of 0.1 spaces per unit

Non-Residential:

- Minimum of 1.0 space per 100 square metres of non-residential Gross Floor Area.

The visitor *parking spaces* required by this subsection may be provided within an underground *commercial parking garage* and such visitor *parking spaces* may be shared with the required non-residential *parking space* and a fee may be charged for the use of such visitor *parking spaces*.

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

**1.9** Zoning By-law No. 434-2007 being a By-law "To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the east side of Auckland Road municipally known as 3 Auckland Road" is repealed.

- 1.10** Chapter 324, Site Specifics, of the Zoning Code is amended to delete By-law No. 434-2007 and include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws.

<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
447-2016 May 5, 2016	Lands located on the south-east corner of Dundas Street West and Aukland Road known as 5239, 5245 and 5249 Dundas Street West and 3 Aukland Road	To provide site specific development standards to permit a mixed-use development at 5239, 5245 and 5249 Dundas Street West and 3 Aukland Road

**2. Section 37**

- 2.1** The height and density of development permitted by this By-law is subject to the Owner of the land, at its expense, providing the following facilities and/or services and/or matters pursuant to Section 37 of the *Planning Act* as follows:

- (a) Eight hundred, seventy five thousand dollars (\$875,000) prior to the issuance of the first above grade building permit, to be allocated in Ward 5 Etobicoke-Lakeshore, to the satisfaction of the Chief Planner in consultation with the Ward Councillor, generally as follows:
- (i) \$100,000.00 to the Islington BIA for streetscape improvements;
  - (ii) \$500,000.00 to the future Westwood YMCA in the Six Points area; and
  - (iii) \$275,000.00 to the future Westwood Park in the Six Points area;

All cash contributions identified in this by-law, until paid in full by the Owner to the City, shall be indexed upwardly from the date of this Agreement in accordance with Statistics Canada Non-Residential Construction Price Index for Toronto CMA, reported quarterly by Statistics Canada in the Construction Price Statistic Publication No. 62-007-ZPB or its successor. In the event the cash contribution referred to in (a) above has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the property.

- (b) Prior to the issuance of any Building Permit for the Site, the Owner shall, at its sole cost and expense, secure a vehicle and pedestrian access easement in favour of the Development over the adjacent private road known as Viking Lane;

- (c) Prior to the issuance of any Building Permit for the Site, the Owner shall, at its sole cost and expense, provide certification from the Owner's solicitor certifying that the Owner has entered into a cost-sharing agreement with the abutting landowner to the east with respect to maintenance of the private road known as Viking Lane.
- (d) Prior to the earlier of any residential use of or any condominium registration on the Site, the Owner shall design and construct any traffic control signal timing adjustments and additional phases, including any hardware modifications, required to facilitate forecast traffic to the Development at the Dundas Street West/Aukland Road signalized intersection (in accordance with Appendix M of the Traffic Consideration dated February 2015 as prepared by BA Group), to the satisfaction of the General Manager, Transportation Services;
- (e) Prior to the earlier of any residential use or any condominium registration on the site, the Owner shall construct a southbound left turn storage lane along Aukland Road, to the satisfaction of the General Manager, Transportation Services;
- (f) Prior to the earlier of any residential use or any condominium registration, the Owner shall, at its sole expense, construct and maintain upgraded streetscapes for (a) Dundas Street West and (b) Aukland Road generally in accordance with the cross sections developed through the Six Points Interchange Reconfiguration Construction Project and the City's Streetscape Manuel;
- (g) Prior to the first Above-Grade Building Permit for the Site, the Owner shall provide a certified cheque, in the form and from a financial institution acceptable to the Chief Planner, to the City in the amount of \$12,375.00 for the upgrade of the footpath on the St. Albans Toronto Water pumping station to a paved walkway;
- (h) Prior to the earlier of any residential use of or any condominium registration on the Site, the Owner shall construct and maintain the enhanced connection at the site's southern edge, from Viking Lane to Aukland Road to the satisfaction of the Chief Planner, in accordance with approved plans, secured to the satisfaction of the City Solicitor;
- (i) Prior to the issuance of the first above grade Building Permit the Owner shall construct a public sidewalk along Aukland Road on the lands fronting the St. Albans Toronto Water Pumping Station, known municipally as 30 St. Albans Road;

- (j) Prior to the earlier of any residential use of or any condominium registration on the Site, the Owner shall at its sole expense construct and thereafter maintain a publically accessible pedestrian connection, partially on the Site and partially on the abutting Toronto Water Lands;
  - (k) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009;
  - (l) Prior to Site Plan Approval the Owner shall incorporate and maintain the wind control measures identified in the Pedestrian Wind Study Addendum prepared by Novus Environmental dated July 7, 2014;
  - (m) The owner shall provide any necessary warning clauses in future agreements of purchase and sale related to the TTC operations, with the language of the warnings to be determined prior to Site Plan Approval; and
  - (n) The owner shall satisfy the requirements of the Toronto Catholic District School Board and the Toronto District School Board regarding warning clauses and signage, with the language of the warnings to be determined prior to Site Plan Approval.
3. Within the lands shown on Schedule 'A' attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

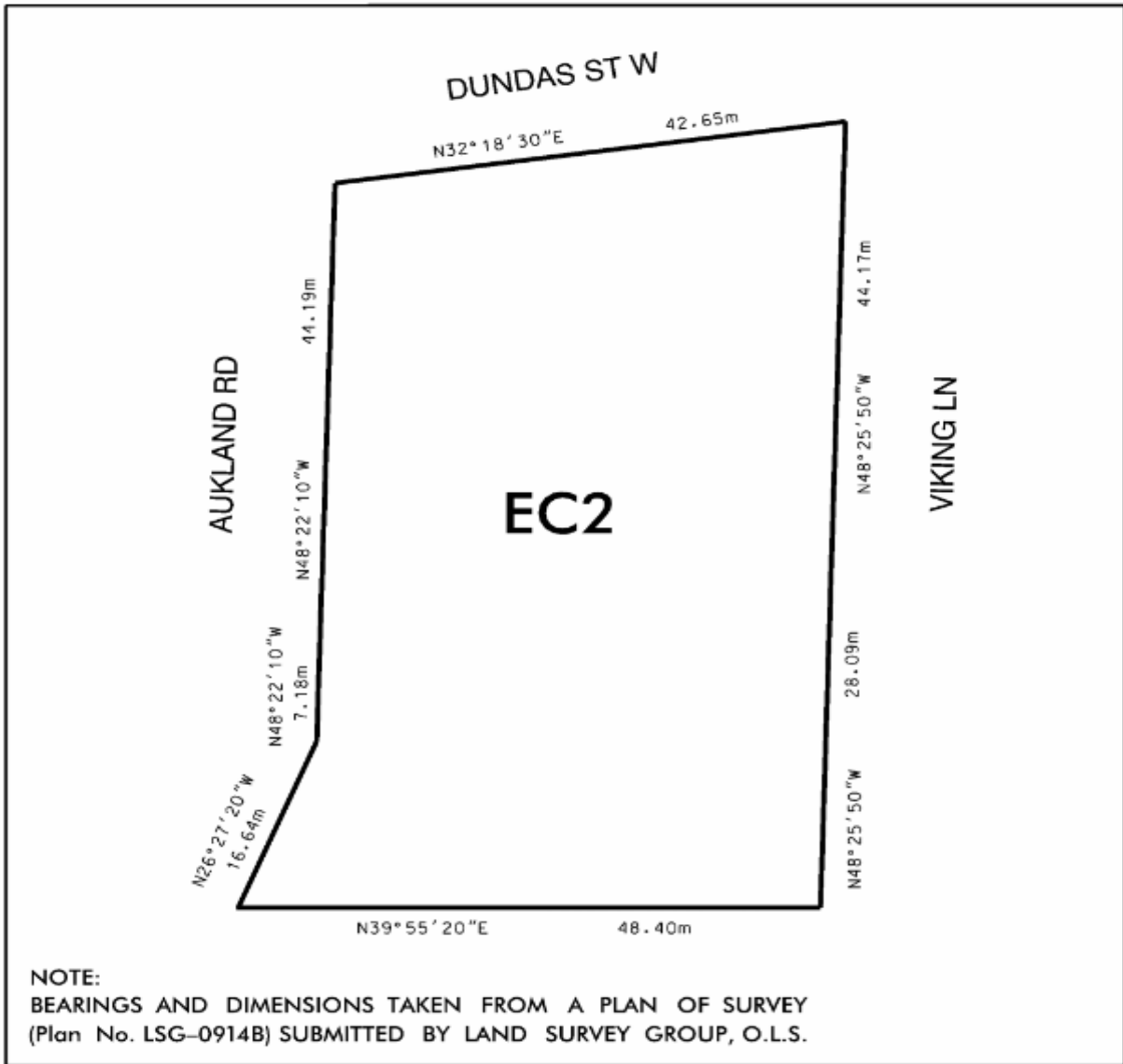
Enacted and passed on May 5, 2016.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**Toronto** Schedule 'A' BY-LAW

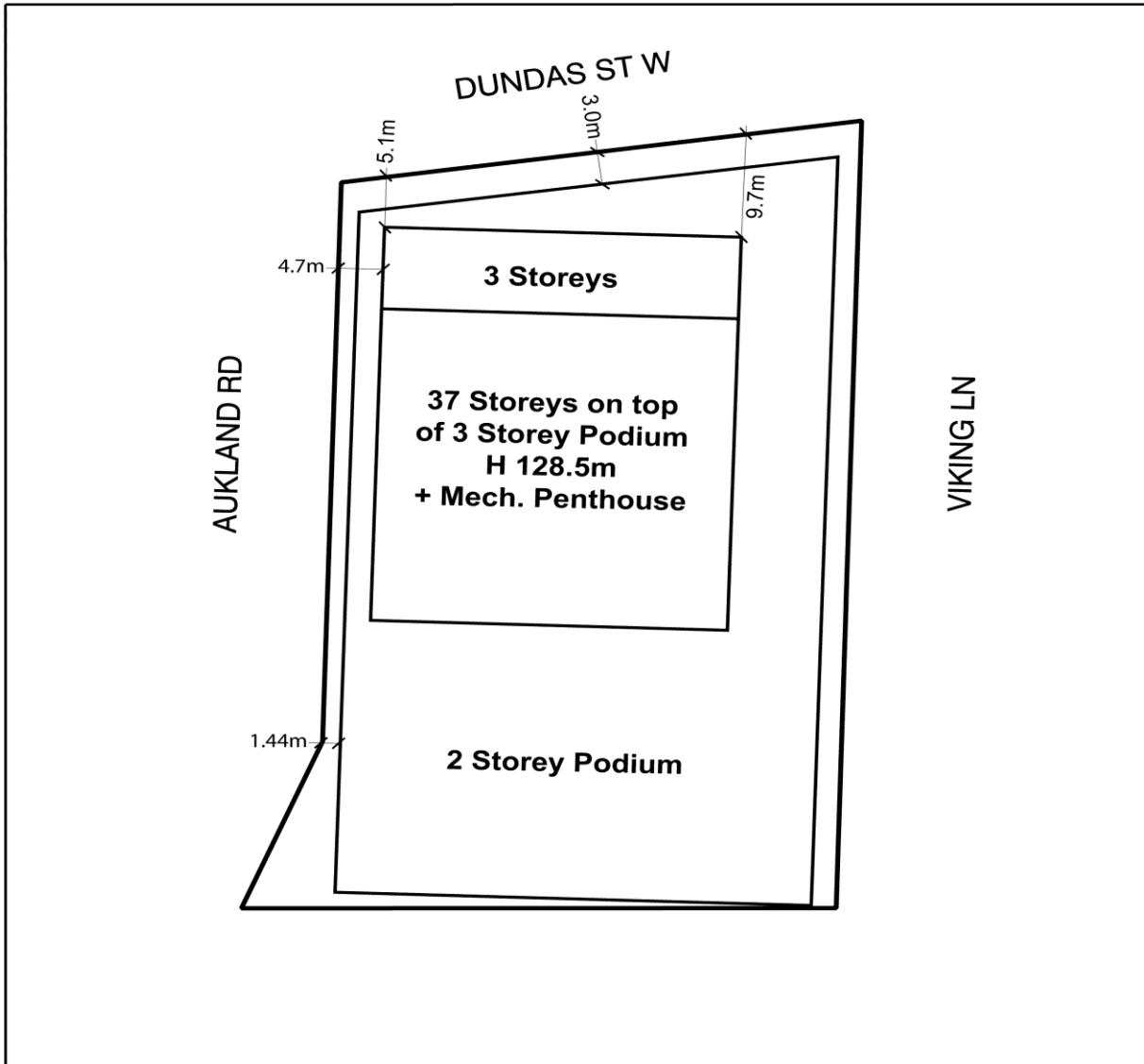


**LOT 13 and PART OF LTS 10, 11 & 12  
REGISTERED PLAN 2561  
CITY OF TORONTO**

Applicant's Name:	AUKLAND AND MAIN URBAN PROPERTIES INC.		
Address:	5239, 5245 and 5270 Dundas St W & 3 Auckland Rd		
File No. 13 280673 WET 05 02	Dwg No. 13_280673_dz1	scale: 0 10 20 5 15 m	



**Toronto** Schedule 'B' BY-LAW



**LOT 13 and PART OF LTS 10, 11 & 12  
 REGISTERED PLAN 2561  
 CITY OF TORONTO**

Applicant's Name:	<b>AUKLAND AND MAIN URBAN PROPERTIES INC.</b>		
Address: 5239, 5245 and 5270 Dundas St W & 3 Aukland Rd		scale:	
File No. 13 280673 WET 05 OZ	Dwg No. 13_280673_dz2		