

Authority: Etobicoke York Community Council Item EY11.5, as adopted by City of Toronto Council on November 29, 2011, Etobicoke York Community Council Item EY12.8, adopted as amended, by City of Toronto Council on February 6, 2012 and MM20.23, as adopted by City of Toronto Council on July 12, 13, 14 and 15, 2016

CITY OF TORONTO

BY-LAW No. 769-2016

To amend the Etobicoke Zoning Code and By-law No. 1088-2002, as amended, with respect to the lands municipally known in 2015 as 5415-5481 Dundas Street West and 15 and 25 Shorncliffe Road to remove the holding symbol (H) and to impose a new holding symbol (H) for the lands.

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

Whereas authority is given to Council by Section 34 and Section 36 of the *Planning Act*, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas Council has provided notice of the intent to pass this By-law and to remove the holding symbol (H) and impose a new holding symbol (H); and

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

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in height and density beyond those otherwise permitted in return for the provision of such facilities, services and matters as set out in the By-law; and

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

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

Whereas the increase in density and height of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto; 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. That the zoning map referred to in Section 320-5, Article II of the Etobicoke Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737 (Etobicoke Zoning Code), is amended by changing the classification of a part of the lands described in Schedule 'A' attached (the "Lands") from Etobicoke Centre 2 (EC2) to Public Open Space (OS), in accordance with the classifications shown on Schedule 'A'.

Notwithstanding the Etobicoke Zoning Code, the following provisions and development standards shall apply to the Etobicoke Centre 2 (EC2) lands described in Schedule 'A' attached.

Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code or By-law No. 1088-2002, the provisions of this By-law shall apply.

2. Definitions

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

"Building 1" - "Building 5" refers to the buildings shown on Schedule 'B', attached hereto, including their related tower elements;

"Building Envelope" means the areas delineated by heavy lines and identified as Tower Element or Building on Schedule 'B' attached;

"Building Permit" means a permit issued under Section 8 of the *Building Code Act, 1992*, including a permit for excavation or shoring;

"Gross Floor Area" shall have the same meaning as the Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: Mechanical Floor Area; Indoor Amenity Areas up to 2 square metres per unit; storage areas, underground garage levels and unenclosed balconies;

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

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

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

"Mechanical Floor Area" means a room or enclosed area, including its enclosing walls, within a building or structure above or below grade, that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than

escalators), elevator shafts, or telecommunications equipment that serves only such building;

"Minor Projections" means minor building elements which may project from the main walls of the buildings into required yards and beyond the Building Envelopes, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, doors, canopies, exterior stairs and covered ramps, parapets and vents all to a maximum projection of 1.5 metres;

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

"Site Plan Approval" means approval by the Chief Planner and Executive Director, City Planning Division or City Council, pursuant to Section 114 of the *City of Toronto Act, 2006*;

"Tower Elements" means, with reference to Schedule 'B', for Buildings 1 and 4 the portions above 8 storeys, for Buildings 2 and 3 the portions above 4 storeys and for Building 5 the portions above 5 storeys.

3. Permitted Use

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 with a Zone Symbol EC2, except for the following uses:

- (a) All uses permitted under Section 3(B) of By-law No. 1088-2002 except the following uses, which are not permitted: public parking areas, elementary schools and secondary schools.
- (b) Accessory structures, including 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.
- (c) Townhouses.

4. Gross Floor Area

Notwithstanding Section 4 of By-law No. 1088-2002, for the purposes of this By-law, on the Lands with a Zone Symbol EC2:

- (a) The maximum Gross Floor Area (GFA) permitted on the Lands shall be 182,500 square metres.
- (b) A combined minimum of 2,355 square metres of non-residential GFA must be provided on the ground floors of Buildings 1 and 4. This GFA is included in the maximum GFA permitted in Section 4(a) of this By-law.

- (c) A combined minimum of 6,000 square metres of non-residential GFA must be provided on the second and third floors above the ground floor of Buildings 1 and 4. This GFA is included in the maximum GFA permitted in Section 4(a) of this By-law.

5. Maximum Height

Notwithstanding Section 5 of By-law No. 1088-2002, for the purposes of this By-law, on the Lands with a Zone Symbol EC2, the maximum heights permitted within the Building Envelope shall be the lower of the maximum permitted height in metres above grade and number of storeys as shown on Schedule 'B', attached.

6. Setbacks /Floor Plate Restrictions

For the purposes of this By-law,

- (a) Notwithstanding Section 6 of By-law No. 1088-2002, on the Lands with a Zone Symbol EC2, no building or structure shall be located other than within the Building Envelopes shown on Schedule 'B'.
- (b) Notwithstanding Section 6 of By-law No. 1088-2002, on the Lands with a Zone Symbol EC2, all buildings or structures shall have a setback of 3.0 metres from the Dundas Street West property boundary and a maximum setback of 12.0 metres from the Shorncliffe Road property boundary.
- (c) Notwithstanding Section 6(i) of By-law No. 1088-2002, on the Lands with a Zone Symbol EC2 the Build-to Area shall be a minimum of zero percent of any lot frontage abutting Shorncliffe Road.
- (d) Notwithstanding Section 6(i) of By-law No. 1088-2002 and Section 5 of this By-law, on the Lands with a Zone Symbol EC2, for any portion of a building above 13.0 metres above grade, a minimum 3.0 metre setback from any face of the building at grade shall be required, except that for Buildings 1 and 4, the setback from the face of the Buildings facing Dundas Street West shall be a minimum of 1.5 metres and for Building 5 a minimum 3.0 metre setback from any face of the building at grade shall be required for any portion of the building above 18.0 metres above grade.
- (e) Notwithstanding Section 6(ii) of By-law No. 1088-2002, on the Lands with a Zone Symbol EC2 the maximum floor plate area for each Tower Element of any building shall be 750.0 square metres.
- (f) Notwithstanding Section 6(v) of By-law No. 1088-2002 and Section 5 of this By-law, on the Lands with a Zone Symbol EC2 the minimum separation distance between the Tower Elements on the Lands, and between the Tower Elements on the Lands and the portion of any building above 8 storeys on an abutting lot shall be 25.0 metres.

- (g) Notwithstanding Section 6(a) of this By-law, on the Lands with a Zone Symbol EC2 the following provisions shall apply:
- (i) Any portion of any building or structure which is located below the finished exterior ground level may be located outside of the Building Envelopes, provided that in no case shall any portion of any building or structure, above or to a depth of 1.5 metres below grade, project into the 3.0 metre setback from the Dundas Street West property boundary required in Section 6(b) of this By-law.
 - (ii) Notwithstanding Section 6(iii) of By-law No. 1088-2002, Minor Projections shall be permitted to project outside the Building Envelope, provided that in no case shall any portion of any building or structure project into the 3.0 metre setback from the Dundas Street West property boundary required in Section 6(b) of this By-law.
 - (iii) Permitted accessory structures, wheelchair and covered ramps, exterior stairs and associated covering, parapets and railings related to underground parking structures, vents, temporary sales offices, safety railings and other landscape features, including gazebos to a maximum aggregate covered area of 200 square metres, shall be permitted outside the Building Envelope provided that in no case shall any permitted accessory structure project into the 3.0 metre setback from the Dundas Street West property boundary required in Section 6(b) of this By-law.
 - (iv) Notwithstanding Section 6(a) of this By-law, canopies shall be permitted outside the Building Envelope.

7. Area Requirements

Notwithstanding Section 7 of By-law No. 1088-2002, for the purposes of this By-law, on the Lands with a Zone Symbol EC2 the following area requirements shall apply to the Lands:

- (a) Landscaped Open Space: a minimum 25 percent of the area of the Lands with a Zone Symbol EC2 shall be provided as Landscaped Open Space.
- (b) Indoor Amenity Space: a minimum 2.0 square metres per dwelling unit of Indoor Amenity Space shall be provided within each building erected on the Lands.
- (c) Outdoor Amenity Space: a minimum of 2.0 square metres per dwelling unit of Outdoor Amenity Space shall be provided for the use of each building erected on the Lands.

8. Parking and Loading Requirements

For the purposes of this By-law, on the Lands with a Zone Symbol EC2, the following

requirements shall apply:

- (a) Notwithstanding Section 8(i) of By-law No. 1088-2002, vehicle parking shall be provided on the Lands in accordance with the following table:

Dwelling Unit Type	Minimum per unit	Maximum per unit
Bachelor	0.6 vehicle space	0.9 vehicle space
1 Bedroom	0.7 vehicle space	1.05 vehicle spaces
2 Bedrooms	0.9 vehicle space	1.35 vehicle spaces
3 Bedrooms	1.0 vehicle space	1.5 vehicle spaces
Visitors	Minimum 0.1 vehicle space per dwelling unit	
Non-residential	Maximum 3 vehicle spaces per 93 square metres of Non-residential GFA	
Handicapped Parking	1 space of each 100 spaces or part thereof provided	

- (b) Notwithstanding Section 8(ii) of By-law No. 1088-2002, up to 50 percent of the required residential visitor parking requirement in Section 8(a) of this By-law can be shared with and used to meet the parking requirements for Non-residential uses within the same building or structure.
- (c) Minimum vehicle parking stall dimensions, excluding parking stalls for the disabled, shall be 2.6 metres wide, 5.6 metres in perpendicular length, with a minimum 6.0 metres wide access aisle. Parking stall dimensions for the disabled shall be the same except they shall be 3.65 metres wide and shall be located in the area reserved for parking which is closest to building elevators.
- (d) Notwithstanding Section 8(iii) and (iv) of By-law No. 1088-2002, bicycle parking shall be provided on the Lands in accordance with the following table:

Purpose	Minimum Number of Bicycle Spaces Per Unit (other than in dwelling units or privately owned locker areas)
For occupants	0.8 space per unit
For visitors	0.2 spaces per unit
For Non-residential uses	0.5 spaces per 100 square metres of Non-residential GFA
Occupant spaces to be provided at ground level	5 percent of the occupant spaces required

- (e) Sections 8(v) of By-law No. 1088-2002 does not apply to the Lands.
- (f) Notwithstanding Section 8(vi) of By-law No. 1088-2002, no at or above grade parking of motor vehicles is permitted.

9. Public Pedestrian Entrances and Exits

Notwithstanding Section 9 of By-law No. 1088-2002, for the purposes of this By-law, on the Lands with a Zone Symbol EC2:

- (a) A building face facing Shorncliffe Road shall not be required to contain a public pedestrian entrance and exit to and from the building.
- (b) for Buildings 1 and 4 at least one public pedestrian entrance(s) and exit(s) for both the residential and non-residential uses above the ground floor shall be provided for each building in the building face that faces Dundas Street West, except for the residential units with access at grade level in building faces that do not face Dundas Street West.
- (c) for Buildings 2, 3 and 5 a public pedestrian entrance and exit for the uses above the ground floor shall be provided in the building face that faces the Private Road, except for the residential units with access at grade level in building faces that do not face the Private Road.

10. By-law No. 1088-2002 is amended by removing the holding symbol (H) from the Lands shown on the attached Schedule 'A'.

11. Imposing the "H" Holding Symbol

Despite Section 3 of this By-law, the uses permitted in this By-law are not permitted in respect of lands shown on Schedule 'A' to this By-law with a zone symbol that possesses an "H" holding symbol prefix until such time as the holding symbol is removed by amendment to this By-law.

12. Removal of the "H" Holding Symbol

In accordance with the provisions of Section 36 of the *Planning Act*, the holding symbol "H" will be removed from the lands shown on Schedule 'A' to this By-law upon fulfillment, all to the satisfaction of the City Solicitor; the Director, Community Planning, Etobicoke York District and the Executive Director, Engineering and Construction Services, of Subsections (a) and (b) below:

- (a) The execution and registration of a development agreement between the Owner of the Lands and the City, securing the financing and construction of any improvements that may be required to the City's sanitary sewer, storm sewer and water supply systems to accommodate the proposed development, and
- (b) The receipt of all necessary approvals for the infrastructure required in Section 12(a) of this By-law.

13. Section 37

The density and heights of development permitted by this By-law are subject to the Owner of the Lands, at its sole expense, providing the following facilities and/or cash contributions toward specific facilities in accordance with and subject to the Agreement required in this Section, pursuant to Section 37 of the *Planning Act* as follows:

- (a) Prior to the issuance of the first above-grade Building Permit for all or any portion of the Lands, the Owner shall pay to the City by certified cheque the sum of one million, two hundred and fifty thousand dollars (\$1,250,000.00) towards the capital needs of a future YMCA facility proposed to be located on the former Westwood Theatre lands and/or local park improvements, and such sum shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto from the date of execution of the Section 37 Agreement to the date of payment to the City.
- (b) Notwithstanding the provisions of Subsection (a) above, if the Lands are developed in phases, the Owner is required to pay to the City 50 percent of the cash contribution required in Subsection (a) prior to the issuance of the first above-grade Building Permit for all or any portion of the Lands. The Owner shall pay to the City the remaining 50 percent of such cash contribution prior to the issuance of the first above-grade Building Permit for all or any part of the second phase.
- (c) Prior to the issuance of any Building Permit for all or any portion of the Lands, the Owner of the Lands is required to enter into and register on title to the Lands one or more agreements with the City pursuant to Section 37 of the *Planning Act*, as a method secure the facilities, services, and matters set forth in this Section 13, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, including providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, Harmonized Sales Tax, termination and unwinding, and registration and priority of agreement.
- (i) The Owner of the Lands shall provide signage and warning clauses in accordance with the requirements of the Toronto District School Board and Toronto Catholic District School Board.
- (ii) The Owner of the Lands shall comply with requirements regarding building modifications and notification to prospective buyers regarding noise levels and noise mitigation measures, as detailed in the Environmental Noise Assessment for the Lands, dated September 19, 2011, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- (iii) The Owner of the Lands shall enter into and register an agreement with the City securing the financing and construction of any improvements that may be required to the City's sanitary sewer, storm sewer and water supply systems to accommodate the proposed development, including providing letters of credit to secure such work, prior to the earlier of the issuance of Site Plan Approval and the issuance of any Building Permit, for all or any part of the Lands, all to the satisfaction of the City Solicitor and the Executive Director, Engineering and Construction Services.
- (iv) The Owner of the Lands shall provide to the City, prior to the issuance of the first above-grade Building Permit for all or any part of the Lands,

detailed cost estimates and certified cheques for required road and transit signalling improvements, as determined by the Executive Director, Engineering and Construction Services.

- (v) The Owner of the Lands shall provide and construct to municipal standards a private road, having the characteristics of a public road, with the exception of ownership, connecting Shorncliffe Road to an approved privately owned, publicly accessible road on the abutting lands to the east and to Dundas Street West (the "Private Road"), all to the satisfaction of the Director, Community Planning, Etobicoke York District and the Executive Director, Construction and Engineering Services. The Private Road will be completed in phases, in tandem with the phased development of the Lands, with each segment of the Private Road abutting any development parcel for which any Building Permit has been issued, to be completed prior to the first above-grade Building Permit being issued or prior to Condominium Registration for that development parcel, with the determination as to timing to be at the sole discretion of the Executive Director, Construction and Engineering Services.
- (vi) The Owner of the Lands will convey (an) easement(s) to the City for public access to the Private Road at all times. Easements for segments of the Private Road may be provided separately and in a phased manner as the Private Road is developed over time, at the discretion of the Executive Director, Engineering and Construction Services. The easement related to the segment of the Private Road abutting a development parcel, shall be provided prior to the issuance of any above-grade Building Permit or prior to Condominium Registration for that development parcel, with the determination as to timing to be at the sole discretion of the Executive Director, Construction and Engineering Services. The Section 37 agreement will contain requirements for the Owner to insure and indemnify the City with respect to the Private Road, all to the satisfaction of the City Solicitor.
- (vii) The Owner of the Lands shall, when required by the Owner of the abutting property to the north-west (the "Abutting Owner"), provide the Abutting Owner with access to the Private Road as if it were a public road and in accordance with the terms of a private agreement between the Owner and the Abutting Owner.
- (viii) The Owner of the Lands shall:
 - i. convey a subsurface easement and rights of support in favour of the City and the public as required for the transit reserve, as shown on Schedule 'B' attached hereto, prior to the earlier of the issuance of any Site Plan Approval and the issuance of any Building Permit for all or any part of the Lands; and

- ii. ensure that the development of the Lands does not preclude the construction of the subway extension and prior to the earlier of the issuance of any Site Plan Approval and the issuance of any Building Permit for all or any part of the Lands shall submit plans for a technical review by and to the satisfaction of the Toronto Transit Commission.
 - (ix) The Owner of the Lands shall provide boulevard improvements on the City owned portions of all frontages of the Lands, including the Dundas Street West frontage of the lands identified as Public Park on Schedule 'B', in accordance with the City's Site Plan Approval procedures and streetscaping standards in place at the time the Lands are developed, all to the satisfaction of the Director of Community Planning, Etobicoke York District.
- 14. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act* in accordance with the provisions of Section 13(c) hereof, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
- 15. Notwithstanding any of the foregoing provisions, where the provisions of this By-law or an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, require the provision of facilities, services and matters prior to issuance of a Building Permit for the proposed development of the Lands, the Owner may not erect or use any building or structure on the Lands until the Owner has satisfied the said requirements and Building Permit issuance shall be dependent on the same.
- 16. Subject to Section 11 of this By-law, nothing in this By-law shall apply to prevent the phased construction of the development permitted by this By-law, provided that the requirements of the By-law are complied with upon full development or earlier if specified otherwise in this By-law.
- 17. 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.
- 18. 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 Lands and the following provisions are complied with:
 - (a) all water mains and sanitary sewers, including off-site improvements, and appropriate appurtenances, have been installed and are operational; and
 - (b) the Private Road has been constructed to a minimum of base curb and base asphalt and is connected to Shorncliffe Road and Dundas Street West, or in the case of a phased development, the portion of the Private Road as required in

accordance with Section 13(c)(v) is completed, and the easement required in Section 13(c)(vi) of this By-law has been registered.

19. Chapter 324, Site Specifics, of the Zoning Code is amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
769-2016 July 15, 2016	Lands located on the south side of Dundas Street West east of Shorncliffe Road known as 5415-5481 Dundas Street West and on the east side of Shorncliffe Road south of Dundas Street West known as 15 and 25 Shorncliffe Road.	To provide site specific development standards and remove an "H" Holding Symbol regarding roads to permit a mixed-use development at 5415-5481 Dundas Street West and 15 and 25 Shorncliffe Road, and to remove an "H" and impose a new "H" Holding Symbol regarding provision of water and sewer infrastructure.

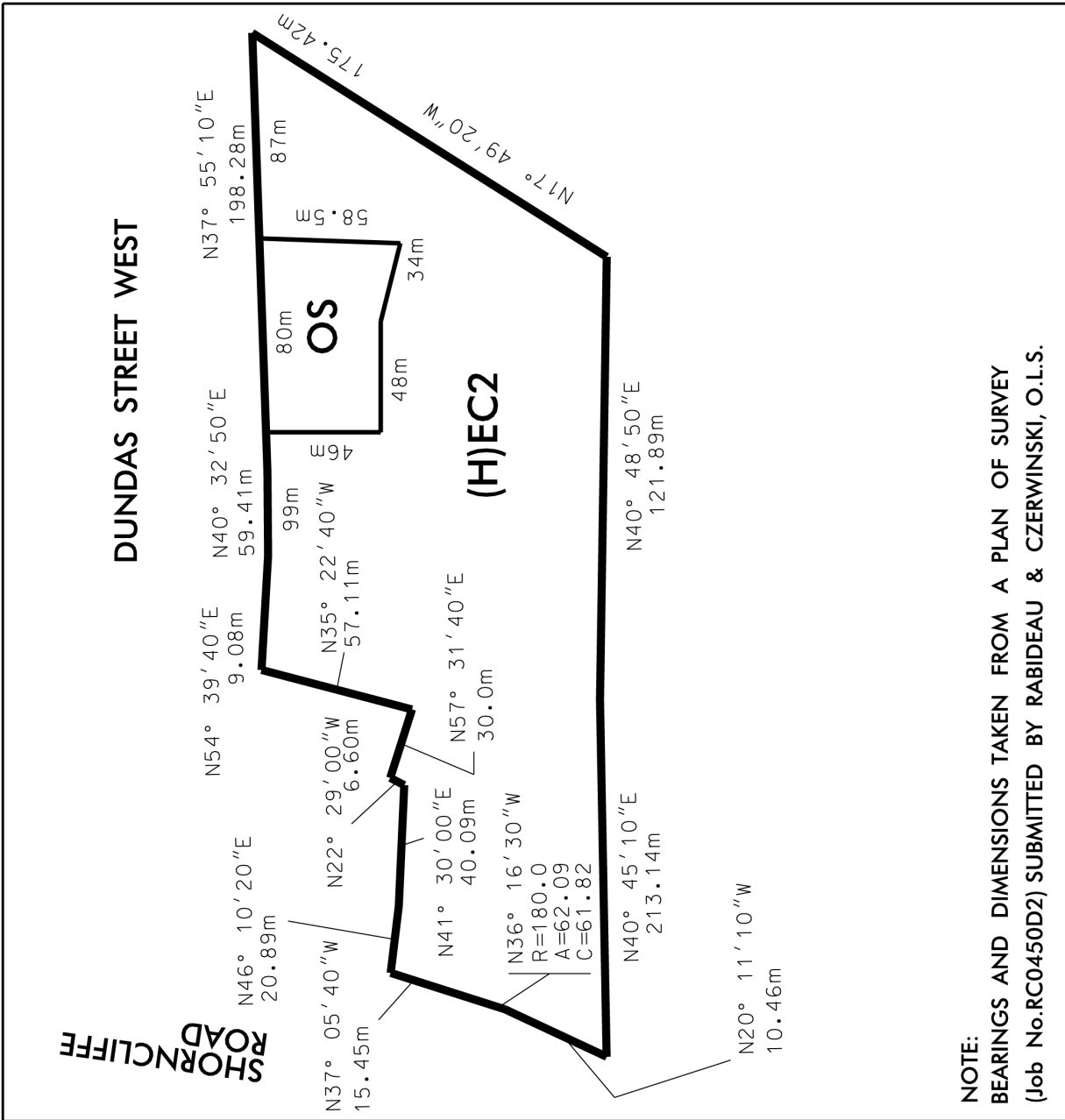
Enacted and passed on July 15, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

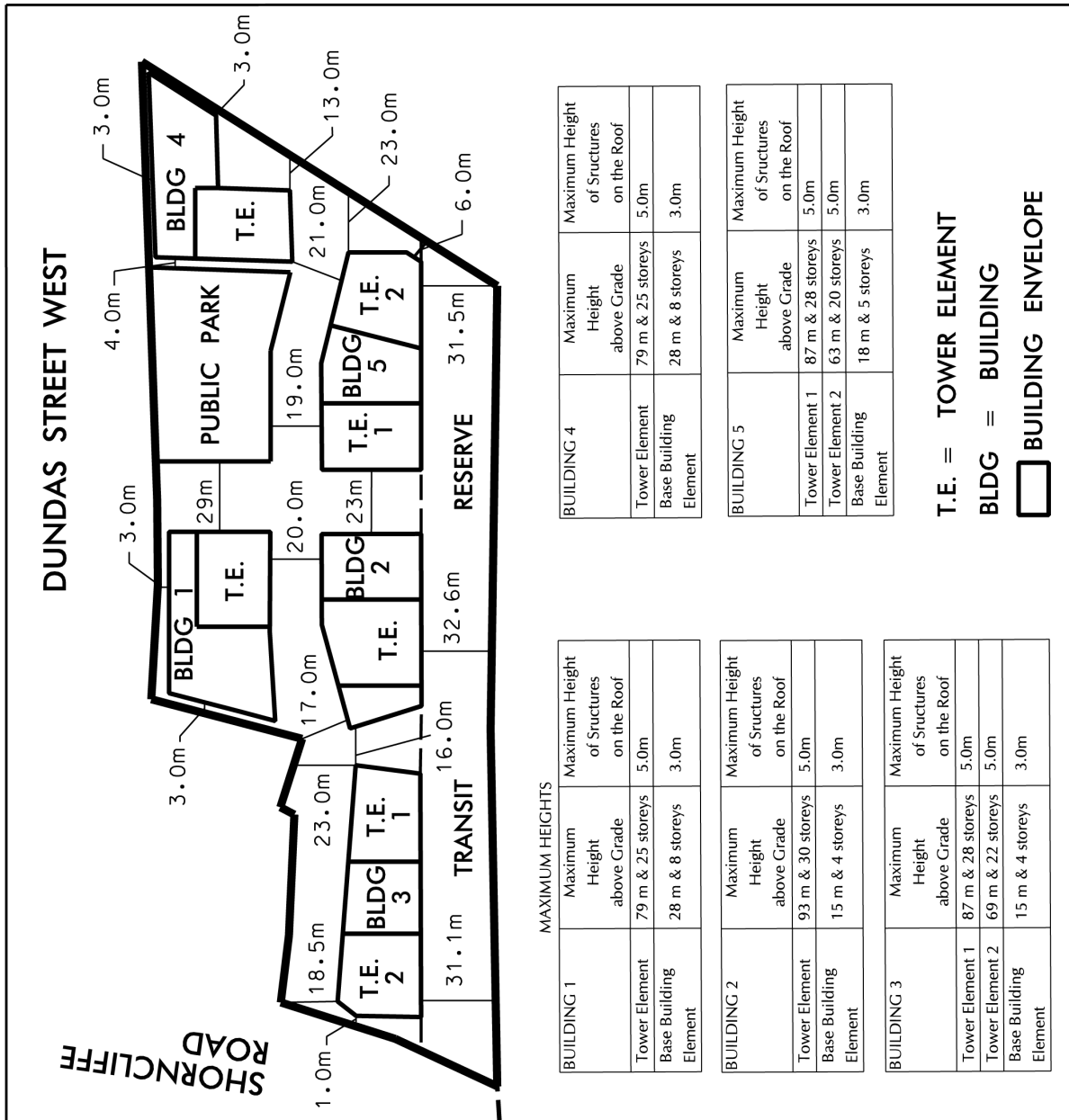
Toronto Schedule 'A' BY-LAW



**PART OF LOTS 1 TO 9 (INCLUSIVE) AND PART OF LOTS 20, 21 & 22
REGISTERED PLAN 2104
CITY OF TORONTO**

Applicant's Name:		THE GOLDBERG GROUP	
Assessment Map C14	5415-5481 Dundas St. W. & 15-25 Shorncliffe Rd.		
File No. 10 272799 WET 05 OZ	Dwg No. 10_272799_dz1	scale:	

Toronto Schedule 'B' BY-LAW



**PART OF LOTS 1 TO 9 (INCLUSIVE) AND PART OF LOTS 20, 21 & 22
REGISTERED PLAN 2104
CITY OF TORONTO**

Applicant's Name:		THE GOLDBERG GROUP	
Assessment Map C14	5415-5481 Dundas St. W. & 15-25 Shorncliffe Rd.		
File No. 10 272799 WET 05 OZ	Dwg No. 10_272799_dz2		scale:

BUILDING 4	Maximum Height above Grade	Maximum Height of Structures on the Roof
Tower Element	79 m & 25 storeys	5.0m
Base Building Element	28 m & 8 storeys	3.0m

BUILDING 5	Maximum Height above Grade	Maximum Height of Structures on the Roof
Tower Element 1	87 m & 28 storeys	5.0m
Tower Element 2	63 m & 20 storeys	5.0m
Base Building Element	18 m & 5 storeys	3.0m

BUILDING 1	Maximum Height above Grade	Maximum Height of Structures on the Roof
Tower Element	79 m & 25 storeys	5.0m
Base Building Element	28 m & 8 storeys	3.0m

BUILDING 2	Maximum Height above Grade	Maximum Height of Structures on the Roof
Tower Element	93 m & 30 storeys	5.0m
Base Building Element	15 m & 4 storeys	3.0m

BUILDING 3	Maximum Height above Grade	Maximum Height of Structures on the Roof
Tower Element 1	87 m & 28 storeys	5.0m
Tower Element 2	69 m & 22 storeys	5.0m
Base Building Element	15 m & 4 storeys	3.0m

T.E. = TOWER ELEMENT
BLDG = BUILDING
BUILDING ENVELOPE