

Authority: Etobicoke York Community Council Item EY31.1, as adopted by City of Toronto Council on June 26, 27, 28 and 29, 2018

CITY OF TORONTO

BY-LAW 1211-2018

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to lands known municipally as 70 Dixfield Drive.

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

Whereas the Council of the City of Toronto has provided adequate information to the public and has conducted a public meeting in accordance with the Planning Act; and

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

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

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services 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 owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out;

The Council of the City of Toronto enacts:

1. The Zoning Map referred to in Section 320-5, Article II of the Etobicoke Zoning Code, is amended by deleting the Second Density Residential (R2) and Planned Commercial Preferred (CPR) zones and confirming the Fifth Density Residential (R5) zoning classification of the **Lands** located in the former Township of Etobicoke as described in Schedule 1 attached.
2. Notwithstanding the provisions of Section 320-74 of the Etobicoke Zoning Code, the following development standards shall be applicable to the entirety of the Fifth Density Residential (R5) **Lands** described in Schedule 1:
 - (a) For the purposes of this by-law, five (5) *apartment buildings* shall be permitted on the **Lands** described on Schedule 1;
 - (b) The total combined **Gross Floor Area** of the buildings on the lot shall not exceed 27,200 square metres;
 - (c) The maximum number of units on the Lands shall be 229;

- (d) The minimum building setbacks shall not be less than the setback measurements shown on Schedule 2 attached, and shall be measured from the exterior main walls, except for the following projections:
- (i) Canopies, eaves, awnings, building cornices, balconies, lighting fixtures, ornamental or architectural elements, parapets, landings and associated railings, trellises, window sills, bay windows, guardrails, balustrades, mullions, railings, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape and any public art features;
- (e) The maximum **Height** of any building or structure, or portion thereof, shall not exceed the **Height** in metres specified by the numbers following the symbol "Ht." on Schedule 2;
- (f) The following elements of a building may encroach into a required building setback or building separation distance as follows:
- (i) 3.0 metres for canopies, awnings, screens, landscape and ornamental features;
 - (ii) 2.0 metres for balconies or platforms;
 - (iii) 1.5 metres for stair enclosures, cornices, lighting features, trellises, eaves, window sills, guardrails, balustrades, railings, vents;
 - (iv) 0.6 metres for satellite dishes, eaves, screens, landscape and ornamental features, trellises, cabanas, lightning rods, window washing equipment, light fixtures, antennae, flag poles;
- (g) The following elements of a building may project above the maximum building **Height** as follows:
- (i) 5.0 metres for a mechanical penthouse on building 4, as shown on Schedule 2 of By-law 1211-2018;
 - (ii) 1.83 metres for a mechanical penthouse on building 1, 2 and 3 as shown on Schedule 2 of By-law 1211-2018;
 - (iii) 1.5 metres for guardrails, railings, retaining walls, wheelchair ramps, roofing assembly and drainage, elements of green roof, parapets, cornices, balustrades and bollards;
- (h) Notwithstanding Section 320-18.B, the minimum number of parking spaces on the lot shall be:
- (i) 1.02 parking spaces per dwelling unit for residents, and
 - (ii) 0.13 parking spaces per dwelling unit for visitors;

- (i) The underground parking garage shall be located within the property boundary.
3. For the purposes of this By-law the following words shall have the meanings assigned thereto:
- (a) "**Grade**" shall mean 146.195 metres above Canadian Geodetic Datum for Buildings 1, 2 and 3 and 145.993 metres above Canadian Geodetic Datum for Building 4 as shown on Schedule 2;
 - (b) "**Height**" shall mean the distance measured from the **Grade** to the highest point of the roof or soffit of the eaves, and shall exclude mechanical equipment, mechanical penthouses, stairs, stair enclosures, parapets, bell towers, elevator shafts, chimney stacks, window washing equipment, rooftop balcony guards and landscape features located on the roof of the building.
 - (c) "**Gross Floor Area**" shall mean the sum of the total area of each floor level of a building, above **Grade**, measured from the exterior of the main wall of each floor level, excluding mechanical and utility rooms; and
 - (d) "**Lands**" shall mean the lands described in Schedule 1 attached.
4. Section 37
- (a) Pursuant to Section 37 of the Planning Act, as amended, and subject to compliance with this By-law, the increase in height and density of development on the **Lands** is permitted in return for the provision by the owner, at the owner's expense, of the following facilities, services and matters which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the **Lands**, to the City at the owner's expense all to the satisfaction of the Chief Planner and Executive Director, City Planning Division:
 - (1) The Owner shall enter into an Agreement pursuant to Section 37 of the Planning Act, to be registered on title and to the satisfaction of the City Solicitor, secure the following to support the development:
 - i. The Owner shall provide and maintain the 141 existing residential rental units at 70 Dixfield Drive as rental housing for a period of at least 20 years from the date of the Zoning By-laws coming into full force and effect and with no applications for demolition or conversion from residential rental use made during such 20 year period, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor;
 - ii. Prior to the occupancy of the new buildings at 70 Dixfield Drive, the owner shall secure the following facilities, amenities and building improvements for the existing residential rental units as illustrated in the architectural plans dated December 1, 2017, with

no pass-through of the costs to the existing tenants, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor:

- (a) Renovate the lobby;
 - (b) Convert a minimum of 39 square metres of the lobby to a new lounge;
 - (c) Add a moving room with access to the rear of the building;
 - (d) Renovate and/or expand the mailroom, if required, to accommodate the mail for the new units;
 - (e) Provide new carpeting and paint halls and common areas, where necessary;
 - (f) Provide new amenity room furniture;
 - (g) Provide poolside lounge furniture;
 - (h) Expand and enclose the garbage facility;
 - (i) Add new short-term bicycle racks to the rear of the building and new indoor bicycle racks in the bike parking areas;
 - (j) Provide ongoing maintenance to repair heating and electrical outlets as necessary;
 - (k) Provide automatic doors to the entry of the laundry room to improve access for residents with mobility limitations;
- iii. The owner shall make available all indoor and outdoor amenity space for the new buildings at 70 Dixfield Drive at no extra charge to the tenants of the existing building at 70 Dixfield Drive and with no pass-through cost to tenants. Details regarding use of these amenities, legal access, cost sharing arrangements scheduling and availability shall be on the same terms and conditions as any other resident of the existing building and shall be set out in the Section 37 Agreement;
- iv. Prior to final Site Plan Approval, the owner shall secure the provision of the following facilities, amenities and building improvements, with no-pass through of the costs to the existing tenants, to the satisfaction of the Chief Planner and Executive Director, City Planning:
- (a) Outdoor amenity space adjacent to pool;

- (b) Improvements to the pathways and pedestrian circulation throughout the site;
- (c) Outdoor amenity area in the rear of the property that will include barbeques and picnic furniture;
- (d) Improvements to the fencing around the property, and
- (e) Installment of an insulated pool cover;

These facilities, amenities and building improvements shall be completed within one-year of the occupancy of the new buildings at 70 Dixfield Drive.

- v. Prior to final Site Plan Approval, the owner shall provide a Construction Mitigation Strategy and a Tenant Communication Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division and thereafter the Owner shall implement such strategy.

- (b) Where this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
 - (c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Section 4(1) are satisfied.
5. Prior to the issuance of any building permits, the owner shall enter into an Agreement pursuant to Section 37 of the Planning Act, such agreement is to be registered on title to the **Lands** at 70 Dixfield Drive to secure the provision of facilities, services and matters identified in the Toronto Official Plan as required to support the development and promote City building objectives.
 6. Where the provisions of this By-law conflict with the provisions of the former City of Etobicoke Zoning Code, the provisions of this By-law shall apply.
 7. Despite any existing or future severance, partition or division of the lot, the provisions of this by-law must apply to the whole of the lot, as if no severance, partition or division has occurred.
 8. In addition to the uses permitted under this By-law, a sales centre/trailer and/or construction trailer is permitted without the restriction during the development of the **Lands**.

9. Chapter 324, Site Specifics, of the Etobicoke 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:

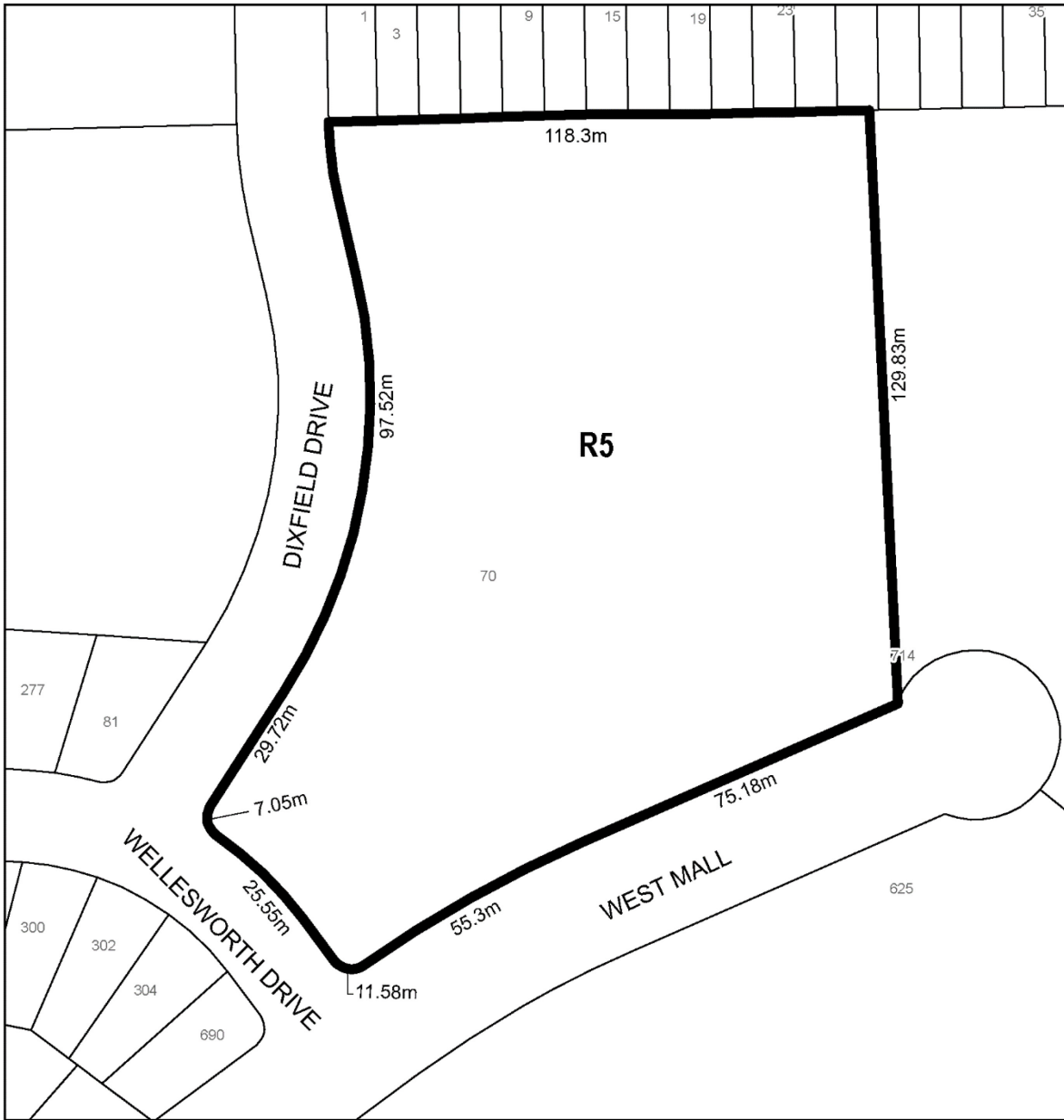
BY-LAW AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
1211-2018 July 27, 2018	Lands located at 70 Dixfield Drive	To permit the redevelopment of the Lands to add four (4) additional apartment buildings to the existing apartment building, for a total of Five (5)

Enacted and passed on July 27, 2018.

Glenn De Baeremaeker,
Deputy Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



 **TORONTO**
Schedule 1

70 Dixfield Drive

File # 16 130337 WET 03 0Z


Former City of Etobicoke By-Law 11,737
Not to Scale
5/10/2018



Toronto
Schedule 2

70 Dixfield Drive

File # 16 130337 WET 03 0Z

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Former City of Etobicoke By-Law 11,737
Not to Scale
5/10/2018