

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto  
Council on ~, 20~

Enacted by Council: ~, 20~

## CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend the Etobicoke Zoning Code and By-law 1088-2002, as amended,  
with respect to the lands municipally known as  
5485 and 5487 Dundas Street West**

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

WHEREAS 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 HEREBY ENACTS as follows:

1. Notwithstanding the Etobicoke Zoning Code, the following provisions and development standards shall apply to the Lands described in Schedule 'A' attached hereto.

Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code or By-law 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 Envelope” means the area delineated by heavy lines and identified as Tower Element, Base Building Element and Rear Building Element on Schedule 'B' to this By-law;

"Building Permit" means a permit issued under Section 8 of the *Building Code Act, 2005*, 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 meters per unit; storage areas, underground garage levels and unenclosed balconies;

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

“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 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 meters.

“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 Element” means the portion of the building above 8 storeys.

### 3. Permitted Use

Notwithstanding Section 3 of By-law 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 (B) of By-law 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) Townhouse dwelling units.

### 4. Gross Floor Area

Notwithstanding Section 4 of By-law 1088-2002, for the purposes of this By-law,

- (a) The maximum Gross Floor Area (GFA) permitted on the Lands shall be 33,488 square meters.
- (b) A minimum of 1,380 square meters of non-residential GFA must be provided on the ground floor of the building. 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 1088-2002, for the purposes of this By-law, the maximum heights permitted within the Building Envelope, in meters above grade and storeys, shall be as shown on Schedule 'B', attached hereto.

6. Setbacks /Floor Plate Restrictions

For the purposes of this By-law,

- (a) Notwithstanding Section 6 of By-law 1088-2002, no building or structure shall be located other than within the Building Envelope shown on Schedule 'B'.
- (b) Notwithstanding Section 6 of By-law 1088-2002, all buildings or structures shall have a setback of 3.0 meters from the Dundas Street West boundary of the Lands.
- (c) Notwithstanding Section 6 (i) of By-law 1088-2002 and Section 5 of this By-law, for any portion of a building above 13.0 meters above grade, a minimum 3.0 meter setback from any face of the building at grade shall be required, except that for the face of the Building facing Dundas Street West the setback shall be a minimum of 1.5 meters and for the west (facing Shorncliffe Road) and south faces of the building the setback shall be a minimum of 0.0 meters.
- (d) Notwithstanding Section 6 (ii) of By-law 1088-2002, the maximum floor plate area for the Tower Element shall be 750.0 square meters.
- (e) Notwithstanding Section 6 (v) of By-law 1088-2002 and Section 5 of this By-law, the minimum separation distance between the Tower Element on the Lands and the portion of any building above 8 storeys on an abutting lot shall be twenty-five 25.0 meters.
- (f) Notwithstanding Section 6 (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 along Dundas Street West may be located outside of the Building Envelope, provided that in no case shall any portion of any building or structure, above or to a depth of 1.5 meters below grade, project into the 3.0 meter 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 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 meter 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 200.0 square meters, shall be permitted outside the Building Envelope provided that in no case shall any permitted accessory structure project into the 3.0 meter 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 1088-2002, for the purposes of this By-law the following area requirements shall apply to the Lands:

- (a) Landscaped Open Space: a minimum 25% of the area of the Lands shall be provided as Landscaped Open Space.
- (b) Indoor Amenity Space: a minimum 2.0 square meters per dwelling unit of Indoor Amenity Space shall be provided.
- (c) Outdoor Amenity Space: a minimum of 2.0 square meters per dwelling unit of Outdoor Amenity Space shall be provided.

## 8. Parking and Loading Requirements

For the purposes of this By-law the following requirements shall apply:

- (a) Notwithstanding Section 8 (i) of By-law 1088-2002, vehicle parking shall be provided on the Lands in accordance with the following table:

<b>Unit Type</b>	<b>Minimum per unit</b>	<b>Maximum per unit</b>
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	0.1 vehicle space per dwelling unit	
Non-residential Uses	Maximum 3 vehicle spaces per 93 m <sup>2</sup> of Non-residential GFA	
Handicapped Parking	1 space of each 100 spaces or part thereof provided	

- (b) Notwithstanding Section 8 (ii) of By-law 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 handicapped, shall be 2.6 meters wide, 5.6 meters in perpendicular length, with a minimum 6.0 meter wide access aisle. Parking stall dimensions for the handicapped shall be as above except they shall be 3.65 meters wide and shall be located in the area reserved for parking which is closest to the building elevators.
- (d) Notwithstanding Sections 8 (iii) and (iv) of By-law 1088-2002, bicycle parking shall be provided on the Lands in accordance with the following table:

<b>Purpose</b>	<b>Minimum Bicycle Spaces Per Unit</b> (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 use	0.5 spaces per 100 m <sup>2</sup> 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 1088-2002 does not apply to the Lands.
- (f) Notwithstanding Section 8 (vi) of By-law 1088-2002, no person shall use any portion of the Lands for surface or above-grade parking.

9. Public Pedestrian Entrances and Exits

Notwithstanding Section 9 of By-law 1088-2002, for the purposes of this By-law, a building face facing Shorncliffe Road shall not be required to contain a public pedestrian entrance and exit to and from the building.

10. “H” Holding Symbol

Notwithstanding Section 3 of this by-law, the uses permitted in this Bylaw are not permitted in respect of lands shown on Schedule “A” to this Bylaw with a zone symbol that possesses an “H” Holding Symbol prefix until such time as the holding symbol is removed by amendment to this Bylaw.

11. 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 Bylaw upon fulfillment, all to the satisfaction of the City Solicitor; the Director, Community Planning, Etobicoke York District and the Executive Director, Technical Services Division, of items (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 11 (a) of this By-law.

12. 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, including insurance, indemnity, and letters of credit.

- (a) Prior to the issuance of the first above ground building permit for all or any portion of the Lands, the Owner shall pay to the City by certified cheque the sum of two hundred and fifty thousand dollars (\$250,000.00) to be used for improvements, above base condition as established by the General Manager, Parks, Forestry and Recreation, to the new park to be created on the Lands and/or for improvements to Cloverdale Park, and such sum to 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) The Owner of the Lands enters into and registers 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 (i) to (vii) herein, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, prior to this By-law coming into force and effect, including providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement.
  - (i) The Owner of the Lands 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 will comply with requirements regarding building modifications and notification to prospective buyers regarding noise levels and noise mitigation measures, as detailed in the Noise Impact Study for the Lands, dated February 11, 2011, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
  - (iii) Prior to the issuance of the first above ground building permit for all or any part of the Lands, the Owner of the Lands will provide to the City detailed cost estimates and certified cheques for required road and transit

signaling improvements, as determined by the City's Executive Director of Technical Services.

- (iv) The Owner of the Lands will 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 City's Executive Director of Technical Services.
  - (v) The Owner of the Lands will agree to take access to and from the Lands from a Private Road on the abutting lands when it is available and will close any access to and from Shorncliffe Road from the Lands should such access to Shorncliffe Road be in use at the time access is taken to and from the Private Road, provided either (i) the Owner of the Lands and the Owner of the abutting lands (the "Abutting Owner") have an agreement in writing regarding cost sharing for the Private Road and the form, cost and registration of the easement, or failing which (ii) the Owner of the Lands shall refer the matter of the form, cost sharing and registration to an arbitration process and the Owner of the Lands shall be bound by such process and shall take access to and from the Private Road upon payment by the Owner of the Lands to the Abutting Owner of the sum determined by the arbitrator.
  - (vi) The Owner of the Lands will further agree that the Owner will not apply for Site Plan Approval and will not be granted Site Plan Approval until one of the alternatives listed in item 12 (b) (v) above has been obtained and registered on title.
  - (vii) The Owner of the Lands will agree to provide a 3.44 meter wide land dedication for road purposes along the east side of Shorncliffe Road at the time of Site Plan Approval.
  - (viii) The Owner of the Lands will convey an easement to the City for public access to the driveway connecting the Private Road and Dundas Street West at all times, prior to the earlier of the issuance of Site Plan Approval and the issuance of any Building Permit, to the satisfaction of the City Solicitor and including requirements to insure and indemnify the City.
13. Subject to Section 10 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.

14. 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.
15. 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
16. 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.

<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
_____ - 2011	Lands located on the south-east corner of Dundas Street West and Shorncliffe Road known as 5485 and 5487 Dundas Street West.	To provide site specific development standards to permit a mixed –use development at 5485 and 5487 Dundas Street West and to impose an “H” Holding Symbol regarding provision of water and sewer infrastructure.
_____ - 2011		

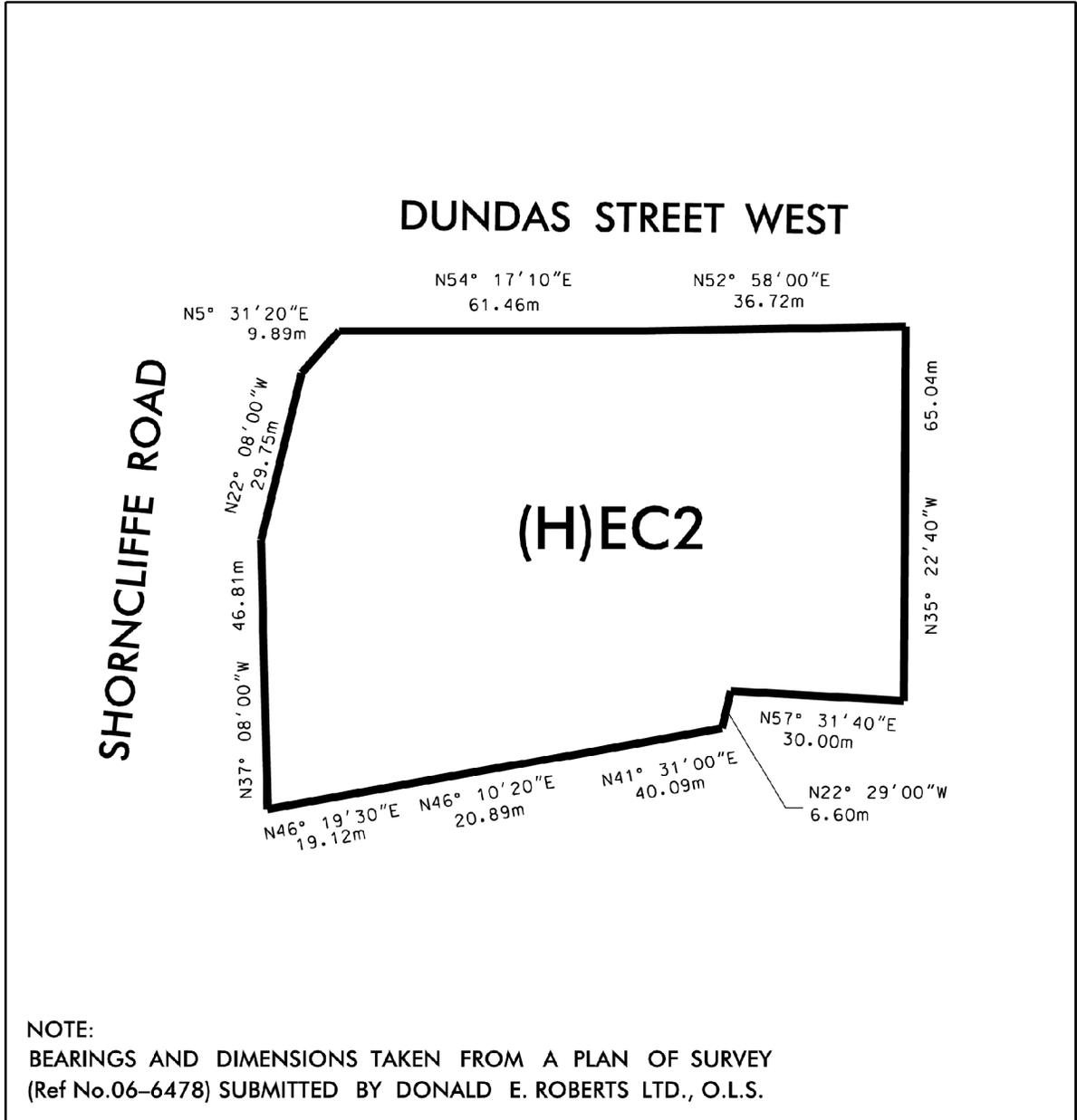
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

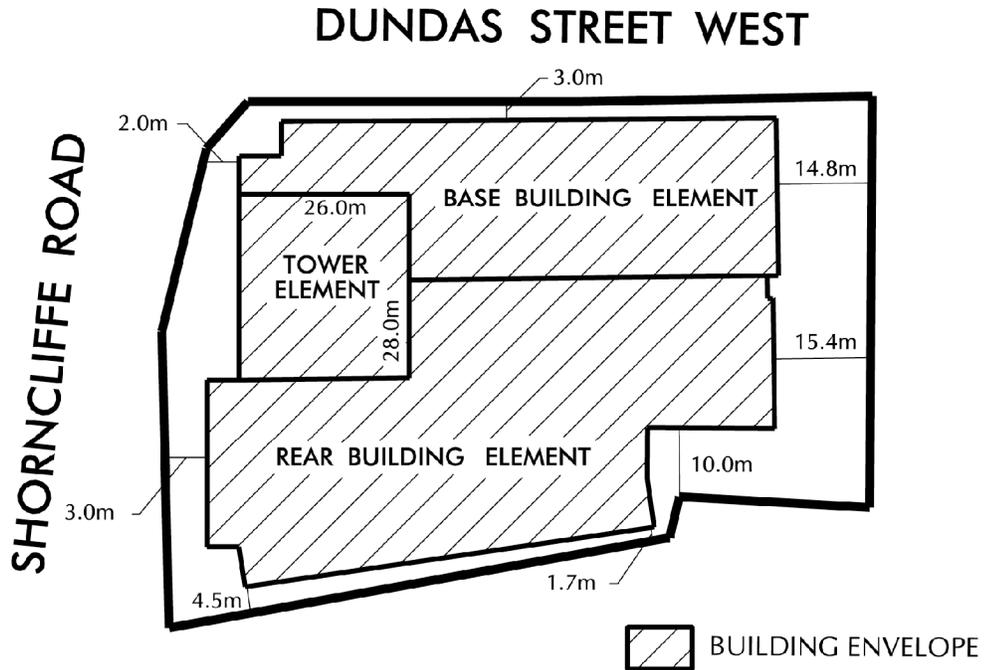
**Toronto** Schedule 'A' BY-LAW



**PART OF LOTS 8, 9, 10, 11, 12, & 20  
 REGISTERED PLAN 2104  
 CITY OF TORONTO**

Applicant's Name:	WESTON CONSULTING GROUP INC.		
Assessment Map C14	5485 - 5487 Dundas St. W.	scale:	
File No. 11 107405 WET 05 OZ	Dwg No. 11_107405_dz1		

**TORONTO** Schedule 'B' BY-LAW



MAXIMUM HEIGHTS

BUILDING 3	Maximum Height above Grade	Maximum Height of Structures on the Roof
Tower Element	81m	6.1m
Base Building Element	27 m & 8 storeys	5.0m
Rear Building Element	15 m	0.0m

NOTE: MINIMUM SETBACKS ALONG SHORNCLIFFE ARE AFTER REQUIRED DEDICATION.

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CITY OF TORONTO**

Applicant's Name:	WESTON CONSULTING GROUP INC.		
Assessment Map C14	5485 - 5487 Dundas St. W.	scale: 0 20 40 10 30 m	
File No. 11 107405 WET 05 OZ	Dwg No. 11_107405_dz1		