

Authority: Etobicoke York Community Council Item EY~, as adopted by City of Toronto Council on ~ 2021

**CITY OF TORONTO**

**BY-LAW XXXX-2021**

**To amend the Etobicoke Zoning Code and By-law 1088-2002, as amended by By-law 1100-2016 and By-law 769-2016, with respect to the lands municipally known in the year 2020 as 5415-5481, 5485 & 5487 Dundas Street West and 15 & 25 Shorncliffe Road.**

Whereas Council of the City of Toronto has the authority to pursuant to 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*; and

Whereas authority is given to Council by Section 34 and Section 36 of the *Planning Act*, as amended, 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 the Official Plan of the City of Toronto contains provisions relating to the use of a Holding (H) symbol with conditions in the zoning by-law; and

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

Whereas the increase in density and height of development permitted in this By-law, 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

The Council of the City of Toronto enacts:

1. Zoning By-law 1100-2016 is hereby repealed and replaced with **By-law XXX-2021**.
2. The lands subject to this By-law are outlined by heavy black lines on Schedule 'A' attached to this By-law.
3. 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 from Etobicoke Centre 2 (EC) to Public Open Space (OS), in accordance with the classifications shown on Schedule 'A'.
4. Notwithstanding the Etobicoke Zoning Code, the following provisions and development standards shall apply to the Etobicoke Centre 2 (EC) lands described in Schedule 'A' attached.
5. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, By-law No. 1088-2002 and By-law No. 769-2016, the provisions of this By-law shall apply.
6. Definitions

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

- (1) "Bicycle Parking Space" means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
  - (i) 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
  - (ii) 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;
  - (iii) Where the bicycles are to be parked in a stacked position:
    - (A) the horizontal bicycle parking space is positioned above or below another bicycle parking space;
    - (B) the platform of such bicycle parking space may have dimensions of not less than 0.4 metres by 1.6 metres and a height allowance of 1.2 metres; and

- (C) such bicycle parking space may not be readily accessible at all times without maneuvering another bicycle or device;
- (2) "Building 2", "Building 3", "Building 4" and "Building 6" refers to the buildings shown on Schedule 'B' attached to and forming part of this By-law, including their related tower elements;
- (3) "Building Envelope" means the areas delineated by heavy lines and identifying Buildings 2 to 6 comprised of Tower Elements and Base Building Elements as illustrated on Schedule 'B' attached;
- (4) "Building Permit" means a permit issued under Section 8 of the *Building Code Act, 1992*, as amended, including a permit for excavation or shoring;
- (5) "Entertainment Place of Assembly" means premises used to provide entertainment, such as a theatre, cinema, opera, concert hall or ballet. An adult entertainment use, an eating establishment, a cabaret, or a nightclub is not an Entertainment Place of Assembly.
- (6) "Gross Floor Area" has the same meaning as the Etobicoke Zoning Code definition in Section 304-3, except that the following areas must also be excluded: Mechanical Floor Area; Indoor Amenity Areas up to 2 square metres per unit; storage areas, underground garage levels, areas used for loading and bicycle parking and unenclosed balconies;
- (7) "Height" means the vertical distance between the Canadian Geodetic elevation of 128 metres and the highest point of the roof surface of the building;
- (8) "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;
- (9) "Lands" means the areas shown as Phase 2, Phase 3, Phase 4, and Phase 6 on Schedule 'B' attached;
- (10) "Landscaped Open Space" means an area located at grade which is suitable for landscaping. It must include any part of the lands at grade occupied by outdoor recreational buildings including elements such as gazebos, surfaced walks, patios or similar areas, sports or recreational, outdoor ornamental or swimming pools and the area identified as "Transit Reserve" on Schedule 'B' attached, but excludes driveways and ramps;
- (11) "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;

- (12) "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 and which may include at-grade landscaped and or paved area adjacent to a building but must not include any area located within the 'Transit Reserve' as identified on Schedule 'B' attached;
- (13) "Phase 2" to "Phase 6" refers to the Phases identified on Schedule 'B' attached including the associated buildings, but not including the public or private roads or public parks.
- (14) "Privately Owned Publicly Accessible Space (POPS)" means a Landscaped Open Space area as shown on Schedule 'B' attached, which is open and accessible to the public;
- (15) "Public Parking Area" means premises having an area for the parking of one or more vehicles as a principle use and the parking of a vehicle is available for public use with or without a fee. Any electric vehicle charging parking spaces for the non-residential uses on site are not considered Public Parking Area.
- (16) "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*;
- (17) "Storey" means a level of a building, other than a basement, located between any floor and the floor, ceiling or roof immediately above it; indoor amenity areas ancillary to outdoor amenity areas, and floors with only mechanical equipment will not constitute storey;
- (18) "Tandem Parking Space" means a parking space that is only accessed by passing through another parking space from a street, lane, drive aisle, or driveway.
- (19) "Tower Elements" means the portion of the building above the permitted Base Building Element with height in metres as identified in Section 7.(3)(i) of this By-law and shown on Schedule 'B' attached;
- (20) "Type 'C' Loading Space" means an area above or below grade used for the loading or unloading of goods or commodities from a vehicle and having a minimum length of 6.0 metres, minimum width of 3.5 metres, and a minimum vertical clearance of 3.0 metres;
- (21) "Type 'G' Loading Space" means an area used for the loading or unloading of goods or commodities from a vehicle and having a minimum length of 13.0 metres, minimum width of 4.0 metres and minimum vertical clearance of 6.1 metres.
7. Despite the Etobicoke Zoning Code, as amended by By-law 1088-2002, By-law 1100-2016 and By-law 769-2016, the following provisions and development standards shall apply to the Etobicoke Centre 2 (EC2) zone outlined on Schedule 'A' attached.

None of the provisions of City of Toronto By-law 769-2016 and By-law 1100-2016 shall

apply to the lands identified on Schedule 'A', including Section 37 obligations which are now incorporated into Appendix '1' of this By-law as determined applicable and shall be the responsibility of the owner of the lands.

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.

(1) Permitted Use

- (i) Despite Section 3 of By-law 1088-2002, Public Parking Areas are not permitted within Lands that are zoned EC2 as shown on Schedule 'A' attached.

(2) Gross Floor Area

Despite Section 4 of By-law 1088-2002, for the purposes of this By-law, the maximum Gross Floor Area permitted on the Lands shall be 233,600 square metres, provided that:

- (i) The maximum Gross Floor Area permitted on Phase 2 as shown on Schedule 'B' attached shall be 64,140 square metres;
- (ii) The maximum Gross Floor Area permitted on Phase 3, 4 and 6 as shown on Schedule 'B' attached hereto shall be 169,460 square metres; and
- (iii) The total minimum non-residential Gross Floor Area permitted on Phases 2, 3, 4 and 6 as shown on Schedule 'B' shall be 15,800 square metres, the total of which may be permitted wholly within Phase 6.

(3) Maximum Height

- (i) Despite Section 5 of By-law No. 1088-2002, the maximum building height permitted on the Lands as identified on Schedule 'B' attached hereto, measured from the Canadian Geodetic Datum (CGD) identified below:

Building 2	Maximum Height Measured from 128.0 metres CGD	Maximum Height Measured from 128.0 metres CGD (in storeys)
Tower 2A	124.0	40
Tower 2B	136.0	44
Base Building 2	21.5 (CGD 149.5)	6

Building 3	Maximum Height Measured from 125.3 metres CGD	Maximum Height Measured from 125.3 metres CGD (in storeys)
Tower 3A	100.0	32
Tower 3B	130.0	42
Base Building 3	21.5 (CGD 146.8)	6

Building 4	Maximum Height Measured from 122.1 metres CGD	Maximum Height Measured from 122.1 metres CGD (in storeys)
Tower 4A	107.0	34
Tower 4B	115.5	37
Base Building 4	21.5 (CGD 143.6)	6

Building 6	Maximum Height Measured from 123.3 metres CGD	Maximum Height Measured from 123.3 metres CGD (in storeys)
Tower 6A	95.0	28
Tower 6B	89.0	26
Base Building 6 Element 1	29.0 (CGD 152.3)	6
Base Building 6 Element 2	34.5 (CGD 157.8)	8

- (ii) Despite Section 7.(3)(i) above and Section 5 of By-law 1088-2002, for the purposes of this By-law, the maximum permitted height of a building or structure shall be as shown on Schedule 'B' attached to and forming part of this By-law excluding:
- (A) mechanical penthouses, equipment, structures or parts used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, including roof hatch and the access ladder, window washing and building maintenance equipment and storage, elevator shafts and structures that enclose, screen or cover the aforementioned equipment may project above the applicable height limited to a maximum of 8 metres;
  - (B) Elevator overrun may project above the applicable height limit to a maximum of 13.0 metres;
  - (C) Parapets, chimneys, vents, and water supply facilities, pipes, roof drainage, antennae, satellite dishes, lightning rods and light fixtures may project above the applicable height limit to a maximum of 4.0 metres;
  - (D) outdoor amenity pool and associated pool deck, guard rails, railings, unenclosed structures providing safety or wind protection, privacy and wind screens may project above the applicable height limit to a maximum of 3.0 metres;

- (E) dividers, unenclosed structures providing safety or wind protection, privacy and wind screens, elements of a green roof, pergolas, trellises, architectural features and ornamental elements, may project above the applicable height limit to a maximum of 3.5 metres; and
  - (F) guard rails, railings, balustrades, planters, landscaping features, may project above the applicable height limit to a maximum of 2.0 metres;
- (4) Dwelling Units
- (i) The maximum number of dwelling units permitted on the Lands is 2,880, provided that:
    - (A) A maximum of 848 dwelling units shall be permitted in Phase 2 as shown on Schedule 'B' attached;
    - (B) A maximum of 2,032 dwelling units are permitted in Phase 3, 4 and 6 as shown on Schedule 'B' attached;
  - (ii) Of the maximum dwelling units permitted in Section 7.(4)(i) above, the following requirements must be satisfied for each building:
    - (A) a minimum of 15% of all dwelling units must be two bedroom units or larger and must have an average size of 80.0 square metres; and
    - (B) a minimum of 10% of all dwelling units must be three bedroom units or larger and must have an average size of 100.0 square metres;
- (5) Setbacks /Floor Plate Restrictions
- For the purposes of this By-law,
- (i) Despite Section 6 of By-law 1088-2002, no building or structure is permitted other than within the Building Envelopes shown on Schedule 'B' attached;
  - (ii) Despite Section 6 of By-law 1088-2002, tower setbacks and separation distances must be in accordance with the setbacks and separation distances shown on Schedule 'C' attached;
  - (iii) Despite Section 6 of By-law 1088-2002, all buildings or structures must have a maximum setback from the Dundas Street West property boundary and the Shorncliffe Road property boundary as shown on Schedule 'B' attached;
  - (iv) For the purpose of this By-law, Section 6(i) of By-law 1088-2002 shall not apply and the building heights, setbacks and setbacks are as shown on Schedules 'B' and 'C' attached; and

- (v) Despite Section 6(ii) of By-law 1088-2002, the maximum floor plate area for each Tower Element of any building as measured from the exterior of the main walls on each storey, excluding balconies, located wholly above the Canadian Geodetic Datum elevation for each Base Building Element as shown on Schedule 'B' attached, identified in Section 7.(3)(i) above, must be 750.0 square metres;

(6) Projections

Despite Section 7.(5)(i) of this By-law, for the purposes of this By-law, minor projections must be permitted to project outside the Building Envelope shown on Schedule 'B' attached in accordance with the following:

- (i) Any portion of a building or structure which is located below grade may be located outside of the Building Envelopes, provided that in no case shall any portion of a 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 7.(5)(i) of this By-law;
- (ii) Permitted accessory structures such as: wheelchair and covered ramps, stairs and stair enclosures and associated covering, parapets and railings related to underground parking structures, vents, temporary sales offices, safety railings and other landscape features, including gazebos are permitted to project outside the Building Envelope to a maximum of 2.0 metres;
- (iii) A feature canopy structure is permitted to extend between the building facades of the base building elements between Phases 2 and 3, as shown on Schedule 'B' attached;
- (iv) Canopies and support cables, awnings, balconies, patios, pergolas, trellises, privacy and wind screens, unenclosed structures providing safety or wind protection, architectural features, landscaping features and ornamental elements, may project to a maximum of 3.0 metres;
- (v) cornices, parapets, light fixtures, window sills, eaves, doors, ventilation shafts, may project to a maximum of 0.5 metres;
- (vi) stairs, stair enclosures, doors, wheelchair ramps, site servicing features and underground garage ramps and associated structures; and
- (vii) guards, railings, parapets, terraces, terrace platform, privacy and wind screens, landscape planters and pool and pool decks may project beyond the required building setback to the extent of the main wall of the storey below;

(7) Area Requirements

Despite Section 7 of By-law 1088-2002, the following area requirements must apply:



- (i) Landscaped Open Space: a minimum 25 percent of the each Phase, not including the public road, private road, and public park, as shown on Schedule 'B' attached hereto must be provided as Landscaped Open Space;
  - (ii) Indoor Amenity Space: a minimum 2.0 square metres per dwelling unit of Indoor Amenity Space must be provided within each building erected on the lands within the boundaries of Phases 2, 3, 4 and 6 as shown on Schedule 'B' attached hereto;
  - (iii) Outdoor Amenity Space: a minimum of 2.0 square metres per dwelling unit of Outdoor Amenity Space must be provided for the use of each building erected on the lands within the boundaries of Phases 2, 3, 4 and 6 shown on Schedule 'B' attached hereto;
  - (iv) Outdoor Amenity Space may include space located at grade and adjacent to the south of Phases 2, 3 and 4 but may not include the space located within the transit reserve as shown on Schedule 'B' attached;
  - (v) A minimum of 711.77 square metres will be provided as Privately Owned Publicly Accessible Space A between Phase 2 and Phase 3 as shown on Schedule 'B' attached; and
  - (vi) A minimum of 460.5 square metres will be provided as Privately Owned Publicly Accessible Space B in Phase 6 as shown on Schedule 'B' attached.
- (8) Parking and Loading Requirements

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

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

<b>Dwelling Unit Type</b>	<b>Minimum per unit</b>	<b>Maximum per unit</b>
Bachelor	0.6 parking spaces	0.9 parking spaces
1 Bedroom	0.7 parking spaces	1.05 parking spaces
2 Bedrooms	0.9 parking spaces	1.35 parking spaces
3 Bedrooms	1.0 parking spaces	1.5 parking spaces
Visitors	Minimum 0.1 parking spaces per dwelling unit	
Non-residential	Minimum 2 parking spaces per 100 square metres of Non-residential Gross Floor Area	Maximum 3 parking spaces per 93 square metres of Non-residential Gross Floor Area
Accessible Parking	1 parking space of each 100 spaces or part thereof provided	

- (ii) If the calculation of the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one parking space;

- (iii) Despite Section 8(ii) of By-law 1088-2002, up to 50 percent of the required residential visitor parking requirement in Section 7.(8)(i) of this By-law can be shared with and used to meet the parking requirements for office uses within the same building or structure;
- (iv) Despite the required non-residential visitor parking requirement in Section 7.(8)(i) of this By-law, vehicle parking for grocery store and Entertainment Place of Assembly uses must be provided on the Lands in accordance with the following standards:
  - (A) a minimum rate of 2.5 vehicle spaces per 100 square metres of grocery store non-residential Gross Floor Area;
  - (B) a maximum of 4.5 vehicle spaces per 100 square metres of grocery store non-residential Gross Floor Area; and
  - (C) a minimum rate of 8.0 vehicle spaces per 100 square metres of Entertainment Place of Assembly non-residential Gross Floor Area.
- (v) Despite the Etobicoke Zoning Code, minimum vehicle parking space dimensions must be in accordance with the following standards:
  - (A) A parking space accessed by a drive aisle with a minimum width of 6.0 metres must be 2.6 metres wide, 5.6 metres in perpendicular length and has a vertical clearance of 2.0 metres;
  - (B) The minimum width of a parking space must be increased by 0.3 metres for each side of the parking space that is obstructed;
  - (C) The side of a parking space is obstructed if any part of a fixed object such as a wall, column, bollard, fence or pipe is situated within 0.3 metres of the side of the parking space, measured at right angles, and more than 1.0 metre from the front or rear of the parking space;
- (vi) A required parking space may not be a Tandem Parking Space.
- (vii) Accessible parking spaces must be provided in accordance with the following minimum dimensions:
  - (A) length of 5.6 metres;
  - (B) width of 3.4 metres;
  - (C) vertical clearance of 2.1 metres; and
  - (D) with an adjacent barrier-free aisle of a minimum 1.5 m width;
- (viii) All required parking spaces in Section 7.(8)(i) to 7.(8)(vii) of this By-law must be provided below grade;

- (ix) Despite Section 8(iii) and (iv) of By-law No. 1088-2002, bicycle parking must be provided in accordance with the following table:

<b>Purpose</b>	<b>Minimum Number of 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 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

- (x) Sections 8(v) of By-law 1088-2002 does not apply to the lands.
- (xi) Despite Section 8(vi) of By-law 1088-2002, parking must be permitted along the central east-west private and east-west public road on the lands.
- (xii) Loading Spaces must be provided in accordance with the following table:

<b>Buildings</b>	<b>Minimum Number of Loading Spaces Required</b>
2	1 Type “G” Loading Space 1 Type “C” Loading Space
3	1 Type “G” Loading Space 1 Type “C” Loading Space
4	1 Type “G” Loading Space 1 Type “C” Loading Space
6	2 Type “G” Loading Spaces 3 Type “C” Loading Spaces

- (xiii) Loading Spaces must be in accordance with the following standards:
- (A) a Type “C” Loading Space must have a minimum length of 6.0 metres, minimum width of 3.5 metres and minimum vertical clearance of 3.0 metres; and
- (B) a Type “G” Loading Space must have a minimum length of 13.0 metres, minimum width of 4.0 metres and minimum vertical clearance of 6.1 metres;

(9) **Public Pedestrian Entrances and Exits**

Notwithstanding Section 9 of By-law 1088-2002, for the purposes of this By-law:

- (i) For Building 2, as illustrated on the attached Schedule ‘B’, a public pedestrian entrance and exit must be provided on the building face along the private road

with an additional entrance and exit on the building face along the public road. A public pedestrian entrance and exit is not required on the eastern or western building faces.

- (ii) For Buildings 3 and 4, as illustrated on the attached Schedule 'B', a public pedestrian entrance and exit must be provided on the building face along the public road. A public pedestrian entrance and exit is not required on the eastern, southern or western building faces.
- (iii) For Building 6, as illustrated on the attached Schedule 'B', a public pedestrian entrance and exit must be provided on the building face along the public road. A public pedestrian entrance and exit is not required on the eastern building face.

(10) Holding Symbol

- (i) The uses permitted in this Bylaw are not permitted in respect of the lands shown on Schedule 'A' attached 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. Prior to removal of the "H" the uses permitted on the Lands shall only be those uses existing as of the date of the passing of this By-law

(11) Removal of the "H" Holding Symbol

- (i) The Holding Symbol "H" will be removed from the lands shown on Schedule 'A' attached upon satisfaction of the following conditions to the satisfaction of the (a) and (c) below:
  - a) A Functional Servicing Report has been submitted by the owner and accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
  - b) A financially secured agreement has been entered into with the City, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, for the construction of improvements that may be required to the City's sanitary sewer system on Shorncliffe Road between North Queen Street to Dundas Street West; and
  - c) All necessary approvals to proceed with the infrastructure required, as described in 7.(11)(i)a) above have been issued, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Service.

(12) Section 37

- (i) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted

beyond that otherwise permitted on the lands shown on Schedule 'A' attached to and forming part of this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix '1' attached to By-law and 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 satisfaction of the City Solicitor.

- (ii) Where Appendix '1' attached 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.
  - (iii) 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 Appendix '1' attached are satisfied
- (13) Subject to Section 7.(12) of this By-law, nothing in this By-law applies 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) Despite any existing or future 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, no person shall use any land or erect or use any building or structure, except for below-ground construction and foundations within Phase 2, unless the following municipal services are provided and the following provisions are complied with:
- (i) all new public roads shown on Schedule 'A' attached have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
- (16) 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
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XXXX-2021 ~, 2021	Lands located on the south side of Dundas Street West east of Shorncliffe Road known as 5415-5481, 5485 & 5487 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 regarding roads to permit a mixed-use development at 5415-5481, 5485 & 5487 Dundas Street West and 15 and 25 Shorncliffe Road.
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Enacted and passed on ~, 2021.

Frances Nunziata,  
Speaker  
(Seal of City)

John Elvidge,  
City Clerk

## Appendix '1'

### Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown on Schedule 'A' attached to this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act*, whereby the owner agrees as follows:

#### Financial Contribution

1. Prior to issuance of the first above-grade building permit within any Phase of the development, the owner shall make a cash contribution to the City in the amount of \$1,600,000.00 by certified cheque payable to the Treasurer, City of Toronto, to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, toward capital improvements for one or more of the following within the Ward:

- (1) local traffic calming projects;
- (2) local park improvements, including the new Etobicoke Centre public park;
- (3) new child care and community recreational centre proposed to be included in the new Etobicoke Civic Centre; and
- (4) local non-profit child care facilities.

2. Prior to issuance of the first above-grade building permit within any Phase of the development, the owner shall make cash contributions to the City by certified cheque payable to the Treasurer, City of Toronto in the following amounts:

- (1) \$625,000.00 as originally secured pursuant to By-law 769-2016; and
- (2) \$250,000.00 as originally secured pursuant to By-law 1100-2016;

which amounts shall be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, toward one or both of the capital needs for the Etobicoke Centre to be located on the former Westwood Theatre lands and local parkland improvements within the Ward.

3. The cash amounts identified in Clauses 1, 2.(1) and 2.(2) above shall be indexed upwardly in accordance with Statistics Canada Non-Residential Construction Price Index for Toronto, calculated as follows:

- (1) indexing of the contribution referred to in Clause 1 above shall be calculated from the date of execution of the Section 37 Agreement required by this By-law to the date of payment;

- (2) indexing of the contribution referred to in Clause 2.(1) above shall be calculated from July 11, 2016 to the date of payment; and
  - (3) indexing of the contribution referred to in Clause 2.(2) above shall be calculated from November 2, 2016 to the date of payment.
4. In the event the cash contributions referred to in Clauses 1 and 2 above have not been used for the intended purposes within three (3) years of this by-law coming into full force and effect, the cash contributions may be redirected for one or more other purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the Lands.

#### Other Matters in Support of the Development

##### *Parkland Dedication and Improvements*

5. Prior to the issuance of the first above grade building permit for all or any portion of a building in Phase 2, or on such later date on terms satisfactory to the General Manager, Parks, Forestry and Recreation, the owner shall convey to the City, pursuant to Section 42 of the Planning Act, the on-site parkland dedication identified as "Public Park A" on Schedule 'B' attached, having a minimum size of 1,569.34 square metres located along Dundas Street West and east of the future north-south public road, to the satisfaction of the General Manager, Parks, Forestry and Recreation and in accordance with the terms set out in the Section 37 Agreement.
6. Prior to the issuance of an above grade building permit for all or any portion of a building in Phase 6, or such later date on terms satisfactory to the General Manager, Parks, Forestry and Recreation, the owner shall convey to the City, pursuant to Section 42 of the Planning Act, the on-site parkland dedication identified as "Public Park B" on Schedule 'B' attached, having a minimum size of 2575.12 square metres located along Dundas Street West and west of the future north-south public road, to the satisfaction of the General Manager, Parks, Forestry and Recreation and in accordance with the terms set out in the Section 37 Agreement.
7. The Owner shall transfer the parkland requirements to the City free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition to the satisfaction of the General Manager, Parks, Forestry and Recreation on terms set out in the Section 37 Agreement, including provision for encumbrances of tiebacks, where such encumbrance is deemed acceptable by the General Manager, Parks, Forestry and Recreation, in consultation with the City Solicitor and is subject to compensation payable to the City, in an amount determined by the General Manager, Parks, Forestry and Recreation and the Executive Director, Corporate Real Estate Management.
8. Prior to the issuance of the first above grade building permit for all or any portion of a building within Phase 2, in connection with "Public Park A", and Phase 6, in connection with "Public Park B", the owner shall submit a cost estimate and necessary plans/drawings



- of the base park improvements for the respective park, together with financial security on terms set out in the Section 37 Agreement, to the satisfaction of the General Manager, Parks, Forestry, and Recreation. The submissions for base park improvements for "Public Park A" shall include, and the owner shall be responsible for, any walkways determined to be required and coordinated with adjacent parkland to the east associated with Phase 1 pursuant to By-law 769-2016. No credit will be given towards the Parks and Recreation component of the Development Charges for costs associated with base park improvements.
9. Prior to the earlier of first residential occupancy and first condominium registration of all or any portion of a building within Phase 2 the owner shall complete base park improvements for "Public Park A" to the satisfaction of the General Manager, Parks, Forestry and Recreation, or such later date in the sole discretion of and on terms satisfactory to the General Manager, Parks Forestry and Recreation.
  10. Prior to the earlier of the first residential occupancy and first condominium registration of all or any portion of a building within Phase 6, the owner shall complete base park improvements for "Public Park B" to the satisfaction of the General Manager, Parks, Forestry and Recreation, or such later date in the sole discretion of and on terms satisfactory to the General Manager, Parks, Forestry and Recreation.
  11. Prior to the issuance of the first above-grade building permit for all or any portion of a building within Phase 2 in connection with "Public Park A" and all or any portion of a building within Phase 6, in connection with "Public Park B", if the owner agrees to design and construct the above-base park improvements for a development charge credit approved by City Council against the Parks and Recreation component of the Development Charges for either the "Public Park A" or "Public Park B" shown on Schedule 'B' attached, the owner shall submit a cost estimate and necessary working drawings, specifications and plans together with financial security on terms set out in the Section 37 Agreement, to the satisfaction of the General Manager, Parks, Forestry and Recreation. .
  12. Prior to the earlier of first residential occupancy and first condominium registration of all or any portion of a building within Phase 2 the owner shall complete the above-base park improvements, if any, undertaken for "Public Park A" to the satisfaction of the General Manager, Parks, Forestry and Recreation, or such later date in the sole discretion of and on terms satisfactory to the General Manager, Parks, Forestry and Recreation.
  13. Prior to the earlier of the first residential occupancy and first condominium registration of all or any portion of a building within Phase 6, the owner shall complete the above-base park improvements, if any, undertaken for "Public Park B" to the satisfaction of the General Manager, Parks, Forestry and Recreation, or such later date in the sole discretion of and on terms satisfactory to the General Manager, Parks, Forestry and Recreation.

*Privately-Owned Publicly Accessible Open Space*

14. The owner shall, at its own expense, design, construct and thereafter maintain the Privately-Owned Publicly-Accessible Space ("POPS") areas in the locations illustrated on Schedule 'B' as "POPS A" having a minimum area of 711.7 square metres located between Building 2 and Building 3 and "POPS B" having a minimum area of 460.5 square meters

located between Building 6 and "Public Park B", with the specific location, configuration and design to be determined and secured in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning.

15. Prior to site plan approval for Phase 3 in connection with "POPS A" and prior to site plan approval for Phase 6 in connection with "POPS B", the owner shall prepare all documents, including a reference plan, and convey to the City, on terms set out in the Section 37 Agreement, an access easement, including support rights as applicable, for public use of the "POPS A" and "POPS B" to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor. The public access easements shall be conveyed to the City for nominal consideration, free and clear of all physical and title encumbrances at no cost to the City. The owner shall operate, maintain and repair the POPS spaces and install and maintain at its own expense approved signage identifying the POPS for public use.
16. Prior to the earlier of first residential or non-residential use occupancy and first condominium registration of all or any portion of a building within Phase 3, with respect to POPS "A" and of all or any portion of a building within Phase 6, with respect to POPS "B", the owner shall complete construction of the respective POPS to the satisfaction of the Chief Planner and Executive Director, City Planning, or such later date in the sole discretion of and on terms satisfactory to the Chief Planner and Executive Director, City Planning.

*Phasing*

17. The owner shall construct Phase 2, Phase 3, Phase 4 and Phase 6 shown on Schedule 'B' attached in the order in which they are numbered. The order of construction may be altered at the discretion of the Chief Planner at the request of the owner provided that Phase 2 is first to proceed.

*Transit Reserve*

18. Prior to Site Plan Approval or the issuance of any Building Permit for any portion of the proposed development, the owner shall transfer to the City the fee simple interest under those lands identified as the Transit Reserve shown on Schedule 'B' and related rights of support in favour of the City in contemplation of the extension of the Toronto Transit Commission's Bloor-Danforth subway line to the satisfaction of the Toronto Transit Commission.

*Road Widening Conveyance*

19. The owner shall prepare all documents, including a reference plan, and convey to the City for nominal consideration, free and clear of physical and title encumbrances and at no cost to the City, a 3.44 metre wide road widening in the location shown on Schedule 'B' in the context of site plan approval of the building within Phase 6.

*Infrastructure and Servicing*

20. The owner shall, as a requirement for Phase 3 of the development, undertake the construction of all infrastructure that is required for the proposed traffic control signals at the intersection of Dundas Street West and the proposed public road east of Shorncliffe Road, including the preparation of all functional and engineering drawings, including signal design, civil and pavement markings/signage drawings. All work shall be undertaken to the satisfaction of the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering & Construction Services and at no cost to the City with the details, including timing of completion, secured in the context of subdivision approval.
21. Prior to the issuance of the first above grade building permit, the owner shall pay the amount of \$71,750.00 for the installation of the transit signal to the Toronto Transit Commission.
22. The owner shall make satisfactory arrangements with Engineering and Construction Services and enter into the appropriate agreement(s) with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the accepted Functional Servicing Report and Traffic Impact Study to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.

*Future Public Road and Subdivision*

23. The owner shall, at its own cost and expense and in support of the development, design, remediate, construct and convey a new public road with the east-west section (from Shorncliffe Road to the north-south section of the future public road) having a minimum width of 18.5 metres and the north-south (from the east-west section of the future public road to Dundas Street West) having a minimum width of 22.2 metres in the locations illustrated on Schedule 'B' attached, together with associated municipal services both internal and external to the land, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
24. Prior to issuance of any building permit for all or any part of the development on the lands, the owner shall:
  - (1) enter into a financially secured subdivision agreement with the City pursuant to Section 51 of the Planning Act necessary to implement the plan of subdivision, including required external works, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor ; and
  - (2) obtain release for construction of services in accordance with the terms of the subdivision agreement to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
25. Prior to issuance of the first above grade building permit for all or any part of the development on the lands, the owner shall:

- (1) register the Plan of Subdivision to the satisfaction of the Chief Planner and Executive Director, City Planning in accordance with the requirements of the subdivision agreement; and
- (2) complete the construction of the new road to base course asphalt and complete services, including external services, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

*Future Private Road*

26. Prior to issuance of site plan approval for any part of a building in Phase 2, the owner shall, on terms set out in the Section 37 Agreement and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services, design a 21-metre private road, having the characteristics of a public road with the exception of ownership, in the location illustrated on Schedule 'B' attached.
27. Prior to the earlier of first residential occupancy and first condominium registration of all or any portion of a building in Phase 2, the owner shall construct and thereafter maintain the private road, as well as prepare all documents, including a reference plan, and convey a public access easement for the private road in favour of the City for public and City use of the private road with the design, details and configuration to be determined and secured in the context of site plan approval. The required easement, including support rights as applicable, shall be conveyed for nominal consideration and at no cost to the City, free and clear of physical and title encumbrances with standard insurance and indemnification obligations, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

*Boulevard Improvements*

28. The owner shall, as part of the development of each phase, provide boulevard improvements on City owned portions of all frontages of the lands on existing streets, including the Dundas Street West frontage along the future parkland, with design and details to be determined and secured in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning.

*Site Plan Matters*

29. The owner shall provide, at their own expense, canopy art features between the buildings within Phases 2 and 3, and within the transit reserve shown on Schedule 'B' attached to the south of Building 4 and visible from Shorncliffe Road. The design, location of and financial securities for the canopy features are to be determined and secured in the context of site plan approval of Phases 3 and 4, respectively, to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall have completed the construction of the canopy features prior to the earlier of first residential occupancy use and first condominium registration of all or any portion of a building within Phase 3, with respect to the completion of the canopy art feature between buildings within Phase 2 and 3, and within Phase 4 with respect to the completion of the canopy art feature within the transit

reserve. . The owner shall be responsible for the construction, maintenance and repair the canopy art features at its own expense.

30. The owner is required to maintain the rail safety measures as specified in the Peer Review completed by Aecom, dated September 14, 2020.
31. Through the site plan approval process, the owner shall implement the wind control measures identified in the Pedestrian Wind Study, dated November 14, 2019, prepared by RWDI and any future addendum, to the satisfaction of the Chief Planner and Executive Director, City Planning. Any required mitigation measures shall be secured in the context of site plan approval for all buildings within the development.
32. The owner shall provide a vegetation clearance zone of 3.5 metres from the mutual property line to the satisfaction of Metrolinx through the site plan control application review process.
33. If and to the extent determined to be required by the Chief Planner and Executive Director, City Planning in the context of site plan approval of Phases 2, 3 and 4, the owner shall prepare all documents and convey easement(s) in favour of the City in perpetuity, including support rights as applicable, for City and public use of the landscape open space within the area identified as “Transit Reserve” shown on Schedule ‘B’ attached, and for the purpose of providing facilitating possible future public connection to transit stations located south east of the development to the satisfaction of the Chief Planner and Executive Director, City Planning. The configuration and terms, including timing, of the public access easement(s) shall be determined and secured in the context of site plan approval, including requirements for conveyance for nominal consideration and at no cost to the City, free and clear of physical and title encumbrances with standard insurance and indemnification obligations to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

*Toronto School Boards*

34. The owner shall satisfy the requirements of the Toronto District School Board regarding the required signage, warning clauses in any purchase of sale agreements with respect to school accommodation issues and information regarding estimated occupancy dates.
35. The owner shall satisfy the requirements of the Toronto Catholic District School Board regarding the required warning clauses in any purchase of sale agreements and signage with respect to school accommodation issues.

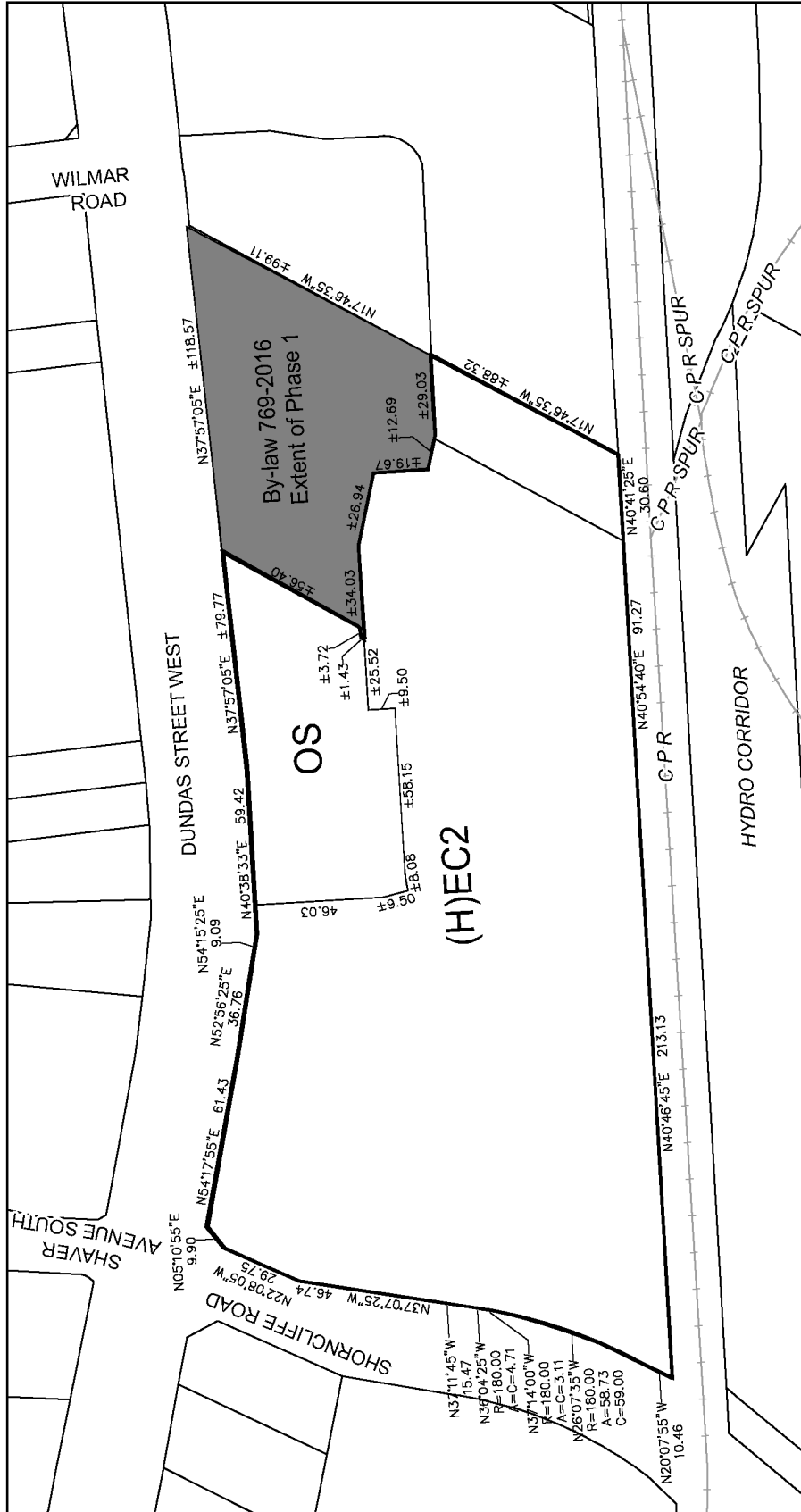
*Ministry of Environment Warning Clause*

36. The owner include the Ministry of Environment Warning Clause F in NPC-3000 relating to sound levels in any purchase of sales/rental agreements in the form as set out in the Section 37 Agreement.

*Toronto Green Standards*

- 37.** The owner will construct and maintain the development in accordance with Tier 1, Toronto Green Standard, and is encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building.





**5415 Dundas Street West**

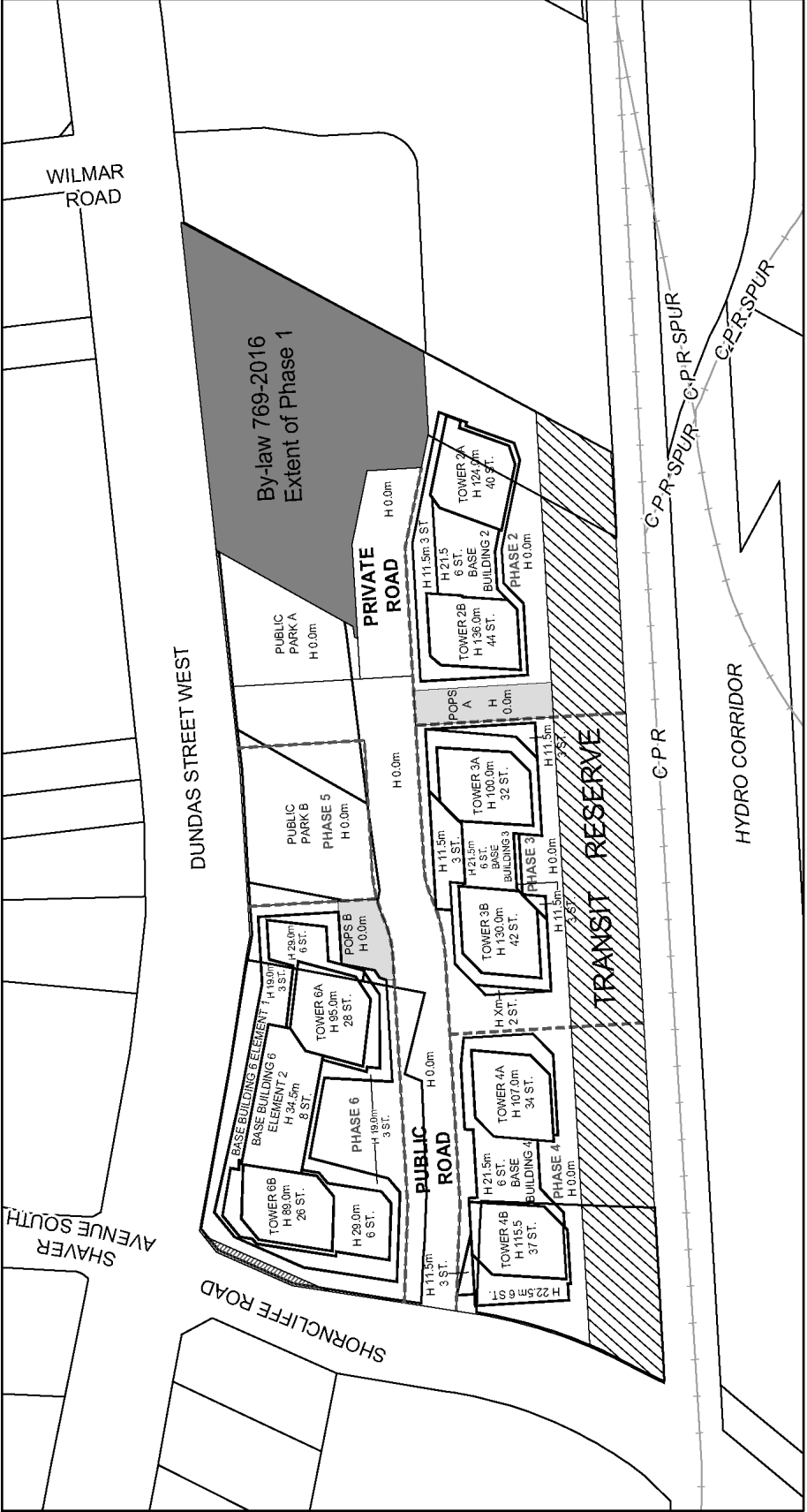
File # 18 272108 WET 03 0Z

Extent of Phase 1



Former City of Etobicoke By-law 11,737  
Not to Scale  
11/02/2021









**5415 Dundas Street West**



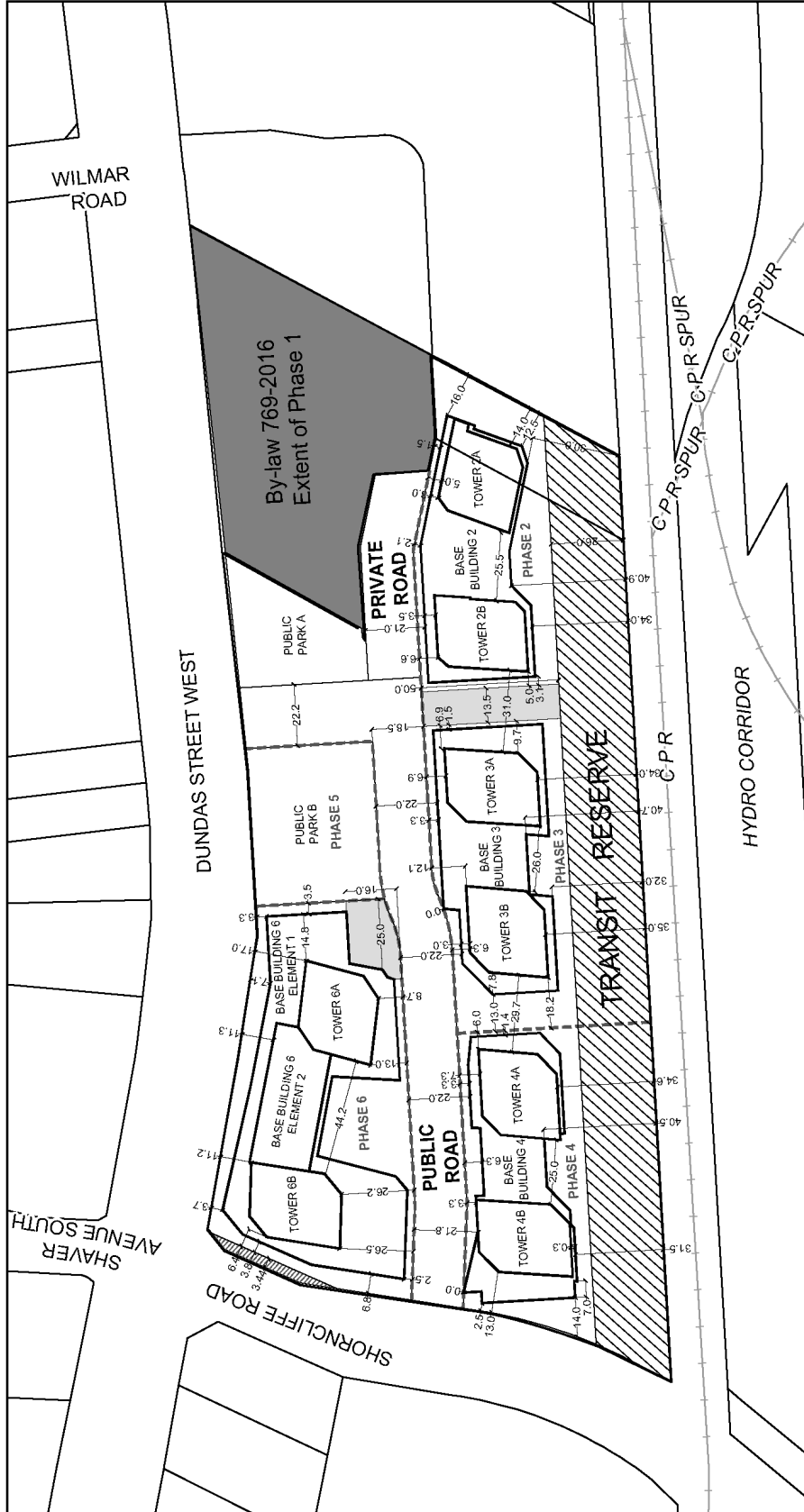
File # 18 272108 WET 03 0Z

Public Park A : 1569.3m<sup>2</sup>  
 Public Park B : 2575.10m<sup>2</sup>  
 POPS A : 711.77m<sup>2</sup>  
 POPS B : 460.50m<sup>2</sup>

-  Transit Reserve
-  3.44m Road Widening
-  Privately Owned Publicly-Accessible Space
-  Extent of Phase 1



Former City of Etobicoke By-law 11,737  
 Not to Scale  
 11/02/2021



**Toronto**  
 Schedule C

**5415 Dundas Street West**

File # 18 272108 WET 03 0Z

-  Transit Reserve
  -  3.44m Road Widening
  -  Privately Owned Publicly-Accessible Space
  -  Extent of Phase 1
-   
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