

**2 Holiday Drive - Zoning By-law Amendment Application
- Final Report**

Date:	March 20, 2013
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 3 – Etobicoke Centre
Reference Number:	12 255414 WET 03 OZ

SUMMARY

This application proposes to amend the former City of Etobicoke Zoning Code to permit the development of 196 townhouse units with an underground parking garage on the lands located at 2 Holiday Drive.

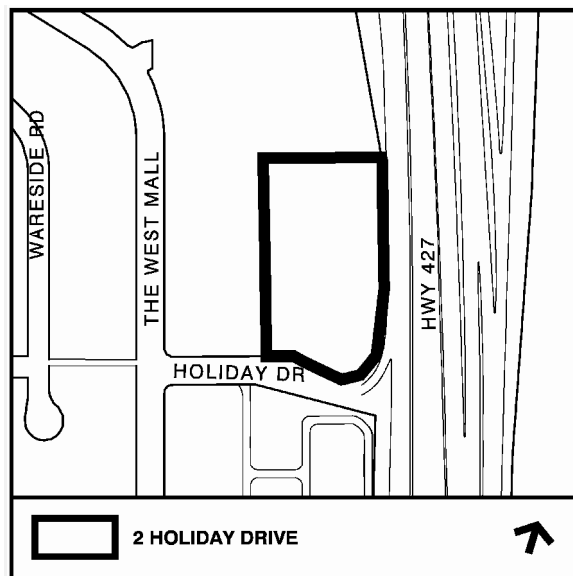
The proposal represents an appropriate residential infill and redevelopment of the site. The height and massing of the development would not impact the established physical character of the area. The proposal is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan and the policies of the Official Plan.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of Etobicoke Zoning Code for the lands at 2 Holiday Drive substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to this report.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, require the owner at their expense to enter into an Agreement pursuant to Section 37 of the *Planning Act* to the satisfaction of the City Solicitor. The Agreement shall include provisions for dollar amounts to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment, and also include provisions for indemnity, insurance, and taxes, and registration and priority of the agreement. In the Section 37 Agreement the owner shall agree to provide the following:
 - a. A \$300,000 contribution towards the improvement of Broadacres Park payable upon issuance of an above-grade building permit.

Other matters recommended to be secured in the Section 37 Agreement as a legal convenience:

- b. Compliance with the noise attenuation measures contained in the Noise Control Study, dated August 2012, prepared by MMM Group, including the requirement that warning clauses be registered on title and included in Offers of Purchase and Sale Agreements.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to:
 - a. Revise and resubmit to the Executive Director, Engineering and Construction Services for review and acceptance the Sanitary and Water Servicing Report dated September 11, 2012; and
 - b. Enter into a financially secured development agreement for the construction of any upgrades to municipal infrastructure, should it be determined that upgrades are required to support this development, according to the Functional Servicing Report accepted by Engineering and Construction Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 2008, the lands were rezoned by the previous owner from CPP - Commercial Planned Preferred zone to R6 - Sixth Density Residential zone to permit the development of 4 residential apartment buildings ranging in height from 19 to 24 storeys. That development was approved for 887 units with a maximum Gross Floor Area (GFA) of

80,841m², which would result in a Floor Space Index (FSI) of approximately 3.7 times the area of the lot.

Community benefits for the previous application were secured in both the Site Specific Zoning By-law (By-law 392-2008 as amended) and a Section 37 Agreement. The community benefits secured were: \$700,000 cash contribution for expanded daycare facilities at Broadacres School; \$475,000 cash contribution for a new playground and waterplay facility at Broadacres Park; and \$50,000 allocated to streetscape improvements on Holiday Drive.

Transportation improvements associated with the approved development were also secured in the Site Specific Zoning By-law and Section 37 Agreement as a legal convenience. A copy of the Final Report from the City Planning Division on the previous application can be found at the link below:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.EY14.31>

The approved development was not constructed and the lands were sold to the current owner.

ISSUE BACKGROUND

Proposal

The proposed development consists of 196 townhouse units in 13 stacked and back-to-back style blocks and an underground parking garage. The proposal has a Floor Space Index (FSI) of 1.2 times the area of the lot and a Gross Floor Area (GFA) of approximately 25,355 m².

The number and style of units would vary over the site and per townhouse block. Units would be a mix of through-units and multilevel units. Some blocks would be 4-storeys in height with the first level partially below grade while others would be 3-storeys in height with roof top terraces. The blocks would be organized around an internal private circular driveway. Six of the blocks would have units facing the private driveway. The remaining blocks would have units facing internal landscaped walkways. (see Attachment 1: Site Plan)

The development proposes a centrally located landscaped open space comprised of hard and soft elements and a play area.

Vehicular access to the site would be provided from a 6 m wide private driveway off Holiday Drive located in the southwest portion of the site. The driveway would loop through the site and provide access to the underground parking garage and a Type G loading space, and also function as a fire route for the development. There are 278 parking spaces and 29 bicycle parking spaces proposed for the development, all of which would be located underground with the exception of 7 at-grade visitor parking spaces.

Two garbage rooms with a chute system are proposed at grade for drop off and two additional rooms are proposed within the underground garage for sorting and storage.

Site and Surrounding Area

The site is located on the north side of Holiday Drive immediately west of Highway 427, between Burnhamthorpe Road and Rathburn Road. The site is generally rectangular in shape, flat and approximately 2.2 ha in size. The property was previously developed with a hotel, which has since been demolished. A boarded-up one-storey sales pavilion is the only remaining structure on the site.

The surrounding uses are as follows:

North: A 15-storey apartment building

South: A 3-storey townhouse development

West: A 19-storey apartment building

East: Highway 427

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated *Mixed Use Areas* on Map 14 – Land Use Plan, in the Official Plan. The surrounding lands to the north, west and south are designated *Apartment Neighbourhoods*. *Mixed Use Areas* are intended to accommodate some of the expected population and employment growth in Toronto. The *Mixed Use Areas* designation permits a range of residential, commercial and institutional uses in single use or mixed use buildings.

The Official Plan includes development criteria for *Mixed Use Area* including the following:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights;
- provide an attractive, comfortable and safe pedestrian environment;
- have access to schools, parks, community centres, libraries and childcare;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Zoning

The site is zoned Sixth Density Residential-R6 under Site-Specific Zoning By-law 392-2008 as amended. The by-law permits residential apartment buildings to a maximum Gross Floor Area (GFA) of 80,841 m², a maximum of 887 units and a maximum Floor Space Index of 3.7 times the area of the lot. Schedule 'B' of the by-law establishes a maximum building height of 57 m (19 storeys), 62 m (21 storeys), and 71 m (24 storeys) and 17 m for the base building.

Site Plan Control

The site is subject to Site Plan Control. A Site Plan Control application has been submitted and is being reviewed concurrently with the Zoning By-law Amendment application.

Reasons for Application

Site Specific Zoning By-law 392-2008 does not permit townhouse uses. As well, the Site Specific Zoning By-law contains development standards specific to the previously approved high-rise residential development for the site and related Section 37 requirements. A Zoning By-law Amendment is required to permit townhouse uses, to establish appropriate development standards for this use and to establish appropriate Section 37 requirements for the proposed development.

Community Consultation

A community consultation meeting was held on November 21, 2012. The meeting was attended by the Ward Councillor, City Planning staff, and approximately 6 members of the public.

Issues raised at meeting related to concerns with overall traffic volumes on the existing road network and related traffic improvements, the price of the proposed units and timing for completion of construction. These issues have been considered in the review of the application.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. The proposed development promotes intensification by utilizing a brownfield site in an existing settlement area. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

Recent development applications along the Highway 427 corridor have typically been for high-rise developments with townhouses either integrated into a podium or as a component of the development. The proposed townhouse only building forms are not precluded by the *Mixed Use Areas* designation. As well, there is an existing townhouse development of a similar size and scale directly south of the site, across Holiday Drive. The proposal would fit into the existing context with no negative impacts. For these reasons, staff are recommending approval of the subject application.

Density, Height and Massing

The townhouse blocks would be a mix of 3 and 4 storeys and have maximum building heights of 13 m. All the blocks would have flat roofs with the 3-storey buildings having roof decks above the third level. The building heights would be similar to the townhouse development on the south side of Holiday Drive. The proposal conforms to the built form policies in the Official Plan and would have a Floor Space Index of 1.2 times the lot area.

Traffic Impact, Access and Parking

The Traffic Impact Study submitted in support of the application concludes there would be a significant reduction in the traffic volume from the site compared to the anticipated traffic volumes from the previous development approvals in 2008. The expected traffic volume of the proposed development can be accommodated on the surrounding road network without any negative level-of-service or operational impacts.

Transportation Services staff have reviewed the Traffic Impact Study and concur with the conclusions in the report. Transportation Services staff also advise that the road improvements secured in the previous approval for the lands are no longer required.

Vehicular access to the site would be provided from Holiday Drive via a 6 m wide private driveway located in the southwest quadrant of the site. A public road is not required for the development given the location of the site and the inability to achieve any additional public street connections. The private circular driveway is designed to provide vehicle

access through the site. The driveway will have sidewalks on both sides as well as tree plantings and lighting.

Transportation Services staff are of the opinion that the supply of 278 parking spaces for occupants and visitors is satisfactory for the proposed development. Seven surface parking spaces would be centrally located for convenience visitor parking.

Servicing

The applicant submitted a Sanitary and Water Servicing Report. The report has been reviewed and staff have determined that additional assessment is required. The additional assessment will determine whether the existing municipal water, sanitary and storm sewer systems can support the proposed development and whether improvements are required. Development Engineering staff have requested that the report be revised to the satisfaction of the Executive Director, Engineering and Construction Services prior to the enactment of the Zoning By-law.

Development Engineering staff are also requesting that the owner enter into a financially secured development agreement for the construction of any upgrades to municipal infrastructure should it be determined that upgrades are required to support this development.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with +3.00 ha of parkland per 1,000 people. City of Toronto By-law 1020-2010 requires the residential portion of *Mixed Use Areas* designated lands to be subject to the Alternative Parkland Dedication rate.

The application proposes 196 residential units in an area of 2.18 ha. At the alternative rate of 0.4 ha per 300 units, parkland levies would equal 0.26 ha or 11.9 % of the residential site area. Sites with an area greater than 1 ha and less than 5 ha are subject to a parkland dedication cap of 15% of the total land area.

The applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu payment. Parks, Forestry and Recreation staff advise this is acceptable as the site is in the highest quintile of current provision of parkland and is within close proximity to Broadacres Park.

Streetscape and On-Site Landscaping

The Ministry of Transportation (MTO) has jurisdiction over Highway 427 and the frontage of the property along Holiday Drive as a result of the highway access ramp to The West Mall. MTO requires a 14 m development setback from both Highway 427 and Holiday Drive. This setback is reflected in the development proposal and draft Zoning By-law. A landscaped berm is proposed along the Highway 427 setback to mitigate noise

impacts. The Holiday Drive setback is proposed to be landscaped with sod and tree plantings.

The development would include a combination of hard and soft landscape elements to achieve connectivity through the site. Along the internal driveway and between the townhouse blocks there would be a sidewalk, pedestrian walkways, lighting and soft landscaped areas with trees, shrubs and sod. The pedestrian walkways would provide connections between the blocks and to the internal driveway.

A central open space of approximately 300 m² would provide a common outdoor amenity area for the development. This outdoor space will provide a gathering space and play area for the residents.

The detailed design of on-site landscaping would be finalized through the Site Plan approval process.

Environment

The owner will be required to provide a Record of Site Condition (RSC) to meet Ministry of the Environment (MOE) standards during the building permit stage.

Noise and Proximity to Highway 427 Corridor

A Noise Control Study was submitted with the application. The study identifies that vehicular traffic from Highway 427 would be the main source of noise affecting this development. The study recommends the following measures to mitigate the noise from Highway 427 in accordance with Ministry of Environment (MOE) requirements and regulations:

- a. air conditioning units for all units in the development;
- b. upgraded exterior walls for the townhouse blocks; and
- c. upgraded windows for bedroom, living and dining rooms for the townhouse blocks.

The Noise Control Study also recommends that noise warning clauses be registered on title and included in Offers of Purchase and Sale Agreements.

The Noise Control Study requirements will be secured in the Section 37 Agreement as a legal convenience.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The draft Zoning By-law would secure performance measures for cycling infrastructure for the development. Other

applicable TGS performance measures such as tree plantings and building materials will be secured through the Site Plan approval process.

Section 37

Community benefits were secured for the previous rezoning application in both the Site Specific Zoning By-law and a Section 37 Agreement. This application proposes residential development at a level approximately one-third of that originally proposed for the lands, being a density of 1.2 FSI as compared to 3.7 FSI.

Section 37 community benefits were discussed with the Ward Councillor and the applicant. Staff are recommending a cash contribution of \$300,000 for improvements to the local Broadacres Park. The Ward Councillor and the applicant are in agreement with this recommendation.

Tenure

The proposed development is intended to be a standard condominium. The applicant will be required to submit an application for a standard condominium should this application be approved.

CONTACT

Cynthia Owusu-Gyimah, Planner
Tel. No. (416) 394-2608
Fax No. (416) 394-6063
E-mail: cowusug@toronto.ca

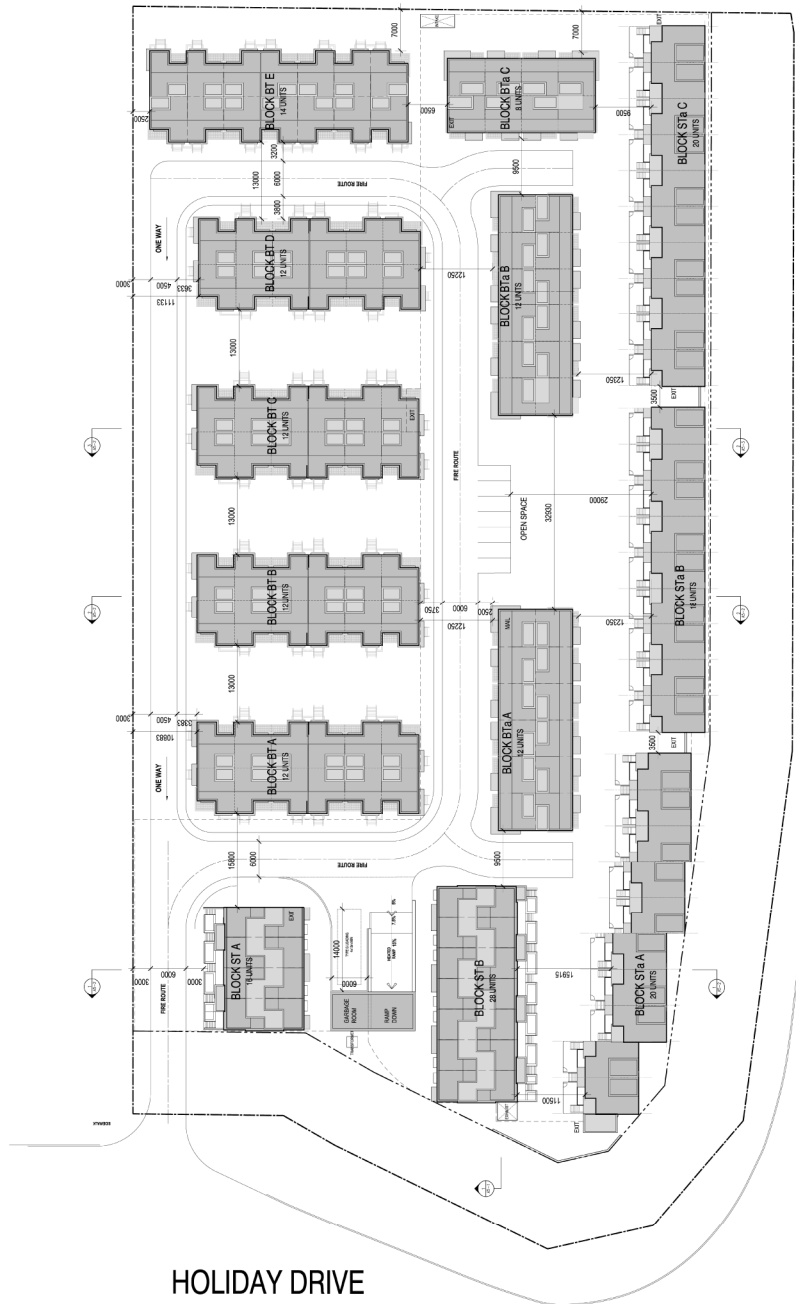
SIGNATURE

Neil Cresswell, MCIP RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet
Attachment 5: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

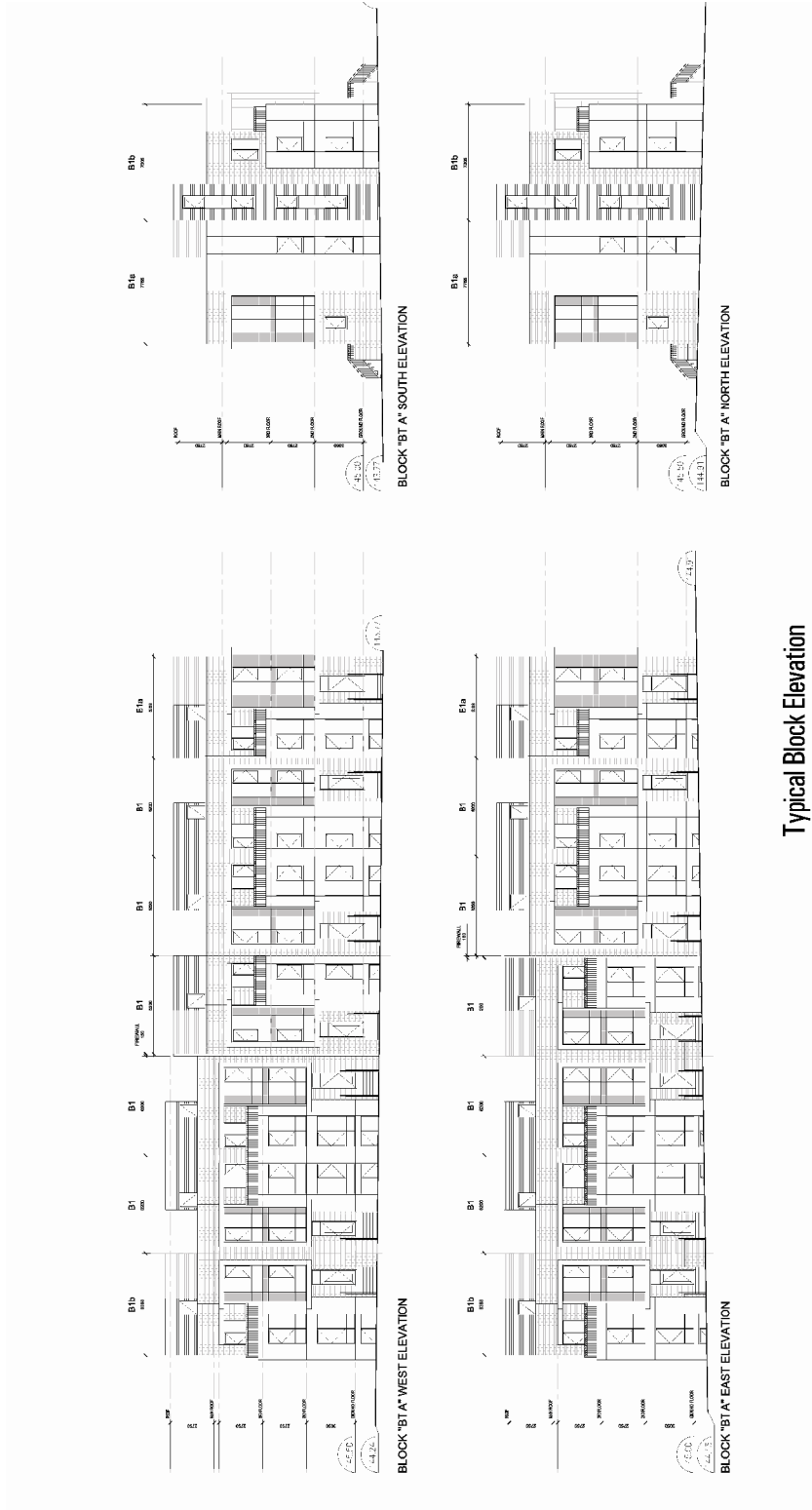
Not to Scale
03/07/13



2 Holiday Drive

File #File #12 255414 WET 03 02

Attachment 2: Elevations



Elevations

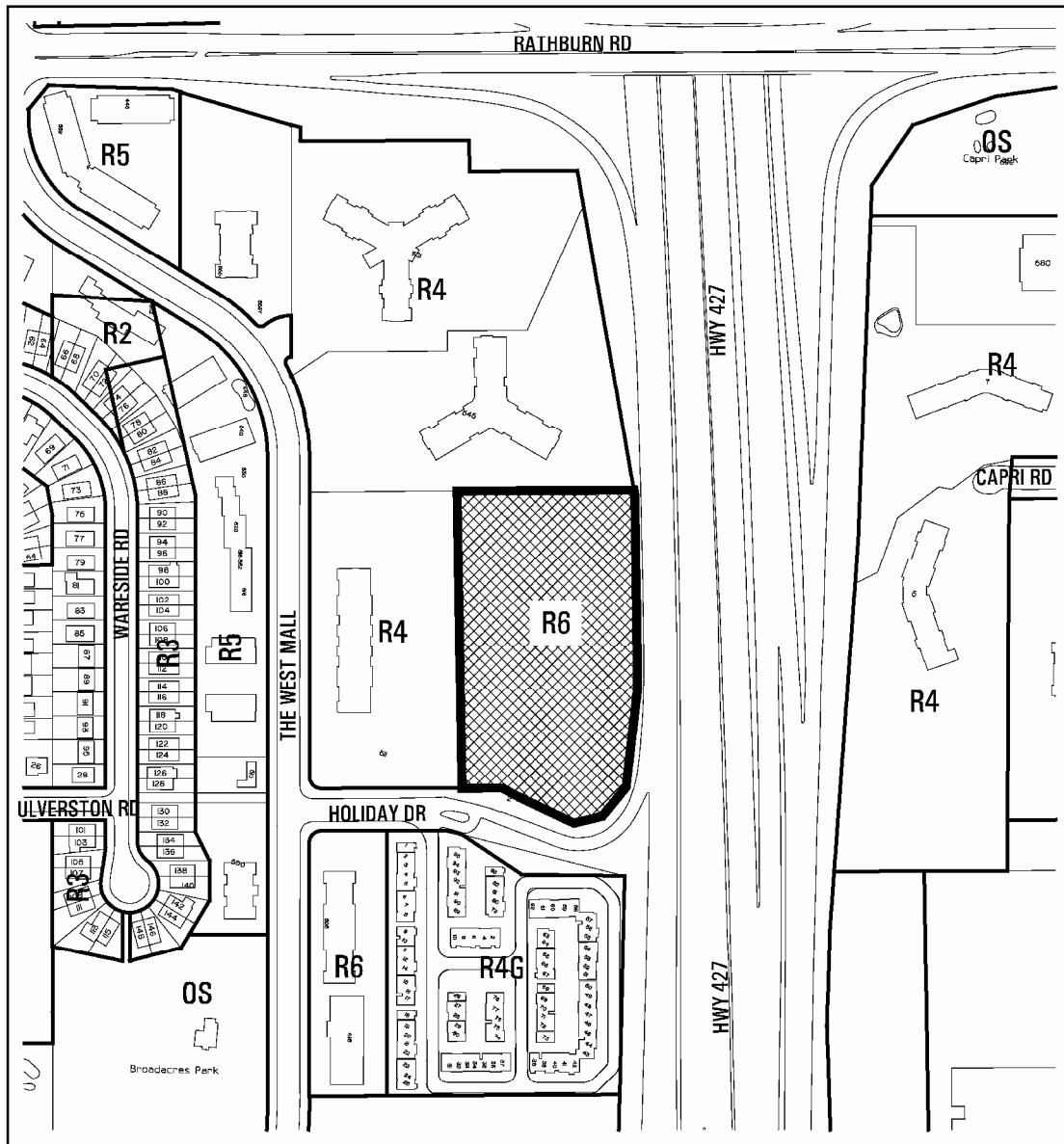
Applicant's Submitted Drawing

Not to Scale
10/01/2012

2 Holiday Drive

File # 12 255414 WET 03 0Z

Attachment 3: Zoning



2 Holiday Drive
File # 12.255414 WET 03 0Z

- | | |
|-------------------------------|--------------------------------------|
| R2 Residential Second Density | R6 Residential Sixth Density |
| R3 Residential Third Density | R4G Residential Fourth Density Group |
| R4 Residential Fourth Density | OS Public Open Space |
| R5 Residential Fifth Density | |



Not to Scale
Zoning By-law 11,737 as amended
Extracted 10/01/2012

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	12 255414 WET 03 OZ
Details	Rezoning, Standard	Application Date:	September 28, 2012

Municipal Address: 2 HOLIDAY DRIVE
 Location Description: PLAN M883 PT BLK C RP R1019 PART 2 RP 64R1472 PARTS 1 2 & 3 **GRID W0304
 Project Description: Proposed development of 196 townhouse units with underground parking. The townhouse units will be constructed in a variety of forms including stacked townhouses and back to back units arranged in 13 blocks with a central common amenity area.

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC		Rafael+Bigauskas Architects	MENKES HOLIDAY DRIVE INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	By-law 392-2008
Zoning:	R6	Historical Status:	n/a
Height Limit (m):	24 storeys	Site Plan Control Area:	

PROJECT INFORMATION

Site Area (sq. m):	21824.71	Height:	Storeys:	4
Frontage (m):	208.76		Metres:	13
Depth (m):	111.73			
Total Ground Floor Area (sq. m):	7640.97			Total
Total Residential GFA (sq. m):	25355		Parking Spaces:	278
Total Non-Residential GFA (sq. m):	0		Loading Space	1
Total GFA (sq. m):	25355			
Lot Coverage Ratio (%):	35			
Floor Space Index:	1.16			

DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	102
3 + Bedroom:	94
Total Units:	196

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	25355		0
Retail GFA (sq. m):	0		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

CONTACT: PLANNER NAME: Cynthia Owusu-Gyimah, Planner
TELEPHONE: (416) 394-2608

Attachment 5: Draft Zoning By-law Amendment

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 Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the north side of Holiday Drive west of Highway 427, municipally known as 2 Holiday Drive

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 the matters herein set out are in conformity with the Official Plan as adopted by the Council of the City of Toronto; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and held at least one public meeting in accordance with the *Planning Act*; 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 the *height* or density of development beyond that otherwise permitted by the By-law amended, 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 or matters in return for any 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 lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or *height*, permitted hereunder, are beyond those otherwise permitted on the lands by Chapters 320 and 324 of the Etobicoke Zoning, as amended, and are to be permitted subject to the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of the lands and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements to secure certain facilities, services and matters in return for the increases in *height* and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the owner of the *lot* of the facilities, services and matters set out in Section 9 hereof, to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in Section 2 of this By-law.
2. Upon execution and registration of an agreement or agreements with the owner of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Section 9 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements
3. That the Zoning Map referred to in Section 320-5, Article II of the Zoning Code, originally attached to Township of Etobicoke By-law No. 11,737, as amended, is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as described in Schedule 'A' attached hereto from Sixth Density Residential (R6) to Group Area Fourth Density Residential (R4G) provided that the provisions in this By-law shall apply to the lands identified in Schedule 'A' attached hereto.
4. For the purposes of this By-law:
 - (a) *townhouse dwelling units* shall mean multiple dwellings consisting of a series of attached dwelling units each having a direct access from the outside.
 - (b) *outdoor amenity space* means an outdoor space on a *lot* that is communal and available for use by the occupants of a building on the *lot* for recreational or social activities.
 - (c) *building envelope* shall mean the building area permitted within the setbacks established on attached Schedule 'B'
5. Notwithstanding Sections 320-18, 320-39, 320-40, 320-41, 320-42, 320-69, 320-70, and 320-71 of the Etobicoke Zoning Code, the following development standards shall now be applicable to Group Area Fourth Density Residential (R4G) lands described in Schedule 'A' attached hereto:
 - (a) The only permitted use shall be *townhouse dwelling units*:

- (b) A maximum of 196 *townhouse dwelling units* shall be permitted:
- (c) Permitted accessory uses shall include garbage storage buildings, underground garage ramps and structures:
- (d) No portion of any structure above grade erected or used on the lands shall extend beyond the *building envelope* delineated by the heavy lines on Schedule 'B' attached to and forming part of this by-law; except the following:
 - (i) any above grade structure related to underground parking structure and mechanical system.
 - (ii) balconies, patios, terraces, covered and uncovered porches having a maximum projection of 2 metres from any exterior wall of a building provided they are located a minimum of 1.5 metres from internal driveway;
 - (iii) underground garage ramps and structures, transformers, garbage storage building; and
 - (iv) eaves, bay windows, window boxes or other projections extending a maximum of 0.8 metres from any exterior wall of a building provided they are located a minimum of 1.5 metre from any internal driveway.
- (e) An underground parking structure may have 0m setback from the north and west lot lines:
- (f) No building or structure, above-grade or below grade, shall encroach within the 14 metre setback from the south and east property lines as shown on attached Schedule 'B':
- (g) The total maximum permitted *gross floor area* on the lands shall be 25,500 m²:
- (h) The maximum combined building coverage shall be 45% exclusive of those provisions included within Section 5(d)(i)&(ii) of this by-law:
- (i) A minimum of 40% of the lands shown on Schedule 'A' shall be *landscaped open space*:
- (j) A minimum of 3 square metres of unobstructed *outdoor amenity space* per dwelling unit shall be provided in a location adjoining to or directly accessible from each dwelling unit:

- (k) The maximum *height* of each building shall be 13 metres;
 - (l) Notwithstanding Section 320-18 of the Zoning Code, parking spaces shall be provided in accordance with the following minimum ratios:
 - (i) 0.80 spaces per dwelling unit for bachelor dwelling units
 - (ii) 0.90 spaces per dwelling unit for one-bedroom dwelling units
 - (iii) 1.00 spaces per dwelling unit for two-bedroom dwelling units
 - (iv) 1.20 spaces per dwelling unit for three-bedroom dwelling units
 - (v) 0.20 spaces per dwelling unit for visitor parking
 - (m) A minimum of 7 visitor parking spaces shall be located at grade:
 - (n) Visitor parking spaces shall be exclusively designated:
 - (o) A minimum of 29 bicycle parking spaces shall be provided within the underground parking garage:
 - (p) A minimum of 1 loading space shall be provided with a minimum dimension of 13.0 metres by 4.0 metres with an unencumbered minimum vertical clearance of 6.1 metres:
 - (q) Notwithstanding Section 320-43N of the Etobicoke Zoning Code, central air conditioning units shall be permitted, not less than 2.0 metres from all property lines except the east and south property line.
6. Notwithstanding the above By-law and Zoning Code standards, a sales trailer and/or construction trailer is permitted during the development of the lands.
 7. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
 8. Zoning By-law No. 392-2008 is hereby repealed.
 9. The facilities, services and matters set out herein are the matters required to be provided by the owner of the lot at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City and such agreement(s) shall be registered against title to the lot as outlined in heavy lines on Schedule 'A' to secure the following facilities, services or matters:
 - (i) Prior to the issuance of the first above ground building permit, the owner shall:
 - (a) Make a cash contribution to the City in the amount of \$300,000 for improvements to Broadacres Park. This amount is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction

Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

- (ii) Compliance with the noise attenuation measures contained in the Noise Control Study dated August 2012 prepared by MMM Group.
- 10. 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.
- 11. Within the lands shown on Schedule 'A' attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
 - a. All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - b. All water mains and sanitary sewers and appropriate appurtenances have been installed and are operational.
- 12. Chapter 334, Site Specifics, of the Etobicoke 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:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
XXXX-2012 _____, 2012	Lands located on the north side of Holiday Drive west of Highway 427, municipally known as 2 Holiday Drive.	To rezone the lands from Sixth Density Residential (R6) to Group Area Fourth Density Residential (R4G) to permit townhouse dwelling units, subject to site specific development standards.

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

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

