

# **TORONTO** STAFF REPORT

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May 26, 2003

To: Etobicoke Community Council

From: Director, Community Planning, West District

Subject: Final Report  
Applications to amend the Etobicoke Official Plan and Zoning Code  
5145 Dundas Street West  
Sun Life Assurance Company of Canada (Burka Varacalli Architects)  
File Number: TA CMB 2002 0016  
Etobicoke-Lakeshore (Ward 5)

Purpose:

This report reviews and recommends approval of applications to amend the Etobicoke Official Plan and the Zoning Code to permit a mixed use development consisting of 950 dwelling units contained in 4 apartment buildings ranging from 12 to 25 storeys, and 2 mid-range buildings having a height of 5 storeys, and approximately 930 square metres (10,000 square feet) of commercial gross floor area.

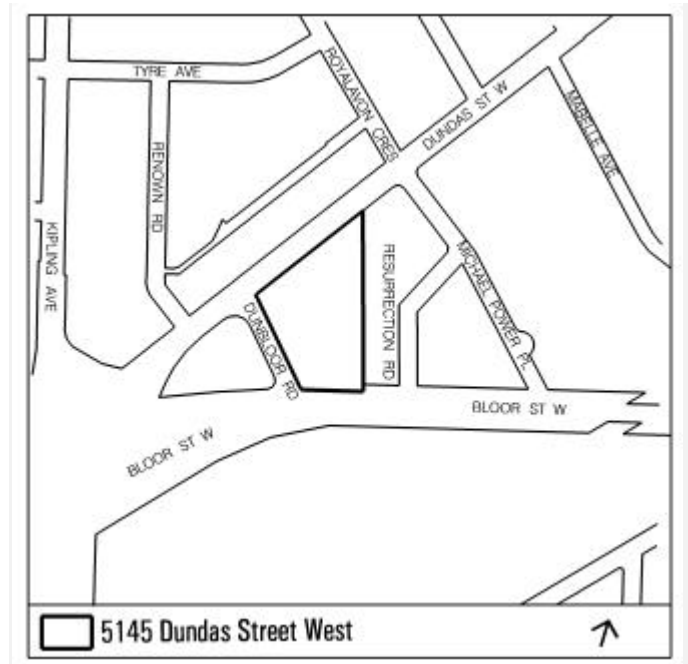
Financial Implications and Impact Statement :

There are no financial implications resulting from the adoption of this report.

Recommendations :

It is recommended that City Council:

- (1) amend the Etobicoke Official Plan substantially in accordance with the draft Official Plan Amendment appended as Attachment No. 7;
- (2) amend the Etobicoke Zoning Code substantially in accordance with the draft Zoning By-law Amendment appended as Attachment No. 8;



- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and Zoning Code Amendments as may be required;
- (4) before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 Agreement with the City regarding the provision of community benefits as set out in Attachment 6 of this report. In the event that revisions to Attachment 6 are required, the Commissioner of Urban Development Services be authorized to report to Community Council or directly to City Council;
- (5) before introducing the necessary Bills for enactment, require the applicant to submit a letter of undertaking to the City agreeing to withdraw their appeal with respect to the Toronto Official Plan upon the Official Plan and Zoning By-law amendments coming into force;
- (6) before introducing the necessary Bills for enactment, require the applicant to satisfy the transportation, environmental, servicing, school board and Section 37 matters to the satisfaction of the City;
- (7) authorize the City Solicitor to support the recommendations of this report at the Ontario Municipal Board, in relation to the appeals of the newly enacted Etobicoke Centre Secondary Plan and implementing Zoning By-law and in relation to the appeal of the new City of Toronto Official Plan as it pertains to the Etobicoke Centre Secondary Plan area.

Background:

(1) Proposal

The applicant proposes to construct 4 apartment buildings ranging in height from 12 to 25 storeys, as well as 2 mid-rise buildings having a height of 5 storeys. The mid-rise buildings would be for seniors. The development will contain 950 total dwelling units and approximately 930 square metres (10,000 square feet) of commercial/retail gross floor area. As part of the overall development concept, a food store is also being contemplated. The food store would range between 743 square metres (8,000 square feet) to no more than 3 251 square metres (35,000 square feet) in size. At this time, the details of the potential grocery store have not been finalized between the property owner and a grocery store chain.

The overall floor space index (fsi) for the development will be 4.5 times the lot area, of which 1.0 times the lot area will be reserved for a seniors component. Should the senior's component not be built, then the total fsi will be 3.5 times the lot area.

Two vehicular access points are proposed to service the site. The first is from Dunbloor Road via a proposed public lane, and the second from Dundas Street West. Pedestrian access is proposed from a lane running east from Dunbloor Road, as well as a pedestrian walkway from Dundas Street West. A parking supply of approximately 802 parking spaces is being proposed for the development. Parking will be accommodated within a 3 level underground garage.

The total gross floor area for the project as proposed is approximately 68 485 square metres (737,190 square feet), resulting in a total floor space index of 4.5 times the lot area (as noted above). Table 1 provides a list of data supplied by the applicant.

Official Plan: Etobicoke Toronto	Commercial-Office (Site Specific Policy No. 13.3.7) Mixed Use Areas (Section 4.5)
Zoning: Existing- Proposed-	Limited Commercial (CL) Mixed Use (MU)
Site Area	1.5 hectares (3.7 acres)
Number of Units	950
Gross Floor Area: Total- Commercial- Residential-	68 485 square metres (737,190 square feet) 930 square metres (10,000 square feet) 67 555 square metres (727,180 square feet)
Floor Space Index	3.5 (4.5 including Senior component)
Density	633 units per hectare (253 units per acre)
Height	5 to 25 storeys (15 metres to 72 metres/49ft to 236ft)
Parking Provided	802 parking spaces

Table No. 1

## (2) Site History

In 1987, the former Etobicoke Council approved the City Centre Secondary Plan (Centre Plan). The area was generally defined as the lands surrounding the Islington and Kipling subway stations. The Centre Plan followed the lead of the Metropolitan Toronto Official Plan to provide policies aimed at decentralizing office use. Accordingly, the Plan's primary goal was to organize and manage anticipated office employment growth consistent with existing and planned road infrastructure and physical services in order to advance the Centre as the focal point of the former Etobicoke. It was intended to contain a concentration of high density office and residential development.

Over the ensuing years since the approval of the Centre Plan, a number of factors have occurred, necessitating its review. These factors include:

- (a) a changing market place, having greater preference for residential than office development;
- (b) a change in the scale of public and private investment, resulting in incremental growth, rather than large scale growth; and
- (c) the creation of the newly amalgamated City of Toronto, resulting in the evaluation of this area within the broader context of the new City.

In light of the foregoing, Council in July 1998 authorized staff to undertake a review of the Etobicoke City Centre. The new Secondary Plan was aimed at creating a high intensity core area through a mixed-use approach with less reliance on office development. Based on significant residential development interest in the past few years, the area can achieve its goal of becoming

Etobicoke's integrated core area. It is anticipated that a wide variety of service uses and local office functions will be generated in response to residential growth. The Etobicoke Centre Secondary Plan was approved by Council in November 2002.

The current application was submitted in October 2002. Etobicoke Community Council considered a preliminary report in November 2002 and directed that planning staff continue to process the application and that a community consultation process be initiated. A Community Information meeting was held on November 28, 2002, and is discussed in this report.

### (3) Site and Surrounding Area

The subject property is 1.5 hectares (3.7 acres) in size and is bounded by Bloor Street West to the south, Dundas Street West to the north, Dunbloor Road to the west and a townhouse and apartment development that is currently under construction (Bloorwood Manor) to the east. The property has a frontage of approximately 68 metres (223 feet) on Bloor Street West, 114 metres (374 feet) on Dunbloor Road, and 148 metres (486 feet) on Dundas Street West. The site has a gradual grade differential as it slopes downward, south towards Dundas Street West.

The subject lands are currently occupied by a one-storey commercial plaza, where the main tenant is a food store (Food Basics). In conjunction with the plaza is a large surface parking lot. The surrounding land uses include:

North:	two-storey commercial buildings on the north side of Dundas Street
South:	former Westwood Theatre site
East:	townhouse and apartment development under construction
West:	vacant parcel of land where a previous office building has recently been demolished

### (4) Official Plan Policies

#### (4.1) Etobicoke Official Plan

The existing City Centre Secondary Plan, approved in 1987, which is currently in effect, designates the lands Commercial-Office. Section 13.3.7, the site specific policy that applies to the subject site, permits a density (floor space index) of 1.0 times the lot area for office or commercial uses. Commercial/retail uses are encouraged along the Dundas Street frontage in order to strengthen the commercial strip.

#### (4.2) New City of Toronto Official Plan

At its meeting of November 28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. No hearing date has been set.

Once the Plan comes into full force and effect, it will designate the subject property as a Mixed Use Area (Section 4.5). Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, as well as parks and open spaces. These areas are intended to absorb, over time, a portion of Toronto's expected growth. As well, these areas will vary in scale and intensity subject to local conditions and considerations.

The site falls within the Etobicoke Centre Secondary Plan (as contained in the new City-wide Official Plan) and is subject to Section 12, Site and Area Specific Development Policy Number 7. The lands are designated as Mixed Use having a maximum density of 1.0 times the lot area.

In addition to the new City of Toronto Official Plan, Council has also adopted a new Etobicoke Centre Secondary Plan. The new Etobicoke Centre Secondary Plan (which is currently under appeal) contains a number of policies to guide development of Mixed Use Areas, including; the creation of a balance of uses that reduces automobile dependence and meets the needs of the community; the provision of new jobs and homes on underutilized lands; the location and massing of buildings to frame streets; minimize shadow impacts and provide areas of transition towards lower scale neighbourhoods; and, the provision of an attractive, safe and comfortable pedestrian environment.

The proposed development has been reviewed for compliance with the new Etobicoke Centre Secondary Plan and conforms to the new Plan. An amendment to the new Plan will not be required. The new City-wide Plan currently carries forward the Etobicoke City Centre Secondary Plan. However, the City has appealed that aspect of its new Official Plan. The intent of the City's appeal is to request the Ontario Municipal Board to insert in the new Plan the recently adopted Etobicoke Centre Secondary Plan. The subject application will form part of that recently adopted Secondary Plan and will therefore be carried forward into the new Official Plan.

The lands also fall within the Etobicoke Centre, one of 4 designated Centres on the Urban Structure Map (Map 2).

#### (4.3) Metropolitan Toronto Official Plan

The Metropolitan Toronto Official Plan contains policies for the re-urbanization of the former Metro Toronto and designates this area as a Major Centre (Metropolitan Centres and Corridors-Map 2). Metropolitan Centres provide for a mix of uses with a concentration of employment activities, residential uses and other compatible uses in a compact, high-density, urban form serviced by high capacity transit. Accordingly, the proposed development is consistent with this vision, and therefore complies with the aforementioned policies.

#### (4.4) Provincial Policy Statement

Staff have evaluated the proposal in the context of the Provincial Policy Statement as it relates to the principle of managing change and promoting efficient development and land use patterns which stimulate economic growth. The Provincial Policy Statement advocates developing strong

communities based on densities which efficiently use land, resources, infrastructure and public service facilities.

Additional guidance with respect to density encourages supporting the use of public transit in areas where it exists or is to be developed. Communities and land use patterns are also based on providing opportunities for redevelopment, intensification and revitalization in areas that have sufficient existing or planned infrastructure. Based on the aforementioned policies, the proposed development concept complies with the Provincial Policy Statement as it relates to developing strong communities.

## (5) Zoning By-laws

### (5.1) Etobicoke Zoning Code

The subject site is zoned Limited Commercial (CL) by the Etobicoke Zoning Code, which permits a variety of retail/commercial and non-commercial uses, including residential uses such as apartment houses and units above stores. Building heights are restricted to 14 metres (46 feet), or 4 to 5 storeys depending on the floor to ceiling height being proposed. Development within the CL zoning category is also regulated by a maximum lot coverage of 50 percent of the lot area.

### (5.2) Etobicoke Centre By-law

The recently adopted Zoning By-law for the Etobicoke Centre area, also appealed to the Ontario Municipal Board, zones the subject lands as Etobicoke Centre 1 (EC1) Zone to a depth of 43 metres (141 feet) from the Dundas Street frontage. This zone permits a wide variety of retail, office, institutional and residential uses and promotes a “main street” form of development through the requirement of ground floor commercial uses and other built form development regulations. A maximum height limit of 15 metres (49 feet), or approximately 5 storeys, was also established in order to maintain the main street form.

The southerly portion of the site, beyond the 43 metre (49 feet) depth, zones the remainder of the lands as Etobicoke Centre 2 (EC2). The EC2 zoning permits all the EC1 uses noted above, as well as apartment houses, seniors community houses, and senior citizen apartment houses. A maximum height limit of 60 metres (197 feet), approximately 20 storeys, was set for this portion of the site. The proposed maximum floor space index permitted is 3.5 times the lot area for the entire property, notwithstanding the dual zoning.

## (6) Site Plan Control

A site plan application has not been submitted at this time. Staff will be requesting that site plan application be submitted to assist in the evaluation of the proposal.

(7) Reasons for Application

An amendment to the Etobicoke Official Plan and the Etobicoke Centre Secondary Plan is required to permit the proposed floor space index of 4.5 times the lot area and the proposed high rise residential development. An amendment to the Etobicoke Zoning Code, as well as the Etobicoke Centre Zoning By-law, is required to permit the proposed development including the proposed maximum building height of 26 storeys and the requested floor space index of 45 times the lot area.

(8) Community Consultation

A Community Information meeting was held on November 28, 2002, in order to provide residents and business/property owners with an opportunity to review and comment on the application. Approximately 60 individuals, the Ward Councillor, the applicant and City staff attended the community meeting. The majority of comments received at the meeting were in opposition to the size and scale of development being proposed. It was also indicated to staff that the community were not opposed to redevelopment of the site or the general area.

The matters of concern to those attending the community meeting include:

- (a) height and density (why are we considering more than what was approved through the Centre plan);
- (b) traffic;
- (c) there is a need to maintain a grocery store; how does the grocery store fit in with the development;
- (d) the built form, what would it look like; and
- (e) the buildings are too close to Dundas Street.

(9) Agency/Department Circulation

The application was circulated to all the appropriate agencies and City departments. Responses received have been used to assist in evaluating this application and to formulate appropriate conditions of approval and By-law standards.

Comments:

(10) Issues to be Resolved

No City-wide issues are raised by this application.

(11) Density

The recently adopted Zoning By-law for the Etobicoke Centre area (appealed to the Ontario Municipal Board) zones the subject lands as Etobicoke Centre 1 (EC1) and Etobicoke Centre 2 (EC2) and permits an overall density (floor space index) of 3.5 times the lot area. The applicant through the rezoning of the lands is seeking permission to include the density standard of the

new Etobicoke Centre Zoning By-law on the subject lands prior to the Etobicoke Centre Zoning By-law coming into force and effect.

As part of the overall development concept, the applicant is seeking an additional floor space index of 1.0 times the lot area for seniors housing. It is anticipated that the senior's component will have minimal impacts on local services (parks and schools) and the transportation network, therefore Planning staff support the additional floor space on this site exclusively for seniors housing.

## (12) Urban Design

The final review of the urban design matters discussed below, including landscaping, will be addressed as part of the site plan control approval process, pursuant to Section 41 of the Planning Act.

### (12.1) Building Heights

One of the primary planning issues to be considered is the height of the proposed buildings in relation to the existing townhouse development to the east as well as determining how this development will fit in with the surrounding area based on the vision of the new Centre, as established by the newly adopted Zoning By-law standards (appealed to the Ontario Municipal Board).

The proposed development has maintained the principle of reduced building heights adjacent to the Dundas Street frontage, while orientating buildings with greater heights towards Bloor Street. The concept includes a 5 storey senior's building at Dundas Street. This is consistent with the Main Street Mixed Use Area policy, of the Etobicoke Centre Secondary Plan, of having buildings that are developed at a pedestrian scale height (Section 4.3.1.5).

The first building in close proximity to the Dundas and Dunbloor intersection is a tower rising to 18 storeys, or approximately 56 metres (184 feet). The majority of this tower is located within the 15 metre (49 feet) height limit established in the adopted Etobicoke Centre Zoning By-law. However, the building maintains a setback of 10 metres (33 feet) from the Dundas Street West streetline. In the opinion of staff, the building is predominantly orientated and massed towards the Dunbloor frontage. As well, the building location at the corner of two public roads complies with the Built Form policies of the new Official Plan (Section 3.1.2). Specifically, the building mass at street level is located parallel to the street, is located along both street frontages and gives prominence to the corner.

Building 2 is situated west of a townhouse development that is currently under construction. The applicant is proposing a 12 storey building, or approximately 36 metres (118 feet). The majority of this tower is located within the 60 metre (197 feet) height limit established in the recently adopted Etobicoke Centre Zoning By-law. The most northerly portion of the building sits within the 15 metre (49 feet) height limit. It should be noted that this particular building is sited behind the 5 storey seniors building, thereby providing a stepping back of building heights from the Dundas Street frontage.



Between the proposed tower and townhouses is a landscaped buffer that will range from 6 metres (20 feet) to 13 metres (42.5 feet). The 6 metre (20 feet) buffer would be provided if a grocery store/food store was not included in this development. Should the grocery store/food store be developed, a buffer of 13 metres (42.5 feet), including a private access road/driveway, would be provided. Based on the towers location west of the townhouses, it is anticipated that shadowing, wind and other potential negative impacts will be minimized.

The third building, located towards the south-east corner of the site, is proposed to be 20 storeys in height, or approximately 60 metres (197 feet). The proposed height of 60 metres (197 feet) is consistent with the height limits established by the recently adopted Etobicoke Centre Zoning By-law. The building provides a separation distance of 11 metres (36 feet) from the townhouse units, as prescribed by the new By-law.

Building 4 is the most southerly building closest to Bloor Street where a height of 25 storeys is proposed, or approximately 72 feet metres (236 feet). In light of the buffering provided by Bloor Street, the railway corridor and subsequent industrial uses, this location at the north-east corner of Bloor and Dunbloor is the least sensitive and most able to accommodate an increased building height limit. It should be noted that the Port Royal development located further east permits building heights up to 30 storeys. Council as part of adopting the Etobicoke Centre Zoning By-law also zoned the lands on the west side of Dunbloor Road for 26 storeys.

Some of the proposed apartment buildings would exceed the aforementioned height limits in the adopted Etobicoke Centre Zoning By-law (which has been appealed). Accordingly, revisions are required. The subject property has attributes such that some heights in excess of 60 metres (197 feet) or 20 storeys would be appropriate. It should be noted that shadow impacts for these buildings would be minimal and fall largely on the subject lands or onto the public roads (Dunbloor and Dundas).

#### (12.2) Building Design

The architectural treatment of the building and the provision of a pedestrian oriented urban design along the Bloor/Dundas/Dunbloor frontages are also important elements to ensure a successful development on this site. The concept provides building elements to frame the edges of streets, which is consistent with the development criteria for Mixed Use Areas. As well, the proposal address the Built Form policies (Section 3.1.2) wherein the buildings are generally located parallel to the street with a consistent front yard setback.

As noted earlier in this report, there are 4 high-rise buildings varying in height from 12 to 25 storeys. The building heights have been sited in order to provide an adequate transition between taller buildings and adjacent lower scaled buildings. This matter will be refined through the site plan control process in order to comply with the Built Form- Tall Buildings policies of the new Plan (Section 3.1.3).

Section 4.1.2.2 of the Etobicoke Centre Secondary Plan provides for Urban Design policies that will shape the character and invoke a lasting image of this area for residents and visitors. As

such, staff will use these policies to evaluate the appropriateness of the proposal through the site plan control approval process.

(13) Transportation

Access to the development will be provided from Dunbloor Road and Dundas Street West. The applicant has submitted a traffic impact and parking study (TIS) for review. The review of the TIS has been completed and additional documentation and analysis was requested from the applicant, which to date, has not been submitted. Nevertheless, the Works and Emergency Services Department (WES) is of the opinion that the vehicular traffic generated by the proposed development can be accommodated on the area road network subject to the following transportation improvements:

- (a) new left-turn storage lanes at both the Dunbloor Road/Dundas Street intersection and at the south approach to Dunbloor Road/ site drive way;
- (b) installation of traffic control signals at the Dunbloor Road/Dundas Street intersection; and
- (c) increasing the length of the existing left and right turn storage lanes at both the signalized and unsignalized intersections that are significantly impacted by traffic generated from the site.

The additional documentation/analysis requested by WES staff, which is still outstanding, will assist in refining the above noted requirements and determining the financial contribution required from the applicant.

WES staff have also requested the applicant to provide land dedications as follows:

- (i) 1.5 metre (4.9 feet) strip along the entire Dunbloor Road frontage;
- (ii) sight triangles of 8 metres (26.3 feet) by 8 metres (26.3 feet) at the northwest and southwest corners of the subject property, as widened; and
- (iii) all land dedications are to be free of contamination.

With the introduction of the new Traffic Control Signals (TCS) at the Dundas Street West/Dunbloor Road intersection, the Toronto Transit Commission has requested that the new TCS's be equipped with transit priority features to minimize the potential delay to the existing No. 30 Lambton bus service.

Planning staff recommend that these matters form part of the Section 37 agreement in order to secure these off-site improvements. Accordingly, the amending By-law should not be enacted until such time as this matter has been resolved to the City's satisfaction.

(14) Section 37

Section 11.8.2 of the Etobicoke Official Plan and Section 5.1.1 of the new Plan authorize the use of Section 37 of the Planning Act to secure community benefits in return for increased density

and/or height, if the increases are first determined to represent good planning. Planning staff have had discussions with the applicant regarding a Section 37 agreement. A settlement with respect to a cash contribution of \$225,000.00 for local seniors service capital facilities (Islington Seniors Centre) has been agreed upon. Attachment 6 provides a summary of the Section 37 matters to be secured as part of this development proposal.

(15) Grocery Store

The site currently contains a Food Basics grocery store. It was apparent at the Community meeting that local residents felt it was important to keep a grocery store use in the area. The applicant is currently pursuing an agreement with a grocery chain in order to maintain this important community benefit in the area. Staff have been advised that the various food store companies indicate that they are seeking a store up to 3 251 square metres (35,000 square feet) in size. Should this size of store not be possible, the applicant has agreed with Planning staff that a minimum gross floor area needs to be established in order to ensure that a wide array of merchandise is available to the local community. Accordingly, a minimum gross floor area of 743 square metres (8,000 square feet) may be devoted to a grocery/food store. As such, the amending By-law reflects this requirement.

At this time, the details of the potential grocery store have not been finalized between the property owner and a grocery chain.

(16) Site Servicing

Works and Emergency Services Department staff advise that the applicant has not provided the required storm water management report or grading information for review. As such, prior to the enactment of the amending Zoning By-law, the applicant is required to enter into an appropriate agreement as determined by Works and Emergency Services Department and Legal Services for the design and construction of the improvements required to accommodate the intensified use of the site. Also, the relocation, if required, of the existing watermain adjacent to the Bloor Street frontage of the site and all related costs (registration or quit-claiming of an easement) needs to be finalized. It should be noted that all costs are to be borne by the applicant.

(17) School Boards

The Toronto District School Board (TDSB) has advised that there is insufficient space at local schools to accommodate students anticipated from the proposed development and others in the area. As such, the TDSB has requested that as a condition of approval, the applicant/developer enter into an agreement to erect and maintain signs, at points of egress and ingress of the development site, advising that accommodation might not be locally available. As well, the TDSB has requested that the signs be erected prior to the issuance of building permits.

The TDSB also has requested the applicant/developer to enter into an agreement with the TDSB to include warning clauses with respect to potential lack of school space in the area and school bus transportation prior to the enactment of the By-laws. This will ensure that potential

purchasers of units in the development site are advised of the school issues in the area. Accordingly, this matter must be satisfied prior to bringing the amending Bills to Council.

No comments have been received from the Toronto Catholic District School Board (TCDSB). Recent comments received from the (TCDSB) on other development proposals, have indicated that all new residential development is subject to a uniform charge of \$1,055.00 per dwelling unit under its recently adopted Education Development Charges By-law. The Education Development Charges By-law provides the TCDSB with a source of funding for the acquisition of new school sites and expansion of existing sites.

(18) Parkland

No formal comments have been received to date from Economic Development, Culture and Tourism (EDCT)-Parks Division. However, discussions with Parks staff have revealed that the residential component of the proposed development will be subject to provide open space at the alternate parkland dedication rate of up to 0.5 hectares for every 300 dwelling units proposed. As there is no appropriate parkland location within the development site, the City will require a cash-in-lieu of parkland dedication payment. The said cash-in-lieu payment would be payable at building permit issuance.

(19) Etobicoke Centre Secondary Plan and Zoning By-law Appeals

The applicant has appealed the Etobicoke Centre Secondary Plan and Zoning By-law to the Ontario Municipal Board (OMB). Based on the subject report, wherein staff are supporting the requested amendments to the Etobicoke Official Plan and Zoning Code, staff recommend that the applicant submit a letter of undertaking to the City agreeing to withdraw their appeal of the Toronto Official Plan prior to the enactment of the Bills.

The applicant is seeking to amend the existing Etobicoke Zoning Code. The draft By-law appended to this report has been crafted to be consistent with the newly adopted Etobicoke Centre By-law, which is under appeal to the OMB. As noted previously in this report, City Council has adopted a new Etobicoke Centre Secondary Plan. Council has also appealed its new Official Plan as it pertains to the (prior) Etobicoke City Centre Secondary Plan. The intent is that staff will ask the OMB to insert the newly adopted Secondary Plan into the new Official Plan in place of the former Secondary Plan. As part of that process, the subject application would ultimately form part of the new Official Plan. In addition to the recommendation that Council approve the attached bills, staff are seeking authorization for the City Solicitor to support the recommendations of this report at the Ontario Municipal Board, with respect to the appeals of the new Etobicoke Secondary Plan and the new Official Plan.

Conclusions:

The subject lands are currently occupied by a one-storey commercial plaza, where the main tenant is a food store (Food Basics). In conjunction with the plaza is a large surface parking lot. This portion of the Etobicoke Centre will continue to evolve and develop. It is imperative that a

strong commitment be made by staff and Council to encourage appropriate developments and to continue to set the standard of good urban design for the remainder of the Centre.

The requested amendment to the Etobicoke Official Plan and Zoning Code pertains to the appropriateness of the proposed use and has been evaluated in the context of the Etobicoke Centre policies, as well as the new Toronto Official Plan. The use of the site for a mixed use development is appropriate and is considered to be a positive step towards the evolution of the City Centre. Accordingly staff support the redevelopment of the subject site.

Some of the matters discussed in this report have not been fully addressed. Therefore prior to enacting the amending By-laws, staff recommend that the transportation, environmental, servicing, school board and Section 37 matters be secured to the satisfaction of the City.

Some of the Site Plan Control matters as discussed in the body of this report have not been addressed, as such staff will continue to work with the applicant to finalise these matters pursuant to Section 41 of the Planning Act.

Contact:

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Gary Wright, MCIP, RPP  
Director, Community Planning  
West District

List of Attachments:

Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Zoning  
Attachment 4: Official Plan  
Attachment 5: Application Data Sheet  
Attachment 6: Section 37 Requirements  
Attachment 7: Draft Official Plan Amendment (Etobicoke Plan)  
Attachment 8: Draft Zoning By-law Amendment



## Site Plan

Applicant's Submitted Drawing

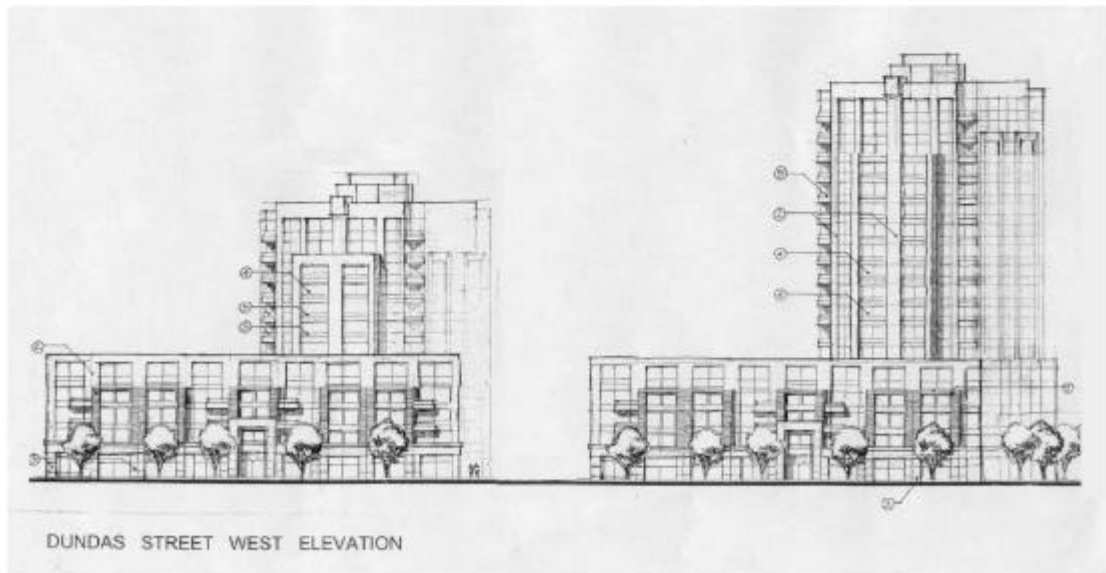
5145 Dundas Street West

File # TA-MB2002 0016



Not to Scale  
05/27/03

Attachment 1



## Elevations

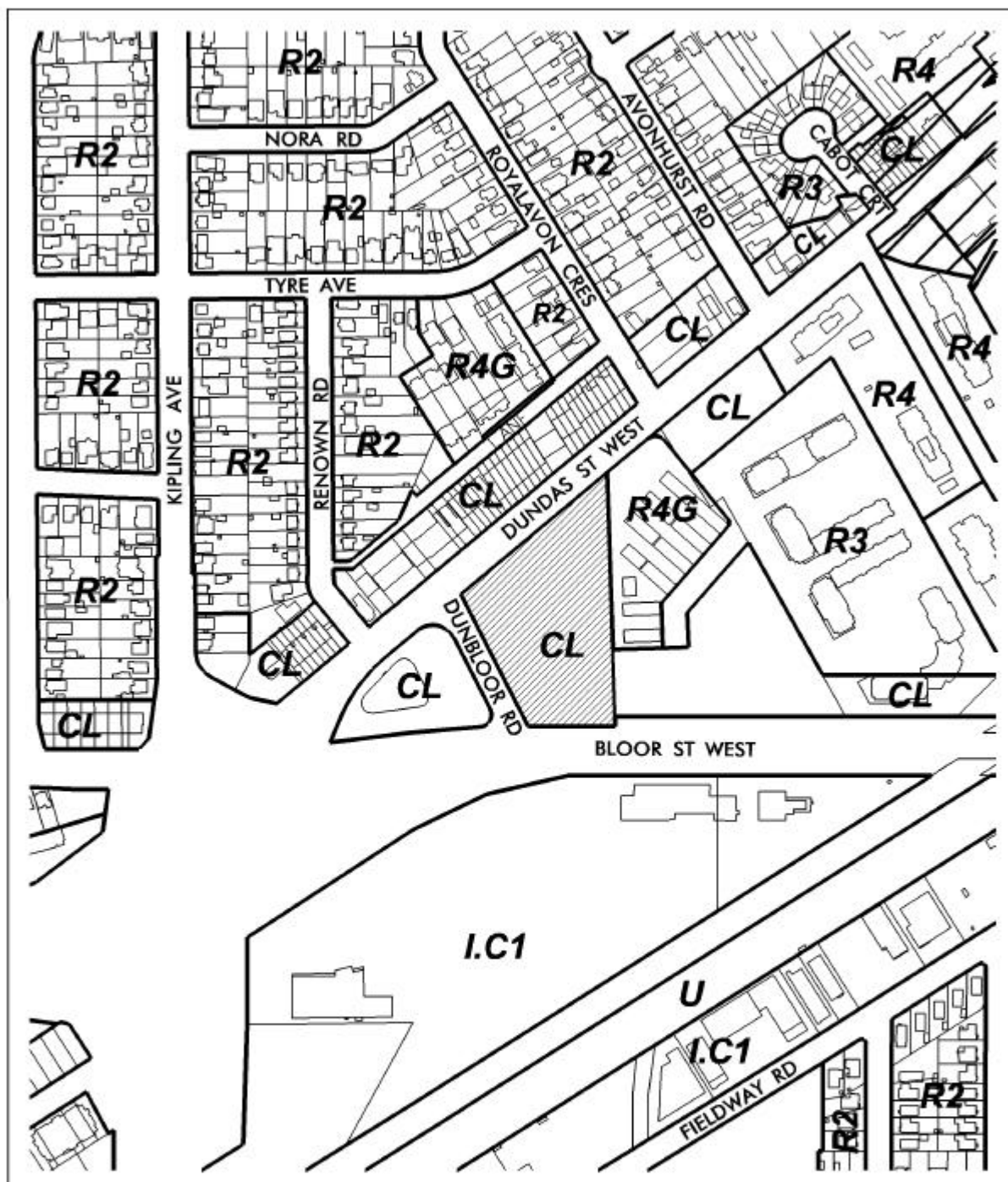
Applicant's Submitted Drawing

5145 Dundas Street West

File # TA-CMB2002 0016

Not to Scale  
05/27/03

Attachment 2



**Toronto** Urban Development Services  
**Zoning**

**5145 Dundas Street West**

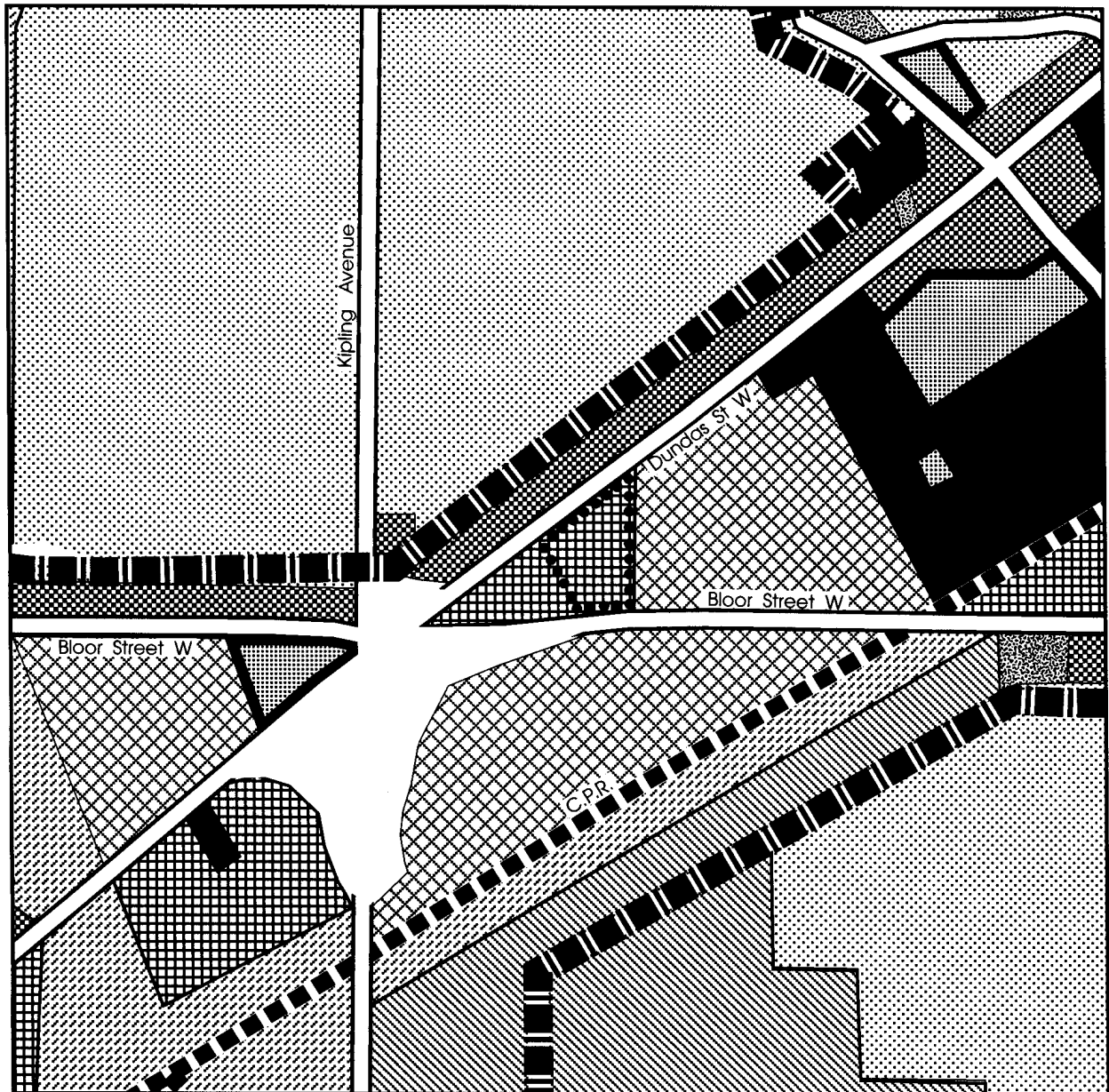
File # TA CMB2002 0016

R2	Residential Second Density	CL	Commercial Limited
R3	Residential Third Density	I.C1	Industrial Class 1
R4	Residential Fourth Density	U	Utilities
R4G	Residential Fourth Density Group		












↑ **Attachment 3**

Not to Scale  
 Zoning By-law 11,737 as amended  
 Extracted 05/27/03 - KP





**Land Use**

 Low Density Residential	 Institutional	 Open Space
 High Density Residential	 Commercial - Residential Strip	 Secondary Plan Area
 Office	 Mixed Use	 SUBJECT SITE
 Industrial	 Utility	



**Attachment 4**

Not to Scale  
Etobicoke Official Plan Map 4 as amended  
Extracted 10/29/02 - GW

## Attachment No. 5

### *APPLICATION DATA SHEET*

#### **Combination**

Site Plan Approval:	No	File Number:	
Rezoning:	Yes	Application Number:	<b>TA CMB 2002 0016</b>
O.P.A.:	Yes	Application Date:	09/27/2002

Municipal Address: 5145 Dundas St W

Nearest Intersection: northeast corner of Bloor St. W. & Dunbloor Rd.

Project Description: Proposed amendments to the Etobicoke Official Plan and Zoning Code to permit the development of a mixed-use project consisting of: 4 (rental) apartment buildings of varying heights above a continuous podium base that is to include 1 395 m2 of retail space.

<b>Applicant:</b> CONCERT PROPERTIES LTD. 1 Adelaide Street East, One Financial Place Toronto M5C2V9	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b> SUN LIFE ASSURANCE COMPANY OF CANADA 225 King Street West Toronto M5V3C5
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#### **PLANNING CONTROLS (For verification refer to Chief Building Official)**

Official Plan Designation: Commercial-Office	Site Specific Provision: Section 13.3.7
Zoning District: Limited Commercial (LC)	Historical Status: n/a
Height Limit (m): 14	Site Plan Control Area: Yes

#### **PROJECT INFORMATION**

Site Area:	15014.37	<b>Height:</b> Storeys:	25
Frontage:	0	Meters:	72
Depth:	0		
Ground Floor GFA:	0	<b>Indoor</b>	<b>Type</b>
Residential GFA:	67 555	Parking Spaces:	0
Non-Residential GFA:	930	Loading Docks:	0
Total GFA:	68 485		0

#### **DWELLING UNITS**

<b>Tenure Type:</b>	N/A
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3+ Bedroom:	0
Total Units:	950
Total Proposed Density:	4.5

#### **FLOOR AREA BREAKDOWN**

	<b>Above Grade</b>	<b>Below Grade</b>
Residential GFA:	68 555	
Retail GFA:	930	
Office GFA:	0	
Industrial GFA:	0	
Industrial/Other GFA:	0	

## Attachment 6

### Section 37 Requirements

The following requirements are to be incorporated into the Section 37 Agreement (or other appropriate agreements as determined by the City Solicitor) in consultation with appropriate City staff.

#### Cash Contribution

The owner of the land make a cash contribution of \$225,000.00 to be used for seniors service capital facilities (Islington Seniors Centre), which contribution shall be provided prior to the issuance of a building permit which utilizes such density bonus.

The owner of the site shall provide the City of Toronto with the following facilities, services and matters, which would otherwise have been required in the absence of using Section 37 and are secured in the Section 37 agreement because it serves as a convenient legal mechanism:

#### Transportation Improvements

The applicant, at their expense and to the satisfaction of the Commissioner of Works and Emergency Services, is required to make a 1.5 metre (5 feet) wide property dedication for the future road allowance improvement purposes along the entire Dunbloor Road frontage of the site, including 8 metre (26.3 feet) by 8 metre (26.3 feet) intersection sight triangles at the southwest and northwest corners of the subject property, as widened.

The applicant is financially responsible for installing and maintaining traffic control signals and related intersection improvements at the intersection of Dundas Street West/ Dunbloor Road, if and when required by the Commissioner of Works and Emergency Services. In the event that redevelopment of the property on the west side of Dunbloor Road (2 Dunbloor Road) occurs within five (5) years of execution of the Section 37 agreement, then the total cost of signalling and improving the Dundas Street West/ Dunbloor Road intersection shall be shared between the two property owners in a cost sharing agreement acceptable to the Commissioner of Works and Emergency Services. The design of the Dundas Street West/ Dunbloor Road intersection shall be provided to the satisfaction of the Commissioner of Works and Emergency Services. The developer is required to provide Works and Emergency Services (District 2) with a certified cheque or letter of credit concurrent with the first phase of this development for the cost of the traffic control signals, traffic control signal maintenance costs and associated road improvements.

The applicant is responsible for contributing financially to the future extension of the existing eastbound left turn storage lane at the west approach to the intersection of Dundas Street West/ Islington Avenue.

Sidewalk and Streetscape Improvements

The applicant agrees to design and construct to the satisfaction of the Commissioner of Urban Development Services and Works and Emergency Services sidewalk and streetscape improvements along its public frontages to current City standards.

School Board Notice

The applicant agrees to provide the Toronto District School Board and the Toronto Catholic District School Board with appropriate notice of its intention to apply for building permits.

The applicant also agrees to install on-site signage and insert warning clauses in offers of purchase and sale, advising purchasers that students may be accommodated outside the area.

Environmental Assessment

The applicant is required to satisfy the City with respect to the environmental condition of the site and for the lands to be dedicated to the City.

Attachment 7

Authority: Etobicoke Community Council Report No. , Clause No. , as adopted by City of  
Toronto Council on , 2003  
Enacted by Council: , 2003

**CITY OF TORONTO**  
**By-Law No. \_\_\_\_ - 2003**

**To adopt Amendment No. 113-2003 to the Official Plan of the Etobicoke Planning Area in order to implement a site specific amendment affecting lands located on the south side of Dundas Street, north side of Bloor Street, east of Dunbloor Street, municipally known as 5145 Dundas Street West.**

WHEREAS authority is given to Council by Section 17 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 held at least one public meeting in accordance with the Planning Act;

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

THAT the attached Amendment No. 113-2003 to the Official Plan of the Etobicoke Planning Area, consisting of Part Two of the accompanying amendment, is hereby adopted pursuant to the *Planning Act, 1990*.

ENACTED AND PASSED this \_\_\_\_\_ of \_\_\_\_\_, A.D. 2003.

Mayor  
(Corporate Seal)

City Clerk

## **PART ONE - PREAMBLE**

### **1.1 PURPOSE/LOCATION**

Official Plan Amendment No. 113-2003 applies to a 1.5 hectare (3.7 acres) parcel of land located on the south side of Dundas Street West, north of Bloor Street and east of Dunbloor Road.

The purpose of this amendment is to delete and replace Site-Specific Policy 13.3.7 in order to permit the construction of a mixed-use development containing commercial/retail uses at grade and 950 residential dwelling units.

### **1.2 BASIS**

In October 2002 the owner/applicant submitted an application to modify Site-Specific Policy Number 13.3.7 of the Etobicoke Official Plan in order to permit the redesignation of the Commercial-Office designation to High Density Residential. This will allow the lands to be developed with a mixed-use development containing commercial/retail uses at grade and 950 residential dwelling units.

## **PART TWO-THE AMENDMENT**

### **2.1 INTRODUCTION**

All of this part of the Amendment, consisting of the following text and attached map designated as Schedule “A”, constitute Amendment No. 113-2003 to the Official Plan for the Etobicoke Planning Area. The Official Plan is hereby amended as follows.

### **2.2 MAP CHANGE (SCHEDULE “A”)**

Schedule 3 of the City Centre Secondary Plan is amended by replacing it with Schedule “A” attached hereto to reflect the redesignation of the site from Commercial-Office to High Density Residential as amended under Section 13.3.7. Schedule “A” attached hereto shall form part of the amendment.

### **2.3 TEXT CHANGES**

The Official Plan is amended by deleting and replacing Special Site Policy identified as Section 13.3.7 as follows:

“13.3.7            Lands on the south side of Dundas Street West, north side of Bloor Street, east of Dunbloor Street, municipally known as 5145 Dundas Street West.

Designation            Mixed-Use

Density                3.5 FSI (Gross)

Building Height        building heights may range up to a maximum of 72 metres

#### Description

The Site may be developed for residential and commercial uses as follows provided that the Owner complies with the provisions of Section 2:

1.        The maximum gross floor space index shall be 3.5 times the lot area, which shall be calculated on a gross site basis, and may include an additional floor space index of 1.0 times the lot area exclusively for seniors housing.

2.        **Section 37 Agreement**

The owner of the site must provide the following as part of the overall development, in order to allow the additional floor space of 1.0 times the lot area:

#### Cash Contribution

The owner of the land make a cash contribution of \$225,000.00 to be used for seniors service capital facilities (Islington Seniors Centre), which contribution shall be provided prior to the issuance of a building permit which utilizes such density bonus.

The owner of the site shall provide the City of Toronto with the following facilities, services and matters, which would otherwise have been required in the absence of using Section 37 and are secured in the Section 37 agreement because it serves as a convenient legal mechanism:

#### Transportation Improvements

The applicant, at their expense and to the satisfaction of the Commissioner of Works and Emergency Services, is required to make a 1.5 metre (5 feet) wide property dedication for the future road allowance improvement purposes along the entire Dunbloor Road frontage of the site, including 8 metre (26.3 feet) by 8 metre (26.3 feet) intersection sight triangles at the southwest and northwest corners of the subject property, as widened.

The applicant is financially responsible for installing and maintaining traffic control signals and related intersection improvements at the intersection of Dundas

Street West/ Dunbloor Road, if and when required by the Commissioner of Works and Emergency Services. In the event that redevelopment of the property on the west side of Dunbloor Road (2 Dunbloor Road) occurs within five (5) years of execution of the Section 37 agreement, then the total cost of signalling and improving the Dundas Street West/ Dunbloor Road intersection shall be shared between the two property owners in a cost sharing agreement acceptable to the Commissioner of Works and Emergency Services. The design of the Dundas Street West/ Dunbloor Road intersection shall be provided to the satisfaction of the Commissioner of Works and Emergency Services. The developer is required to provide Works and Emergency Services (District 2) with a certified cheque or letter of credit concurrent with the first phase of this development for the cost of the traffic control signals, traffic control signal maintenance costs and associated road improvements.

The applicant is responsible for contributing financially to the future extension of the existing eastbound left turn storage lane at the west approach to the intersection of Dundas Street West/ Islington Avenue.

#### Sidewalk and Streetscape Improvements

The applicant agrees to design and construct to the satisfaction of the Commissioner of Urban Development Services and Works and Emergency Services sidewalk and streetscape improvements along its public frontages to current city standards.

#### School Board Notice

The applicant agrees to provide the Toronto District School Board and the Toronto Catholic District School Board with appropriate notice of its intention to apply for building permits.

The applicant also agrees to install on-site signage and insert warning clauses in offers of purchase and sale, advising purchasers that students may be accommodated outside the area.

#### Environmental Assessment

The applicant is required to satisfy the City with respect to the environmental condition of the site and for the lands to be dedicated to the City.



**2.4 IMPLEMENTATION**

The policy established by this Amendment will be implemented by a site specific amendment to the Zoning Code, Council's conditions to approval, and the signing and registering of the appropriate agreements.

**2.5 INTERPRETATION**

The provisions of the Official Plan as they may be amended from time to time with respect to the interpretation of the Plan shall apply with respect to this Amendment.

# Etobicoke Official Plan Amendment No.113-2003

## Schedule "A"

### 5145 Dundas Street West

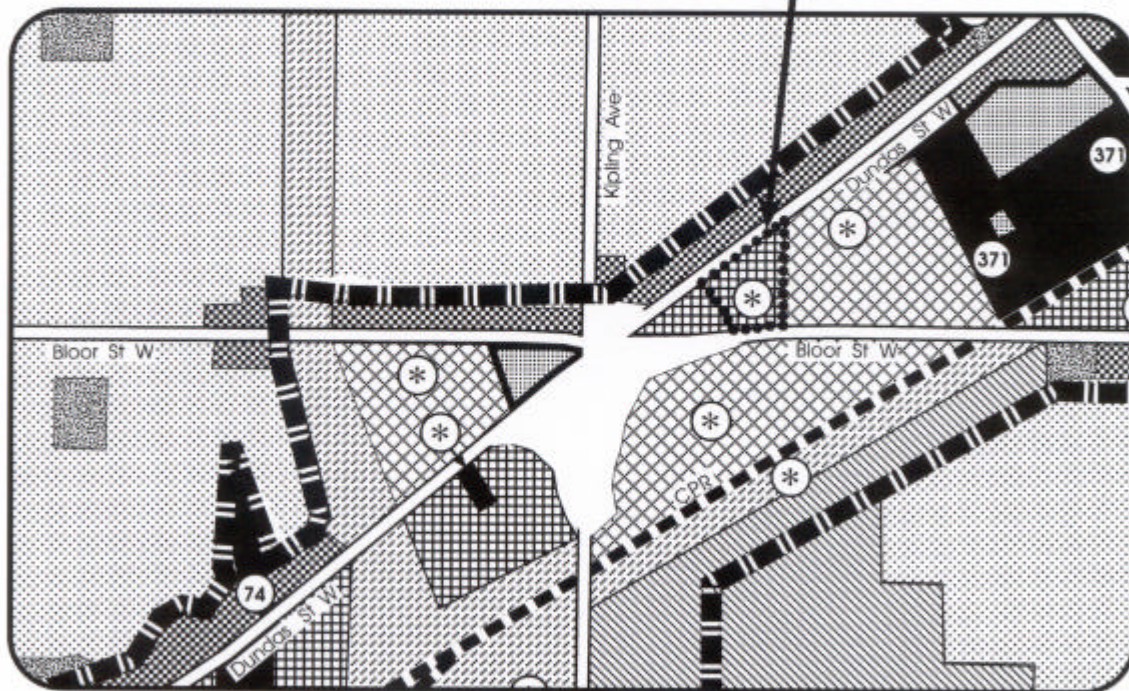
File # TA-CMB 2002 0016



Area of Amendment

### Schedule 3

of the City Centre Secondary Plan  
is amended by redesignating  
from Commercial-Office to High  
Density Residential as amended  
under Section 13.3.7



#### Land Use

	Low Density Residential		Mixed Use		Secondary Plan Area
	High Density Residential		Commercial-Residential Strip		Units per hectare
	Office		Utility		Special Site Policy
	Institutional		Open Space		

Not to Scale  
Extracted 05/2/03 - MH

Attachment 8

Authority: Etobicoke Community Council Report No. , Clause No. ,  
adopted by City of Toronto Council on  
Enacted by Council:

**CITY OF TORONTO**

**BY-LAW No. -2003**

**To amend Chapters 320 and 324, of the Etobicoke Zoning Code, with respect to certain lands located on the north side of Bloor Street West, on the south side of Dundas Street West, and east of Dunbloor Road, known municipally as 5145 Dundas Street West**

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O., 1990,c.P13, as amended, to pass this By-law; and

WHEREAS the matters herein set out are in conformity with Official Plan Amendment No. 113-2003 as adopted by the Council of the City of Toronto; and

WHEREAS the matters herein set out are in conformity with Official Plan Amendment No. 9 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;

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

1. That the Zoning Map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to Township of Etobicoke By-law 11,737, be and the same is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as described in Schedule 'A' annexed hereto from Limited Commercial (CL) to Mixed Use (MU) provided the following provisions shall apply to the development of the (MU) lands identified in Schedules 'A' and 'B' attached hereto.
2. For the purposes of this by-law, the following definitions shall be applicable:
  - “Build-To-Area”** means the area of the lands within which a streetwall of a building or structure shall be located.
  - “Streetwall”** means any exterior wall of a building abutting a public street.
  - “Minor projections”** means minor building elements which may project from the main wall of the building into required yards and Build-to Areas, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, to a maximum projection of 1.0 metres.

**“Drive-Through Facility”** means a structure or a building or a part thereof which is designated to provide or dispense products or services, either wholly or in part, to persons remaining in automotive vehicles that are queued in a designated service lane.

**“Floor Plate Area”** shall mean the gross horizontal floor area of a single floor measured from the exterior walls of a building or structure.

**“Grade”** shall mean the average elevation of the finished ground level at the main front wall of the building.

**“Height”** shall mean the vertical distance between grade and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, stairs and stair enclosures, located on the roof of such building provided the maximum height of the top of such elements is no higher than 6 metres above the roof line of the said building.

**“Bicycle parking space – occupant”** means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:

- a) 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;
- b) 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; and
- c) in the case of a bicycle rack, is located in a secure room or area.

**“Bicycle parking space – visitor”** means an area that is equipped with a bicycle rack for the purposes of parking and securing bicycles, and:

- a) 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;
- b) 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; and
- c) may be located outdoors or indoors but not within a secured room, enclosure or bicycle locker.

**“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 Day Nurseries/Community Facilities; and Indoor Amenity Areas to a maximum of 1.5 square metres per dwelling unit.

### 3. Permitted Uses

The following uses shall be permitted on the lands designated (MU) on Schedule 'A' attached hereto:

- (i) residential dwelling units and senior citizen apartment units above the ground floor only, in combination with any other permitted uses, only on the lands identified as (MU) on Schedule 'A', attached hereto;

- (ii) apartment houses, a senior citizen apartment building and a seniors community house; a lodging house; a nursing home; a hotel, theatres/cinemas, undertaking establishments, health centres, medical centres and laboratories, convention centres, hospitals, museums, television and radio studios and movie film studios, only on the lands identified as having a building height of 40 metres or greater on Schedule 'B', attached hereto;
- (iii) neighbourhood stores; bakery shops; banks; municipal uses; temporary sales offices for the purposes of marketing and sales related to use(s) permitted on the property within a building on the same lot; administrative/business/professional offices; photographers; shoe repair shops; tailor; public parking areas; customer operated automatic laundries; nursery schools and day nurseries; health centres; commercial schools; athletic/fitness clubs; convenience/take-out/standard restaurants, with or without patios; one (1) food vending cart, except on a corner lot where a second food vending cart will be permitted; medical and dental offices; dry cleaners; service rental shops; duplicating stores; personal service/grooming shops; community centres; places of worship; veterinary hospitals; retail stores; supermarket/convenience food stores; craft and art galleries; temporary construction facilities/operations/fencing and hoarding; on the lands identified as (MU) on Schedule 'A' , attached hereto;
- (v) drive-through facilities shall not be permitted on the lands identified (MU) on Schedule 'A', attached hereto.

#### 4. Maximum Density

For the purposes of this By-law, the maximum gross Floor Space Index (FSI) permitted on the lands designated (MU) on Schedule 'A' , attached hereto, shall be 3.5 times the lot area, and in no case shall the Floor Space Index (FSI) be less than 2.0 times the lot area .

#### 5. Minimum/Maximum Height

For the purposes of this By-law, the maximum building height to be permitted on the lands designated (MU) on Schedule 'A' , attached hereto, shall be as shown on Schedule 'B', while minimum building heights shall be 2 storeys and maximum floor plate area restrictions shall be as required in Section 6 of this By-law.

#### 6. Setbacks/Build-to Areas/Floor Plate Restrictions

For the purposes of this By-law, buildings or structures or projections thereof, on lands designated (MU) as shown on Schedule 'A' , attached hereto, shall provide a minimum front yard setback of 0.0 metres and a maximum front yard setback of 3.0 metres. In the case of flanking lots, the same setback requirements shall be required. All buildings and structures on lands zoned (MU) shall be subject to Build-to Area requirements and floor plate restrictions in accordance with the following regulations:

- i) The Build-to Area for any Lot within the lands identified in Schedule 'A', attached hereto, shall be a minimum of 60 percent of any lot frontage abutting a public street, to a minimum height of 6 metres, and a maximum height of 12 metres. For any building having a total building height of greater than 36 metres, that portion of the building above the 12 metre mark shall be setback a minimum of 3 metres from any face of the building wall at grade. In the case of buildings above 60 metres, a setback of 3 metres from any face of the building wall at grade shall be required, commencing at a height of 12 metres.
- ii) Notwithstanding the provisions of this By-law, a maximum floor plate area restriction of 825 square metres shall be applied to the portion of any building or structure located between 36 metres and 60 metres in height. For any portion of a building or structure above 60 metres in height, the maximum floor plate area shall be restricted to 750 square metres.
- iii) Notwithstanding any of the required building setbacks, Minor Projections shall be permitted to encroach into the required building setbacks.
- iv) Notwithstanding the provisions of this By-law, an 11 metre separation distance to a window of another dwelling unit (other than a window of a kitchen or bathroom) on the same lot or abutting lot shall be required.

## 7. Area Requirements

Notwithstanding the provisions of the Etobicoke Zoning Code, the following area requirements shall apply to the lands designated as (MU) on the lands described on Schedule 'A', and as shown on Schedule 'B', attached hereto:

- i) Lot Frontage: minimum twenty-four (24) metres.
- ii) Landscaped Open Space: a minimum 25% of the lot area lot area shall be reserved for Landscaped Open Space.
- iv) Indoor Amenity Space: a minimum 1.5 square metres per dwelling unit of Indoor Amenity Space shall be provided.

## 8. Parking and Loading Requirements

Notwithstanding Section 320-18 B), C), D), and E) of the Zoning Code, the following requirements shall apply to the (MU) zone, save and except that Section 320- 23 A) and C) of the Zoning Code shall apply to any restaurants over 150 square metres in gross floor area.

- (i) Parking spaces shall be provided in accordance with the following minimum and maximum requirements:
  - a) Non-residential - a minimum of 2 parking spaces per 100 square metres of gross floor area.

- b) Residential - Dwelling Units                      minimum 1.0 parking space per dwelling unit, of which 0.2 parking spaces shall be reserved for visitor parking.
  - (ii) For the purposes of this By-law, the reserved on-site residential visitor parking requirement in Section 8 (i)b) can be shared with, and used to meet the parking requirements for non-residential uses within the same building or structure in a (MU) zone provided there are no more than 10 residential units.
  - (iii) Bicycle parking shall be provided for all properties zoned Mixed-Use special area “B”, with the exception of senior citizens apartment buildings and seniors community houses, in accordance with the following minimum requirements:
    - a) Residential -                      0.75 bicycle parking spaces for each dwelling unit in a building containing greater than ten (10) dwelling units, to a maximum of 200 bicycle parking spaces;
    - b) Non-Residential -                      in buildings with greater than 2 000 square metres of non-residential gross floor area, one bicycle parking space for every 1 250 square metres of net non-residential floor area;
  - (iv) Notwithstanding Section 8 iii) a) of this by-law, 80 percent of all required residential bicycle parking spaces shall be deemed as bicycle parking – occupant and 20 percent as bicycle parking space – visitor.
  - (v) Where a lot is abutting a flanking street or laneway, all vehicular access for parking shall be restricted to the flanking street or laneway.
  - (vi) No person shall use any portion of a lot located between the main front wall of a building and the street, at or above the natural ground level of the ground, for the purpose of parking or storing a motor vehicle.
  - (vii) Every building containing more than 420 square metres of gross floor area shall provide a loading space with dimensions of 12m in length, 3.0m in width, and with a vertical clearance of 4.5m.
9. Public Pedestrian Entrances and Exits
- Where any building face is located within 20 metres of a public road allowance, that building face shall contain a public pedestrian entrance and exit to and from the building.
10. Where the boundary between the Mixed-Use special area “A” Zone and another zone do

not follow a property line, the depth of the Mixed-Use special area “A” Zone shall be 20.0 metres from the streetline.

#### 11. Section 37 Agreement

- (i) The owner of the site shall provide the City of Toronto with the following facilities, services and matters, which would otherwise have been required in the absence of using Section 37 and are secured in the Section 37 agreement because it serves as a convenient legal mechanism:

##### Transportation Improvements

The applicant, at their expense and to the satisfaction of the Commissioner of Works and Emergency Services, is required to make a 1.5 metre (5 feet) wide property dedication for the future road allowance improvement purposes along the entire Dunbloor Road frontage of the site, including 8 metre (26.3 feet) by 8 metre (26.3 feet) intersection sight triangles at the southwest and northwest corners of the subject property, as widened.

The applicant is financially responsible for installing and maintaining traffic control signals and related intersection improvements at the intersection of Dundas Street West/ Dunbloor Road, if and when required by the Commissioner of Works and Emergency Services. In the event that redevelopment of the property on the west side of Dunbloor Road (2 Dunbloor Road) occurs within five (5) years of execution of the Section 37 agreement, then the total cost of signalling and improving the Dundas Street West/ Dunbloor Road intersection shall be shared between the two property owners in a cost sharing agreement acceptable to the Commissioner of Works and Emergency Services. The design of the Dundas Street West/ Dunbloor Road intersection shall be provided to the satisfaction of the Commissioner of Works and Emergency Services. The developer is required to provide Works and Emergency Services (District 2) with a certified cheque or letter of credit concurrent with the first phase of this development for the cost of the traffic control signals, traffic control signal maintenance costs and associated road improvements.

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##### Sidewalk and Streetscape Improvements

The applicant agrees to design and construct to the satisfaction of the Commissioner of Urban Development Services and Works and Emergency Services sidewalk and streetscape improvements along its public frontages to current city standards.



### School Board Notice

The applicant agrees to provide the Toronto District School Board and the Toronto Catholic District School Board with appropriate notice of its intention to apply for building permits.

The applicant also agrees to install on-site signage and insert warning clauses in offers of purchase and sale, advising purchasers that students may be accommodated outside the area.

### Environmental Assessment

The applicant is required to satisfy the City with respect to the environmental condition of the site and for the lands to be dedicated to the City.

- (ii) Notwithstanding Section 4 of this By-Law, the site may be developed for residential and commercial uses, up to a maximum density of 4.5, provided that the Owner complies with the provisions of Section 11 (i).
- (iii) The following density bonuses shall be permitted on the site:

Seniors Housing- a density bonus of 1.0 shall be permitted if the additional density from 3.5 to 4.5 is devoted to the construction of seniors housing, provided that a contribution of \$225,000 to be used for seniors service capital facilities (Islington Seniors Centre), deemed appropriate by the City, which contribution shall be provided prior to the issuance of the building permit which utilizes such density bonus.

- 13. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
- 14. 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>
_____ - 2003 _____ - 2003	Lands located in the vicinity of Bloor Street west, Dundas Street West and Dunbloor Road, known as 5145 Dundas Street West	To rezone 5145 Dundas Street West to permit a mixed use development and implement the policies of the Official Plan Amendment.

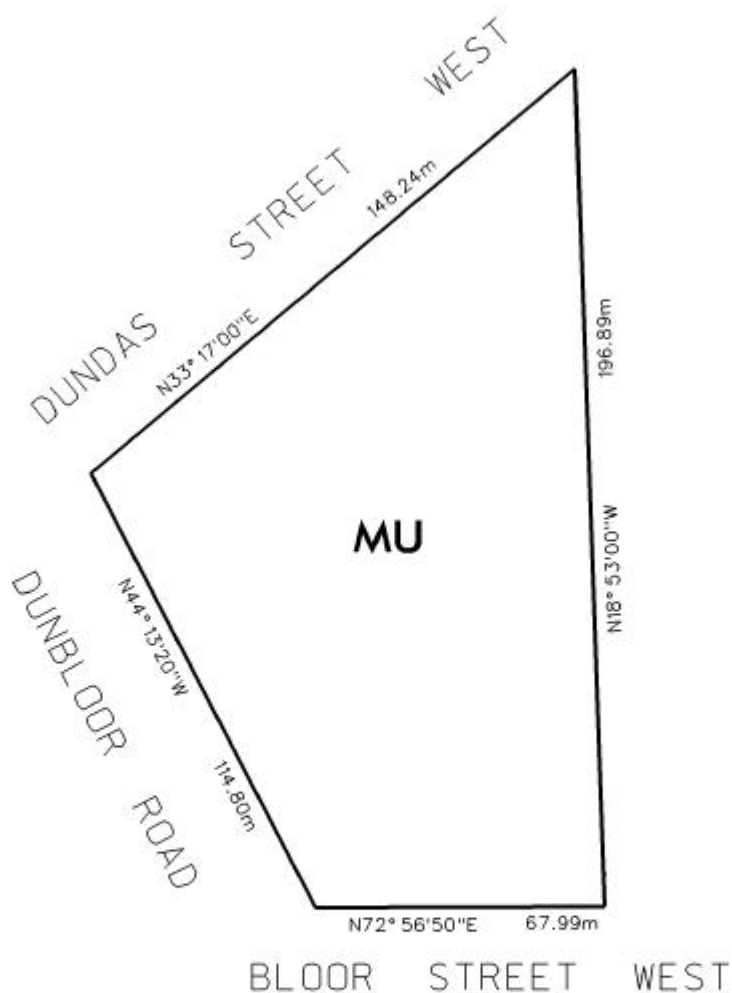
ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, 2003.

Mel Lastman,

Mayor

Uli Watkiss,

City Clerk



NOTE:  
 BEARINGS AND DIMENSIONS TAKEN FROM A SITE PLAN  
 Project No. 02-611 SUBMITTED BY BURKA VARACALLI ARCHITECTS INC.

## 5145 DUNDAS STREET WEST

Applicant's Name:		CONCERT PROPERTIES LTD.	
Assessment Map D12	Zoning Code Map/s D12S		scale:
File No. TA CMB2002 0016	Drawing No. CMB20020016A	Drawn By: K.P.	



**Toronto** Schedule 'B' BY-LAW

