

Authority: Etobicoke York Community Council Item EY28.2, as adopted by City of Toronto Council on March 26, 27 and 28, 2018

CITY OF TORONTO

Bill 313

BY-LAW -2018

To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code and By-law 514-2003, with respect to the lands municipally known as 784 The Queensway.

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

Whereas Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

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

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

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Schedule A attached to this By-law.
2. Despite Sections 304-3(Grade), 304-3 (Height), 320-18(A)(2), 320-18(B)(2)a, 320-18(B)(2)c, 320-18(B)(2)d, 320-18(B)(2)e, 320-18(C)(3), 320-23(A), 320-23(J), 320-23(M), 320-23(N) of the Etobicoke Zoning Code, or 3(B)(1), 3(B)(3), 3(B)(4), 3(C)(1), 3(D)(1)(i), 3(D)(2)(i), 3(E)(1), 3(I), 3(J)(4) and 4(iii) of By-law 514-2003, the following provisions apply to the lands described in Schedule A attached. Where the provision of this By-law conflicts with the provisions of The Etobicoke Zoning Code and By-law 514-2003, the provisions of this By-law shall apply.
3. The provisions of Section 304-4 Definition of the Zoning Code and Section 4 of By-law 514-2003 apply unless they are inconsistent with the provision of this By-law. For the purpose of this By-law the following definitions will apply:
 - A. **"grade"** means 104.10 metres Canadian Geodetic Datum.

- B. **"height"** means the vertical distance measured from **grade** to the highest point of a **building** or **structure**.
 - C. **"lands"** means the Lands described in Schedule A attached to this By-law.
 - D. **"owner"** means the registered owner(s) of the municipally known property 784 The Queensway.
4. The required minimum building setbacks are as shown on Schedule B of this By-law.
5. The area shown with a maximum **height** of 28 metres, exclusive of a maximum of 7 metres mechanical penthouse, on Schedule B shall also be limited to 8 storeys in **height** and any residential **gross floor area** above this level shall be limited to:
- A. 20 square metres per **dwelling unit**, except for 2 **dwelling units** which may have up to 32 square metres per **dwelling unit**; and
 - B. shall consist of no more than 17 **dwelling units**.
6. No part of any **building** or **structure** on the **lands** may exceed the **heights** specified by the number following the letter "H" on Schedule B, except for the following:
- A. window washing equipment, lightning rods may project above the height limits shown on Schedule B;
 - B. privacy screens, wind mitigation features, terrace dividers, cabanas, covered stairs or stair enclosures, fences, trellises may project above the height limits shown on Schedule B by no more than 2.75 metres;
 - C. heating or cooling units, towers, stacks and associated components, elevator overrun, makeup air units, emergency generator, lighting fixtures may project above the height limits shown on Schedule B by no more than 2.0 metres;
 - D. parapets, railings, terraces, patios, planters, balustrades, bollards, stairs, safety railings, guard rails, accessory structures, chimneys, vents, stacks and exhaust stacks, mechanical equipment and fans, retaining walls, wheelchair ramps, ornamental or architectural features, structures and elements related to outdoor patios, roofing assembly, landscape features, garbage chutes or vents, and roofs may project above the height limits shown on Schedule B by no more than 1.5 metres; and/or
 - E. elements on the roof of the **building** or **structure** used for green roof technology or alternative roofing system may project above the height limits shown on Schedule B by no more than 0.6 metres.
7. The maximum permitted **gross floor area** of all buildings and structures on the lands is 14,600 square metres, of which:

- A. the residential **gross floor area** must not exceed 12,890 square metres; and
 - B. the non-residential **gross floor area** must not exceed 1,750 square metres, excluding the area occupied by a parking garage.
8. Amenity space must be provided in accordance with the following:
- A. a minimum of 2 square metres per **dwelling unit** of indoor amenity space must be provided;
 - B. a minimum of 2 square metres per **dwelling unit** of outdoor amenity space must be provided; and
 - C. at least 40.0 square metres of outdoor amenity space is in a location adjoining or directly accessible to the indoor amenity space.
9. The maximum number of **dwelling units** permitted must not exceed 167.
10. For the purposes of this By-law, the definition of storey as contained in Section 304-3 of the Etobicoke Zoning Code does not apply to the mezzanine. The ground level and the mezzanine level shall be counted as one storey.
11. The portions of a **building** or **structure** above ground must be located within the areas delineated by heavy lines on Schedule B of this By-law, except the following:
- A. bay windows, lighting fixtures, cornices, architectural cladding or design features, sills, eaves, awnings, art installations and the structures, elements and enclosures permitted by Section 6 of this By-law by a maximum projection of 0.6 metres; and
 - B. balconies and canopies can extend beyond the heavy lines shown on the attached Schedule B by no more than 2 metres provided the balconies do not extend beyond the lot lines shown on Schedule A or within the widening lands shown on Schedule A.
12. **Parking spaces** for residents or visitors of the residents of the lands located on all parking levels and **parking spaces** for the non-residential use(s) located at grade must be provided and maintained in accordance with the following minimum standards:
- A. 0.80 **parking spaces** for each one-bedroom **dwelling unit**;
 - B. 0.90 **parking spaces** for each two-bedroom **dwelling unit**;
 - C. 1.10 **parking spaces** for each three or more bedroom **dwelling unit**;
 - D. 0.15 visitor **parking spaces** for each **dwelling unit** must be located on Parking Level 1; and

- E. a minimum of 15 **parking spaces** shall be provided for the non-residential use and located at-grade at the rear of the building.
13. A minimum of 8 **accessible parking spaces** must be provided and maintained in accordance with the following minimum parking stall dimensions:
- A. Length of 5.6 metres;
 - B. Width of 3.9 metres; and
 - C. Vertical clearance of 2.1 metres.
14. Despite 320-18(A)(1), no more than 14 **parking spaces** may have minimum widths of 2.6 metres when obstructed on one side.
15. Despite 320-18-A-1, the **parking space** size requirements of 320-18-A-1 shall apply to parking spaces accessed by a drive aisle of at least 5.7 metres.
16. One 'Type G' **loading space** is required with the following minimum dimensions:
- A. Width of 4 metres;
 - B. Length of 13 metres; and
 - C. Vertical clearance of 4.5 metres.
17. Patio space(s) associated with an area bakery shop, convenience restaurant, take out restaurant, standard restaurant and cafe must be at least 23 metres from the adjacent Residential zone.
18. Despite any severance, partition or division of the **lands**, the provision of this By-law apply to the whole of the **lands** as if no severance, partition or division occurred.
19. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in **height** and density of development on the **lands** contemplated herein is permitted in return for the provision by the **owner**, at the **owner's** expense, of the facilities, services and matters set out in Schedule 1 hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title of the **lands**, to the satisfaction of the City Solicitor.
20. Where Schedule 1 of this By-law requires the **owner** to provide certain facilities, services or matters prior to the issuance of an above grade building permit, the issuance of such permit is to be dependent upon satisfaction of the same.
21. The **owner** must not use, or permit the use of, a **building** or **structure erected** with an increase in **height** and density pursuant to this By-law unless all provisions of Schedule 1 are satisfied.

- 22. Building setbacks must be measured from all future right-of-way limits, as widened.
- 23. The **owner** must provide space within the development for installation of maintenance access holes and sampling ports on the provide side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Section 681-10 of Municipal Code Chapter 681, Sewers.
- 24. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is amended to include reference to this By-law by adding the following to Section 324-1:

Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
XXXX-2018 March , 2018	Lands located on the north side of The Queensway, west of Royal York Road.	Amend the Limited Commercial-Avenue (AV) to permit an 8-storey mixed-use building containing 167 dwelling units and grade related retail subject to site-specific standards.

Enacted and passed on March , 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

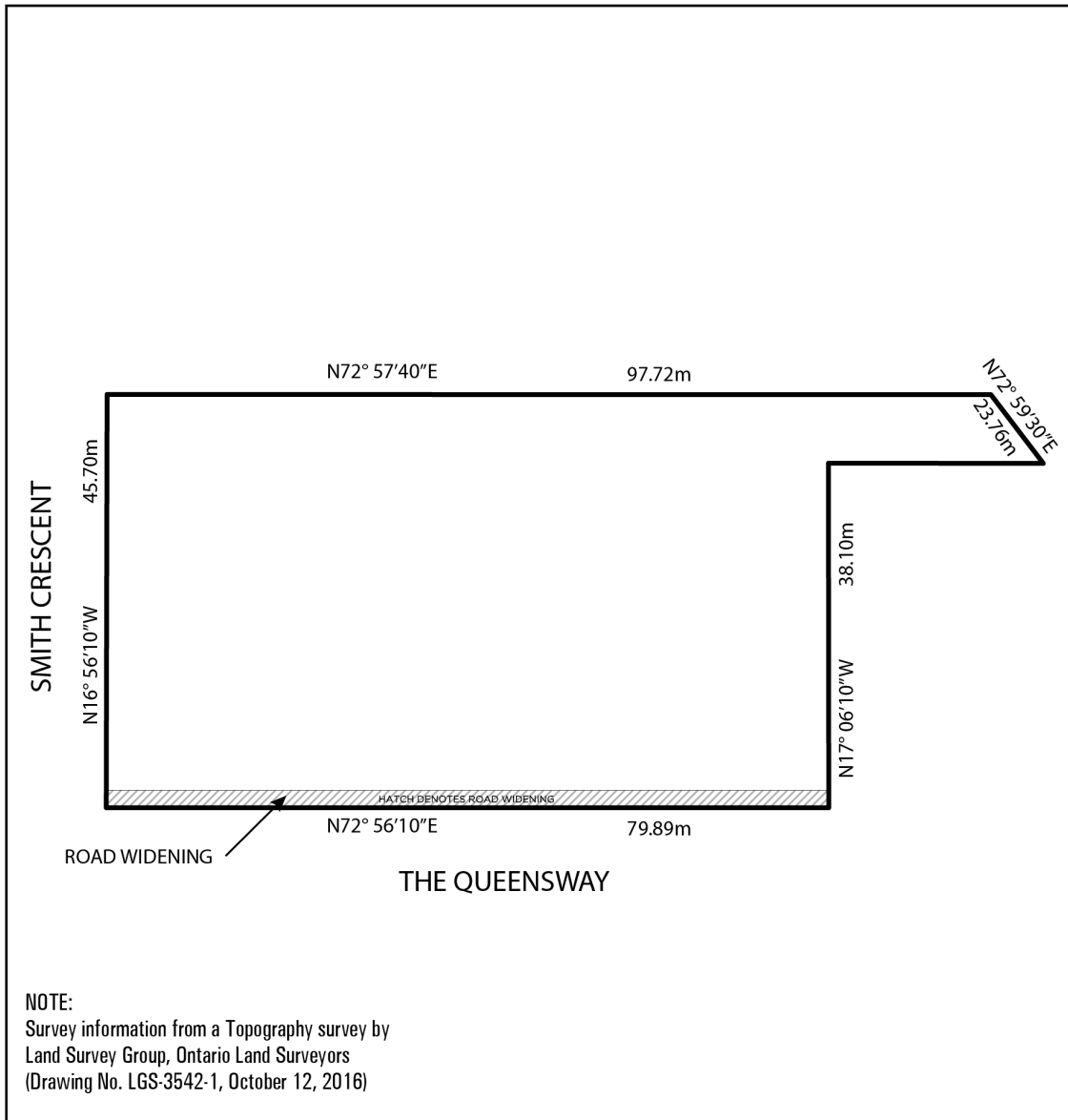
(Seal of the City)

SCHEDULE 1

Section 37 Provisions

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

1. Prior to issuance of any above grade building permit (other than a building permit for a temporary sales office/pavilion) the **owner** must provide a financial contribution to the City to be used for community benefits in the amount of \$250,000 to be used towards the following, all to the satisfaction of the Chief Planner and Executive Director of City Planning in consultation with the Ward Councillor:
 - i. \$250,000 to be directed to streetscaping improvements along The Queensway and/or traffic calming measures on local streets in the vicinity of the lands
 - ii. require that the cash amount identify above will be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.



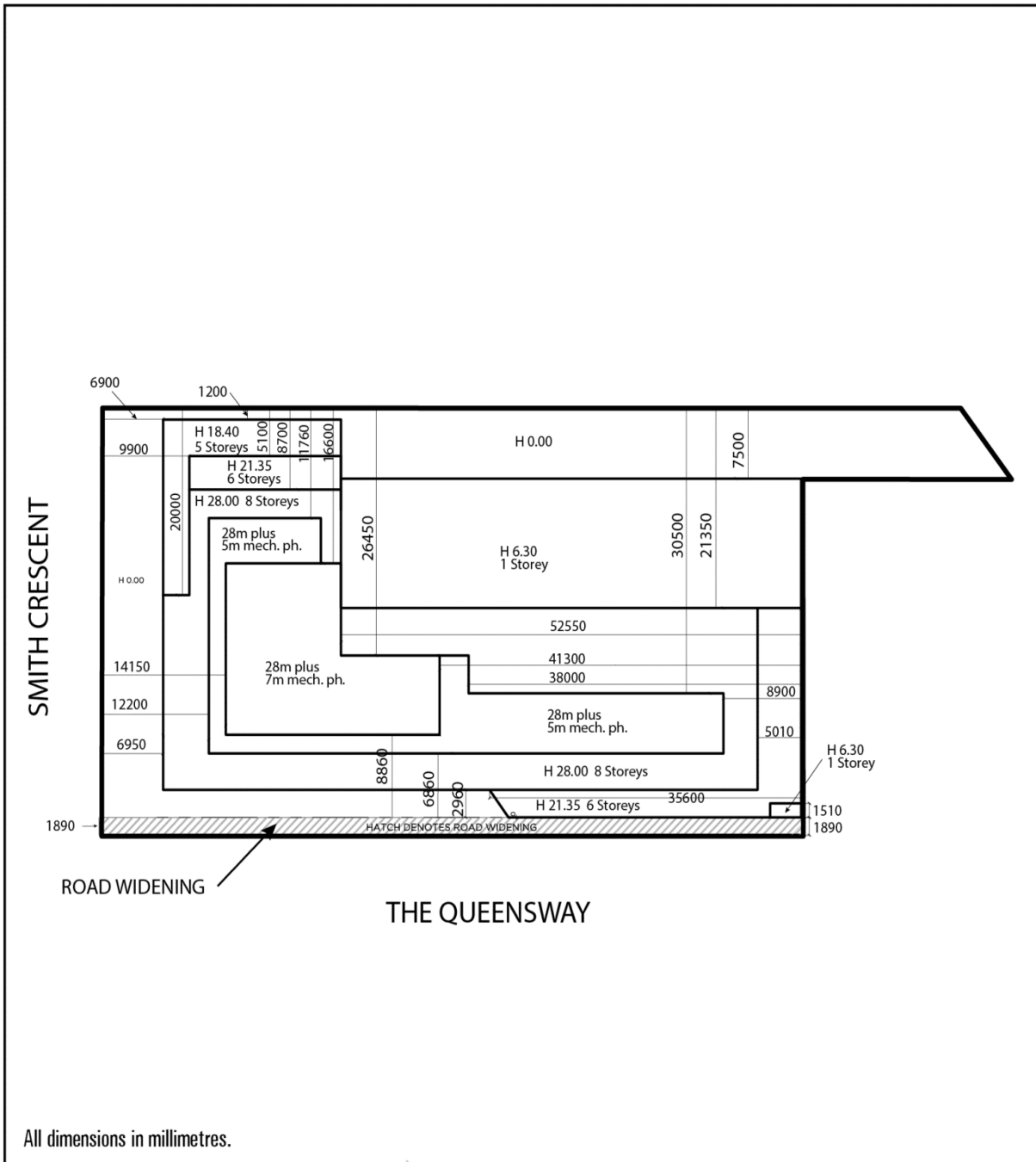
784 The Queensway

Schedule A

File # 16 269867 WET 05 0Z



Former Etobicoke By-law 11,737
Not to Scale
01/15/2018



Schedule B

784 The Queensway

File # 16 269867 WET 05 0Z



Former Etobicoke By-law 11,737
 Not to Scale
 01/15/2018