

Authority: Etobicoke York Community Council Item
EY33.3, as adopted by City of Toronto Council on July 19
and 20, 2022

CITY OF TORONTO

Bill 966

BY-LAW -2022

To amend Chapters 304, 320 and 324 of the Etobicoke Zoning Code, as amended, and By-law 514-2003 with respect to the lands municipally known in the year 2021 as 801 The Queensway.

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

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

Whereas pursuant to Section 39 of the Planning Act, as amended, the Council of a Municipality may, in a By-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the By-law; 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 Section 37.1 of the Planning Act provides that Subsections 37(1) to (4) of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge by-law and this by-law was passed prior to that date; and

Whereas pursuant to Section 37 of the Planning Act, a By-law under Section 34 of the Planning Act, may authorize increases in the 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 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 and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out in Schedule 1 of this By-law in return for the increase in height and density permitted on the aforesaid lands by By-law 569-2013, as amended; and

Whereas Schedule 1 of this By-law requires the owner of the aforesaid lands to provide certain facilities, services or matters and enter into an agreement or agreements between the owner of the land and the City of Toronto prior to the issuance of a building permit;

The Council of the City of Toronto enacts:

1. Where the provisions of this By-law conflict with the provisions the Etobicoke Zoning Code, as amended by By-law 514-2003, the provisions of this By-law shall prevail, otherwise the provisions of the Etobicoke Zoning Code, as amended, shall continue to apply.
2. For the purposes of this By-law, the following definitions will apply to bolded words and expressions:
 - (A) '**amenity space**' means a common area which are provided for the use of residents of the building, and their guests, for recreational or social purposes;
 - (B) '**bicycle parking space**' shall mean an area used for the parking or storing of a bicycle;
 - (C) '**building envelope**' means the building area permitted within the setbacks established in this By-law, as shown generally on Schedule B attached hereto;
 - (D) '**car share**' shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres drive, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (E) '**car share parking space**' shall mean a parking space that is reserved and actively used for car-sharing, including by non-residents;
 - (F) '**grade**' shall mean 105.27 metres Canadian Geodetic Datum;
 - (G) '**gross floor area**' shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level, except for:
 - (i) any space above **grade** used exclusively for bicycle parking and storage;
 - (ii) parking, loading and bicycle parking below-ground;
 - (iii) required loading spaces at the ground level and required **bicycle parking spaces** at or above-ground;
 - (iv) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (v) shower and change facilities required by this By-law for required **bicycle parking spaces**;

- (vi) **amenity space** required by this By-law;
 - (vii) elevator shafts;
 - (viii) garbage shafts;
 - (ix) **mechanical penthouse**; and
 - (x) exit stairwells in the building.
- (H) "**height**" shall mean the vertical distance between **grade** and the highest point of the roof surface of the building, but shall exclude **mechanical penthouse**;
- (I) '**lands**' shall mean the lands identified on Schedule A, attached hereto;
- (J) '**live/work**' shall mean a dwelling unit that is used for both residential and work purposes for the resident of such dwelling unit, or in addition thereto for work purposes for the person or persons not residing at such dwelling unit;
- (K) '**mechanical penthouse**' shall mean equipment used for the functional operation of a building including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, water supply facilities, safety elements, chimneys, pipes, vents, shafts, elevators, elevator machine rooms, cooling equipment, solar panels, and related structural, mechanical, enclosure and screening elements. For the purposes of this By-law, a **mechanical penthouse** shall not constitute a **storey** and shall not include any habitable space;
- (L) '**minor projections**' shall mean minor building elements which may project from the main walls or roof of the building into the required **heights** or setbacks illustrated on Schedule B, including but not limited to parapets, green roof elements, terraces, roof eaves, windowsills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, in addition to canopies, awnings, chimney breasts, exterior stairs, ramps and ladders, landscaping features, planters, lighting fixtures, ornamental and architectural features, architectural cladding, public art features, fences, screens, pergolas, trellis, wheelchair ramps as well as wind and noise mitigation features;
- (M) '**stacked bicycle parking space**' shall mean a horizontal **bicycle parking space** that is positioned above or below another **bicycle parking space**; and
- (N) '**storey**' shall mean any full floor above **grade**, excluding the **mechanical penthouse**.
3. By-law 1991-13, as it applies to **lands** located on the south side of The Queensway, east of Taymall Avenue, shall continue to apply notwithstanding the provisions of this By-law.

4. Despite provisions of the Etobicoke Zoning Code, or of Sections 3B(1), 3B(3), 3B(4), 3D, 3E, 3I, and 3J(4) of City of Toronto By-law 514-2003, the following provisions apply to the lands described on Schedule A attached. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code and By-law 514-2003, the provisions of this By-law shall apply:

(A) Permitted Uses

- (i) A temporary sales or leasing office for the purpose of the marketing, sale, or lease of dwelling units is permitted on the **lands**. Such temporary marking, sale or leasing office shall be exempt from the development standards listed in this By-law and the Etobicoke Zoning Code, as amended by By-law 514-2003;
- (ii) No residential units are permitted above the 10th floor of the building; and
- (iii) For the purposes of this By-law, the permitted uses on the rooftop above the 10th **storey** shall be limited to a rooftop washroom, rooftop hallway and lobby area, building elevators and stairwells, rooftop indoor and outdoor **amenity space**, and **mechanical penthouse**.

(B) Building **Heights**

- (i) For the purposes of this By-law, the maximum building **heights** in metres permitted on the **lands** shall be as shown following the letters HT on Schedule B of this By-law;
- (ii) For the purposes of this By-law, the **height** of the building in metres including the **mechanical penthouse** may have a maximum permitted **height** of 37.0 metres, as shown following the letters MPH on Schedule B of this By-law;
- (iii) For the purposes of this By-law, the maximum permitted **height** in metres of a rooftop washroom, rooftop hallway and lobby area, building elevators and stairwells and rooftop indoor **amenity space** is 37.0 metres, as shown following the letters MPH on Schedule B of this By-law;
- (iv) Notwithstanding Section 4.B.(i) and (ii) of this By-law, **minor projections** may project above the building **heights** identified on Schedule B to a maximum of 2.5 metres; and
- (v) Notwithstanding Section 3(B)(3) of By-law 514-2003, a **mechanical penthouse** may have a maximum size of 120 square metres **gross floor area**.

(C) Angular Plane

- (i) Notwithstanding Section 3.C.(1) of By-law 514-2003, no building or element of a building on the **lands** may penetrate into a 45 degree front angular plane from The Queensway, measured from a **height** of 80 percent of the right-of-way width of The Queensway (36 metres) as identified in the City of Toronto Official Plan. For the purpose of this By-Law, the only permitted projections into the angular plane are parapets, green roof elements, terraces, railings, balustrades, balconies, landscaping features, lighting fixtures, architectural cladding, fences and screens and wind and noise mitigation features.

(D) Setbacks

- (i) For the purposes of this By-law, no building or structure on the **lands** shall be located other than within the **building envelope** shown on Schedule B of this By-law;
- (ii) The minimum building setbacks for any building or structure within the **building envelope** shall be as specified on Schedule B of this By-law;
- (iii) Notwithstanding Section 4.D.(i) of this By-law, **minor projections** shall be permitted to encroach into the required building setbacks identified on Schedule B of this By-law to a maximum of 2.0 metres;
- (iv) Notwithstanding Section 4.D.(i) of this By-law, all below **grade** structures and ramps shall be exempt from required building setbacks shown on Schedule B; and
- (v) Notwithstanding Section 4.D.(iv) of this By-law, a minimum of 1.2 metres of soil depth must be provided above the underground structure along Taymall Avenue in areas where trees are to be planted and along the south property line in areas where trees are to be planted as shown on Schedule 'B'.

(E) Separation Distance

- (i) The minimum separation distance between the main walls of any building or structure on the **lands** shall be 19.5 metres; and
- (ii) Notwithstanding Section 4.E.(i) of this By-law, **minor projections** shall be permitted to encroach into the required separation distance between main walls of a building or structure on the **lands** to a maximum of 2.0 metres.

- (F) Density
- (i) The maximum **gross floor area** permitted on the **lands** shall be 15,500 square metres, comprised of the following:
 - (a) The total residential **gross floor area** on the **lands** shall not exceed 15,150 square metres; and
 - (b) The total non-residential **gross floor area** on the **lands** shall be a minimum of 300 square metres and shall not exceed 645 square metres.
- (G) Dwelling Units
- (i) The maximum number of dwelling units permitted on the **lands** shall be 208;
 - (ii) A minimum of 20 percent of all dwelling units shall have two bedrooms;
 - (iii) A minimum of 10 percent of all dwelling units shall have three or more bedrooms;
 - (iv) If the calculation of the number of required dwelling units with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number; and
 - (v) A maximum of 6 **live/work** units are permitted on the **lands**, subject to the following:
 - (a) residential use portions of a **live/work unit** must be limited to the second **storey**; and
 - (b) work portions of a **live/work unit** must be limited to the ground floor.
- (H) Amenity Space
- (i) Despite the requirements of the Etobicoke Zoning Code, as amended, the following area requirements for **amenity space** shall apply to the **lands**:
 - (a) a minimum of 2.0 square metres per dwelling unit of indoor **amenity space** shall be provided;
 - (b) a minimum of 2.0 square metres per dwelling unit of outdoor **amenity space** shall be provided; and
 - (c) at least 40.0 square metres of outdoor **amenity space** is in a location adjoining or directly accessible to indoor **amenity space**.

- (I) Parking
- (i) Despite the provisions of By-law 514-2003 and the Etobicoke Zoning Code, the following parking requirements shall apply to the **lands**:
- (a) a minimum of 0.54 parking spaces per residential dwelling unit shall be provided for residents;
 - (b) a minimum of 0.15 parking spaces per residential dwelling unit shall be provided for the shared use of residential visitors and non-residential uses, with a minimum of 5 parking spaces reserved for the exclusive use of the condominium and a minimum of 1 parking space reserved for the exclusive use of the non-residential uses; and
 - (c) if the calculation of the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one parking space.
- (ii) Each parking space must have the following minimum dimensions:
- (a) length of 5.6 metres;
 - (b) width of 2.6 metres;
 - (c) vertical clearance of 2.0 metres; and
 - (d) the minimum width of a parking space must be increased by 0.3 metres for each side of the parking space that is obstructed.
- (iii) Notwithstanding Section 4.I (ii) of this By-law, for each parking space that is accessed by a drive aisle with a width of less than 6.0 metres, but no less than 5.5 metres, whether it is a one-way or two-way drive aisle, the minimum dimensions of a parking space are:
- (a) length of 5.6 metres;
 - (b) width of 2.9 metres;
 - (c) vertical clearance of 2.0 metres; and
 - (d) the minimum width of a parking space must be increased by 0.3 metres for each side of the parking space that is obstructed.

- (iv) Notwithstanding Section 4.I (ii) of this By-law, the minimum dimensions of a parking space that is adjacent and parallel to a drive aisle from which vehicle access is provided are:
 - (a) length of 6.7 metres;
 - (b) width of 2.6 metres;
 - (c) vertical clearance of 2.0 metres; and
 - (d) the minimum width of a parking space must be increased by 0.3 metres for each side of the parking space that is obstructed.
 - (v) Notwithstanding Section 4.I.(ii) of this By-law, a maximum of five (5) percent of the total parking spaces provided on the **lands** may have a minimum width of 2.6 metres, despite being obstructed on one side;
 - (vi) Despite Sections 4.I.(ii), (iii), (iv), and (v) of this By-law, Electric Vehicle Infrastructure, including electrical vehicle supply equipment, does not constitute an obstruction to a parking space;
 - (vii) Notwithstanding Section 4.I.(i) of this By-law, the required parking spaces for residents shall be reduced at a rate of four (4) parking spaces for each **car share parking space** provided on the **lands**; and
 - (viii) If the centerline of a parking space is at an interior angle of 70 to 90 degrees of the centerline of the drive aisle providing vehicle access, the minimum width of that one or two lane drive aisle is 6.0 metres.
- (J) Accessible Parking
- (i) Despite the provisions of the Etobicoke Zoning Code, a minimum of six (6) residential parking spaces plus one (1) visitor parking space must comply with the minimum dimensions for an accessible parking space; and
 - (ii) The minimum dimensions for each accessible parking space are:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres;
 - (c) the entire length of an accessible parking space must be adjacent to a 1.5 metre wide accessible barrier free aisle; and
 - (d) vertical clearance of 2.1 metres.

(K) Bicycle Parking

- (i) Despite the provisions of the Etobicoke Zoning Code, **bicycle parking spaces** shall be provided and maintained on the **lands** in accordance with the following ratios and dimensions:
 - (a) 0.68 bicycle long-term parking spaces per dwelling unit for residents; and
 - (b) 0.07 bicycle short-term parking spaces per dwelling unit for visitors;
- (ii) The minimum dimensions of each **bicycle parking space** are:
 - (a) minimum length of 1.8 metres;
 - (b) minimum width of 0.6 metres; and
 - (c) minimum vertical clearance from the ground of 1.9 metres.
- (iii) The minimum dimensions of each **bicycle parking space** if placed in a vertical position on a wall, structure or mechanical device are:
 - (a) minimum vertical clearance of 1.9 metres;
 - (b) minimum width of 0.6 metres; and
 - (c) minimum horizontal clearance from the wall of 1.2 metres.
- (iv) The minimum dimensions of each **bicycle parking space** if placed in a stacked configuration are:
 - (a) minimum length of 1.8 metres;
 - (b) minimum width of 0.46 metres; and
 - (c) minimum vertical clearance from the ground of 1.2 metres;

(L) Loading

- (i) Despite Section 3(J)(4) of By-law 514-2003, a minimum of one (1) loading space with dimensions of at least 4.0 metres in width and at least 13 metres in total length, of which 11.6 metres of the length has a vertical clearance of 6.1 metres and 1.4 metres of the length has a vertical clearance of 5.9 metres, shall be provided on the **lands**.

5. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the **lands** shown on Schedule A in return for the provision by the owner, at the owner's expense, of the facilities, services and matters a set out in Schedule 1 attached to this By-law hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the **lands**, to the satisfaction of the City Solicitor.
6. Where Schedule 1 of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement or agreements prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
7. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule 1 are satisfied.
8. Despite the definition of 'lot' in Section 304-3 of the Etobicoke Zoning Code, as amended, the standards of this By-law shall apply collectively to the **lands** identified in Schedules A and B attached hereto in their entirety and nothing in this By-law shall preclude the **lands** from being divided into individual lots within the meaning of the Planning Act. The provisions of this By-law shall apply to the entire **lands** as shown on Schedule A despite any future consent, severance, partition, or division of the **lands**.
9. Chapter 324, 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 ENACTMENT DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
By-law -2022 , 2022	Lands municipally known in the year 2021 as 801 The Queensway	To amend certain Limited Commercial – Avenues (AV) zoning standards to permit a 10- storey mixed-use building on the lands .

Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE 1
Section 37 Requirements

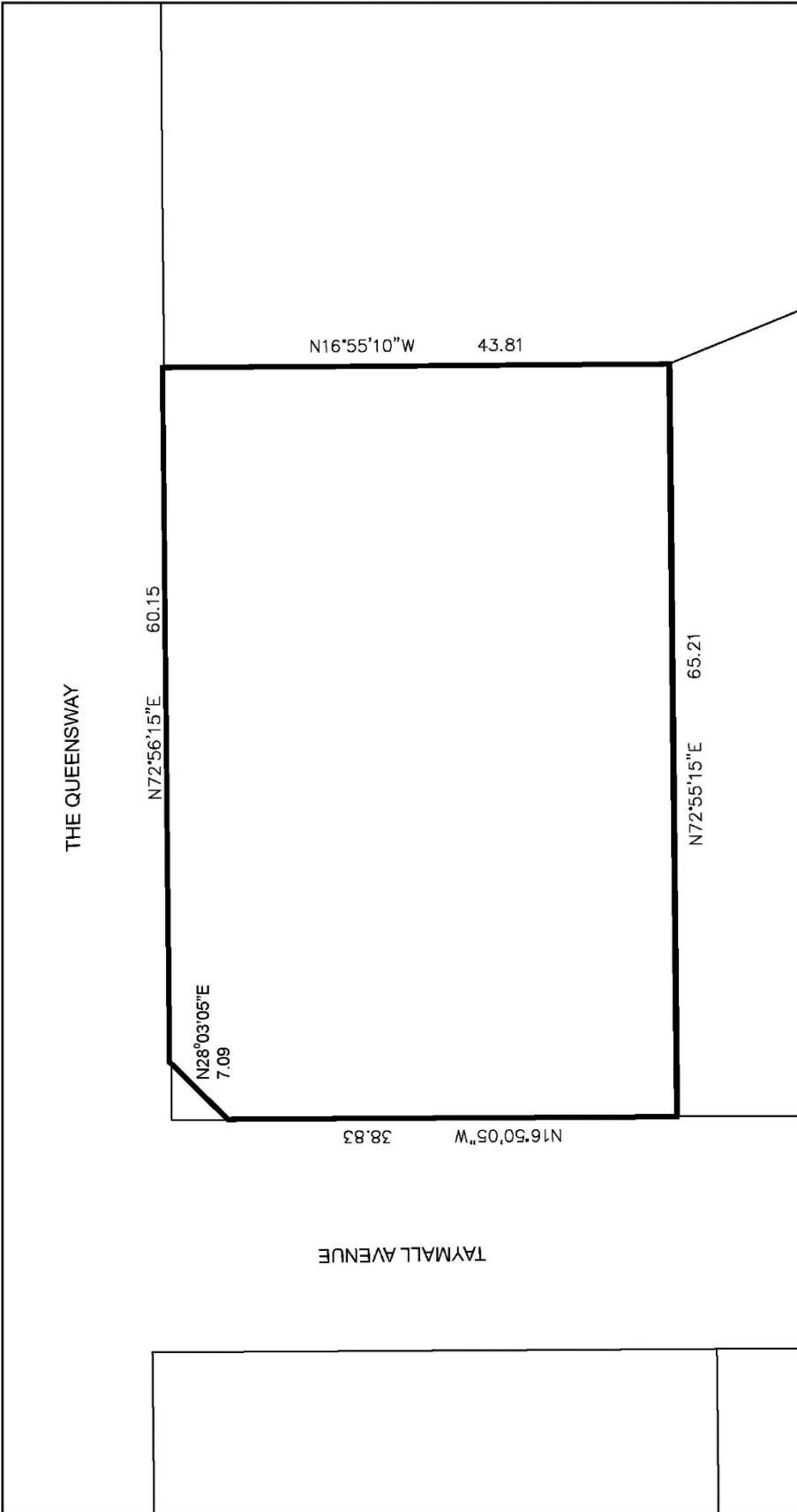
The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development on the lands shown on Schedule A of this By-law and secured in a registered agreement or agreements under Section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

1. Prior to the issuance of any Building Permit, the owner shall enter into an agreement or agreements to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the facilities, services or matters set out below.
2. The owner shall provide an indexed cash contribution to the City in the amount of seven hundred thousand dollars (\$700,000), prior to the issuance of the first above-grade building permit for the proposed development, such funds to be allocated amongst the following at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor:
 - (A) streetscape improvements including new trees along The Queensway and The Queensway Business Improvement Area;
 - (B) traffic control and street (all street designations) improvement measures including bike lanes;
 - (C) improvements to local parks and trails located in Ward 3, including Queensway Park and Mimico Park Trail; and/or
 - (D) public art (including heritage plaques).
3. The payment amount identified in Section 2 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, or its successor, calculated from the date City Council adopts the zoning by-law amendment(s) to the date of payment.
4. In the event that the cash contribution identified in Section 2 above has not been used for the intended purpose within three (3) years of the Zoning By-law Amendment coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the Site.

Other Matters in Support of the Development

5. The owner shall construct and maintain the development on the lands in accordance with Tier 1, Toronto Green Standard and the owner is encouraged to achieve Tier 2, Toronto Green Standard, as adopted by City Council and applicable at the time a site plan application is submitted to the City.
6. The owner, through the site plan approval process, shall implement any required noise mitigation measures or other recommendations, as detailed in the Environmental Noise and Vibration Assessment dated December 13, 2019, prepared by Novus Environmental, as may be amended through a peer review process undertaken at the expense of the owner to the satisfaction of the Chief Planner and Executive Director of City Planning.
7. The owner, through the site plan approval process, shall implement wind control measures identified in the Pedestrian Level Wind Study, dated October 2, 2020, prepared by SLR Consulting (Canada) Ltd., the addendum to this study dated December 22, 2021, and any future addendum, to the satisfaction of the Chief Planner and Executive Director of City Planning.
8. The owner shall satisfy applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and shall insert warning clauses in purchase and sale/tenancy agreements as required in connection with student accommodation.

Schedule A



Toronto
Schedule A

801 The Queensway

File # 19 260968 WET 03 0Z



Former City of Etobicoke By-law 11,737
Not to Scale
06/21/2022

Schedule B

