

Authority: Etobicoke York Community Council Item EY24.2, as adopted by City of Toronto Council on June 8 and 9, 2021; and Item CC39.9, as adopted on February 2 and 3, 2022

## CITY OF TORONTO

### Bill 190

### BY-LAW -2022

**To amend Chapters 304, 320 and 324 of the former Etobicoke Zoning Code with respect to the lands municipally known in the year 2021 as 1306-1310 The Queensway.**

Whereas authority is given to Council of the City of Toronto by 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 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 39 of the Planning Act, 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 pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, 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, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, a 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 or matters as set out in the By-law and to enter into one or more agreements with the municipality to secure the facilities, services and matters; and

Whereas the increase in height or density permitted hereunder, beyond that otherwise permitted on the aforesaid lands By-law No. 11,737 of the former City of Etobicoke, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and is to be secured by one or more agreements between the owner of such lands and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Schedule 1 attached to this By-law.
2. The zoning map referred to in Section 320-5, Article II of the Etobicoke Zoning Code, attached to the City of Etobicoke By-law No. 11,737, be the same and is hereby amended by changing the classification of the lands in the former Township of Etobicoke as described in Schedule 1 attached hereto from Industrial Class 2 (I.C2) to Limited Commercial, CL (Clerks to insert by-law##) [Clerks to insert by-law## in Schedule 1].
3. Despite Sections 320-18; 320-23; 320-79; 320-82; 320-83; and 320-92 of the Etobicoke Zoning Code, the following provisions shall apply to the lands described in Schedule 1 attached hereto. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code the provisions of this By-law shall apply.
4. Definitions

Despite Section 304-3 of the Etobicoke Zoning Code the following definitions will also apply:

- (a) "bicycle parking space" shall mean an area used for parking or storing a bicycle.
- (b) "building envelope" means the building area permitted within the setbacks established in this By-law, as shown on Schedule 2 attached hereto.
- (c) "car-share" means 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 be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
- (d) "electric vehicle" means a battery electric vehicle that runs on a battery and an electric drive train, or plug-in hybrid electric vehicle that runs on a battery and an electric drivetrain, and also uses an internal combustion engine.
- (e) "grade" means 113.10 metres in Canadian Geodetic Datum.
- (f) "gross floor area" means 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 exclusive of:
  - i. parking, loading and bicycle parking below-ground, including enclosed garage ramps above-ground;
  - ii. required loading spaces at the ground level and required bicycle parking

- spaces at or above-ground;
  - iii. stair vestibules and elevator lobbies below-ground;
  - iv. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
  - v. amenity space areas as required by this By-law;
  - vi. elevator shafts;
  - vii. garbage shafts;
  - viii. mechanical penthouse; and
  - ix. exit stairwells in the building.
- (g) "height" means the vertical distance between grade and the highest point of the roof surface of the building, but shall exclude the vertical projections permitted in this By-law.
- (h) "indoor amenity space" means a common indoor area within the building which is provided for the exclusive use of residents for recreational or social purposes.
- (i) "landscaping" means an area used for trees, plants, decorative stonework, retaining walls, walkways, or other landscape or architectural elements. Driveways and areas for loading, parking or storing of vehicles are not landscaping.
- (j) "lot" means the parcel of land outlined by heavy lines in Schedule 1, attached.
- (k) "lot coverage" means the portion of the lot that is covered by any part of a mixed use building on or above the surface of the lot.
- (l) "minor projections" means minor building elements which may project from the main wall of the building outside of required Building Envelopes and into required yards, including:
- i. roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, vestibules, doors, exterior stairs and their associated covering, wheelchair and covered ramps, parapets and vents, skylights, architectural frames, ornamental elements, trellises, lighting fixtures, fences, landscape features and seating areas, retaining walls, and ramps to an underground garage may encroach no more than 2.0 metres into the minimum building setbacks;
  - ii. wind mitigation features, canopies and awnings may encroach no more

than 3.0 metres into the minimum building setbacks; and

iii. cladding, photovoltaic solar energy devices, building cornices, window washing equipment, terraces lighting fixtures, ornamental elements, lightning rods, trellises, eaves, window sills, stairs, stair enclosures, air intakes and vents, ventilating equipment, landscape and green roof elements, partitions dividing outdoor recreation areas, privacy screens, acoustical walls, wind mitigation elements, chimney stack, and exhaust flues may encroach no more than 2.5 metres into the minimum building setbacks.

- (m) "mixed use buildings" mean buildings with a dwelling unit and a non-residential use.
- (n) "outdoor amenity space" shall mean outdoor space on a lot that is communal and available for use by the residents of a building on the lot for recreational or social activities.
- (o) "stacked bicycle parking" shall mean a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces.
- (p) "temporary sales office" shall mean a building, structure, facility or trailer on the lands used for the purpose of the sale of dwelling units to be erected on the lands.

5. Only the following development standards shall now be applicable to the CL (Clerks to insert by-law##) lands described in Schedules 1 and 2 attached hereto:

6. Permitted Uses

- (a) For the purposes of this By-law, mixed use buildings and temporary sales office shall be permitted on the lot in addition to the underlying use permissions of the CL zone;

7. Maximum Density

- (a) For the purposes of this By-law, the maximum gross floor area permitted on the lot shall be 73,700 square metres, of which:
  - i. the total gross floor area for residential uses must not exceed 72,650 square metres; and
  - ii. the maximum gross floor area for non-residential uses must not exceed 1,050 square metres.

**8. Building Heights**

- (a) Notwithstanding Section 320-93, the maximum building height to be permitted on the lands shall be shown following the symbol "HT" as shown on Schedule 2, attached.
- (b) Notwithstanding Section 320-93, the maximum number of storeys in any portion of a building on the lands shall be shown following the symbol "ST" as shown on Schedule 2, attached.
- (c) Despite 8(a) above, the following elements of a building may project above the permitted maximum building heights shown on Schedule 2, attached:
  - i. structures and elements related to outdoor flooring and roofing assembly, safety railings, guard rails, railings, parapets, terraces, planters, balustrades, bollards, stairs, retaining walls, and ornamental or architectural features may project above the height limits by no more than 2.0 metres;
  - ii. elements on the roof of the building or structure used for green roof technology and related roofing material may project above the height limits by no more than 2.0 metres;
  - iii. acoustical barriers, landscape features, privacy screens, terrace dividers, covered stairs or stair enclosures, and fences may project above the height limits by no more than 2.75 metres;
  - iv. cabanas and trellises may project above the height limits by no more than 3.0 metres;
  - v. any equipment or structures used for the functional operation of the building, including mechanical penthouse, mechanical elements, garbage chutes, vents, emergency generators, lighting fixtures, mechanical screening and heating/cooling towers may project above the height limits by no more than 6.0 metres;
  - vi. window washing equipment, lightning rods, wind mitigation features and elevator overrun may project above the height limits by no more than 8.0 metres;
  - vii. photovoltaic solar energy devices and sunlight collection and distribution devices (sun beamers) may project above the height limits by no more than 5.0 metres;

**9. Maximum Lot Coverage**

- (a) The maximum permitted lot coverage is 62 percent.

**10. Minimum Building Setbacks**

- (a) For the purposes of this By-law, no buildings or structures on the lot shall be located other than within the building envelope shown on Schedule 2.
- (b) The required minimum building setbacks and above-ground separation distance between main walls are as shown on Schedule 2 attached to this By-law.

**11. Amenity Space**

Notwithstanding the provisions of the Etobicoke Zoning Code, the following area requirements shall apply to the lot:

- (a) A minimum 2.0 square metres per dwelling unit of indoor amenity space shall be provided; and
- (b) A minimum 2.0 square metres per dwelling unit of outdoor amenity space shall be provided.

**12. Vehicle Parking**

- (a) Notwithstanding Section 320-18, 320-23, and Section 330-16 of the Etobicoke Zoning Code, vehicle parking spaces shall be provided and maintained on the lands in accordance with the following minimum requirements:
- (b) Vehicle parking spaces provided as follows:
  - i. 0.75 parking spaces for each dwelling unit;
  - ii. 0.15 parking spaces for each dwelling unit for visitors;
  - iii. 0 parking spaces are required to serve the non-residential use portion on the lot;
  - iv. Parking spaces for residential visitors and non-residential uses on the lot may be shared.
  - v. Accessible parking spaces must be provided on the lot as follows:
    - a. accessible parking spaces must be have the following minimum dimensions:
      - A. length of 5.6 metres;
      - B. width of 3.4 metres; and

C. vertical clearance of 2.1 metres.

- vi. The entire length of an accessible parking space must be adjacent to a minimum 1.5 metre wide accessible barrier free aisle or path;
- vii. Notwithstanding the above and for the purposes of the 'car-share' use, a reduction of four resident parking spaces shall be permitted for each on-site 'car-share parking space' provided on the lot, the minimum resident parking required shall be reduced by 4 parking spaces, up to a maximum of 1 'car-share parking space' per 60 dwelling units; and
- viii. Equipment for the charging of an electric vehicle is permitted to be located within a parking space.

### 13. Bicycle Parking

- (a) Bicycle parking spaces may be provided in the form of stacked bicycle parking spaces and shall be provided in accordance with the following minimum requirements:

#### Residential

- i. short-term bicycle parking spaces shall be provided at a rate of 0.07 spaces per dwelling unit;
- ii. long-term bicycle parking spaces shall be provided at a rate of 0.68 spaces per dwelling unit;

#### Non-Residential

- iii. short-term bicycle parking spaces shall be provided at a rate of 3 spaces plus 0.25 spaces per 100 square metres of non-residential gross floor area;
- iv. long-term bicycle parking spaces shall be provided at rate of 0.13 spaces per 100 square metres of non-residential gross floor area;
- v. if a bicycle parking space is required for uses on a lot, other than a dwelling unit, and the total interior floor area of all such uses of the lot is 2,000 square metres or less, then no bicycle parking space is required.

### 14. Loading Requirements

- (a) Two (2) loading spaces must be provided and maintained on the lot in accordance with the following minimum amounts:
  - i. One (1) Type G

- a. a minimum length of 13.0 metres;
  - b. a minimum width of 4.0 metres; and
  - c. a minimum vertical clearance of 6.1 metres
- ii. One (1) Type B
- a. a minimum length of 11.0 metres,
  - b. a minimum width of 3.5 metres; and
  - c. a minimum height of 4.0 metre

**15. Dwelling Units**

- (a) A minimum of 20 percent of all dwelling units on the lot shall be two bedrooms;
- (b) A minimum of 10 percent of the total number of all dwelling units on the lot shall be three bedrooms;

**16. Section 37 Agreement**

- (a) Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, the heights and density of development permitted in this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the lot of the facilities, services and matters set out in Appendix A, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force;
- (b) Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, securing the provision of the facilities, services and matters set out in Appendix A, the lot is subject to the provisions of this By-law, provided that in the event the said agreement(s) require(s) the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements;
- (c) Whenever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement has been executed



and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

## **17. Miscellaneous**

- (a) Nothing in this By-law shall apply to prevent the phased construction of the development on the lot, provided that the requirements of Sections 11, 12, and 13 above are complied with at each Phase and all other requirements of the By-law are complied with upon full development of the lot;
- (b) In the event that the development proceeds in phases, for each phase, the percentages related to the provision of two- and three-bedroom units can be less than the requirements set out in Subsections 15.(a) and 15.(b), so long as when the final phase of the development proceeds, the overall requirements set out in those same subsections are fully satisfied;
- (c) Despite the requirements of Section 14, any proposed phasing of the development will require the provision of one Type G loading space in the first phase of development and no other loading space is required per Section 14 so long as when the final phase of the development proceeds, the overall requirements set out in that same section is fully satisfied;
- (d) If the calculation of the minimum number of parking spaces required by Section 12 of this By-law 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;
- (e) If the calculation of the minimum number of bicycle parking spaces required by Section 13 of this By-law results in a fraction, the number of required bicycle parking spaces must be rounded up to the nearest whole number;
- (f) Notwithstanding any severance, partition, or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition, or division occurred;
- (g) Chapter 324, Site Specifics, of the Zoning Code is amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws:

<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
xxxx-2022 _____, 2022	1306-1310 The Queensway	To amend the provisions of the Etobicoke Zoning Code and provide site- specific development standards to permit a mixed-use residential development on the lands.

Enacted and passed on March , 2022

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

## APPENDIX A

### 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 lot as shown in Schedule 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, whereby the owner agrees as follows:

#### Financial Contribution

1. Prior to the issuance of the first above grade permit for the development (or as otherwise outlined in Clause 5 below), the owner shall make an indexed cash contribution to the City in the amount of four million dollars (\$4,000,000) to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, towards capital improvements in the Ward as outlined in Clause 2 below. Such cash contribution shall be paid by the owner to the City by certified cheque payable to the Treasurer, City of Toronto.
2. The financial contribution outlined above to the City in the amount of \$4,000,000 is to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, towards one or more of the following capital improvements within the Ward:
  - a) Streetscape improvements in the area bounded by Bloor Street West to The Queensway and Islington Avenue and The East Mall;
  - b) Improvements to local parks and trails (located in Ward 3);
  - c) Provision of a splash pad at the proposed on-site public park;
  - d) Local community centres; and
  - e) Public art on the site at the south-west corner of Queensway and Islington at 1001 to 1037 The Queensway.
3. The financial contribution shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment.
4. In the event the financial contribution has not been used for the intended purposes within three (3) years of the by-law coming into full force and effect, the contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lot.
5. Notwithstanding the timing outlined in Clause 1 above, if the owner elects to phase the development in accordance with Clause 6 below, \$3,100,699 of the financial contribution shall be payable prior to the issuance of the first above grade building permit for Building 1 (the towers and the shared podium), and \$899,331 of the financial contribution shall be

payable prior to the issuance of the first above grade building permit for Building 2 (the midrise).

6. If the owner elects to phase the development, the owner shall, as part of the first Site Plan Application for any part of the lot, and at its sole cost and expense, prepare and submit to the City a phasing plan for the entirety of the lot. If the owner does not elect to phase the development, the parties acknowledge that the development will move forward as a unified development and that the owner shall pay the full Cash Contribution as contemplated by Clause 1 above. The phasing plan shall be in a form and having content satisfactory and acceptable to the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Transportation, the General Manager, Parks, Forestry and Recreation, the Chief Engineer and Executive Director, Engineering and Construction Services, and the Executive Director, Corporate Real Estate Management (the "Phasing Plan"). The owner agrees that such Phasing Plan shall be implemented for each Site Plan Application for each Phase of the development, if applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

#### Affordable Housing

7. The owner shall provide and maintain at least twelve (12) rental dwelling units on the lot at 1306-1310 The Queensway as affordable rental housing for a period of 15 years beginning from the date that each such affordable rental dwelling unit is first occupied, to the satisfaction of the Chief Planner and Executive Director, City Planning, and in accordance with the terms set out in the Section 37 Agreement, including:
  - a) The 12 affordable rental dwelling units shall collectively contain at least 730 square metres of residential gross floor area;
  - b) One (1) of the affordable rental dwelling units shall be a three-bedroom rental unit with a minimum unit size of 100 square metres;
  - c) Three (3) of the affordable rental dwelling units shall be two-bedroom rental units with a minimum unit size of 74 square metres;
  - d) Eight (8) of the affordable rental dwelling units shall be one-bedroom rental units with a minimum unit size of 51 square metres;
  - e) The minimum unit sizes described in Clauses 7a., b., c. and d. above may be adjusted downward by a maximum of three percent (3 percent), but only as a result of reasonable adjustments which may be required for the purposes of accommodating final structural or mechanical design. Any such adjustments must be made to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - f) For the purposes of satisfying Clauses 7a., b., c., d. and e. above, all floor area measurements shall be made in accordance with Tarion Bulletin 22;
  - g) The location and layouts of the 12 affordable rental dwelling units within the approved development on the lot shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - h) The affordable rental dwelling units shall be provided in vertically and/or horizontally contiguous groups of six (6) or more affordable rental dwelling units

within the development, to the satisfaction of the Chief Planner and Executive Director, City Planning;

- i) The initial rent (inclusive of utilities) charged to tenants upon first occupancy of a new affordable rental dwelling unit shall not exceed the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
  - j) After the first year of occupancy of a new affordable rental dwelling unit, the rent (inclusive of utilities) charged to tenants occupying the new affordable rental dwelling unit may be escalated annually by not more than the annual provincial rent guideline;
  - k) Notwithstanding the annual rent increases permitted in Clause 7.i above, the rent (inclusive of utilities) charged to any tenants occupying an affordable rental dwelling unit shall not be increased to an amount that exceeds the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
  - l) If an affordable rental dwelling unit becomes vacant and is re-rented during the 15-year affordability period, the initial rent (inclusive of utilities) charged to new tenants shall be no higher than the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report; and
  - m) The 12 affordable rental dwelling units shall be made ready and available for occupancy no later than the date by which 70 percent of the new dwelling units erected on the lot are available and ready for occupancy.
8. The owner shall provide and maintain the 12 affordable rental dwelling units as secured rental housing for a minimum period of 20 years beginning from the date that each such unit is first occupied. No affordable rental dwelling unit shall be registered as a condominium or any other form of ownership housing such as life lease or co-ownership that provides a right to exclusive possession of a dwelling unit, and no application shall be made to demolish any affordable rental dwelling unit or to convert any affordable rental dwelling unit to a non-residential rental purpose for at least 20 years from the date of first occupancy. Upon the expiration of the 20-year secured rental period, the owner shall continue to provide and maintain the units as rental dwelling units, unless and until such time as the owner has applied for, and obtained, all approvals necessary to do otherwise.
9. Tenants of the new affordable rental dwelling units shall have access to all indoor and outdoor amenity spaces associated with the buildings on the same basis as other units within the development with no separate or additional charges.
10. At least six (6) months in advance of the 12 affordable rental dwelling units being made available for rent to the general public, the owner shall develop and implement a Tenant Access Plan in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning Division.

11. The Tenant Access Plan will provide that:
- a) Any affordable rental dwelling units are provided only to tenant households that have demonstrated, to the satisfaction of the Chief Planner and Executive Director, City Planning, they are in financial need of affordable rental accommodation, as the case may be;
  - b) The owner shall consult with the Chief Planner and Executive Director, City Planning, and offer any affordable rental dwelling units to tenant households who have demonstrated need as in Clause 11a. above and who are on such waiting lists as may be specified, prior to making any affordable rental dwelling units available for rent to the general public;
  - c) The owner shall make reasonable efforts, to the satisfaction of the Chief Planner and Executive Director, City Planning, to ensure, that any accessible rental units are made available for rent to tenant households having one or more household members with special needs, including physical and/or mental limitation; and
  - d) When entering into a tenancy agreement for a new affordable rental dwelling unit, the tenant's household income shall not exceed four (4) times the annual equivalent of the rent (inclusive of utilities) for the unit.

#### Other Matters in Support of the Development

##### Privately-Owned Publicly Accessible Open Space

12. The owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a minimum area of 759 square metres as Privately-Owned Publicly-Accessible Space (POPS) in a plaza between the mid-rise building and the towers and shall provide to the City for nominal consideration public access easements to and over the POPS for use by members of the general public. Such easements to be conveyed to the City prior to Site Plan Approval, and with the configuration and design to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning in the context of site plan approval. The owner shall operate, maintain and repair the POPS and install and maintain signs, at its own expense, stating that members of the public shall be entitled to use the POPS during the day and night, 365 days of the year. The owner shall have completed the construction of the POPS prior to the first commercial or residential use of the lot.
13. Notwithstanding the timing outlined in Clause 12 above with respect to the completion of the construction of the POPS only, if the owner elects to phase the development, the owner shall have completed the construction of POPS Area 1 (the portion generally located between Building 1 and Building 2 and as shown in Schedule "F" to the Section 37 Agreement) prior to the first commercial or residential use of the lot. The owner shall have completed the construction of POPS Area 2 (the portion generally depicted as the walkway from Kipling Avenue and through the midrise building as shown in Schedule "F" to Section 37 Agreement) prior to the first commercial or residential use of Building 2.

#### Toronto Green Standards

14. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council from time to time, to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the lot.

#### Toronto School Boards

15. 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.

#### Site Plan Matters

16. The owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a site plan agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:
  - a) Implementation of any required air quality and odour mitigation or other recommendations, as detailed in the Air Quality and Compatibility Mitigation Study (December 2020), prepared by RWDI, 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, City Planning;
  - b) Implementation of any required noise and vibration abatement measures or other recommendations, as detailed in the Noise Feasibility Study (December 2020), prepared by RWDI, 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, City Planning;
  - c) Reconstruction of the City sidewalks to City standards along the frontages of The Queensway and Kipling Avenue, to the satisfaction of the General Manager, Transportation Services;
  - d) Provision of on-site dog-relief facilities, with the location, nature and size of the facilities to be determined through the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning; and
  - e) Incorporation of signage to identify the proposed privately-owned publicly accessible open space (POPS).

#### Parks, Forestry and Recreation

17. The owner shall provide the required onsite parkland conveyance to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor, as follows:

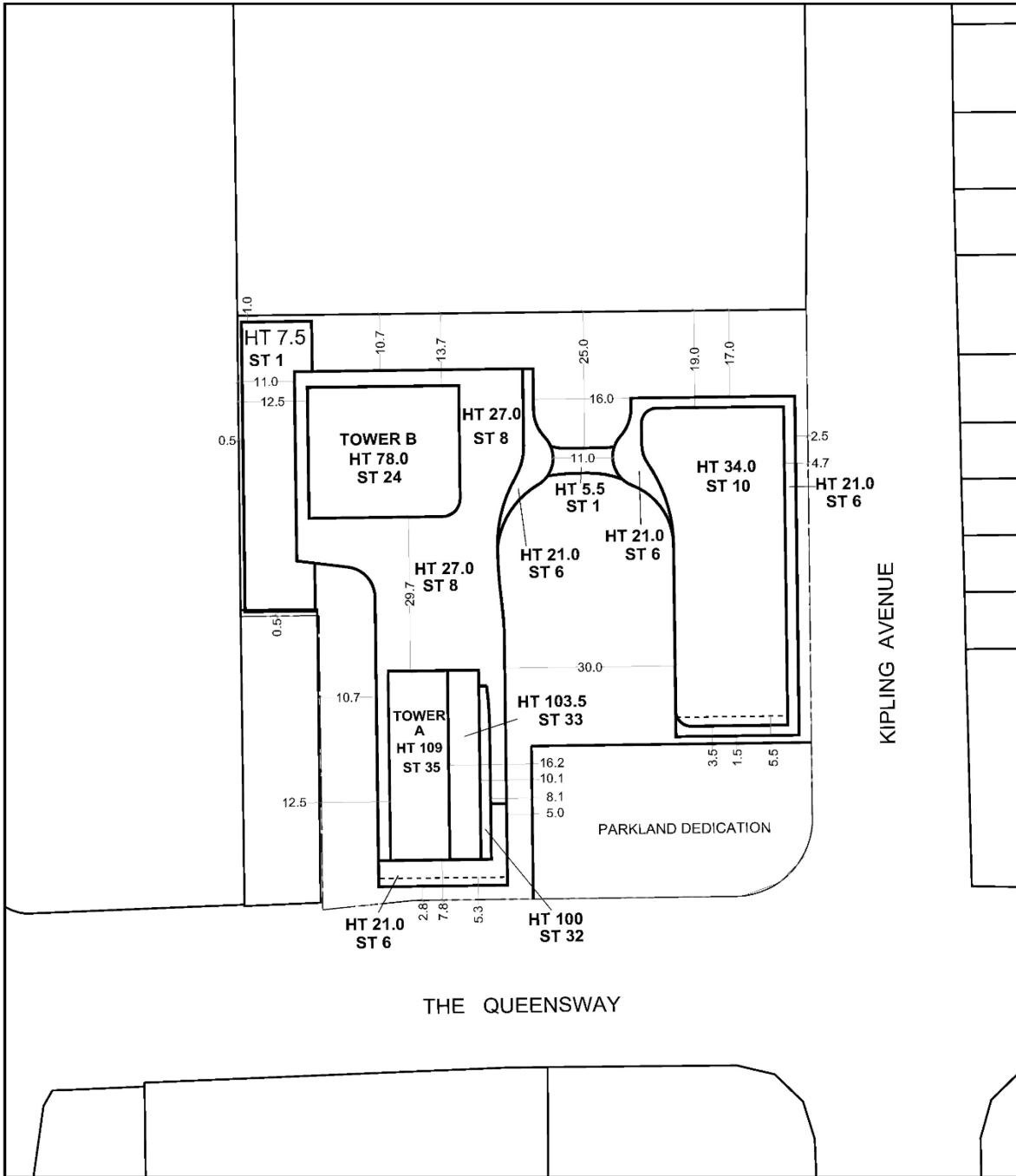
- a) The owner shall provide a conveyance of land to the City for public parkland, with a minimum size of 1,575 square metres as generally depicted in the Schedules/Diagrams of the Zoning By-law Amendments; and
- b) The owner shall design and construct Above Base Park Improvements to the parkland for a development charge credit against the Parks and Recreation component of the development charges to the satisfaction of the General Manager, Parks, Forestry and Recreation.

#### Conveyances

- 18. The conveyance of any easement or fee simple interest of lands to the City as contemplated above shall be at no cost to the City, for nominal consideration and free and clear of encumbrances, other than such encumbrances as may be accepted by the City Solicitor as permitted encumbrances, to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services, as the case may be, and the cost of preparation and deposit of accepted reference plans shall also be at the owner's expense.







**TORONTO**  
 Schedule 2

1306-1310 The Queensway

File #: 19 263887 WET 03 0Z

NOTE: All Dimensions are in metres

----- Limit of Ground Floor setback



Former City of Etobicoke By-law 11,737  
 Not to Scale  
 03/11/2021