

CITY OF TORONTO

BY-LAW No. 454-2005(OMB)

To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code, and Zoning By-law No. 514-2003, with respect to certain lands located on the north side of The Queensway, west of Islington Avenue, known municipally as 1050 The Queensway.

WHEREAS the matters herein set out are in conformity with Official Plan Amendment No. 106-2003 as adopted by the Ontario Municipal Board;

THEREFORE The Ontario Municipal Board 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 No. 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 Limited Commercial - Avenues (AV) provided the following provisions shall apply to the development of the Limited Commercial - Avenues (AV) lands identified in Schedules 'A' and 'B' attached hereto.
2. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code and the Avenues Zoning By-law No. 514-2003, the provisions of this By-law shall apply.
3. By-law No. 1978-120 is hereby repealed.
4. Notwithstanding the provisions of Sections 320-18B/C/D/E/F, 320-92 and 320-93 of the Etobicoke Zoning Code, or the provisions of By-law No. 514-2003, the following development standards shall now be applicable to the (AV) lands described in Schedules 'A' and 'B' attached hereto:

A. Permitted Uses

- (i) Residential: apartment buildings having at grade residential, retail, commercial and office uses, and live/work units.
- (ii) All Business, Institutional, and Public Uses permitted under the Limited Commercial (CL) zone (Section 320-91) of the Etobicoke Zoning Code, and shall include public parking areas and holistic clinics.
- (iii) The following uses shall be prohibited: service stations and public garages; new and used car sales rooms and lots; the manufacture of confectionery; drive-through facilities; monuments related to cemeteries; and adult video and massage parlours.

B. Development Standards

- (i) The maximum number of units permitted shall not exceed 317 dwelling units.

- (ii) The maximum building height shall not exceed 10 storeys, and at no point shall the total height exceed 35.5 metres.
- (iii) For the purposes of this By-law, the definition of storey as contained in Section 304-3 of the Etobicoke Zoning Code shall not apply to the grade related or ground floor residential dwelling units, which are permitted to have a mezzanine or be 2 levels. The subdivision of these said units into more units shall be prohibited.
- (iv) The maximum floor space index permitted shall not exceed 3.5 times the lot area and shall be based on the lot area prior to any land dedications.
- (v) The maximum building coverage shall not exceed 43%.
- (vi) Enclosed but unheated balconies shall be exempt from the calculation of gross floor area.

C. Building Setbacks

- (i) The minimum building setbacks shall not be less than the measurements shown on Schedule 'B' attached hereto, with the exception of the recreational structure/building linking the two residential buildings, and shall be measured from the main wall of the building(s). The separation distance between the two buildings shall not apply to the portion of the buildings situated below the 3rd Level.
- (ii) In the case of The Queensway streetline, the minimum building setback shall be 0.0 metres and the maximum building setback shall be 3.0 metres. For residential units at grade and fronting onto The Queensway a maximum building setback of 4.5 metres is permitted.
- (iii) The recreational structure/building linking the two residential buildings shall not exceed a maximum depth of 17 metres, and a maximum height of 10 metres from grade as defined in this By-law.
- (iv) Parking structures, storage rooms, locker rooms and public amenity areas beneath the ground floor may have a zero (0) metre building setback.
- (v) Notwithstanding (i) above, floors 6 to 10 inclusive, shall be stepped back as follows:
 - (a) Levels 7 and 8 shall be stepped back a minimum of 1.8 metres along the building wall above Level 6, on the portion of the building facing The Queensway and the public lane.
 - (b) Levels 9 and 10 shall be stepped back a minimum of 2.7 metres along the building wall above Level 8, on the portion of the building facing The Queensway and the public lane.

- (c) Levels 7 and 8 shall be stepped back a minimum of 3 metres along the building wall above Level 6, on the portion of the building facing the side yard.
- (d) Levels 9 and 10 shall be stepped back a minimum of 3 metres along the building wall above Level 8, on the portion of the building facing the side yard.
- (vi) Required building setbacks shall not be obstructed by any construction other than the following:
 - (a) uncovered steps to grade, and minor projections as defined, extending a maximum of 1.5 metres from any exterior wall of a building provided they do not encroach onto abutting properties.
 - (b) open balconies or enclosed but unheated balconies, may have supporting decorative columns or piers projecting an additional 0.2 metres provided they do not encroach onto abutting properties.
 - (c) open at grade landscape terraced areas are permitted within any building setback contained in this By-law.

D. Vehicular Parking

- (i) Where a development consists of a mix of residential and commercial uses, parking for residential uses (excluding townhouses) shall be required on the basis of one (1) parking space per residential dwelling unit (where there are 2-bedroom units or less); and 1.20 spaces per residential dwelling unit where there are three or more bedrooms.
- (ii) A minimum of 0.15 visitor parking spaces shall be required per residential dwelling unit.
- (iii) Notwithstanding (i) above, where a development is residential only, parking shall be provided subject to Section 320-18B of the Etobicoke Zoning Code.
- (iv) Notwithstanding Section 320-18C. of the Etobicoke Zoning Code, parking for commercial uses (excluding restaurants, hotels, theatres, undertaking establishments, athletic/fitness establishments, bowling alleys/curling rinks, nursery schools/day nurseries, race tracks, stadia and animal hospitals) shall be required on the basis of 2.5 parking spaces per 93 square metres of gross floor area.
- (v) Notwithstanding Section 320-18, parking for medical/dental offices shall be required on the basis of 4.0 parking spaces per 93 square metres of gross floor area.

- (vi) For the purposes of this by-law, residential visitor and commercial parking may be shared. The total number of residential visitor and commercial parking spaces shall be the greater of either the residential visitor parking requirement or the commercial parking requirement on the same parcel of land and/or situated within the same building or structure.
- (vii) Parking spaces may be provided in tandem in the underground parking structure, and shall not count towards the required parking supply.
- (viii) Visitor parking may be provided on the surface or below grade in an underground parking garage.

E. Angular Plane

- (i) All buildings and structures (including roof top mechanical equipment) shall maintain a 45 degree angular plane, as defined, beyond which no building or structure shall be permitted from any lot line of abutting properties that are zoned Second Density Residential (R2). Where a public laneway abuts the development site, the portion of the laneway that abuts a (R2) zone may be included for the purposes of establishing the 45 degree angular plane.
- (ii) In cases where a development has been constructed and a laneway is deemed surplus and sold by the Municipal Council, the development shall be deemed to comply with the 45 degree angular plane provision.

5. For the purposes of this By-law, the following definitions shall apply:

- (i) **‘Minor projections’** means minor building elements which may project from the main wall of the building into required yards, including but not limited to roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies (open or enclosed but unheated) supported by decorative columns or piers, and bay windows.
- (ii) **‘Height’** shall mean the vertical distance between grade and the highest point of the roof surface of the building, which shall include mechanical equipment, mechanical penthouses, parapets, stairs and stair enclosures located on the roof of the building.
- (iii) **‘Grade’** shall mean the average elevation of the finished ground level at the main front wall of the building.
- (iv) **‘Live/work’** shall mean a unit that contains a subsidiary business, which business is conducted only by an individual that lives/resides in the dwelling and which does not occupy any more than 30 percent of the entire dwelling unit. The subsidiary business use shall be restricted to the ground/ main floor only. The uses allowed as a subsidiary business include restricted business offices (not including any medical, dental, medical laboratories, massage therapy, holistic

office, restaurant, food preparation, food retail, video sales/rentals, automotive repair, rental or parts, printing or photo finishing, dry cleaning establishments), but shall exclude retail stores.

- (v) **‘45 Degree Angular Plane’** shall mean a point originating at the Second Density Residential (R2) lot line on the northerly side of the public lane and projecting at a 45 degree angle towards The Queensway streetline.

6. Section 37 Agreement

Public Benefit

The owner of the land will be required to provide the City with a cash contribution in the amount of \$100,000.00 to be used for public art and/or streetscape improvements, which contribution shall be provided prior to the issuance of a building permit.

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.

Parkland

The owner will be required to provide a 5% cash-in-lieu of parkland dedication payment to the satisfaction of the Commissioner of Economic Development, Culture and Tourism.

Transportation Improvements

The applicant shall dedicate a strip of land, having a width of approximately 2.79 metres (9.15 feet), along The Queensway frontage of the subject site.

Vehicle access to The Queensway shall be restricted to a single driveway access aligned with the existing signalised intersection serving the Cineplex Odeon development on the south side of The Queensway. The developer is required to redesign and reconstruct this intersection to accommodate modifications to the existing traffic control signals as well as all related intersection improvements that are necessary to provide access to this proposed development.

To accommodate the additional vehicle traffic introduced by the subject development, the developer shall provide funding for the future extension of the existing left turn storage lanes at the west and south approaches to The Queensway and Islington Avenue intersection.

The public lane at the rear of the property shall be restricted to in-right/out-right turning movements only at its intersection with Islington Avenue. Inbound and outbound left turn movements are to be prohibited. These turning movement prohibitions shall be provided to the satisfaction of the Commissioner, Works and Emergency Services, and

the developer is responsible for all costs associated with the design and implementation of these access restrictions.

The boulevard parking stalls situated on the north side of public lane shall be provided for public use and to the satisfaction of the Toronto Parking Authority. The developer is responsible for all associated costs as specified by the Toronto Parking Authority.

The developer and their successors/assigns are responsible for keeping the laneway and boulevard parking stalls free of litter, snow and ice. In the event that litter is not collected, or snow and ice is not removed within 24 hours of a snowfall, the Commissioner of Works and Emergency Services may, after providing twenty-four hours notice, collect litter or remove the snow and ice. All associated costs shall be the responsibility of the developer and their successors/assigns. A condition must be registered on-title to the property, and to the satisfaction of the City Solicitor, that acknowledges the developers and/or Condominium Corporation's responsibilities in this regard.

On-site visitor parking stalls shall be "shared" with the proposed commercial/retail component of this development, provided that the commercial/retail units and their employees are not given exclusive use of the visitor parking stalls. A condition must be registered on-title to the property identifying that 22 visitor stalls (based on 2.5 stalls per 93 square metres of gross floor area for commercial uses) will be mutually-shared between the retail component and the condominium component. This agreement must be provided to the satisfaction of the City Solicitor. These shared use stalls must be maintained for the exclusive use of residential visitors between the hours of 6:30 p.m. and 8:30 a.m., seven days a week, with each stall individually signed to this effect.

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 to the satisfaction of the Toronto District School Board.

Environmental Assessment

The applicant is required to satisfy the City with respect to the environmental (soil and groundwater) suitability of the subject site and for the lands to be dedicated to the City, to the satisfaction of the Commissioner of Works and Emergency Services.

Execution and Registration of Section 37 Agreement

The owner of the Site shall enter into an Agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters provided for under subsection (2) herein and such Agreement shall be in a form satisfactory to the City and registered on title to the Site as a first priority, subject only to the fee interest in the Site.

7. 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 ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
454-2005(OMB) February 16, 2005	Lands located on the north side of The Queensway, west of Islington Avenue.	To rezone the lands from Limited Commercial (CL) to Limited Commercial-Avenue (AV) to permit a 10 storey building containing 317 dwelling units and grade related retail subject to site-specific standards.

PURSUANT TO THE DECISION/ORDER NO. 0368 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON FEBRUARY 16, 2005 IN BOARD FILE NO. PL030131.



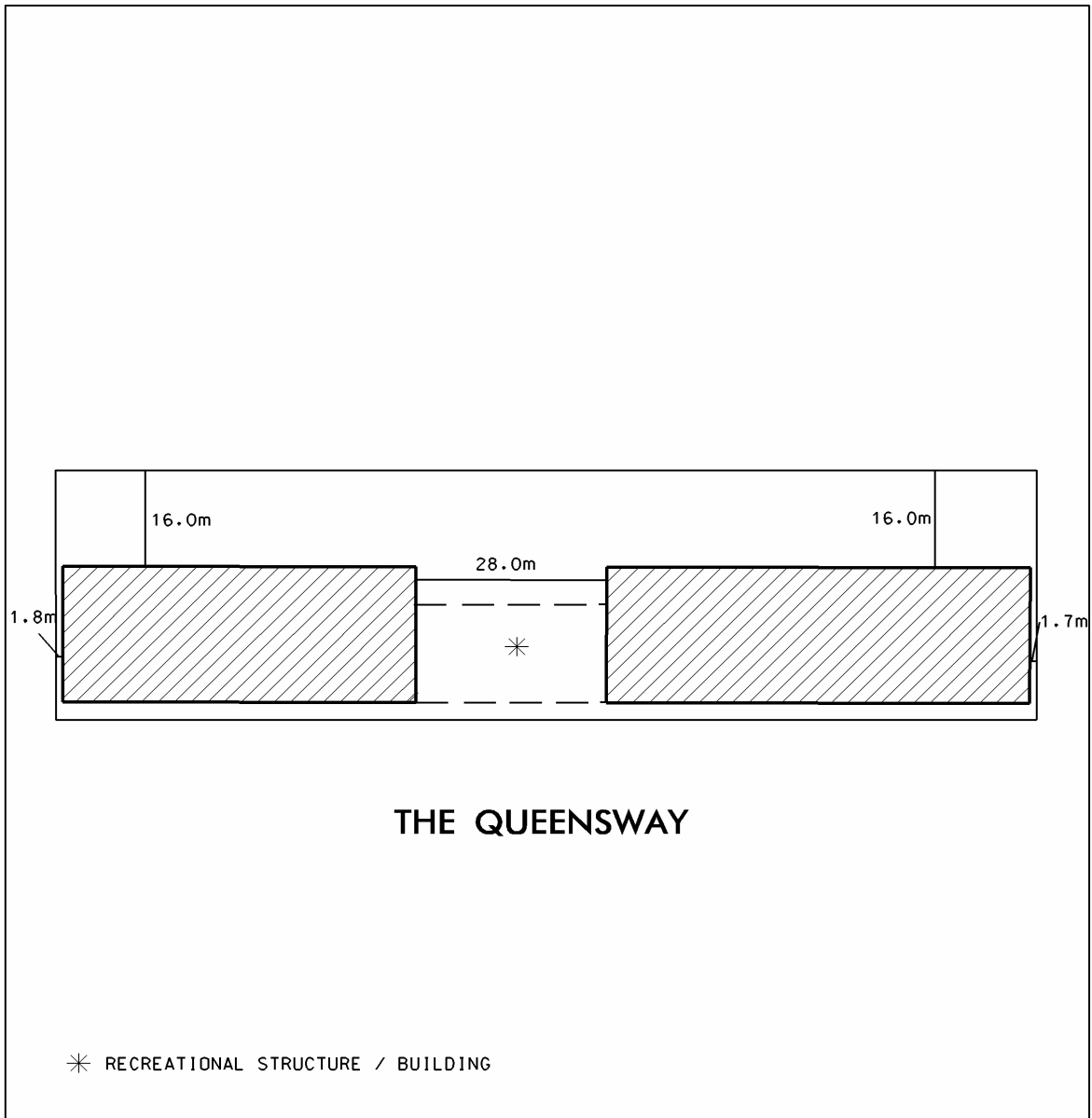
Schedule 'A' BY-LAW

<div style="position: relative; width: 100%; height: 100%;"> <div style="position: absolute; top: 0; left: 0; right: 0; border: 1px solid black; height: 100%;"></div> <div style="position: absolute; top: 5%; left: 5%; width: 90%; height: 90%; border: 1px solid black; text-align: center; vertical-align: middle; font-size: 48px; font-weight: bold;">AV</div> </div>			
<p>THE QUEENSWAY</p>			
<p>NOTE: BEARINGS AND DIMENSIONS TAKEN FROM A PLAN OF SURVEY (Job No. 02-105) SUBMITTED BY VLADIMIR KRCMAR LTD., O.L.S.</p>			
<p>LOT 219 REGISTRAR'S COMPILED PLAN 9875 CITY OF TORONTO</p>			
Applicant's Name:		SKMV ARCHITECTS	
Assessment Map C12	Zoning Code Map/s C12S		scale:
File No. TA CMB2002 0014	Drawing No. CMB20020014A	Drawn By: K.P.	





Schedule 'B' BY-LAW



**LOT 219 REGISTRAR'S COMPILED PLAN 9875
CITY OF TORONTO**

Applicant's Name:		SKMV ARCHITECTS	
Assessment Map C12	Zoning Code Map/s C12S		scale:
File No. TA CMB2002 0014	Drawing No. CMB20020014B	Drawn By: K.P.	

