CITY OF TORONTO

BY-LAW No. 409-2013(OMB)

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located southwest of The Queensway and The West Mall intersection.

WHEREAS, the Ontario Municipal Board ("Board) by its Memorandum of Oral Decision No. 1519, dated October 31, 1997, ("Decision") determined to amend the Zoning Code of the former Corporation of the City of Etobicoke in respect of the lands located southwest of The Queensway and The West Mall intersection; and

WHEREAS the zoning amendment was to be in accordance with the form of By-law attached as Schedule B to the Decision; and

WHEREAS the Board withheld its Order approving the zoning amendment pending the satisfaction of certain conditions contained in Schedule C to the Decision; and

WHEREAS the Ontario Municipal Board by its Memorandum of Oral Decision and Order, dated May 15, 2012, determined to permit the Board to close its file by modifying the form of the proposed amending by-law: to contain a holding designation, which may be removed upon the satisfaction of some or all of the conditions set out in Schedule C of the Decision; and, to provide for the provision, pursuant to Section 37 of the Planning Act, of the facilities, services or matters to have been secured by a development agreement as set out in paragraph 5 of Schedule C of the Decision;

Pursuant to Order of the Ontario Municipal Board, the Zoning Code of the former Corporation of the City of Etobicoke is amended as follows:

1. The Zoning Map referred to in Section 320-5, Article II of the Zoning Code, originally attached to the Township of Etobicoke Zoning By-law Number 11,737, as amended, be and the same is hereby amended by rezoning the lands shown as Parcel "1" on Schedule "A" attached hereto from Private Open Space (POS) to Planned Commercial Regional (CPR-H) and by rezoning the lands shown as Parcel "2" on Schedule "A" attached hereto from Private Open Space (POS) to Public Open Space (OS).

2. The lands shown as Parcel "1" on Schedule "A" attached hereto shall be subject to the following provisions:

   (a) Notwithstanding the provisions of Section 320-102 of the Zoning Code, permitted uses shall be restricted to one or more of the following uses with associated parking:

   Banks and financial institutions; shoe stores; home decorating stores; home furnishings, housewares and accessories stores; bed and bath supplies and furnishings stores; electronics stores; office equipment and supplies stores; home appliances stores; computers and computer equipment and accessories stores; home entertainment and/or video stores; clothing and wearing apparel stores; arts
and crafts stores; fabric, yarn and textiles and accessories stores; toys and accessories stores; baby goods and accessories stores; fine art and graphic supplies stores; antique stores; book stores; camera and accessories stores; sporting goods stores; lawn and garden supplies and furniture stores; card, stationary and accessories stores; entertainment uses including amusement devises and game establishments - Type A; theatres; cinemas and ancillary retail uses; health and fitness centres; bowling alleys; beer and liquor stores; recreational uses and ancillary retail uses; pet, grooming and related products stores; bar restaurants; convenience restaurants; take-out restaurants and standard restaurants;

(b) The maximum gross floor area of all buildings shall be 4,645 m²;

(c) The minimum gross floor area of any commercial use, other than a bank or financial institution, a bar restaurant, convenience restaurant, take-out restaurant and standard restaurant, shall be 465 m²;

(d) The maximum height of any building shall be 14 metres, exclusive of any mechanical and/or electrical rooftop structures;

(e) Notwithstanding the provisions of Section 320-18A, parking may be located on an abutting lot;

(f) Notwithstanding the provisions of Section 320-18C(2)(b), a minimum of 4.5 parking spaces per 100 m² of commercial floor area shall be provided for all uses, except restaurants for which parking shall be provided in accordance with the provisions of Section 320-23;

(g) Notwithstanding the provisions of Section 320-18C(2)(d), a parking area may be set back 0.0 metres from the limits of Parcel 1, provided no parking area is located closer than 1.5 metres from any street line;

(h) Notwithstanding the provisions of Sections 320-103C, D and G, no part of any building shall be located outside the building envelopes shown on Schedule "B" attached hereto;

(i) Notwithstanding Section 320-103A, the provisions of this section shall apply collectively to the lands identified as Parcel "1" in Schedule "A" attached hereto, despite their division into two or more parcels; and

(j) The provisions of Section 320-103B shall not apply to Parcel 1.

3. Notwithstanding the provisions of Section 320-32, no building or structures, including paved surfaces, are permitted on the lands shown as Parcel "2" in Schedule "A".
4. Section 37 Contributions

Pursuant to Section 37 of the Planning Act, the heights and density of development permitted by this By-law on the lands shown as Parcel "1" on Schedule "A" (being the "Site") 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 Site of the facilities, services and matters set out in this Section, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act and in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions where applicable, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement. Upon execution and registration of an agreement or agreements with the owner of the Site, pursuant to Section 37 of the Planning Act, securing the provision of the facilities, services and matters set out herein, the Site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires 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. The owner of the Site, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in gross floor area and height authorized under this By-law:

(a) the provision of sanitary sewer service to the lands;

(b) the dedication of the lands shown as Parcel "2" on Schedule "A" attached hereto to the Toronto and Region Conservation Authority or the City, at no cost and in compliance with the applicable Toronto and Region Conservation Authority or City environmental protocol for the acceptance of land;

(c) the following transportation improvements, or other transportation improvements satisfactory to the City, which are to be provided at no cost to the City and which must be designed to the satisfaction of the City:

   a. traffic control signals for a new intersection, if deemed feasible by the City, on The Queensway approximately 300 metres west of The Queensway/The West Mall intersection;

   b. a westbound left-turn lane at The Queensway site access;

   c. an eastbound right-turn lane at The Queensway site access;
d. an extension of the existing northbound left turn lane at The Queensway and The West Mall intersection;

(d) the protection of a 23-metre wide strip of land, as shown on Schedule "B" attached hereto, for future public road requirements; and

(e) a covenant to secure provision for appropriate utilities as part of site plan review.

HOLDING PROVISIONS

5. For the purposes of this By-law, the following Holding Provisions shall apply to the lands shown as Parcel "1" on Schedule "A" attached hereto:

Permitted Interim Uses

Uses permitted in a Private Open Space (POS) zone.

The "H" symbol shall be lifted when the following conditions have been satisfied on terms satisfactory to the City of Toronto:

For those lands shown as Parcel "1" on Schedule "A" hereto and zoned (CPR-H):

(a) Confirmation that the lands have met all applicable statutory and regulatory environmental requirements for the development of uses permitted by this By-law;

(b) Confirmation that the owner has entered into a long-term easement agreement, satisfactory to the City, for access to The Queensway across the hydro corridor;

(c) Confirmation that the owner can provide the required parking for its development by means of:

a. a long-term lease, satisfactory to the City, for portions of the hydro corridor, and/or

b. a parking plan for surface and/or underground parking.

(d) The owner has entered into one or more agreements with the City, pursuant to Section 37 of the Planning Act to be registered on title to the lands shown as Parcel "1" on Schedule "A" attached hereto, securing the matters set out in Section 4 of this By-law.

6. Upon the deletion of the "H" symbol from all or part of the lands, the (CPR) uses shall be permitted subject to the performance standards applicable thereto.

Conflict with Zoning Code

7. Where the provisions of this By-law conflict with the Zoning Code, the provisions of this by-law shall prevail. In all other instances, the Zoning Code shall continue to apply.
Chapter 324, Site Specifics

8. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law by adding the following Section 324-1, Table of Site Specific By-laws:

<table>
<thead>
<tr>
<th>BY-LAW NUMBER AND ADOPTION DATE</th>
<th>DESCRIPTION OF PROPERTY</th>
<th>PURPOSE OF BY-LAW</th>
</tr>
</thead>
<tbody>
<tr>
<td>409-2013 September 26, 2012</td>
<td>Lands located on the south side of The Queensway, west of The West Mall</td>
<td>To rezone the tablelands to Planned Commercial Regional (CPR-H) to permit certain uses, establish certain performance standards, permit parking on abutting lands in association with uses permitted on the lands zoned CPR, and to rezone the valleylands to Public Open Space (OS).</td>
</tr>
</tbody>
</table>

PURSUANT TO DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON SEPTEMBER 26, 2012 UNDER BOARD CASE FILE NO. PL967700.
SCHEDULE "A"
SCHEDULE "B"

The Corporation of the City of Etobicoke
Schedule 'B' BY-LAW Number
ZONING CODE MAP C10-SOUTH

Z-2223, QUEENS WALK DEVELOPMENTS LIMITED. (assessments map C10)

PART OF LOTS 13 AND 14, CONCESSION 3,
COLONEL SMITH'S TRACT