

**CITY OF TORONTO**

**BY-LAW No. 87-2014(OMB)**

**To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 1093 Queen Street West.**

Whereas the Ontario Municipal Board pursuant to its Order issued September 26, 2013 deemed it advisable to amend By-law No. 438-86 of the former City of Toronto, as amended, with respect to certain lands municipally known as 1093 Queen Street West;

The Ontario Municipal Board orders:

1. The lands subject to this By-law are those lands outlined by a heavy black line and identified as "1093 Queen Street West" as shown on Map 1 attached hereto.
2. Section 12(2) of the By-law No. 438-86, as amended is further amended by adding a new Section 12(2) 357 immediately after Section 12(2)356 of the By-law as follows:

None of the provisions of Section 2, with respect to "*lot*", "*grade*" and "*bicycle parking space-occupant*", and Sections 4(2)(a), 4(3)(a), 4(4)(b), 4(6)(b), 4(6)(c), 4(12), 4(13)(a) and (c), 4(16), 8(2), 8(3) Part I (1), (2), and (3)(a), 8(3) Part II 1(b)(ii), 8(3) Part II (4)(c)(i), 8(3) Part II (4)(c)(iii), 8(3) Part XI 2(ii), of By-law No. 438-86 of the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of a *mixed-use building* and *commercial parking garage* on the *lot*, provided that:

- (a) the *lot* on which the *mixed-use building* is located comprises of the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
- (b) notwithstanding 8(1)(f) of By-law No. 438-86, a *commercial parking garage* shall be a permitted use on the *lot*;
- (c) the *residential gross floor area* and *non-residential gross floor area* permitted on the *lot* shall be as follows:
  - (i) the *residential gross floor area* shall not exceed 9,700 square metres; and
  - (ii) the *non-residential gross floor area* shall not exceed 1,580 square metres, of which, 620 square metres may be used for the purposes of a *commercial parking garage*;
- (d) for greater certainty, the *non-residential gross floor area* of the *commercial parking garage* shall include only those parts of the building or structure used for *parking spaces* in the *commercial parking garage* and shall not include the area of associated drive aisles, ramps and service areas;

- (e) a maximum of 134 *dwelling units* may be provided on the *lot*;
- (f) of the 134 *dwelling units* listed above, a minimum of 36 of the of *dwelling units*, shall be two bedroom units in compliance with the provisions of the Ontario Building Code;
- (g) the *mixed-use building*, including all mechanical equipment, stair enclosures and elevator overruns, is located wholly within the areas delineated by heavy lines and the *height* limits specified by the numbers following the symbol "H" as shown on Map 2, attached and forming part of this By-law, with the following exceptions:
  - (i) the maximum height for terraces and balcony guards, elements of a green roof and insulation and roof surface materials, planters, railings, parapets, window washing equipment, ornamental architectural features, chimney stacks and structures used for safety or wind protection purposes shall be the sum of 1.5 metres and the applicable height limit shown on Map 2;
  - (ii) the maximum height for divider screens shall be the sum of 2.0 metres and the applicable height limit shown on Map 2;
  - (iii) the maximum height for a ladder for maintenance purposes shall not exceed the sum of 1.2 metres and the applicable height limit shown on Map 2;
  - (iv) canopies, provided they extend no more than 2.0 metres beyond the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law;
  - (v) balconies, provided they extend no more than 1.8 metres beyond the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law; and
  - (vii) none of the building elements listed in (i)-(v) above may extend beyond the *lot* lines;
- (h) *parking spaces* for the residential uses shall be provided on the *lot* in accordance with the following standards:

<b>Dwelling type</b>	<b>Minimum number of parking spaces required</b>
Bachelor Unit	0.3 spaces per unit
1-bedroom Units	0.7 spaces per unit
2-bedroom Units	1.0 space per unit
3+ bedroom Units	1.2 spaces per unit
Live/Work Units	1.0 space per unit
Residential Visitors	0.12 spaces per unit

- (i) *parking spaces* for the non-residential uses shall be provided on the lot in accordance with the following standards:

Use	Minimum Parking Requirement
Retail Uses	1.0 spaces per 100 square metres of net floor area

- (j) *parking spaces* for the non-residential uses and residential visitors may be provided for in a *commercial parking garage* located on the *lot*;
- (k) notwithstanding Section 4(17) of By-law No. 438-86, a maximum of seven (7) *parking spaces* shall be *small-car parking spaces*;
- (l) a minimum of 127 *bicycle parking spaces* shall be provided and maintained on the *lot*, of which:
- (i) a total of 97 *bicycle parking spaces* shall be provided and maintained for the exclusive use of residents of the building, and shall be located on parking levels P1 and P2 below *grade* in the building located on the *lot*;
  - (ii) a total of 30 *bicycle parking spaces* shall be provided and maintained at *grade* as follows:
    - (A) 4 *bicycle parking spaces* for residents;
    - (B) 20 *bicycle parking spaces* for residential visitors; and
    - (C) 6 *bicycle parking spaces* to serve the non-residential uses on the *lot*;
  - (iii) notwithstanding Section 4(13)(d) of By-law No. 438-86, resident *bicycle parking spaces* may be provided in bicycle stacking units;
- (m) a minimum of 199 square metres of indoor *residential amenity space* shall be provided in a multi-purpose room or rooms at least one of which contains a kitchen and a washroom;
- (n) a minimum of 170 square metres of *outdoor amenity space* shall be provided on the second *storey* of the *mixed use building*, shall be contiguous with the *indoor amenity space*, and shall be accessed via the *indoor amenity space* area;
- (o) one (1) *loading space-Type G* shall be provided within a 19.647 metres long by 6.8 metres wide lay-by on the north side of the public lane, directly abutting the site;
- (p) an unobstructed pedestrian clearway shall be provided along the Queen Street West frontage measuring a minimum of 2.1 metres clear, from the building face to the north property line;

- (q) the transition slope of the bottom 3.0 metres of the parking garage ramp providing access to the P1 parking garage level shall not exceed a slope greater than 7.5%;
  - (r) the slope for any drive aisle providing direct access to *parking space* shall not exceed a slope of 5.0%;
  - (s) for the purposes of this exception, all italicized words and expressions have the same meaning as defined in By-law No. 438-86, as amended, with the exception of the following:
    - (i) "*grade*" means 90.85 metres Canadian Geodetic Datum; and
    - (ii) "*small-car parking space*" means a *parking space* with a minimum width of 2.6 metres, a minimum height of 2.0 metres, and a minimum length of 5.12 metres;
  - (t) a temporary *sales office* shall be permitted on the *lot*; and
  - (u) despite any existing or future severance, partition, or division of the *lot*, the provisions of this exception shall apply to the whole of the *lot* as if no severance, partition or division occurred.
3. Pursuant to Section 37 of the *Planning Act*, the heights and density of the development contemplated by this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the owner of the *lot*, of the following facilities, services and matters to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in Section 3(d) herein:
- (a) the owner shall include 1:50 scale drawings for the first to seventh *storey* elevations with building materials labeled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by the pedestrian. The drawings shall be submitted to the City Planning Division, for review and acceptance by the Chief Planner and Executive Director, City Planning Division;
  - (b) 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 at its meeting held on October 26 and 27, 2009 through the adoption of Planning and Growth Committee Item 32.3;
  - (c) the owner shall enter into an Public Surface Pedestrian agreement with the City to secure the unobstructed pedestrian clearway along the Queen Street frontage measuring a minimum of 2.1 metres clear from the building face to the north property line. The area subject to said easement will be paved with materials suitable for pedestrian use and at elevations compatible with the adjoining sidewalk, at no expense to the City; and
  - (d) the owner of the lands enters into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters

required in Section 3(a) through (c) herein and registers such agreement against title to the *lot* as a first charge, all to the satisfaction of the City Solicitor.

4. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
  - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
5. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
6. Despite any existing or future 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.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED  
SEPTEMBER 26, 2013 IN BOARD FILE NO. PL080993.



