

Authority: Ontario Municipal Board Decision issued December 1, 2016 and Ontario Municipal Board Order issued April 27, 2017 and November 23, 2017 and Local Planning Appeal Tribunal Order issued on June 26, 2018, September 4, 2019 and October 8, 2019 in File PL150676 and PL160752

CITY OF TORONTO

BY-LAW 1618-2019(LPAT)

To amend Chapters 320 and 324 of the Etobicoke Zoning Code, as amended by Etobicoke Zoning By-laws 13,851 and 14,126 with respect to lands municipally known as 1, 3, 5 and 7 St. Stevens Court and 289-291 The Kingsway.

Whereas the Ontario Municipal Board Decision issued December 1, 2016 and Ontario Municipal Board Order issued April 27, 2017 and November 23, 2017 and Local Planning Appeal Tribunal Order issued on June 26, 2018, September 4, 2019 and October 8, 2019 in File PL150676 and PL160752, approved amendments to the former City of Etobicoke Zoning Code, as amended, with respect to the lands; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in the height or density of development; 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 or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provisions 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 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 and matters hereinafter set out;

Therefore pursuant to the Order of the Local Planning Appeal Tribunal, the Zoning Code of the former City of Etobicoke is amended as follows:

1. Notwithstanding the provisions of Section 320-18, 320-66, 320-67 and 320-68 of the Etobicoke Zoning Code, By-law 13,851 and By-law 14,126, the following development standards shall also apply to the Fourth Density Residential Zone (R4) lands described on Schedule 'A' attached hereto.
2. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
3. All Schedules attached to this By-law are incorporated into this By-law and are deemed part of this By-law.

4. Definitions

The provisions of Section 304-3 Definitions of the Etobicoke Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law the following definitions shall apply:

- a. *accessible parking space* means a *parking space* that has the following minimum dimensions:
 - i. Length of 5.6 metres;
 - ii. Width of 3.9 metres; and
 - iii. Vertical clearance of 2.1 metres;
- b. *building envelope* means the building area permitted within the setbacks established in this By-law, as shown generally on Schedule 'B' attached hereto, which shall exclude *minor projections*;
- c. *established grade* means:
 - i. 127.05 metres above Canadian Geodetic Datum for Building A, as identified on Schedule 'B';
 - ii. 126.00 metres above Canadian Geodetic Datum for Building B as identified on Schedule 'B';
 - iii. 125.70 metres above Canadian Geodetic Datum for Building C as identified on Schedule 'B'; and
 - iv. 125.85 metres above Canadian Geodetic Datum for Building D as identified on Schedule 'B';
- d. *gross floor area* means the total area of all floors in a *building* between the outside faces of the exterior walls, except that the following areas shall also be excluded: *mechanical floor area*; *indoor amenity areas* up to 2.0 square metres per *dwelling unit*; storage areas, underground garage levels, grade-related and above-grade areas devoted to vehicular and bicycle parking, and unenclosed balconies;
- e. *height* means, with respect to each section of the building erected within the *building envelope* on the *lot*, the vertical distance between the *established grade* of the *lot* and the highest point of the roof surface of the building, but shall exclude mechanical or ventilating equipment, mechanical penthouses, elevator overrun, parapets, architectural elements, canopies, roof planters and other landscape features, stairs and stair enclosures, railings, parapet walls, window washing equipment, terrace guards and dividers, lightning rods and exhaust flues,

which may extend to a maximum vertical projection of 6.0 metres above the height limits shown on Schedule 'B';

- f. *indoor amenity space* means an indoor common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes;
- g. *lot* shall mean those lands outlined by heavy lines on Schedule 'A' attached hereto.
- h. *landscaped open space* means a yard or court on a lot located at grade, above an underground parking area, above an aboveground parking structure, or roof top, which is suitable for landscaping. It shall include any part of the *lot* occupied by accessory recreational buildings, surfaced walks, patios or similar areas, sports or recreational areas and ornamental or swimming pools, but shall exclude driveways, ramps or motor vehicle parking areas;
- i. *type 'G' loading space* means an area used for the loading or unloading of goods or commodities from a vehicle with a minimum length of 13.0 metres, minimum width of 4.0 metres and minimum vertical clearance of 6.1 metres;
- j. *mechanical floor area* means a room or enclosed area, including its enclosing walls, within a building or structure above or below *established grade*, that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators), elevator shafts, or telecommunications equipment that serves only such building;
- k. *minor projections* means minor building elements which may project horizontally from the main wall of the building beyond the *building envelope*, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, canopies, balconies, bay windows, wheelchair and covered ramps, retaining walls, landscaping elements, exterior stairs and associated coverings, parapets and any permitted accessory structure to a maximum projection of 2.0 metres;
- l. *outdoor amenity space* means an outdoor common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes;
- m. *parking space* means a placed use for the off-street parking or motor vehicles, and shall have the following minimum dimensions:
 - i. Length of 5.6 metres;
 - ii. Width of 2.6 metres;
 - iii. Vertical clearance of 2.0 metres; and
 - iv. The minimum width must be increased by 0.3 metres for each side of a *parking space* that is obstructed; and

- n. *temporary sales and leasing centre* means a building or portion of a building, or sales trailer, used exclusively for the marketing, initial sale and/or initial leasing of dwelling units to be erected on any portion of the *lot*.

5. Permitted Uses

In addition to those uses permitted in Section 320-66 of the Etobicoke Zoning Code, the following uses are permitted on the *lot*:

- a. *apartment building*;
- b. underground parking garage;
- c. a *temporary sales and leasing centre*, which shall be exempt from all development standards listed in this By-law or the Etobicoke Zoning Code; and
- d. the existing 17-storey *Apartment building* on the *lot*, municipally known as 289 The Kingsway.

6. Gross Floor Area

- a. the maximum new *gross floor area*, as defined herein, permitted on the *lot* shall be 38,920 square metres; and
- b. the maximum *gross floor area* identified in 6(a) above will exclude the existing 17-storey *apartment building* on the *lot* municipally known as 289 The Kingsway to be retained.

7. Lot Coverage

- a. the maximum *lot coverage* permitted the *lot* shall be 48 percent of the area of the *lot*; and
- b. the maximum *lot coverage* identified in 7(a) includes the existing 17-storey *apartment building* on the *lot* municipally known as 289 The Kingsway to be retained.

8. Maximum Height

- a. the maximum *building heights* to be permitted on the *lot* shall be shown as HT on Schedule 'B', attached hereto; and
- b. the maximum number of *storeys* for each *building* to be permitted on the *lot* shall be shown as on Schedule 'B'. A mechanical penthouse is not a *storey*.

9. Setbacks/Building Envelope

- a. no *building* or structure on the *lot* shall be located other than within the *building envelope* shown on Schedule 'B';

Notwithstanding the foregoing clause, the following provisions shall also apply:

- b. any portion of any *building* or structure which is located below *established grade*, may be located outside of the *building envelope* for that building or structure;
- c. *minor projections* shall be permitted to project horizontally outside the *building envelope*; and
- d. structures associated with landscape elements and retaining walls are permitted outside the *building envelope*.

10. Car Parking Requirements

- a. vehicle *parking spaces* for new residential *apartment building* uses on the *lot* shall be provided at the following rates:
 - i. 0.9 vehicle *parking spaces* per *dwelling unit* with one bedroom for the use of residents;
 - ii. 1.0 vehicle *parking spaces* per *dwelling unit* with two bedrooms for the use of residents;
 - iii. 1.2 vehicle *parking spaces* per *dwelling unit* with three bedrooms for the use of residents; and
 - iv. 0.2 vehicle *parking spaces* per *dwelling unit* reserved for the exclusive use of visitors;
- b. despite 10(a) above, 0.7 vehicle *parking spaces* per *dwelling unit* are required for a rental *dwelling unit*;
- c. a minimum of 4 *accessible parking spaces* plus 1 *accessible parking space* for every 50 *parking spaces* or part thereof in excess of 100 *parking spaces* required in Subsection 10(a) is required;
- d. subsection 10(a), (b) and (c) of this By-law will not apply to the *dwelling units* in the retained 17-storey *apartment building* on the *lot*, municipally known as 289 The Kingsway;
- e. vehicle *parking spaces* for the *dwelling units* in the retained 17-storey *apartment building*, known municipally as 289 The Kingsway, shall be provided at the following rates:

- i. 0.7 vehicle *parking spaces* per *dwelling unit* for the use of residents; and
 - ii. 0.2 vehicle *parking spaces* per *dwelling unit* reserved for the exclusive use of visitors;
- f. a minimum of 1 *accessible parking space* is required for the *dwelling units* in the retained 17-storey *apartment building*, known municipally as 289 The Kingsway; and
- g. if the calculation of the number of the required parking spaces in subsection 10(a) or subsection 10(e) 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.

11. Bicycle Parking Requirements

- a. Bicycle *parking spaces* for new residential apartment uses on the *lot* shall be provided at the following standard:
 - i. 0.68 bicycle *parking spaces* per *dwelling unit* for residents; and
 - ii. 0.07 bicycle *parking spaces* per *dwelling unit* for visitors; and
- b. subsection 11(a) of this By-law will not apply to the *dwelling units* in the retained 17-storey *apartment building* on the *lot*, municipally known as 289 The Kingsway.

12. Loading Requirements

- a. a minimum of 4 *type 'G' loading spaces* shall be provided on the *lot*.

13. Landscape and Amenity Requirements

- a. *landscaped open space*: a minimum 46 percent of the area of the *lot* shall be provided for *landscaped open space*;
- b. *indoor amenity space*: a minimum 2.0 square metres of *indoor amenity space* per *dwelling unit*;
- c. *outdoor amenity space*: a minimum 2.0 square metres of *outdoor amenity space* per *dwelling unit*; and
- d. subsection 13(b) and (c) of this By-law will not apply to the *dwelling units* in the retained 17-storey *apartment building* on the *lot*, municipally known as 289 The Kingsway.

- 14. Nothing in this By-law shall apply to prevent the phased construction of the development, provided that the requirements of the By-law are complied with upon the completion of

each phase, with the exception of loading and *landscaped open space*, and provided that the requirements of the By-law are complied with upon the completion of all buildings on the *lot*.

15. Section 37 Provisions

- a. 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 set out in Appendix 1 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;
- b. where Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit is dependent on satisfaction of the same; and
- c. the owner must 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 Appendix 1 are satisfied.

16. By-law Applies to Whole of Lands

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.

17. Chapter 324, Site Specifics

Chapter 324, Site Specifics, of the 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
By-law 1618-2019(LPAT)	Lands municipally known as municipally known as 1, 3, 5 and 7 St. Stevens Court and 289-291 The Kingsway	To amend the Zoning Code to permit the development of 4 additional apartment buildings with site specific standards to permit the residential development of the lands.

Ontario Municipal Board Decision issued December 1, 2016 and Ontario Municipal Board Order issued April 27, 2017 and November 23, 2017 and Local Planning Appeal Tribunal Order issued on June 26, 2018, September 4, 2019 and October 8, 2019 in File PL150676 and PL160752.

Appendix 1
Section 37 Provisions

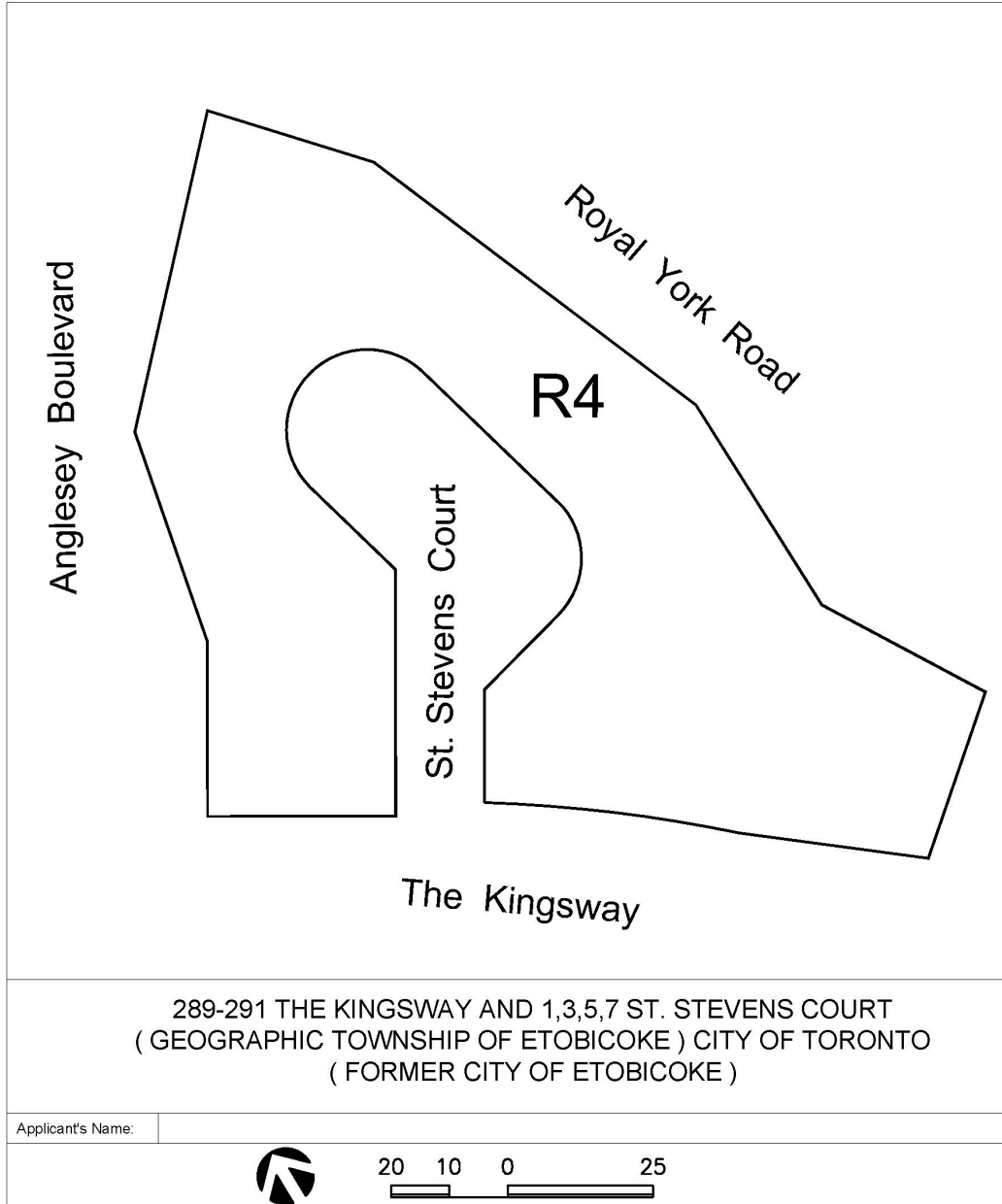
The facilities, services and matters set out herein are the matters required to be provided by the owner of the *lot* at the owner's expense to the City in return for the increase in height and density of the proposed development on the *lot* and secured in an agreement or agreements pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for termination and unwinding, and registration and priority of agreement:

1. The owner shall maintain and secure the rental tenure of the 73 existing rental dwelling units in the rental apartment building municipally known as 289 The Kingsway for a period of at least 20 years commencing from the date that the Zoning By-law Amendment comes into full force and effect. None of the existing rental dwelling units shall be registered as a condominium, no application may be submitted for condominium approval or for any such conversion to non-rental housing purposes, or for demolition without providing for replacement rental dwelling units.
2. The owner shall provide and maintain 156 replacement rental dwelling units, comprised of 91 one-bedroom units and 65 two-bedroom units, on the *lot* and as illustrated on the plans submitted to the City Planning Division dated September 28, 2017, for a period of at least 20 years commencing from the date that each such replacement rental dwelling unit is first occupied. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. The owner shall provide at least 51 one-bedroom and 57 two-bedroom replacement rental dwelling units at affordable rents and an additional 40 one-bedroom and 8 two-bedroom replacement rental dwelling units at mid-range rents for a period of at least ten years commencing from the date that each such replacement rental dwelling unit is first occupied.
4. The owner shall provide a common laundry room located on the ground floor of the replacement rental building as illustrated on the plans dated September 28, 2017, and any revisions to such common laundry room shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
5. The owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities within the replacement rental building as illustrated on the plans submitted to the City on November 17, 2017, and any revisions to such amenities shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
6. The owner shall provide a minimum of 109 rental vehicle parking spaces to tenants of the replacement rental dwelling units.
7. The owner shall provide a minimum of 31 visitor vehicle parking spaces to tenants of the replacement rental dwelling units.

8. The owner shall provide a minimum of 107 bicycle parking spaces to tenants of the replacement rental dwelling units at no additional charge.
9. The owner shall provide a balcony or terrace within all replacement rental dwelling units.
10. The owner shall provide tenant relocation and assistance to all eligible tenants, including the right to return to a replacement rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

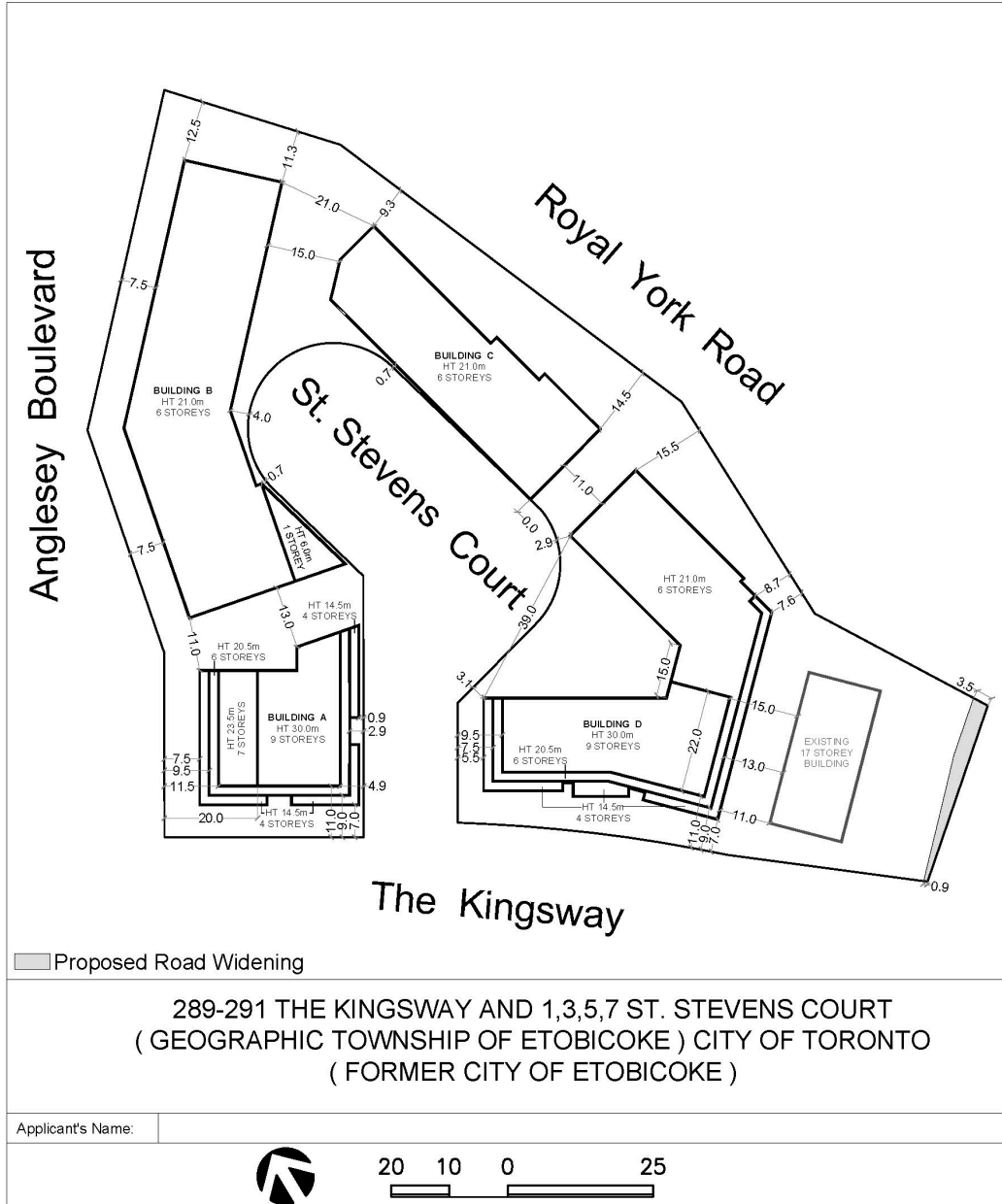


Schedule 'A'





Schedule 'B'



289-291 THE KINGSWAY AND 1,3,5,7 ST. STEVENS COURT
(GEOGRAPHIC TOWNSHIP OF ETOBICOKE) CITY OF TORONTO
(FORMER CITY OF ETOBICOKE)

Applicant's Name:

