

Authority: Etobicoke York Community Council
Item EY7.1, as adopted by City of Toronto Council
on July 16, 17 and 18, 2019

CITY OF TORONTO

BY-LAW 653-2020

To amend Chapters 304 and 340 of the Etobicoke Zoning Code, as amended, with respect to the lands municipally known in the year 2019 as 1 Blue Goose Street.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas the matters herein set out are in conformity with the Official Plan as adopted by the Council of the City of Toronto; and

Whereas pursuant to Section 37(3) of the Planning Act, the Council of a municipality may, in a bylaw passed under Section 34 of the Planning Act, authorize increases in the height and/or density of development beyond that otherwise permitted by the zoning by-law, in return for the provision of such facilities, services and matters as are set out in the by-law; and

Whereas the increases in the density and heights permitted hereunder, beyond that otherwise permitted on the land by the Etobicoke Zoning Code, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of such land and the City of Toronto; and

Whereas the owner of the aforementioned land has elected to provide the facilities, services and matters hereinafter set out; and

Whereas Council of the City of Toronto has provided adequate information to the public and held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. The Zoning Map referred to in Section 340-5, Article II of the former City of Etobicoke Zoning Code, as amended, is hereby amended by changing the classification of the lands described in Schedule A attached to this By-law from Class 1 Industrial (I.C1) to Fourth Density Residential (R4).
2. Despite Chapters 340-28, 340-29, 340-30 and 340-31 of the Etobicoke Zoning Code, the following development standards shall apply to the Lands described in Schedule 'A' attached to this By-law and marked with the zone symbol R4.
3. Pursuant to Section 37 of the Planning Act, the *heights* and *density* of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the owner of the Lands of the facilities, services and matters set out in Schedule 1 of this By-law, to the City of Toronto at the owner's sole expense and in accordance with and subject to the agreement referred to in Section 4 of this By-law.

4. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Schedule 1 of this By-law, the lot is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of 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.
5. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-Law shall apply.

6. Definitions

The provisions of Section 304-3 Definitions of the 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:

"Affordable rental dwelling unit" means a rental dwelling unit constructed on the *Lands* and provided and maintained at *affordable rent*;

"Affordable rent" means rents where the total monthly shelter costs (gross monthly rent inclusive of heat, electricity, gas, and water, but excluding vehicle parking, storage lockers, internet, telephone, and cable television charges) is at or below one time the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation in its Fall Update Rental Market Report for the City of Toronto;

"Bachelor Unit" is a unit without an enclosed bedroom, but has a bedroom space;

"Building Envelope" means the building area permitted within the setbacks established in this By-law, as shown generally on Schedule 'B' attached to this By-law.

"Building Height" means the vertical distance between Established Grade and the highest point of the roof surface of the building, but shall exclude acoustic and privacy fences, landscape features, mechanical equipment, mechanical penthouses, parapets, railings, rooftop balcony guards, skylights, stair enclosures, stairs and vents located on the roof the building;

"Car-Share Parking Space" means a parking space exclusively reserved and designed for a car used only for car-share purposes and such car-share is for the use of at least the occupants of the building;

"Established Grade" shall mean 92.1 metres Canadian Geodetic Datum;

"Gross Floor Area" shall mean 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. Deductions include space used exclusively for heating, cooling, ventilation, electrical, fire emergency stairwells, elevator shafts, atriums, utility areas, storage areas in the basement, parking space, loading space, or a drive aisle used to access a parking space or loading space;

"Lands" shall mean the lands described in Schedule 'A' attached to this By-law;

"Micro-Brewery" means an 147m² manufacturing establishment where alcoholic and non-alcoholic beverages are manufactured, including bottling and canning, and also including on-premises retail sales of such beverages that may be taken off site;

"Mixed-Use Building" shall mean a building containing a restaurant with an outdoor patio, a 147m² micro-brewery that will operate ancillary to the restaurant use, and apartment dwelling units; and

"Townhouse dwelling units" shall mean multiple dwellings consisting of a series of vertically attached dwellings, each having direct access from the outside.

7. Permitted Uses:

In addition to the uses permitted in the R4 zone, the following uses shall be permitted on the *Lands* designated R4 on the site:

- a. a *Mixed-Use Building*; and
- b. *Townhouse Dwelling Units*.

8. Gross Floor Area:

- a. a maximum of 2,950 square metres of *Gross Floor Area* for residential uses shall be permitted on the *Lands* in the (R4) zone;
- b. a maximum of 526 square metres of non-residential Gross Floor Area for is permitted on the *Lands* in the (R4) zone, of which a maximum of 147 square metres shall be permitted for a *micro-brewery*; and
- c. the total residential and non-residential *Gross Floor Area* is 1.55 times the area of the lot.

Development Standards:

- 9.** A maximum of 18 apartment dwelling units shall be permitted in the *mixed use building* with a minimum apartment dwelling unit size of 23 square metres.
- 10.** A maximum of 12 *townhouse dwelling units* shall be permitted.
- 11.** The minimum building setbacks and building separations shall not be less than the measurements shown on Schedule 'B' attached to this By-law, and shall be measured from the main exterior walls of each building.

12. The minimum rail corridor setback shall be no less than 27.3 metres, measured from the property line of the rail corridor to the closest dwelling unit, excluding the dwelling units within the *mixed use building*.
13. The minimum required setback of the first storey rear deck and supporting columns from the south property line is 1.2 metres.
14. The minimum required setback of above grade balconies from the south property line is 4.4 metres.
15. The minimum required setback of the first storey rear deck and supporting columns from the east property line is 1.8 metres.
16. The minimum required setback of above grade balconies from the east property line is 5.5 metres.
17. The maximum permitted height of the first storey rear deck is 3.1 metres above grade.
18. No portion of any below or above-grade structure erected or used on the *Lands* shall extend beyond the *Building Envelope* delineated by the heavy lines on Schedule 'B' attached to and forming part of this by-law; except the following minor projections:
 - a. corner turrets to a maximum projection of 1.2 metres;
 - b. chimney breasts, bay windows, extending a maximum of 0.8 metres from any exterior wall of a building provided they are located a minimum of 1.0 metre from the street line or internal driveway; and
 - c. awnings, balconies, balustrades, canopies, chimney, cornices, downspouts, eaves, guardrails, landscape features, lighting fixtures, ornamental elements, porch porticoes, railings, stairs, trellises, vents, wheelchair ramps and window sills to maximum projection of 2.0 metres.
19. For the purposes of this By-law the minimum combined landscape open space shall not be less than 12 percent of the total *Lands* shown on Schedule 'A'.
20. Maximum Building Height:
 - a. the maximum *Building Heights* to be permitted on the *Lands* shall be shown following the letter H on Schedule 'B' attached to this By-law; and
 - b. for the *Mixed Use Building*, any equipment or structures used for the functional operation of the building and architectural features are permitted to exceed the height by:
 - i. 1.0 metre for mechanical penthouses and roof top stair enclosures.

- c. for the *Townhouse Dwelling Units*, any equipment or structures used for the functional operation of the building and architectural features are permitted to exceed the height by:
 - i. 2.8 metres for mechanical penthouses, roof top stair enclosures, pergolas, trellises and architectural features; and
 - ii. 1.2 metres for parapets, railings and dividers.

21. Parking and Bicycle Parking Requirements:

- a. vehicle parking for residential uses shall be provided on the *Lands* at a minimum rate of:
 - i. 1 parking space for each *townhouse dwelling unit*;
 - ii. 0.28 parking spaces for each *bachelor unit*;
 - iii. 1 additional car share parking space to be used by all of the apartment dwelling units;
 - iv. Parking for apartment dwelling units, other than bachelor apartment units shall be provided as per Section 340-31 of the Etobicoke Zoning Code; and
 - v. 0.2 parking spaces for each apartment dwelling unit for the exclusive use of visitors;
- b. vehicle parking for the restaurant use shall be provided on the *Lands* at a minimum ratio of 11.2 parking spaces per each 100.0 square metres of gross floor area;
- c. the parking spaces required by 21 a. i. shall be accessed by a one-way drive aisle with a minimum width of 4.62 metres and a minimum vertical clearance of 2.1 metres;
- d. the parking spaces required by 21 a. i. shall be located in an enclosed and attached garage with a minimum length of 5.6 metres, a minimum width of 3.2 metres and a minimum vertical clearance of 2.1 metres;
- e. the parking spaces required in 21 a. ii, iii and v and in 21 b. shall be accessed by a drive aisle with a minimum width of 5.5 metres;
- f. the parking spaces required by 21 a. ii, iii and v and in 21 b. above shall be provide a minimum length of 5.6 metres, a minimum width of 2.9 metres and a minimum vertical clearance of 2.1 metres except for:
 - i. Where surface parking spaces adjacent to the existing *Mixed Use Building* are directly affected by site constraints, a maximum of 4 parking spaces may provide a minimum parking length of 5.3 metres;

- g. all parking spaces required for a non-residential use must be clearly identified and marked;
 - h. all visitor parking spaces, driveways, or drive aisles that provide vehicle access to visitor parking spaces must be clearly identified;
 - i. the minimum setback for surface parking from Manchester Street is 3.0 metres; and
 - j. a minimum of 16 bicycle parking spaces are required for the *Mixed Use Building*.
22. Notwithstanding the above By-law and Zoning Code standards, a sales trailer and/or construction trailer is permitted without restriction during the development of the *Lands*.
23. 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
653-2020 July 29, 2020	Lands located on the east side of Blue Goose Street, south of Manchester Street, municipally known as 1 Blue Goose Street	To rezone the lands from Class 1 Industrial (I.C1) to Fourth Density Residential (R4) to permit a restaurant, micro- brewery and apartment dwelling units in an existing building, in addition to 12 townhouse dwelling units, subject to site-specific development standards.

Enacted and passed on July 29, 2020

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE 1**Section 37 Provisions**

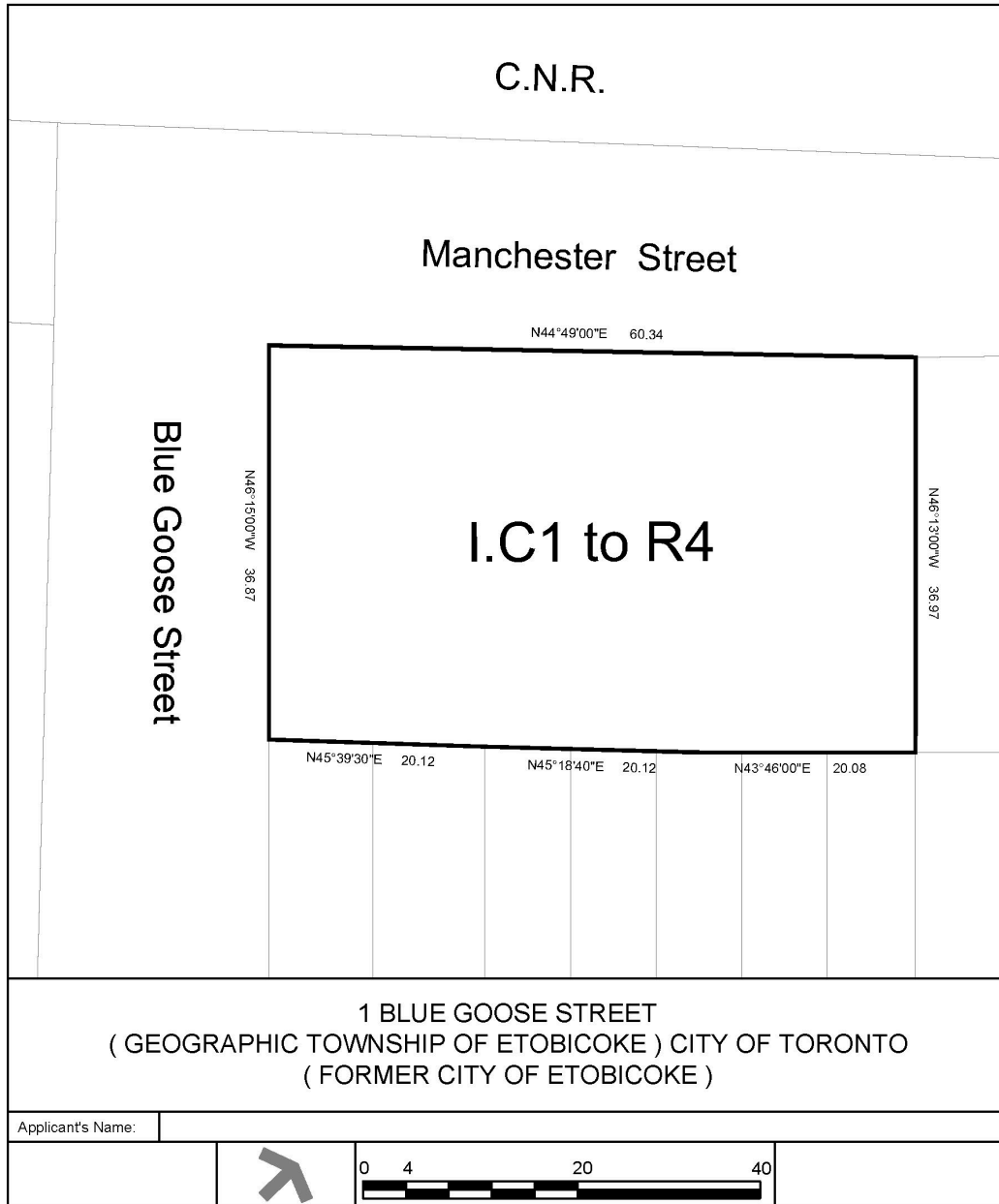
The facilities, services and matters set out below are required to be provided to the City of Toronto at the owner's expense and secured in an agreement or agreements under Section 37 (3) of the Planning Act in a form satisfactory to the City of Toronto whereby the owner agrees as follows:

1. Prior to the issuance of an above grade building permit, the owner shall enter into, and register on title, an Agreement pursuant to Section 37 of the *Planning Act* to provide and maintain on the *Lands*:
 - a. at least 16 new secured rental units and 2 *affordable rental dwelling units*, comprised of 18 bachelor units within the existing renovated *Mixed-Use Building* on the site, and as illustrated in the Architectural Plans dated December 12, 2018, for a period of at least 20 years, beginning from the date that each new secured rental unit is first occupied; and
 - b. The owner shall provide and maintain at least 2 bachelor units at *affordable rents*, for at least 10 years, beginning from the date that each such new affordable rental dwelling unit is first occupied. The remaining 16 bachelor units shall have unrestricted rents.
2. Prior to first occupancy of the 2 *affordable rental dwelling units* referenced in 1 b. above, the owner shall make every reasonable effort to work in consultation with the City's Shelter Support and Housing Administration staff to select the first tenant for such affordable bachelor units, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Shelter Support and Housing Administration.
3. The owner shall incorporate in the construction of the building, and thereafter maintain, exterior materials shown on 1:50 scale drawings, approved by the Chief Planner and Executive Director, submitted for all the development's elevations.

Whereas "*Affordable rental dwelling unit*" means a rental dwelling unit constructed on the *Lands* and provided and maintained at *affordable rent*; and

Whereas "*Affordable rent*" means rents where the total monthly shelter costs (gross monthly rent inclusive of heat, electricity, gas, and water, but excluding vehicle parking, storage lockers, internet, telephone, and cable television charges) is at or below one time the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation in its Fall Update Rental Market Report for the City of Toronto.

Schedule 'A' BY-LAW



Schedule 'B' BY-LAW

