

Authority: Local Planning Appeal Tribunal Decision issued December 6, 2018 and Order issued September 14, 2020 in Tribunal File PL170604

## **CITY OF TORONTO**

### **BY-LAW 763-2020(LPAT)**

**To amend Chapters 304, 320 and 324 of the Etobicoke Zoning Code, as amended, with respect to the lands municipally known as 30 and 44 Zorra Street.**

Whereas the Local Planning Appeal Tribunal Order issued on September 14, 2020 in File PL170604, approved amendments to the former City of Etobicoke Zoning Code, as amended, with respect to the lands; 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 or matters as set out in the By-law and to enter into one or more agreements with the municipality to secure the facilities, services and matters; and

Whereas the increase in height or density permitted hereunder, beyond that otherwise permitted on the aforesaid lands By-law 11,737 of the former Township of Etobicoke, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and is to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

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.** The zoning map referred to in Section 320-5, Article II of the Etobicoke Zoning Code, attached to the City of Etobicoke By-law 11,737, be the same and is hereby amended by changing the classification of the lands in the former Township of Etobicoke as described in Schedule A attached hereto from Industrial Class 1 (I.C1) to Sixth Density Residential (R6) and Industrial Class 1 (I.C1) to Open Space (OS).
- 2.** Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall prevail, otherwise the provisions of the Etobicoke Zoning Code, as amended, shall continue to apply.
- 3.** Notwithstanding the provisions of 320-77 of the Etobicoke Zoning Code the following development standards shall apply to the lands as shown on Schedule A attached hereto.

4. For the purposes of this By-law, the following definitions will apply:

"Bachelor Dwelling Unit" shall mean a residential dwelling unit consisting of a self-contained living area in which culinary and sanitary facilities are provided for the exclusive use of the occupant but not including a separate bedroom.

"Bicycle Parking Space" shall mean an area used for parking or storing a bicycle.

"Building Envelope" shall mean building area permitted within the setbacks established in this By-law, as shown on Schedule B attached hereto.

"Car share" shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres drive, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.

"Car share parking space" shall mean a parking space that is reserved and actively used for car-sharing, including by non-residents.

"Grade" means 110.20 metres Canadian Geodetic Datum.

"Gross Floor Area" shall mean the total area of all floors in a building between the outside faces of the exterior walls, except for storage rooms where the floor level is at least 0.6 metres below grade, parking areas for motor vehicles, mechanical rooms, residential amenity area, bicycle parking, stair wells, elevator shafts, garbage rooms and shafts.

"Height" shall mean the vertical distance measured from grade to the highest point of a building or structure.

"Indoor Amenity Space" means a common indoor area within the building which is provided for the exclusive use of residents for recreational or social purposes and may include a guest suite.

"Lands" shall mean the lands identified as (R6) on Schedule A, attached hereto.

"Minor Projections" shall mean minor building elements which may project from the main walls of the building into the required yards of those listed on Schedule B, including: balustrades, canopies, chimney breasts, cornices, eaves, exterior stairs and ramps, guardrails, landscape and green roof elements, lighting fixtures, mechanical equipment, mechanical penthouses, ornamental elements, parapets, porches, pergola, public art features, railings, stair enclosures, trellis, vents, wheelchair ramps, wind mitigation, window sills.

"Outdoor Amenity Space" shall mean outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities.

"Stacked Bicycle Parking" shall mean a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces.

"Temporary Sales Office" shall mean a building, structure, facility or trailer on the Lands used for the purpose of the sale of dwelling units to be erected on the Lands.

5. Only the following development standards shall now be applicable to the (R6) lands described in Schedules A and B attached hereto:

A. Permitted Uses

For the purposes of this By-law, an apartment building and temporary sales office shall be permitted on the lands;

B. Building Heights

- (i) The maximum permitted building height including mechanical penthouse on the Lands shall be shown following the letter H as shown on Schedule B.
- (ii) No part of any building or structure on the lands may exceed the heights specified by the number following the letter "H" on Schedule B, except for the following.
  - (a) elements of the roof of the building or structure used for green roof technology or alternative roofing system parapets, railings, terraces, patios, planters, balustrades, bollards, safety railings, guard railings, chimneys, vents, stacks, and exhaust stacks, retaining walls, wheelchair ramps, ornamental or architectural features, roofing assembly, landscape features, garbage chutes and vents, and roofs to a maximum of 1.5 metres;
  - (b) privacy screens, wind mitigation features, terrace dividers, cabanas, fences, pergola, trellises, public art features, lighting fixtures, pool, pool deck and railing, pool mechanical equipment, ramps, stairs or stair enclosures, mechanical lift, and wind and noise mitigation and associated structural elements to a maximum of 3.0 metres;
  - (c) heating and cooling units, towers, stacks and associated components, elevator shafts, elevator overruns make-up air units, emergency generator, window washing equipment, and lightning rods to a maximum of 5.0 metres.

C. Building Setbacks

- (i) For the purposes of this By-law, no buildings or structures within the Lands shall be located other than within the Building Envelope shown on Schedule B.
- (ii) The minimum building setback for any building or structure within the Building Envelope shall be as specified on Schedule B.
- (iii) Notwithstanding any of the required building setbacks, Minor Projections shall be permitted to encroach into the required building setbacks to a maximum of 2.0 metres.
- (iv) Notwithstanding any of the required building setbacks, an underground ramp shall be permitted to encroach into the required building setbacks.
- (v) Notwithstanding any of the required building setbacks, podium balconies shall be permitted to encroach into the required building setbacks to a maximum of 1.5 metres.

D. Tower Floor Plate

A maximum tower floor plate area is restricted to 750 square metres and shall be applied to any portion of the building or structure above 19 metres in height, as shown on Schedule B. The tower floor plate area will include all built area, excluding the balconies.

E. Gross Floor Area

- (i) The maximum residential gross floor area permitted on the Lands shall be 32,265 square metres.
- (ii) The maximum number of dwelling units permitted is 460 of which 45 dwelling units must be three or more-bedroom dwelling units.

F. Amenity Space

Notwithstanding the provisions of the Etobicoke Zoning Code, the following area requirements shall apply to Lands:

- (i) A minimum of 2.0 square metres per dwelling unit of Outdoor Amenity Space shall be provided.
- (ii) A minimum of 2.0 square metres per dwelling unit of Indoor Amenity Space shall be provided.

G. Vehicle Parking

Notwithstanding Section 320.18 of the Etobicoke Zoning Code, vehicle parking spaces shall be provided and maintained on the Lands in accordance with the following minimum requirements:

- (i) bachelor – 0.7 spaces/unit for each bachelor dwelling unit up to 45 square metres and 1.0 for each bachelor dwelling unit greater than 45 square metres;
- (ii) 1-bedroom – 0.8 spaces/unit;
- (iii) 2-bedroom – 0.9 spaces/unit;
- (iv) 3-bedroom – 1.1 spaces/unit;
- (v) a minimum of 0.15 parking spaces per unit for visitors;
- (vi) 8 car-share parking spaces;
- (vii) a parking space must have the following minimum dimensions:
  - (a) length of 5.6 metres;
  - (b) width of 2.6 metres;
  - (c) vertical clearance of 2.0 metres; and
  - (d) the minimum width in (b) must be increased by 0.3 metres for each side of the parking space that is obstructed.
- (viii) notwithstanding subsection (vii) a maximum of 15 parking spaces may have the following minimum dimensions:
  - (a) a length of 5.0 metres;
  - (b) a width of 2.6 metres;
  - (c) a vertical clearance of 2.0 metres; and
  - (d) the minimum width in (b) must be increased by 0.3 metres for each side of the parking space that is obstructed.
- (ix) notwithstanding subsection (i) to (iv) the required parking spaces for residents shall be reduced at a rate of four parking spaces for each required car-share parking space on the Lands

H. Bicycle Parking

Notwithstanding the provisions of the Etobicoke Zoning Code, bicycle parking spaces shall be provided and maintained on the Lands in accordance with the following ratios and dimensions:

- (i) 0.68 bicycle parking spaces per dwelling unit for residents;
- (ii) 0.07 bicycle parking spaces per dwelling unit for visitors;
- (iii) the minimum dimensions of a bicycle parking space are:
  - (a) minimum length of 1.8 metres;
  - (b) minimum width of 0.45 metres; and
  - (c) minimum vertical clearance from the ground of 1.9 metres; and
- (iv) the minimum dimensions of a bicycle parking space if placed in a vertical position on a wall, structure or mechanical device are:
  - (a) minimum length of 1.9 metres;
  - (b) minimum width of 0.45 metres; and
  - (c) minimum horizontal clearance from the wall of 1.2 metres; and
- (v) the minimum dimensions of a bicycle parking space if placed in a stacked configuration are:
  - (a) minimum length of 1.8 metres;
  - (b) minimum width of 0.45 metres; and
  - (c) minimum vertical clearance from the ground of 1.25 metres.

I. Accessible Parking

- (i) a minimum of 12 residential parking spaces plus 2 visitor parking space must comply with the minimum dimensions for an accessible parking space.
- (ii) the minimum dimensions for an accessible parking space are:
  - (a) length of 5.6 metres;
  - (b) width of 3.4 metres;

- (c) The entire length of an accessible parking space must be adjacent to a 1.5 metre wide accessible barrier free aisle;
- (d) vertical clearance of 2.1 metres; and

J. Loading

One loading space is required on the lot with a minimum length of 13.0 metres, a minimum width of 4.0 metres, and a minimum vertical clearance of 6.1 metres.

6. 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 Schedule 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 Schedule 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 Schedule 1 are satisfied.

7. Notwithstanding the definition of "lot" in Section 304-3 of the Etobicoke Zoning Code, the standards of this by-law shall apply collectively to the Lands identified in Schedules A and B attached hereto in their entirety and nothing in this by-law shall preclude the lands from being divided into individual lots within the meaning of the Planning Act. The provisions of this By-law shall apply to the entire lands as shown on Schedule A notwithstanding future subdivision of the lands.

8. Chapter 324, Site Specifics, of the Etobicoke Zoning Code is hereby amended to include reference to the By-law by adding the following Section 324.1, Table of Site Specific By-laws:

<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
763-2020(LPAT) September 14, 2020	30 and 44 Zorra Street	To rezone the lands to permit a 35-storey residential tower

## SCHEDULE 1

### Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the *owner's* expense in return for the increase in height and density of the proposed development on the *lot* and in accordance with an agreement or agreements under Section 37(3) of the Planning Act where the *owner* agrees as follows:

- a. the community benefits to be secured in the Section 37 Agreement are as follows:
  - i. a cash contribution to the City in the sum of \$1,370,000.00 to be paid in Canadian Funds by certified cheque, prior to the issuance of the first Above Grade Permit, to be used by the City towards local improvements within the vicinity of the Site;
  - ii. the \$1,370,000.00 cash contribution is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the final Local Planning Appeal Tribunal decision approving the amending by-law to the date of payment; all cash contributions will be payable prior to issuance of the first above-grade building permit; and
  
- b. the following are also to be secured in the Section 37 Agreement as a legal convenience to support development:
  - i. an on-site parkland dedication of 1,118 square metres, in a location and configuration to the satisfaction of the General Manager, Parks, Forestry, and Recreation, for nominal consideration and free and clear, above and below grade, of all physical obstructions and encumbrances, subject to any physical obstructions and encumbrances that may be permitted by the General Manager, Parks, Forestry, and Recreation;
  - ii. the submission of the final design, any necessary plans, cost estimate and letter of credit for improvements to the on-site parkland dedication, prior to the issuance of the first Above Grade Permit in accordance with the Section 37 Agreement to the satisfaction of the General Manager, Parks, Forestry and Recreation;
  - iii. an acknowledgement by the City that any parkland dedication overage resulting from b(i) above may be used for parkland dedication credit for the development applications related to 1197 The Queensway and 1045-1049 The Queensway; and
  - iv. the future conveyance for public road purposes of approximately 733.4 square metres of land to the City for the future extension of Cavan Street.





