

Authority: Etobicoke York Community Council
Item EY19.1, as adopted by City of Toronto
Council on November 25 and 26, 2020

CITY OF TORONTO

BY-LAW 680-2021

To amend former City of Etobicoke Zoning Code Chapters 320 and 324 and Zoning By-law 514-2003, with respect to the lands municipally known as 689 The Queensway.

Whereas authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this by-law; and

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

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and 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 height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters 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 and matters in return for an increase in height or density of development, the 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;

The Council of the City of Toronto enacts:

- 1.** The zoning map referred to in Section 320-5, Article II of the Etobicoke Zoning Code, as amended by By-law 514-2003, 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 annexed hereto from Limited Commercial-Avenues (AV) to Limited Commercial-Avenues (AV) in Schedule A attached hereto.
- 2.** Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code and Zoning By-law 514-2003, the provisions of this By-law shall apply.
- 3.** Despite Sections 304-3 (Grade), 304-3 (Height), 320-18(A)(1) and (2), 320-18(B)(2)a, 320-18(B)(2)e, 320-18(C) and (D) and (F), 320-23(A) of the Etobicoke Zoning Code, or 3B(1), (3) and (4), 3(C)(1), 3D(2), 3E(1), 3I(1), (2), (4), (5) and (6), and 3J(4) of City of Toronto By-law 514-2003, the following provisions apply to the lands described on Schedule A attached. Where the provision of this By-law conflicts with the provisions of

the Etobicoke Zoning Code and By-law 514-2003, the provisions of this By-law shall apply.

4. Only the development standards shall now be applicable to the (AV) lands described in Schedule A and Schedule B attached hereto.
5. The height of a **building** or **structure** is measured as the vertical distance between **grade**, which is Canadian Geodetic Datum elevation of 103.5 metres, and the highest point of the building or structure, except for those elements prescribed in section 6 below.
6. 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) parapets, terrace or balcony guardrails, balustrades, railings and dividers, eaves, privacy screens, skylights, access hatches, roof assemblies, telecommunication equipment, antennas, roof drainage and structures, elements associated with green energy and renewable energy facilities, stair enclosures, mechanical equipment, mechanical and architectural screens, window washing equipment, chimneys, vents, decking, landscape elements and features, pavers, pergolas, trellises, planters, ornamental elements, lightning rods, light fixtures, pavers, elements of a green roof, structures located on the roof used for outside or open air recreation, safety or wind protection and elevator overrun, which may project above the height limits shown on Schedule B.
7. Despite By-law 514-2003 3(B)(3), one mechanical penthouse is permitted having a maximum size of 375 square metres.
8. The total combined **residential gross floor area** and **non-residential gross floor area** on the land does not exceed 17,143 square metres, provided:
 - (a) The **residential gross floor area** does not exceed 16,643 square metres; and
 - (b) A minimum of 500 square metres of **non-residential gross floor area** is provided on the lot.
9. The required minimum building setbacks are as shown on Schedule B of this By-law.
10. The portions of a **building** or **structure** above ground must be located within the areas delineated by heavy lines on Schedule B of this By-law, except the following:
 - (a) bay windows, lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, parapets, railings, privacy screens, terrace dividers, terraces, patios, cabanas, planters, balustrades, bollards, stairs, covered stairs or stair enclosures, awnings, fences and safety railings, guard rails, trellises, underground garage ramps and accessory structures, guardrails, chimneys, vents, stacks and exhaust stacks, mechanical equipment and fans, retaining walls, wheelchair ramps, ornamental or architectural features, structures and elements related to outdoor

- patios, roofing assembly, landscape features, and art installations which may extend beyond the heavy lines shown on the attached Schedule B;
- (b) balconies can extend 1.89 metres beyond the heavy lines shown on the attached Schedule B, but in no case may a balcony project beyond the property line;
 - (c) awnings and canopies, may extend beyond the heavy lines shown on the attached Schedule B by a maximum of 3.0 metres; and
 - (d) parking structures, storage rooms, locker rooms and public amenity areas beneath the ground floor may have a zero (0) metre building setback.
11. Despite By-law 514-2003 3(C)(1), buildings and structures on the lot may encroach beyond a 45-degree angular plane by up to a maximum of 1.6 metres, as measured from the rear lot line.
12. Despite By-law 514-2003 3(E)(1), the permitted maximum density on the lot is 4.52 times the lot area.
13. **Amenity space** must be provided in accordance with the following:
- (a) a minimum of 2 square metres per **dwelling unit** of indoor **amenity space** must be provided; and
 - (b) a minimum of 2 square metres per **dwelling unit** of outdoor **amenity space** must be provided.
14. Notwithstanding Section 320-18, **parking spaces** for residents of the lands and **parking spaces** for non-residential uses must be provided and maintained in accordance with the following minimum standard:
- (a) 0.76 **parking spaces** for residents shall be required per **dwelling unit**;
 - (b) 0.14 **parking spaces** for visitors shall be required per **dwelling unit**;
 - (c) despite Section 320-18C, **parking spaces** for commercial uses including restaurants and medical/dental offices shall be required on the basis of 2.5 spaces per 93 square metres of **non-residential gross floor area**;
 - (d) for the purposes of this by-law, **parking spaces** for residential visitors and commercial uses may be shared; and
 - (e) despite 320-18(A)(1), a maximum of 10 of the required **parking spaces** provided may have a minimum width of 2.6 metres and a minimum length of 5.0 metres.
15. One **loading space** is required with the minimum dimensions of:
- (a) length of 13.0 metres;

- (b) width of 4.0 metres; and
 - (c) vertical clearance of 6.1 metres.
- 16.** Bicycle parking spaces for residents of the **lands** located on all parking levels and parking spaces for the non-residential use(s) must be provided and maintained in accordance with the following minimum standard:
- (a) 0.9 long-term bicycle parking spaces for each residential **dwelling unit**;
 - (b) 0.1 short-term bicycle parking spaces for each residential **dwelling unit**; and
 - (c) 1.4 bicycle parking spaces per 100 square metres of commercial **non-residential gross floor area** for commercial uses.
- 17.** For the purposes of this by-law, "bicycle parking space" means an area that is equipped with a bicycle rack, locker or bicycle stacker for the purposes of parking and securing bicycles, and:
- (a) In the case of a stacked bicycle parking space where bicycles are to be parked horizontally, bicycle parking spaces have minimum dimensions of at least 0.6 metres in width by 1.8 metres in length and a vertical dimension of at least 1.2 metres.
- 18.** The provisions of Section 304-4 Definition of the Zoning Code and Section 4 of By-law 514-2003 apply unless they are inconsistent with the provision of this By-law. For the purpose of this By-law the following definitions will apply:
- (a) '**Grade**' means Canadian Geodetic Datum elevation of 103.5 metres;
 - (b) '**Residential gross floor area**' shall mean the sum of the total area of each floor level of the residential portion of a mixed-use building, above and below the ground, measured from the exterior of the main wall of each floor level, reduced by the area in the building used for:
 - i. parking, loading and bicycle parking below established grade;
 - ii. required loading spaces and required bicycle parking spaces at or above established grade;
 - iii. required bicycle parking spaces at or above-ground;
 - iv. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - v. shower and change facilities;
 - vi. amenity space;

- vii. elevator shafts;
 - viii. garbage shafts;
 - ix. mechanical penthouse; and
 - x. exit stairwells in the building;
- (c) "**Non-residential gross floor area**" shall mean the sum of the total area of each floor level of the non-residential portion of a mixed-use building, above and below the ground, measured from the exterior of the main wall of each floor level, reduced by the area in the building used for:
- i. parking, loading and bicycle parking below-ground;
 - ii. required loading spaces at the ground level;
 - iii. required bicycle parking spaces at or above-ground;
 - iv. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - v. shower and change facilities;
 - vi. amenity space required by this By-law;
 - vii. elevator shafts;
 - viii. garbage shafts;
 - ix. mechanical penthouse; and
 - x. exit stairwells in the building; and
- (d) '**Amenity space**' means indoor or 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.
- 19.** Despite any severance, partition or division of the **lands**, the provisions of this By-law apply to the whole of the **lands** as if no severance, partition or division occurred.
- 20.** Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in **height** and density of development on the **lands** contemplated herein is permitted 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 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 of the lands, to the satisfaction of the City Solicitor.

21. Where Schedule 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of an above grade building permit, the issuance of such permit is to be dependent upon satisfaction of the same.
22. 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.
23. Building setbacks must be measured from all future right-of-way limits, as widened.
24. 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
680-2021 July 16, 2021	Lands located on the south side of The Queensway, immediately west of Wesley Street.	Amend the Limited Commercial-Avenue (AV) zoning to permit a 9-storey mixed-use building containing 200 residential condominium units and grade-related retail uses subject to site-specific standards.

Enacted and passed on July 16, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

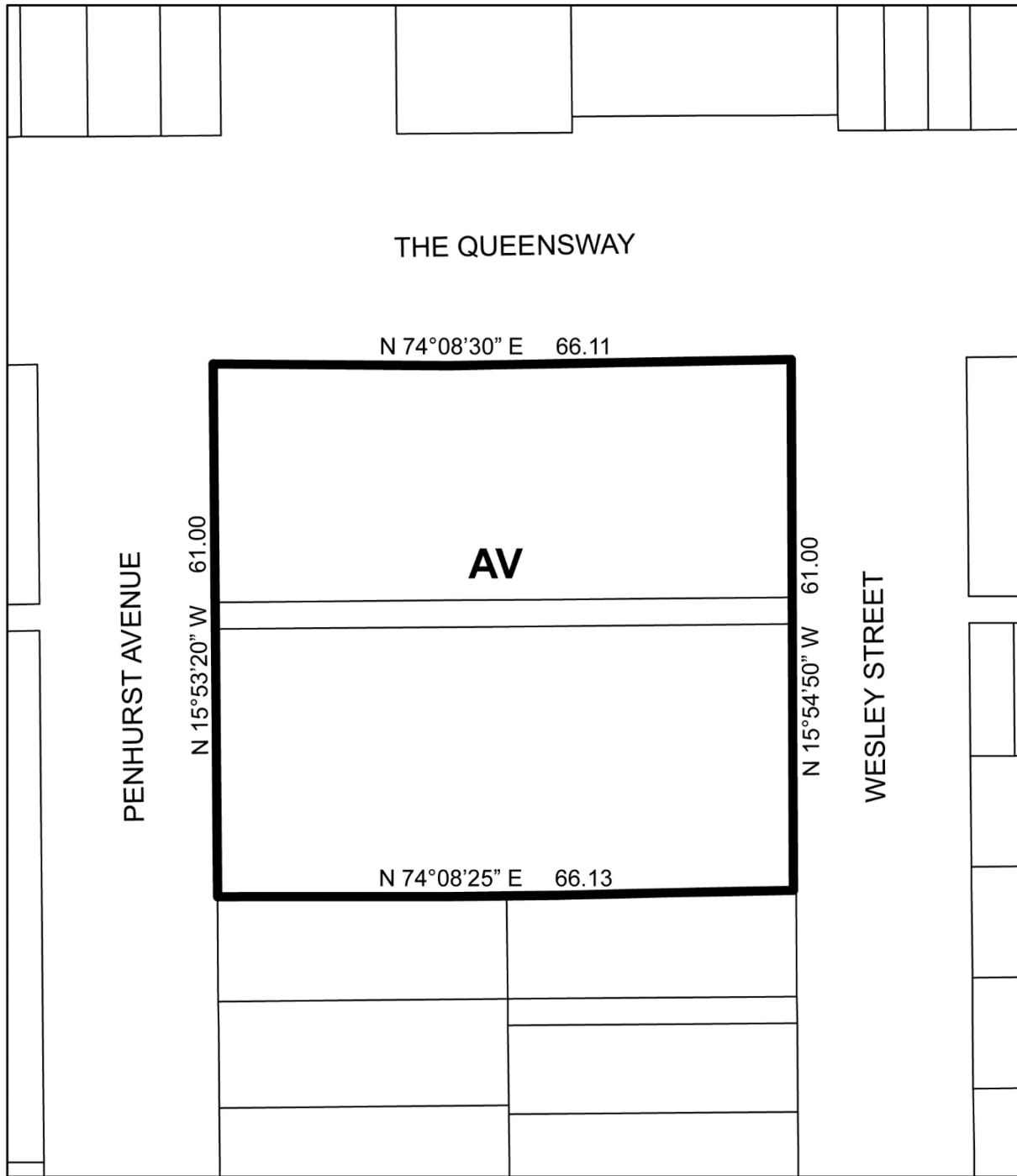
(Seal of the City)

SCHEDULE 1
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Schedule A in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act, whereby the owner agrees as follows:

Financial Contribution

1. Prior to the issuance of the first above grade permit for the development, the owner shall make an indexed cash contribution to the City in the amount of six hundred and twenty-five thousand dollars (\$625,000) in a manner satisfactory to the Treasurer, City of Toronto, to be allocated as outlined in Clause 2 below.
2. The financial contribution outlined above to the City in the amount of \$625,000 is to be allocated as follows:
 - a. \$412,000.00 for improvements to local parks and trails located in proximity to the lands, including but not limited to Grand Avenue Park and the Mimico Creek Trail;
 - b. \$206,500.00 towards streetscape improvements along The Queensway through the Shop The Queensway Business Improvement Area; and
 - c. \$6,500.00 towards a plaque in connection with the History of The Queensway Market Gardens through the Etobicoke Historical Society.
3. The financial contribution set out in Clauses 1 and 2 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment.
4. In the event the financial contribution in Clauses 1 and 2 above has not been used for the intended purposes within three (3) years of the by-law coming into full force and effect, the contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lands.



 **TORONTO**
Schedule A

689 The Queensway

File # 19 204533 WET 03 0Z



