

Authority: Local Planning Appeal Tribunal Decision issued on June 4, 2020 and Ontario Land Tribunal Order issued on October 8, 2021 in File PL180191

CITY OF TORONTO

BY-LAW 886-2021(OLT)

To amend Chapters 304, 320 and 324 of the Etobicoke Zoning Code, as amended, with respect to the lands municipally known as 1197 The Queensway and 8 Zorra Street.

Whereas the Owner of the lands known municipally as 1197 The Queensway and 8 Zorra Street in the year 2017 appealed a proposed zoning by-law amendment to the Local Planning Appeal Tribunal pursuant to Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended; and

Whereas the Local Planning Appeal Tribunal by its Decision issued on June 4, 2020 and the Ontario Land Tribunal Order issued on October 8, 2021, determined to amend Chapters 304, 320 and 324 of the Etobicoke Zoning Code, as amended, with respect to lands known municipally as 1197 The Queensway and 8 Zorra Street; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in the 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 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 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 and matters in return for an increase in the 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; and

Whereas the increase in density permitted beyond that otherwise permitted on the aforesaid lands by Etobicoke Zoning Code, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Ontario Land Tribunal Orders:

1. The zoning map referred to in Section 320-5, Article II of the Etobicoke Zoning Code, originally attached to the township of Etobicoke by-law 11,737, 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) and Industrial Class 1 to Limited Commercial- Avenues (AV) in Schedules A and B attached hereto.

2. Where the provisions of this By-law conflict with the provisions of By-law 514-2003, as amended, and 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. For the purposes of this By-law, the following definitions will apply:

"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 be reserved in advance, charge fees based on time and/or kilometres driven 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;

"Grade" means 110.60 metres Canadian Geodectic Datum;

"Gross Floor Area" means 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, except for:

- (i) any space above grade used exclusively for bicycle parking and storage;
- (ii) parking, loading and bicycle space below-ground;
- (iii) required loading spaces at the ground level;
- (iv) storage rooms, washrooms, electrical utility, mechanical and ventilation rooms in the basement;
- (v) shower and change facilities for required bicycle parking spaces;
- (vi) minimum required indoor amenity space;
- (vii) elevator shafts;
- (viii) garbage shafts;

- (ix) mechanical penthouse;
- (x) exit stairwells in the building;
- (xi) rooftop washroom, shower and change facilities, elevator, hallway and lobby areas; and
- (xii) void spaces;

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

"Amenity Space" means a common area which are provided for the use of residents of the building, and their guests, for recreational or social purposes;

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

"Mechanical Penthouse" shall mean a structure on the roof of a building enclosing mechanical, ventilation, plumbing, utility and electrical equipment, maintenance equipment storage, enclosed stairs and stairwells, rooftop access, chimneys, vents, elevator shafts, and water supply facilities. This area also includes exterior elements such as window washing equipment, parapets, railings, trellises, landscape planters, and elevator overrun on the roof of the building. For this purpose of the by-law a mechanical penthouse shall not constitute a storey;

"Minor Projections" shall mean minor building elements which may project from the main walls of the building into the required heights or yards of those listed on Schedule B, including: balconies, balustrades, canopies, chimney breasts, cornices, eaves, elevator overrun, 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, rooftop amenity space, stair enclosures, trellis, underground garage ramps, vents, wheelchair ramps, wind and noise mitigation features or elements, window sills, architectural cladding, and elevator machine rooms;

"Stacked Bicycle Parking" shall mean a horizontal bicycle parking space that is positioned above or below another bicycle parking space;

"Storey" means any full floor above Grade, excluding:

- (i) Mezzanines provided the mezzanine Gross Floor Area does not exceed 65 percent of the gross floor area below and excluding the following:
- (ii) Mechanical Penthouse including any mechanical equipment, window washing equipment, parapets, railings, trellises, landscape planters, stairs and stair enclosures, elevator overrun located on the roof of the building;

- (iii) Rooftop washroom, hallway and lobby areas provided the area is no greater than 17 percent of the roof area.
4. The following development standards shall now be applicable to the (AV) lands described in Schedules A and B attached hereto:
- A. Permitted Uses
 - For the purposes of this By-law, residential uses shall be permitted on the Lands at grade along Zorra Street.
 - B. Building Heights
 - (i) For the purposes of this By-law, the maximum building heights in metres and storeys permitted on the Lands shall be as shown following the letter H and ST respectively on Schedule B of this By-law;
 - (ii) Despite provision 4. B. (i) of this By-law, Minor Projections may project above the building height identified on Schedule B to a maximum of 1.5 metres:
 - (iii) Angular Plane - no building or element of a building described in 4. B. (i) of this By-law on the lands may penetrate into a 45 degree front angular plane from The Queensway, measured from a height of 80% of the right-of-way width of The Queensway (36 metres) as identified in the City of Toronto Official Plan. For the purpose of this By-Law, the only permitted projections above the 10th Storey are balustrades, green roof, and glass wind screens;
 - (iv) For the purposes of this By-law, the height of the building in metres including the mechanical penthouse may have a maximum permitted height of 38.6 metres as shown following the letters MPH on Schedule B of this By-law; and
 - (v) For the purposes of this By-law, the maximum permitted height in metres of a rooftop washroom, rooftop hallway and lobby areas may have a maximum permitted height of 37.9 metres as shown following the letters RWL (rooftop, washroom and lobby) on Schedule B of this By-law.
 - 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 Envelopes shown on Schedule B of this By-law;
 - (ii) The minimum building setback for any building or structure within the Building Envelope shall be as specified on Schedule B;

- (iii) Despite any of the required building setbacks, Minor Projections shall be permitted to encroach into the required building setbacks of up to 1.5 metres. Roof terraces including parapets and railings shall not be considered as minor projections and can extend to the full extent of the roof; and
- (iv) Despite any of the required building setbacks, all below grade structures and ramps shall be exempt from required building setbacks.

D. Gross Floor Area

- (i) The maximum Gross Floor Area permitted on the Lands shall be 9,995 square metres, of which non-residential uses must not exceed 230 square metres;
- (ii) A minimum of 20 percent of all dwelling units shall have two bedrooms;
- (iii) A minimum of 10 percent of the total dwelling units shall have three or more bedrooms;
- (iv) The maximum number of residential dwelling units shall be 145;
- (v) The maximum Gross Floor Area of the mechanical penthouse shall be 281 square metres; and
- (vi) No residential gross floor area shall be permitted above the 10th storey;

E. Treatments at Grade

- (i) The finished main floor area of residential uses shall be constructed at a minimum of 0.05 metres and no greater than 0.5 metres above grade (110.60 m Canadian Geodetic Datum);

F. Amenity Space

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

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

G. Vehicle Parking

Despite the provisions of By-law 514-2003 and the Zoning Code, vehicle parking spaces shall be provided and maintained on the Lands in accordance with the following ratios and dimensions:

- (i) 0.75 parking spaces per residential dwelling unit;
- (ii) 0.15 parking spaces per residential dwelling unit for visitors and non-residential uses;
- (iii) A maximum of two (2) car-share parking spaces;
- (iv) Each 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 of a parking space must be increased by 0.3 metres for each side of the parking space that is obstructed;
- (v) Despite subsections 4. G. (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 provided on the Lands; and
- (vi) If the calculation of the number of required parking spaces 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.

H. Bicycle Parking

Despite the provisions of the 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 and non-residential uses;
- (iii) the minimum dimensions of each bicycle parking space are:
 - a. minimum length of 1.8 metres;

- b. minimum width of 0.6 metres; and
 - c. minimum vertical clearance from the ground of 1.9 metres.
- (iv) the minimum dimensions of each bicycle parking space if placed in a vertical position on a wall, structure or mechanical device are:
- a. minimum vertical clearance of 1.9 metres;
 - b. minimum width of 0.45 metres; and
 - c. minimum horizontal clearance from the wall of 1.2 metres.
- (v) the minimum dimensions of each 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 2.45 metres.

I. Accessible Parking

- (i) a minimum of five (5) residential parking spaces plus one (1) visitor parking space must comply with the minimum dimensions for an accessible parking space; and
- (ii) the minimum dimensions for each 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; and
 - d. vertical clearance of 2.1 metres.

J. Loading

A minimum of 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.

5. Despite 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 despite future subdivision of the lands.

6. Within the lands shown on Schedule A 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:
- (i) 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
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

SECTION 37 AGREEMENT

7. 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 and such other matters required to support the development as set out in Schedule A 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.
8. 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 shall be dependent on satisfaction of the same.
9. The owner shall 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 A are satisfied.
10. Chapter 324, Site Specifics, of the 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:

BY-LAW NUMBER AND DATE OF ORDER ISSUANCE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
By-law 886-2021(OLT) October 8, 2021	1197 The Queensway and 8 Zorra Street	To rezone the lands to permit a 10-storey mixed-use residential development with non-residential and residential uses at grade.

Local Planning Appeal Tribunal Decision issued on June 4, 2020 and Ontario Land Tribunal Order issued on October 8, 2021 in File PL180191.

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 irrespective of the increase in height and density of the proposed development on the lands shown on Schedule 1 of this By-law, subject to and as secured in a registered agreement or agreements under Section 37(3) of the Planning Act, whereby the Owner agrees as follows:

Matters Required to Support the Development

Parkland Dedication

1. Prior to the issuance of the first above-grade building permit for the development, the Owner shall convey a minimum 163.6 square metres of land off-site for public parkland purposes on the lands municipally known in 2020 as 30 to 44 Zorra Street, to the satisfaction of General Manager, Parks, Forestry and Recreation, pursuant to Section 42 of the Planning Act.

Municipal Infrastructure

2. Prior to the issuance of the first above-grade building permit and as a pre-approval condition to any Site Plan Approval, the owner shall enter into a financially secured agreement for the design and construction of any improvements to the municipal infrastructure, as well as the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in accepted engineering reports, including functional servicing report, stormwater management report and hydrogeological report, satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements and upgrades are required to support the Development.

Construction Management Plan

3. Prior to the issuance of any building permit for the development, or a portion thereof, the Owner shall provide at its expense to the satisfaction of the Chief Engineer, a construction management plan for the development of the lands.

Toronto Green Standards

4. The owner shall construct and maintain the development on the lands in accordance with Tier 1, Toronto Green Standard and the owner is encouraged to achieve Tier 2, Toronto Green Standard, as adopted by City Council and applicable at the time a site plan application is submitted to the City for each building within the development.

Wind Study

5. The owner shall prepare and submit a wind study with a site plan application for buildings within the development, including the required wind tunnel test, and mitigation measures will be secured in a site plan agreement(s) with the City.

Transportation Improvements

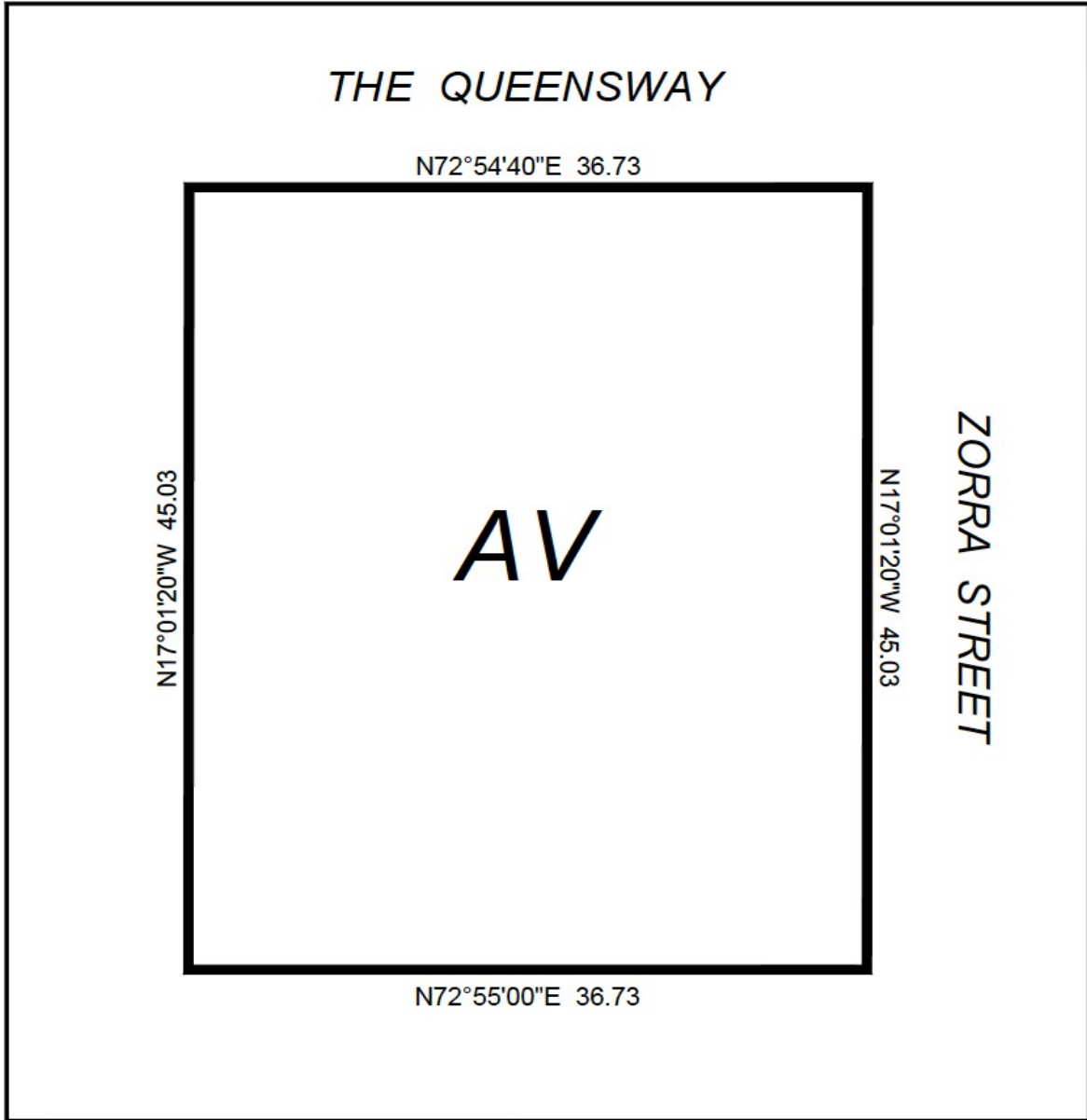
6. As part of Site Plan Approval, the owner shall provide, at no cost to the City, if required, any signal improvements and/or changes as necessary from the accepted Transportation Impact Study satisfactory to the General Manager, Transportation Services.

Landscaping and Tree Planting

7. As part of the Site Plan Application process, the Owner shall provide a detailed Landscape /Planting Plan and Planting details are submitted and Tree Preservation matters are resolved to the satisfaction of the General Manager, Parks, Forestry and Recreation and Chief Planner and Executive Director, City Planning.



Schedule 'A' BY-LAW





Schedule 'B' BY-LAW

