

Authority: Ontario Land Tribunal Decision issued on July 7, 2021 and Order issued on October 7, 2021 in File PL180105

CITY OF TORONTO

BY-LAW 1268-2022(OLT)

To amend the former City of Etobicoke Zoning Code Chapters 320 and 324 and By-law 514- 2003 as amended, with respect to the lands municipally known as 859 The Queensway.

Whereas the Owner of the lands known municipally in the year 2018 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 Ontario Land Tribunal, by its Decision issued on July 7, 2021 and Order issued on October 7, 2021, determined to amend Chapters 304, 320 and 324 of the Etobicoke Zoning Code, as amended, with respect to lands known municipally as 859 The Queensway; 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, 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 Chapter 304 or Chapter 320-23 of the Etobicoke Zoning Code or Sections 3B(1), 3B(3), 3B(4), 3E, 3I, 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 following development standards shall now be applicable to the (AV) lands described in Schedules A and Schedule B attached hereto:

A. Building Height

- i. The maximum *building height* shall not exceed eleven storeys and at no point shall the *building height* exceed 37.6 metres.
Notwithstanding, the following minor projections are permitted:
 1. parapets, garbage chutes, lightning rods and roofs; elements on the roof of the building or structure used for green roof technology or alternative roofing system, provided the maximum vertical projection of such elements is no higher than 1.0 metres above the height limits shown on Schedule B; and
 2. mechanical equipment such as elevator and associated overrun, makeup air units, emergency generator, lighting fixtures, ornamental elements, trellises, balcony guard rails, privacy screens, terrace dividers, wind mitigation features, walls, heating or cooling units, towers, stacks, mechanical penthouses and associated components provided the maximum vertical projection of such elements is no higher than 5.3 metres above the height limits shown on Schedule B.

- B. Despite By-law 514-2003 3(B)(3), one mechanical penthouse is permitted having a maximum size of 360 square metres;

C. Building Setbacks

- i. The minimum building setbacks shall not be less than the measurements shown on Schedule B attached hereto, with the exception of 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 to a maximum of 1.5 metres from the exterior wall to which the projection is attached, provided these listed features do not encroach beyond the property line; and

- ii. Parking structures, storage rooms, locker rooms and public amenity areas below grade may have a zero (0) metre building setback.

D. Gross Floor Area

- i. The maximum permitted total combined residential gross floor area and non-residential gross floor area on the Lands shall be 16,222 square metres, of which a minimum of 1,163 square metres of non-residential gross floor area shall be provided;
- 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 187; and
- v. No residential gross floor area shall be permitted above the 11th storey.

E. Amenity Space

- i. Amenity space must be provided in accordance with the following:
 - 1. a minimum of 2 square metres per dwelling unit of indoor amenity space must be provided; and
 - 2. a minimum of 2 square metres per dwelling unit of outdoor amenity space must be provided.

F. Parking

- i. Parking spaces for residents of the lands located on all parking levels and parking spaces for non-residential uses must be provided and maintained in accordance with the following minimum standard:
 - 1. 1.0 spaces per unit for residential dwelling units where there are 2 bedroom units or less;
 - 2. 1.2 spaces per unit for residential dwelling units where there are 3 or more bedrooms;

3. A minimum of 0.2 visitor spaces per residential dwelling unit shall be provided;
4. Parking for commercial uses will be provided on the basis of 2.5 spaces per 93 square metres of non-residential GFA;
5. For the purposes of this by-law, residential visitor and commercial parking may be shared. The total number of residential visitor and commercial parking spaces shall be the greater of either the residential visitor parking requirement or the commercial parking requirement on the same parcel of land and/or situated within the same building or structure;
6. If the total parking space requirement is 5 or more, clearly identified accessible parking spaces must be provided on the same lot as every building or structure erected or enlarged, in compliance with the following:
 - a) if the number of required parking spaces is 5 to 24, a minimum of 1 parking space must comply with the minimum dimensions for an accessible parking space;
 - b) if the number of required parking spaces is 25 to 100, a minimum of 1 parking space for every 25 parking spaces or part thereof must comply with the minimum dimensions for an accessible parking space; and
 - c) if the number of required parking spaces is more than 100, a minimum of 4 parking spaces plus 1 parking space for every 50 parking spaces or part thereof in excess of 100 parking spaces, must comply with the minimum dimensions for an accessible parking space.
7. The dimensions of a parking space shall be minimum 5.6 metres in length and 2.6 metres in width;
8. An accessible parking space will be minimum 5.6 metres in length and 3.4 metres in width. The entire length of an accessible parking space must be adjacent to a 1.5m wide accessible barrier free aisle or path;
9. Where a parking space is obstructed an additional 0.3 meters of width will be provided on each side that is obstructed; and
10. Parking spaces will have minimum vertical clearance of 2.01 metres.

G. Bike Parking

- i. Bicycle parking will be provided according to the following:
1. A minimum of 0.68 long-term bicycle parking spaces and 0.07 short-term bicycle parking spaces will be provided per dwelling unit;
 2. No bicycle parking is required for the non-residential uses;
 3. The minimum dimension of a bicycle parking space is:
 - 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.
 4. The minimum dimension of a the minimum dimension of a bicycle parking space placed in a vertical position on a wall, structure or mechanical device is:
 - a) minimum length or vertical clearance of 1.9 metres;
 - b) Minimum width of 0.6 metres; and
 - c) minimum horizontal clearance from the wall of 1.2 metres.
 5. if a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres and the area used to provide the stacked bicycle parking spaces must have a minimum vertical clearance of 2.4 metres.

H. Loading

- ii. One loading space shall be required with minimum dimensions of 13 metres in length, 4.0 metres in width, and with a vertical clearance of 6.1 metres.

5. For the purpose of this By-law, the following definitions shall have the same meaning as they have for the purpose of the Section 304-3 of the Etobicoke Zoning Code and By-law 514-2003, as amended, except as herein provided:

- A. "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;
- B. "Building Height" means the vertical distance between grade and the highest point of the roof surface, but shall exclude the permitted projections identified in 4.A.i.1 of this By-law;

- C. "Bicycle Parking Space" means an area used for parking or storing a bicycle;
- D. "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, with the exception of the area of the building used for the following:
- i. parking, loading and bicycle parking below established grade;
 - ii. required loading spaces and required bicycle parking spaces at or above established grade;
 - iii. washrooms, storage rooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - iv. indoor amenity space;
 - v. elevator shafts;
 - vi. garbage shafts;
 - vii. mechanical penthouse; and
 - viii. exit stairwells in the building.

SECTION 37 AGREEMENT

6. 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 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.
7. 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.
8. 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 1 are satisfied.
9. 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
1268-2022(OLT) October 7, 2021	Lands located on the south side of The Queensway, immediately west of Plastics Avenue.	Amend the Limited Commercial-Avenue (AV) zoning to permit an 11-storey mixed-use building containing 187 residential condominium units and grade-related retail uses subject to site-specific standards.

Ontario Land Tribunal Decision issued on July 7, 2021 and Order issued on October 7, 2021 in File PL180105.

SCHEDULE 1

Section 37 Provisions

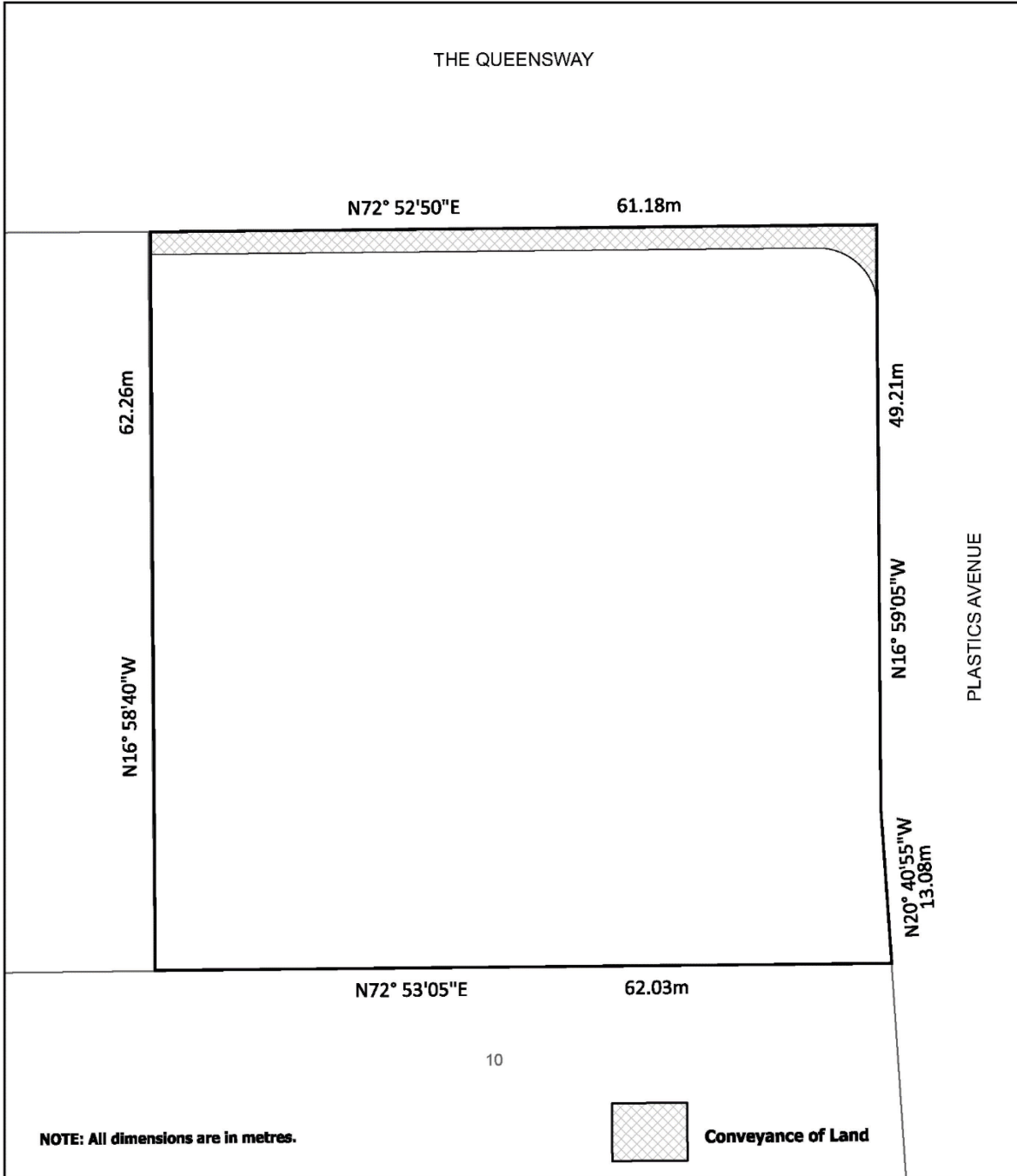
The facilities, services and matters set out below are required to be provided to the City at the Owner's expense irrespective of the increase in height and density of the proposed development on the lands shown on Schedule 1 of this By-law, subject to and as secured in a registered agreement or agreements under Section 37(3) of the Planning Act, whereby the Owner agrees as follows:

1. The owner shall provide an indexed cash contribution to the City in the amount of six hundred thousand dollars (\$600,000), prior to the issuance of the first above-grade building permit for the proposed development, such funds to be allocated amongst the following at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor:
 - a) streetscape improvements along The Queensway through the Shop The Queensway Business Improvement Area;
 - b) improvements to local parks and trails located in Ward 3, including Queensway Park and Mimico Park Trail; and/or
 - c) public art within the vicinity of the site in Ward 3.
2. The payment amount identified in Section 1 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City.
3. In the event that the cash contribution identified in Section 1 has not been used for the intended purpose within three (3) years of the Zoning By-law Amendment coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the Site.
4. The owner shall provide a 1.9 metre road widening along The Queensway to be conveyed by the Applicant to the City through the Site Plan Control process to the satisfaction of the General Manager, Transportation Services and the City Solicitor.
5. The owner shall provide a 5 metre right-of-way rounding at the southwest corner of The Queensway and Plastics Avenue intersection to be conveyed by the Applicant to the City through the Site Plan Control process to the satisfaction of the General Manager, Transportation Services and the City Solicitor.
6. The owner shall provide a surface pedestrian clearway easement to be conveyed by the Applicant to the City for public access over the privately-owned portions of the pedestrian clearway along Plastics Avenue on the site; the details, location, and

configuration of the pedestrian clearway and easement will be determined and conveyed through the Site Plan Control process and the Applicant shall agree to construct and maintain the pedestrian clearway easement lands at its own cost and expense.

7. The owner shall provide the conveyance of any easement or fee simple interest of lands to the City at no cost to the City and for nominal consideration and free and clear of encumbrances, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, as well as the General Manager, Transportation Services as the case may be; without limiting the generality of the forgoing, the cost of preparation and deposit of accepted reference plans shall also be at the Applicant's sole cost and expense.

Schedule A



 **TORONTO**
Schedule A

859 The Queensway

File # 17 237625 WET 05 0Z

Schedule B

