

Authority: Local Planning Appeal Tribunal Decision and Interim Order issued on February 22, 2021 in File PL190405, and Ontario Land Tribunal Order issued August 18, 2022 in Tribunal File OLT-22-003360

CITY OF TORONTO

BY-LAW 1275-2022(OLT)

To amend Chapters 320 and 324 of the former Etobicoke Zoning Code, as amended by By-law 1088-2002, with respect to the lands municipally known in the year 2022 as 12, 16, 18 and 20 Cordova Avenue.

Whereas the Owner of the lands known municipally in the year 2022 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 and Interim Order issued on February 22, 2021, determined to amend Chapters 320 and 324 of the Etobicoke Zoning Code, as amended, with respect to lands known municipally as 12, 16, 18 and 20 Cordova Avenue; 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 authority is given to the Local Planning Appeal Tribunal, now continued as the Ontario Land Tribunal, under the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, a by-law under Section 34 of the Planning Act may authorize increases in the 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 as are set out in the By-law; and

Whereas Subsection 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the 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 lands aforesaid lands has elected to provide the facilities, services and matters, as hereinafter set forth; and

Whereas the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by the former City of 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 are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

Whereas Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Ontario Land Tribunal hereby enacts:

1. Schedule "D" (Maximum Height in Metres) of By-law 1088-2002, as amended, is hereby amended changing the number "15" applying to the lands known municipally in the year 2021 as 12, 16, 18 and 20 Cordova Avenue to the number "60", as shown on Schedule B attached to this By-law.
2. Despite Sections 320-18 and 320-19 of the Etobicoke Zoning Code, or Sections 2(iii), 2(vi), 2(vii), 2(viii), 2(ix), 2(x), 3, 4, 5, 6, 7, and 8 of By-law 1088-2002, the following provisions apply to the *lands* described in Schedule A attached. Where the provisions of this By-law conflict with or are inconsistent with the provisions of the Etobicoke Zoning Code, as amended, and City of Toronto By-law 1088-2002, as amended, the provisions of this By-law shall prevail.
3. Definitions

For the purpose of this By-law, the following definitions shall have the same meaning as they have for the purpose of Section 304-3 of the Etobicoke Zoning Code and By-law 1088-2002, as amended, except as herein provided:

- (a) "*Amenity Space*" means indoor or outdoor space that is communal and available for exclusive use by the occupants of a building for recreational or social activities;
- (b) "*Bicycle Parking Space*" means an area used for parking or storing a bicycle and must comply with the following:
 - i. 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;
 - ii. The minimum dimension of a bicycle parking space if 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;
 - iii. If a stacked *bicycle parking space* is provided, the minimum vertical clearance for each Bicycle Parking Space is 1.2 metres;
 - iv. "Long-term" *bicycle parking spaces* are *bicycle parking spaces* for use by occupants or tenants of a building; and
 - v. "Short-term" *bicycle parking spaces* are *bicycle parking spaces* for use by visitors to a building.
- (c) "*Building Envelope*" means the building area permitted within the setbacks established in this By-law, as shown on Schedule C attached hereto;
- (d) "*Car-Share Parking Space*" means a parking space used exclusively for the parking of a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected on the site;
- (e) "*Grade*" means 125.0 metres Canadian Geodetic Datum;
- (f) "*Gross Floor Area*" means the total area of all floors in a building, measured from the exterior of the main wall of each floor level, exclusive of:
- i. parking, loading and bicycle parking below-ground, including enclosed garage ramps above-ground;
 - ii. required loading spaces at the ground level and required *bicycle parking spaces* at or above-ground;
 - iii. stair vestibules and elevator lobbies below-ground;
 - iv. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - v. shower and change facilities required by this By-law for required *bicycle parking spaces*;
 - vi. indoor *amenity space* required by this By-law;
 - vii. elevator shafts;
 - viii. garbage shafts;
 - ix. mechanical penthouse; and
 - x. exit stairwells in the building.

- (g) "*Height*" means the vertical distance between *grade* and the highest point of the roof slab of the building, but shall exclude mechanical equipment, mechanical screens, mechanical penthouses, vents, stacks, telecommunications equipment, green roof elements, elements or structures used for outside or open air recreation, landscape features, planters, seating, light poles, bollards, trellises, balustrades, equipment for the production of energy, decorative features, art features, architectural features, parapets/guards, acoustic fences, wind screens, balcony dividers, railings, fences, privacy gates, stairs, stair enclosures, access roof hatch, window washing equipment and elevator overrun located on the roof of such building, provided the maximum *height* of the top of such elements is no higher than 6.0 metres above the roof line of the building;
- (h) "*Minor Projections*" means minor building elements which may project from the main wall of the building outside of required *building envelopes* and into required yards, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, vestibules, doors, canopies, exterior stairs and their associated covering, wheelchair and covered ramps, parapets and vents, awnings, skylights, architectural frames, ornamental elements, trellises, lighting fixtures, fences, landscape features and seating areas, patios, terraces, ramps, retaining walls, underground garage ramps and their associated structures, all to a maximum projection of 2.0 metres;
- (i) "*Lands*" means the area delineated by heavy lines on Schedule A attached to this By-law;
- (j) "*Landscaped Open Space*" means a yard or court on a lot located at *grade* or above an underground parking structure, or a roof top, which is suitable for landscaping, including a green roof. It shall include any part of the *lands* occupied by accessory recreational buildings, surfaced walks, patios or similar areas, sports or recreational areas and ornamental or swimming pools, but shall exclude streets, driveways, ramps, or motor vehicle parking areas; and
- (k) "*Temporary Sales Office*" means 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*.

4. Permitted Uses

In addition to the uses permitted by Section 3 of By-law 1088-2002, the following uses are permitted:

- (a) A Temporary Sales Office.

5. Maximum Density

Notwithstanding Section 4 of By-law 1088-2002, for the purpose of this By-law:

- (a) The maximum gross floor area permitted on the lands shall be 23,600 square metres.

6. Number of Residential Units

- (a) The maximum number of dwelling units permitted on the lands is 325; and
- (b) A minimum of 10 percent of all dwelling units on the lands must be three bedroom units or larger.

7. Maximum Height

Notwithstanding Section 5 of By-law 1088-2002, for the purpose of this By-law:

- (a) The maximum building *height* to be permitted on the *lands* shall be shown following the letter H as shown on Schedule C.

8. Building Envelopes and Floor Plate Area

For the purposes of this By-law, and subject to permitted *minor projections*:

- (a) No building or structure above finished *grade* shall be located other than within the *building envelope* shown on Schedule C;
- (b) The minimum building setbacks above finished *grade* for any building or structure within a *building envelope* shall be as specified on Schedule C;
- (c) Notwithstanding any of the required building setbacks, stepbacks and Floor Plate Area restrictions, *minor projections* shall be permitted to encroach into the required building setbacks and stepbacks;
- (d) Notwithstanding the provisions of this By-law and Section 6 of By-law 1088-2002, a maximum Floor Plate Area restriction of 835 square metres shall be applied to the portion of any building or structure above 36.0 metres in *height*, as shown on Schedule C, provided that:
 - i. the maximum Floor Plate Area for Level 23 is 790 square metres; and
 - ii. the maximum Floor Plate Area for Level 24 is 715 square metres.
- (e) No balconies or other building projections are permitted to penetrate above the 45-degree angular plane as projected from the north curb of Dundas Street West.

9. Area Requirements

Notwithstanding Section 7 of By-law 1088-2022, for the purposes of this By-law, the following area requirements shall apply to the *lands*:

- (a) A minimum of 25 percent of the area of the *lands* shall be reserved for *landscaped open space*, excluding the area of the POPS shown on Schedule C;

- (b) The minimum area of the POPS shown on Schedule C shall be 160 square metres;
- (c) *Amenity space* will be provided at a minimum rate of 4.0 square metres for each dwelling unit, of which:
 - i. a minimum 1.5 square metres per dwelling unit of indoor *amenity space* shall be provided; and
 - ii. a minimum 1.5 square metres per dwelling unit of outdoor *amenity space* shall be provided.

10. Parking and Loading Requirements

Notwithstanding Section 320-18 B), C), D), and E) of the Zoning Code, and Section 8 of By-law 1088-2022, the following provisions shall apply to the *lands*:

- (a) Parking spaces shall be provided in accordance with the following minimum requirements:
 - i. 0.55 parking spaces per dwelling unit, of which a minimum of 0.03 parking spaces per dwelling unit and a maximum of 0.10 parking spaces per dwelling unit be reserved for visitor parking.
- (b) Notwithstanding 10(a) above, the required parking spaces for residents shall be reduced at a rate of four parking spaces for each *car-share parking space* on the site;
- (c) *Bicycle parking spaces* shall be provided in accordance with the following minimum requirements:
 - i. Long-term *Bicycle Parking Spaces*: 0.68 spaces per dwelling unit; and
 - ii. Short-term *Bicycle Parking Spaces*: 0.07 spaces per dwelling unit.
- (d) One (1) Type 'G' loading space shall be provided with a minimum length of 13.0 metres, a minimum width of 4.0 metres, and a minimum vertical clearance of 6.1 metres;
- (e) The minimum dimensions of a parking space accessed by a one-way or two-way drive aisle having a width of 6.0 metres or more measured at the entrance of the parking space, shall be:
 - i. Length: 5.6 metres;
 - ii. Height: 2.0 metres; and
 - iii. Width: 2.6 metres.

except that the minimum required width of a parking space shall be increased by 0.3 metres when one or both sides of the parking space are obstructed in accordance with Section 10(g) below;

- (f) The minimum dimensions of a parking space accessed by a one-way or two-way driveway having a width of less than 6.0 metres measured at the entrance to the parking space, shall be:
- i. Length: 5.6 metres;
 - ii. Height: 2.0 metres; and
 - iii. Width: 3.0 metres.

except that the minimum required width of a parking space shall be increased by 0.3 metres when one or both sides of the parking space are obstructed in accordance with Section 10(g) below;

- (g) For the purposes of this By-law, the side of a parking space is obstructed when any part of a fixed object such as, but not limited to, a wall, column, bollard, fence or pipe is situated:
- i. Within 0.3 metre of the side of the parking space, measured at right angles; and
 - ii. More than 1.0 metre from the front or rear of the parking space;
- (h) A minimum access driveway width of 6.0 metres shall be provided in front of all parking spaces, with the exception of parking spaces in tandem which shall provide a minimum three-metre access driveway to the side of each space. Despite Sections 10(e) and 10(f) above, parking spaces in tandem shall be a minimum of 6.7 metres in length by a minimum of 2.6 metres in perpendicular width throughout by a clear minimum *height* of 2.0 metres, except that the minimum required width of a parking space shall be increased by 0.3 metres when one side of the parking space is obstructed in accordance with Section 10(g) above; and
- (i) Every parking space shall have a minimum unobstructed vertical clearance of 2.0 metres for the entire length and width of the parking space.

11. Miscellaneous

- (a) If the calculation of the minimum number of parking spaces required by Section 10 of this By-law 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; and

- (b) If the calculation of the minimum number of *bicycle parking spaces* required by Section 10 of this By-law results in a fraction, the number of required *bicycle parking spaces* must be rounded up to the nearest whole number.

12. 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 Appendix 1 attached to this By-law 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 Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement or agreements prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (c) 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 Appendix 1 are satisfied.

- 13.** Notwithstanding any severance, partition, or division of the *lands*, the provisions of this By-law shall apply to the whole of the *lands* as if no severance, partition, or division occurred.

- 14.** Building setbacks must be measured from all future right-of-way limits, as widened.

- 15.** Chapter 324, Site Specifics, of the Zoning Code is 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
1075-2022(OLT) August 10, 2022	12, 16, 18 and 20 Cordova Avenue	To amend the provisions of By-law 1088-2002 and provide site-specific development standards to permit a residential development on the <i>lands</i> .

Pursuant to Local Planning Appeal Tribunal Decision and Interim Order issued on February 22, 2021 in File PL190405, and Ontario Land Tribunal Order issued August 18, 2022 in Tribunal File OLT-22-003360.

Appendix 1
Section 37 Provisions

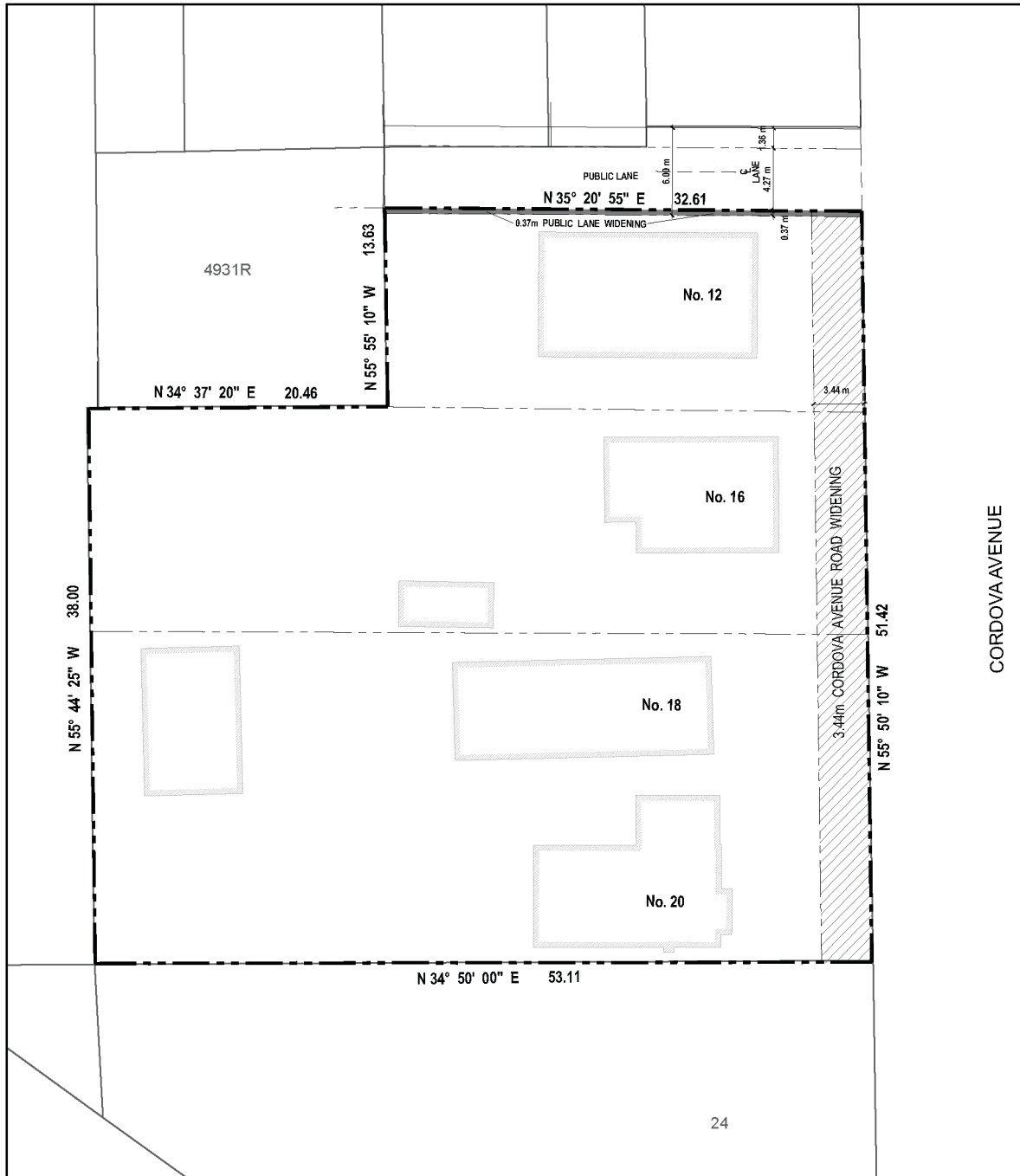
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Schedule A in this By-law and secured in an agreement or agreements under Section 37(3)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

1. The owner shall provide an indexed cash contribution to the City in the amount of one million four-hundred and thirty thousand dollars (\$1,430,000), prior to the issuance of the first above-grade building permit for the proposed development, such funds to be allocated towards capital facilities within the vicinity of the Property at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor.
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 of 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, at its sole cost and expense, provide, construct, and thereafter repair and maintain an area of no less than 160 square metres of privately owned, publicly-accessible space (the "POPS Area") on the lot as generally shown on Schedule C of this By-law and in accordance with the terms and conditions in the Section 37 Agreement.
5. Prior to the issuance of the first above-grade building permit for any part of the lot, the Owner shall convey a non-exclusive easement to the City over the entirety of the POPS Area for the purpose of publicly accessible open space use by the general public and the City, its officials, employees and agents, including all necessary rights of support, the form of which will be satisfactory to the Chief Planner and the City Solicitor as determined at the time of Site Plan Approval, and subject to the terms of the Section 37 Agreement.
6. Construction of the POPS Area shall be commenced prior to the first residential occupancy of the development and completed within one year of the residential occupancy of the development or prior to first condominium registration, whichever occurs first.
7. The Owner shall provide a tenant move-out allowance in the amount of \$1,500 per unit will be provided for the three residential dwellings currently occupied on the Property as of December 1, 2020 plus three months of rent will be provided per unit at the time

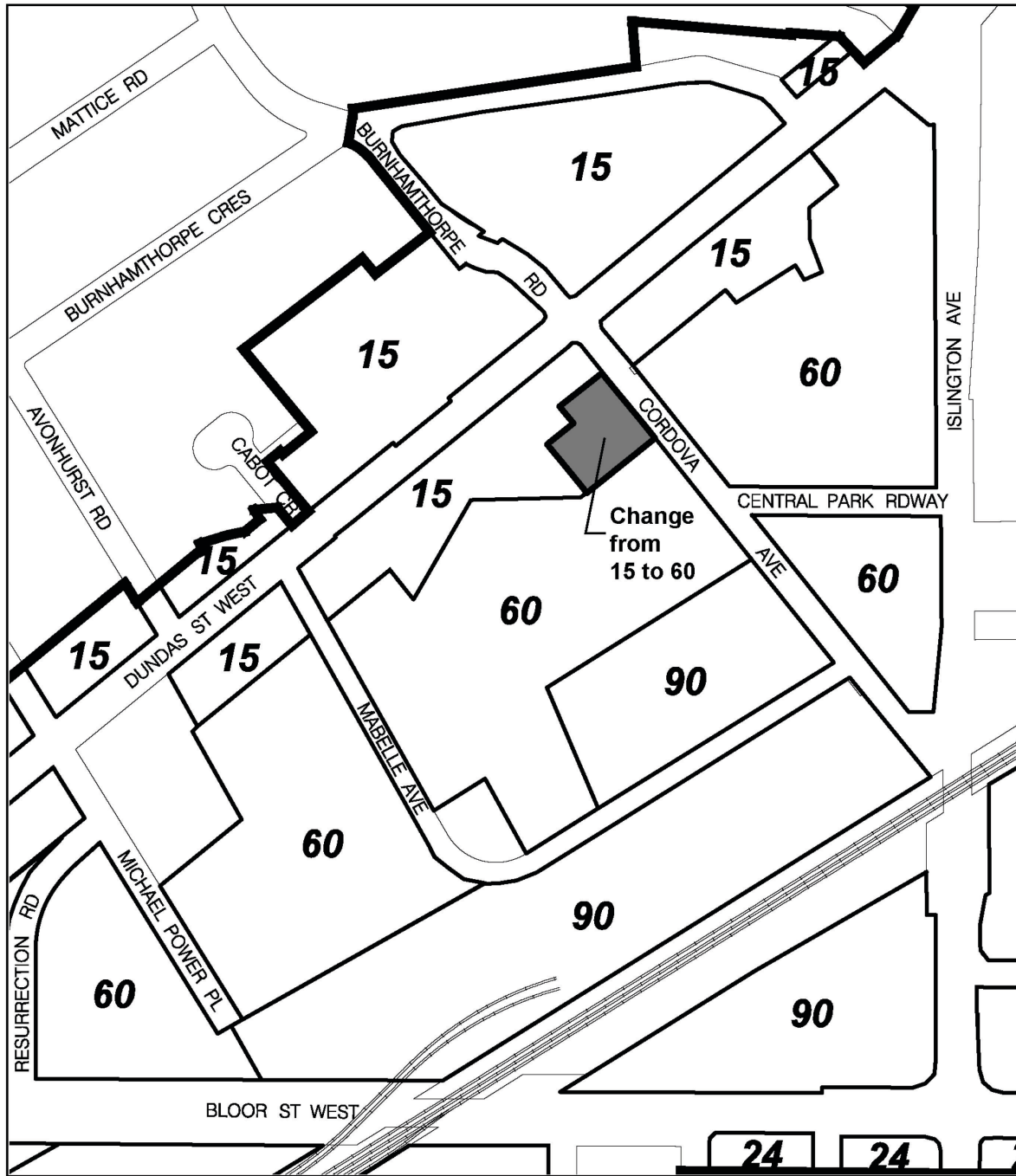
of move-out in excess of the any entitlements under the Residential Tenancies Act, 2006.

8. Prior to the issuance of any Building Permit, the owner shall enter into and register on title an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits above.

Schedule A



Schedule B



 **Toronto**
Schedule B

12,16 and 20 Cordova Avenue

File # 18 257584 WET 05 0Z

Schedule C

