

1629, 1631 and 1633 The Queensway – Zoning By-law Amendment Application – Final Report

Date:	August 19, 2013
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	12 274762 WET 05 OZ

SUMMARY

This application proposes to amend the former City of Etobicoke Zoning Code for 1629, 1631 and 1633 The Queensway to permit the redevelopment of the lands for a four building, 6,500 m² commercial development which would include retail, restaurant and fitness centre uses.

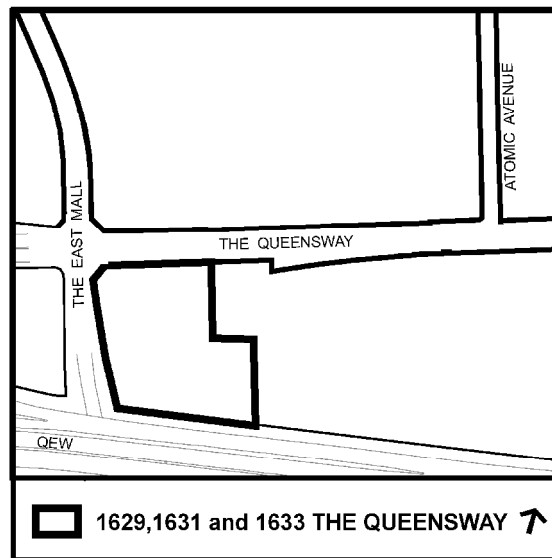
The lands are located at the intersection of two major streets and the development proposed is compatible with the range and mix of uses along this section of The Queensway. The proposed development conforms to the Official Plan and fulfills the objectives for appropriate urban design and built form. The proposal is in conformity with the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of Etobicoke Zoning Code for the



lands at 1629, 1631 and 1633 The Queensway substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A pre-application consultation meeting was held with the applicant to discuss the development proposal, complete application submission requirements, and the status of the lands relative to the City's Official Plan and Municipal Comprehensive Reviews.

A Preliminary Report on the application was presented to Etobicoke York Community Council on February 26, 2013 and can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY22.3>

ISSUE BACKGROUND

Proposal

The applicant is seeking to rezone the lands at 1629, 1631 and 1633 The Queensway to permit the redevelopment of these lands with a four building, 6,500 m² commercial development which would include restaurant and retail uses, as well as a fitness centre. The restaurant and one of the retail buildings are proposed to be located along The East Mall frontage, the other retail building would be located at the northeast corner of the site along The Queensway frontage and the fitness centre would be located at the southeast corner of the site (see Attachment 1a: Final Site Plan).

The site is proposed to be developed in two phases. The first phase would involve the demolition of the existing building on the 1629 The Queensway property and the large industrial building at the rear of the 1631 and 1633 The Queensway properties and the construction of two retail buildings and a fitness centre (Attachment 1b – Interim Site Plan). The second phase would encompass the demolition of the third existing building (restaurant) on the 1631 and 1633 The Queensway properties and the construction of the fourth building which would contain a restaurant.

The retail commercial buildings are proposed to be 600 m² and 700 m² in size and both buildings are expected to accommodate multiple tenants. The restaurant building is proposed to be 860 m² in size and is intended to accommodate a single restaurant use with an outdoor patio fronting The East Mall. The fitness centre building is proposed to be 4,300 m² in size and two storeys in height. A 597 m² green roof is proposed for the fitness centre in compliance with the Green Roof By-law.

Vehicular access to the site would be provided from two full movement driveways, one on The Queensway and the other on The East Mall. A minimum 4.5 m landscaped area

would be provided along The Queensway and The East Mall frontages. The interior of the site is also proposed to include landscaped areas within the parking area and along pedestrian walkways.

All of the parking for the development is proposed to be surface parking. A total of 430 parking spaces are proposed as well as 48 bicycle parking spaces which would include bicycle lockers and bicycle rings. Loading areas are proposed for each of the retail and restaurant buildings, but not for the fitness centre building. Garbage storage areas would be integrated within the buildings and accessed via the loading areas for all buildings except for the fitness centre building where the internal garbage storage area is proposed to be accessed from the parking area with no dedicated loading space.

Site and Surrounding Area

The property is approximately 2.5 ha in size, irregular in shape and is a corner lot with a frontage of approximately 145 m on The East Mall and 120 m on The Queensway. There are three existing buildings on the site: a car dealership on the 1629 The Queensway property; and a restaurant and an industrial building which contains a plastic moulding business at the front and rear of the 1631 and 1633 The Queensway properties. All three buildings would be demolished to accommodate the development proposal.

There are several municipal and utility easements existing on the site. At the north end of the property, two easements run across The Queensway frontage. One easement is 22 m wide at the east lot line and 36 m wide at the west lot line and contains underground cables and ducts related to power transmission of the historic alignment of The Queensway. The other easement is for an existing watermain, storm sewer and sanitary sewer. Along the southern boundary of the property there are three easements, one each for underground gas pipelines, an existing watermain and sanitary sewer trunks.

Surrounding uses are as follows:

North: The Queensway, then a gas station immediately opposite the property and a large format retail store to the immediate northeast.

South: The Gardiner Expressway, which is slightly elevated at the southwest corner of the property to accommodate an underpass for The East Mall.

East: A furniture retail store immediately east, beyond which are a mix of commercial uses along The Queensway.

West: The East Mall, and a car dealership beyond.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated *Employment Areas* on Land Use Map 15 and located within an Employment District on Urban Structure Map 2 of the Official Plan.

Employment Areas are places of business and economic activity. Policy 4.6.1 provides for uses that support this function consisting of offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area businesses and workers.

Policy 4.6.6 sets out Development Criteria for *Employment Areas*. The objective of these criteria is to ensure that development contributes to the creation of competitive, attractive and highly functional *Employment Areas* including the creation of comfortable streets and landscaped streetscapes to attract business.

Chapter Three, Section 3.1.2 Built Form of the Official Plan contains policies that provide direction on matters related to site design and layout.

Zoning

The property is zoned Class 1 Industrial (I.C1) in the former Etobicoke Zoning Code. This zoning permits a range of uses including but not limited to businesses, manufacturing, institutional, restaurants, commercial and recreational facilities (fitness clubs, social clubs, commercial sport and recreational facilities) and retail sales of products manufactured or warehoused on site up to 25% of the gross floor area of an industrial building, to a maximum of 700 m². Development standards for the I.C1 zone set out front and side yard setback requirements of 4.5 m and 3 m respectively, the requirement for landscaping within these setbacks, and a maximum building height permission of 5 storeys.

At its meeting of May 8, 2013 City Council adopted a new, harmonized Zoning By-law for the City of Toronto. By-law 569-2013 has been appealed and is now before the Ontario Municipal Board. No hearing dates have been set. This property is not subject to the new Zoning By-law as a complete application had been submitted prior to the enactment of the new Zoning By-law.

Site Plan Control

The proposal is subject to Site Plan Control. An application for Site Plan Control has been submitted and is being reviewed concurrently with this rezoning application.

Reasons for Application

A Zoning By-law Amendment application is required to permit independent retail uses on the property and to establish appropriate development standards.

Community Consultation

A community consultation meeting was held March 25, 2013 at the Etobicoke Civic Centre. The meeting was attended by the Ward Councillor, the applicant and consultants, as well as City Planning staff. Five members of the public attended the meeting.

Questions and comments raised at the meeting regarding the proposal are summarized as follows:

- A request for more details regarding the types of buildings and uses proposed for the site.
- Concern that additional restaurant uses might be too much competition for existing restaurants in the area.
- A request for clarification as to how this application was affected by the Official Plan and Municipal Comprehensive Review.
- A question about the anticipated construction date.

These comments are addressed in the Comments section of this report.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

The proposed development is consistent with the policy direction promoting efficient land use and development patterns. The proposal would result in the redevelopment and intensification of the site within a built up area consistent with Policy 1.1.3.2 of the PPS and will result in an appropriate and compatible land use with the surrounding commercial and employment uses.

Official Plan and Land Use

Map 3 of the Official Plan identifies both The Queensway and The East Mall as two major streets located within an *Employment Area*. This section of The Queensway, between The East Mall and Kipling Avenue, is characterized by a number and mix of retail commercial uses which serve both the surrounding *Employment Area* and the larger population.

The Official Plan provides for business and economic activity in *Employment Areas*, including restaurant, retail and service uses that support this function. The proposed use of the lands for retail commercial uses meets the policy intent of the Official Plan relative to the provision of supportive commercial uses within employment areas. The level of development proposed for the lands is in keeping with the uses along this corridor.

Employment Areas Policy 4.6.6 sets out criteria to ensure that development contributes to the creation of competitive, attractive and highly functional employment areas. The proposal satisfies these criteria. The uses support the surrounding *Employment Area*. The development will contribute to the amenity of the area by providing landscaping and an attractive streetscape along The Queensway and The East Mall. Garbage and storage functions will be internalized and loading areas located at the side or rear of buildings and screened to contribute to the attractiveness of the site. Adequate parking is provided on site and the site design and organization will ensure that the site functions well for both vehicles and pedestrians.

City staff are currently undertaking an Official Plan and Municipal Comprehensive Review of employment lands. At its meeting on November 27, 28 and 29, 2012, City Council directed staff to use the proposed draft changes to the Official Plan mapping and policies as a basis for public consultation. The proposed draft changes were set out in an October 22, 2012 report from the Chief Planner and Executive Director, City Planning. That report identifies the majority of the lands subject to this application as *Retail Employment Areas* and the southerly portion of the site along The Gardiner Expressway as *Core Employment Areas*. Based on comments and correspondence received during the citywide consultation held between January and March 2013, staff have revised many of the draft land use designations for the *Employment Areas*. A report including proposed designations is scheduled to be considered at the Planning and Growth Management Committee meeting on September 12, 2013. Once made public, the report will be posted on the Employment Lands review webpage at this link:
www.toronto.ca/opreview/employment/

The existing character of this section of The Queensway between The East Mall and Kipling Avenue is primarily retail/commercial with a wide range and mix of uses. A number of properties along this section have been rezoned to implement site specific commercial developments. The existing I.C1 zoning that applies to the lands permits a range of commercial uses in addition to light manufacturing uses.

The existing zoning for the lands permits the proposed fitness centre and restaurant uses and the Official Plan provides for supportive commercial uses in *Employment Areas*. The

proposed application is supportable given that it can meet the convenience needs of the local community, provides walkable shopping options, and supports the amenity and attractiveness of the commercial strip.

Site Design, Layout and Streetscape

The objective of the Built Form policies of the Official Plan is to integrate new development into existing built up areas, minimize impacts on surrounding properties and improve the safety and attractiveness of adjacent streets. The Plan also speaks to new development providing amenity for adjacent streets to make them more attractive, interesting, comfortable and functional for pedestrians.

The driveways through the site which would connect to The East Mall and The Queensway serve to break up and organize the site into smaller areas. The easements that extend along The Queensway frontage limit the ability to locate buildings along The Queensway frontage. Through the development review process, staff encouraged the applicant to explore the possibility of relocating the easements along The Queensway frontage onto The Queensway right-of-way. The applicant explored this option however after consultation with other City staff, it was determined to be cost prohibitive. The site design proposes enlarged landscaped areas along portions of the easement which will contribute to an improved streetscape. Along The East Mall, buildings will be located parallel to the street with a consistent 4.5 m landscaped setback.

The driveways will be defined by tree planting, lighting and sidewalks on one side to provide for pedestrian safety and comfort. The parking areas will include landscaping and tree plantings to break up and define the site, improve the attractiveness of the development and contribute to meeting the City's green standards for development. Walkways will be constructed to provide legibility and direction for pedestrians moving on the site. The walkways will be constructed of concrete to distinguish them from asphalt parking areas.

In addition to on-site tree planting and landscaping, the applicant will be required to plant trees within the municipal boulevard adjacent to the site, along The East Mall and The Queensway.

Details related to site design and landscaping, as well as tree planting within the municipal boulevard will be secured through the Site Plan approval process. These details include:

- A driveway through the site with continuous 1.5 m pedestrian sidewalks with pedestrian scale lighting along one side of the driveway;
- Canopies on principal and secondary building entrances to provide weather protection and to accentuate building entrances;
- Increased landscaping and tree plantings within the parking areas and removal of parking spaces in excess of the Zoning By-law requirement;
- Masonry walls of a material consistent with the building to screen the loading areas on Buildings B, C and D;

- The location of the garbage storage area for the fitness centre and how it will be accessed;
- An interim site plan with a pedestrian connection from The Queensway frontage to the entrance of the existing restaurant and an interim landscaping condition along The Queensway frontage;
- Modifications within The East Mall right-of-way as requested by Transportation Services staff including submission of a pavement marking plan and associated financial securities; and
- The use of decorative fencing and plantings along The East Mall frontage where warranted by grade differences.

Built Form

The two proposed retail buildings would be single storey and 8 m in height. The restaurant building would also be single storey and 11 m in height, with the additional height intended to accommodate the architecture and signage. The fitness centre building is proposed to be two storeys and 15 m in height.

The proposed restaurant would have the main entrance fronting The East Mall and a secondary entrance internal to the site on The Queensway (north) face of the building. An outdoor patio is also proposed fronting The East Mall. At the south end of the site, The East Mall slopes southerly and it is lowered under the Gardiner Expressway, resulting in a grade difference of approximately 4 m to the site. Given this, the south building along The East Mall would have its main entrances facing interior to the site and secondary entrances facing the public street. Similarly, the retail building along The Queensway would have the main entrances facing interior to the site as the building would be setback 26 m from the street as a result of the easements extending across the site.

The main entrances of all buildings are proposed to be fronted by a 3 m sidewalk and canopies to accentuate the building entrance and provide for pedestrian safety and comfort.

Garbage areas are internalized and, with the exception of the fitness centre building, would be located adjacent to and accessed through loading areas. Loading areas will be screened by masonry walls and landscaping. Access to the fitness centre building's garbage storage area will be finalized through the Site Plan approval process.

Traffic Impact, Access and Parking

The Traffic Impact Study (TIS) submitted in support of the development concludes that the forecast traffic generated by the proposed development can be accommodated on the surrounding road network. The TIS has been reviewed by Transportation Services staff and found acceptable.

The site would be serviced by two, full movement driveways, one located on The Queensway frontage and the other on The East Mall frontage. An exclusive southbound to eastbound left turn lane to the proposed The East Mall driveway would also be

required to support the development. Transportation Services staff have requested that the applicant submit a pavement marking plan to address this modification within The East Mall right-of-way. This will be secured through the Site Plan approval process.

A total of 430 parking spaces have been proposed for the development, however based on the proposed gross floor area, a minimum of 407 parking spaces are required by the Zoning By-law. In an effort to increase the landscaping on the site, staff will negotiate the elimination of some or all of the excess parking spaces through the Site Plan approval process.

Servicing

The Functional Servicing and Stormwater Management Report and related site grading and servicing plans submitted in support of the proposal indicate there is sufficient servicing capacity to accommodate the proposed development. Engineering and Construction Services staff is satisfied with the report.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The site specific Zoning By-law would secure cycling infrastructure for the development. Other applicable TGS performance measures including a green roof and tree planting would be secured through the Site Plan approval process.

Draft Zoning By-law

The draft Zoning By-law Amendment is included as Attachment 5 to this report. Staff recommend that the lands be rezoned from Class 1 Industrial Zone (I.C1) to Limited Commercial Zone (CL). This would establish a zoning category for the lands that appropriately reflects the retail commercial nature of the proposed development and is reflective of the zoning that applies to other properties along this section of The Queensway.

Conclusion

The proposed development conforms to the Official Plan and fulfills objectives for appropriate urban design and built form. The proposed uses would support the surrounding employment area as provided for in Policy 4.6.1 of the Official Plan. The development would contribute to the amenity of the area by enhancing on-site building designs and the landscaping along The Queensway and The East Mall streetscape. The rezoning application is recommended for approval.

CONTACT

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SIGNATURE

Neil Cresswell, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachments 1a: Final Site Plan

Attachments 1b: Interim Site Plan

Attachments 2a: Elevations

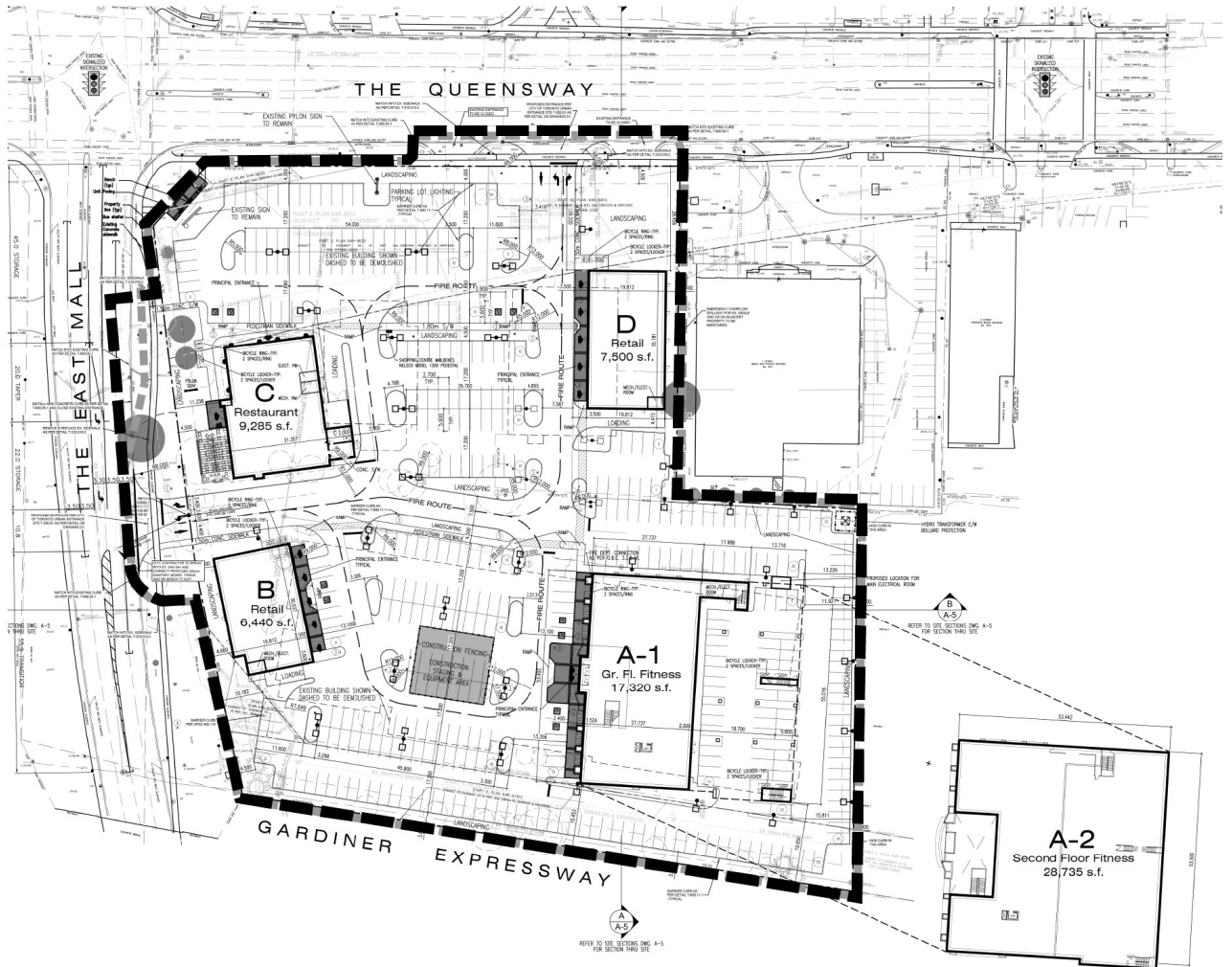
Attachments 2b: Elevations

Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 5: Draft Zoning By-law Amendment

Attachment 1a: Final Site Plan



Final Site Plan

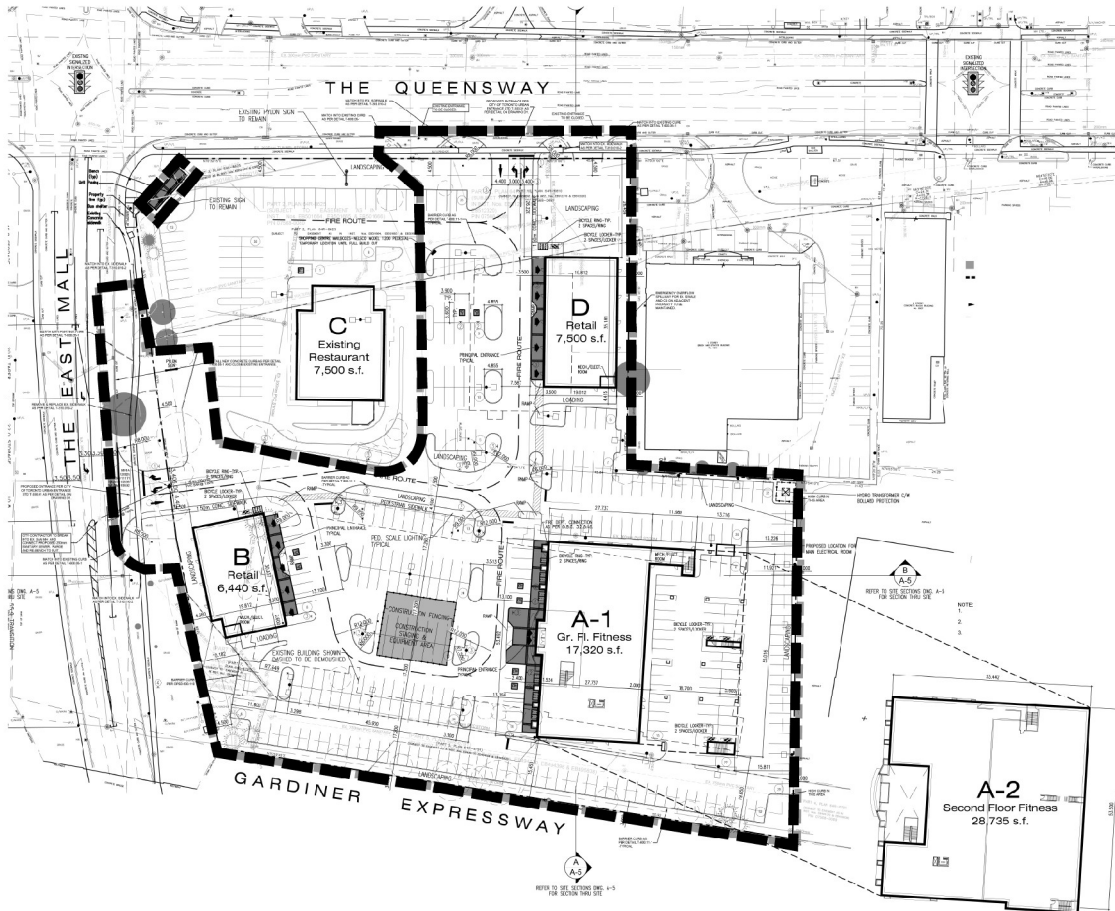
1629, 1631 & 1633 The Queensway

Applicant's Submitted Drawing

Not to Scale 

File # 12 274762 WET 05 0Z

Attachment 1b: Interim Site Plan



Interim Site Plan

1629, 1631 & 1633 The Queensway

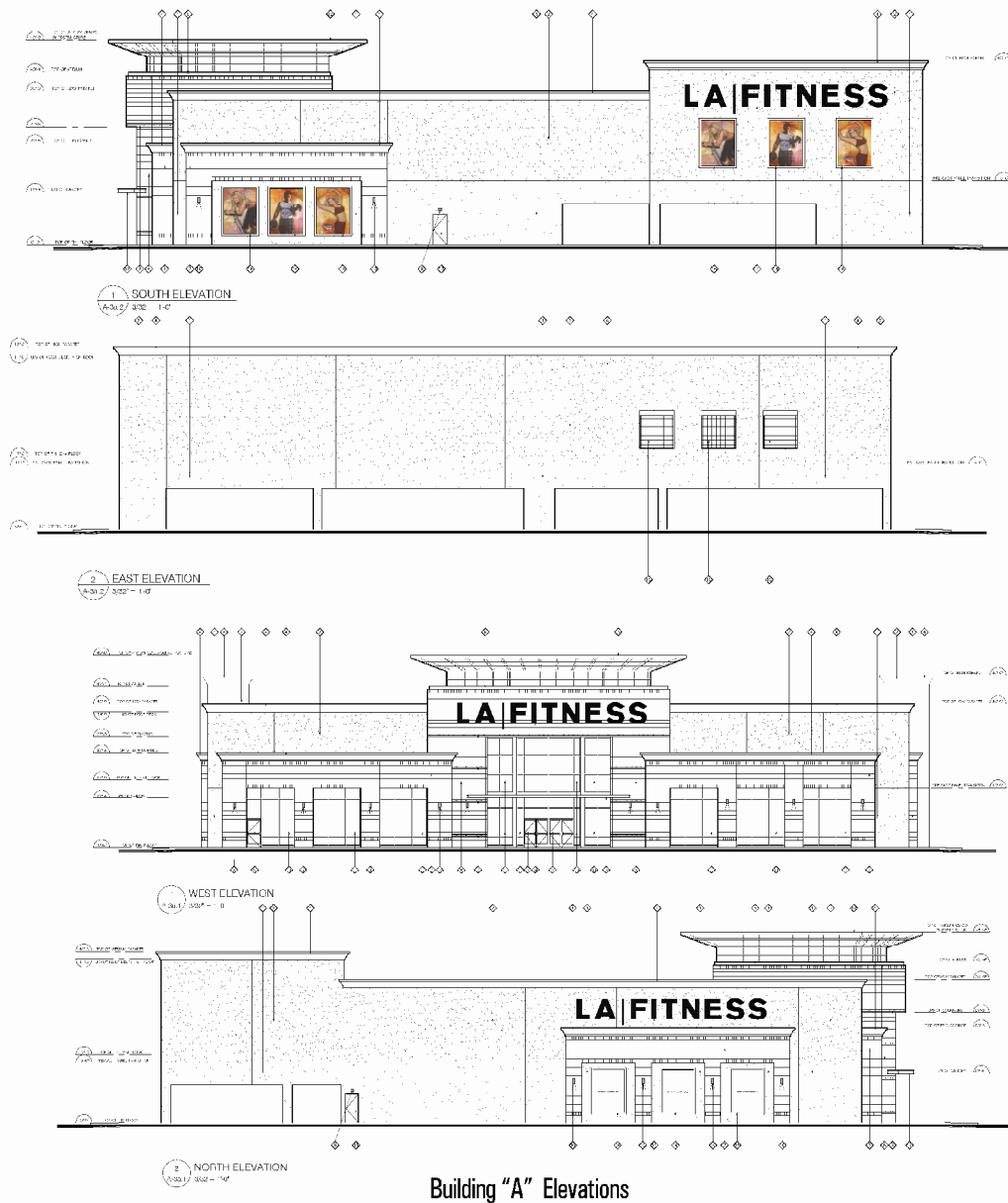
Applicant's Submitted Drawing

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07/31/13

File # 12 274762 WET 05 02

Attachment 2a: Elevations



Elevations

Applicant's Submitted Drawing

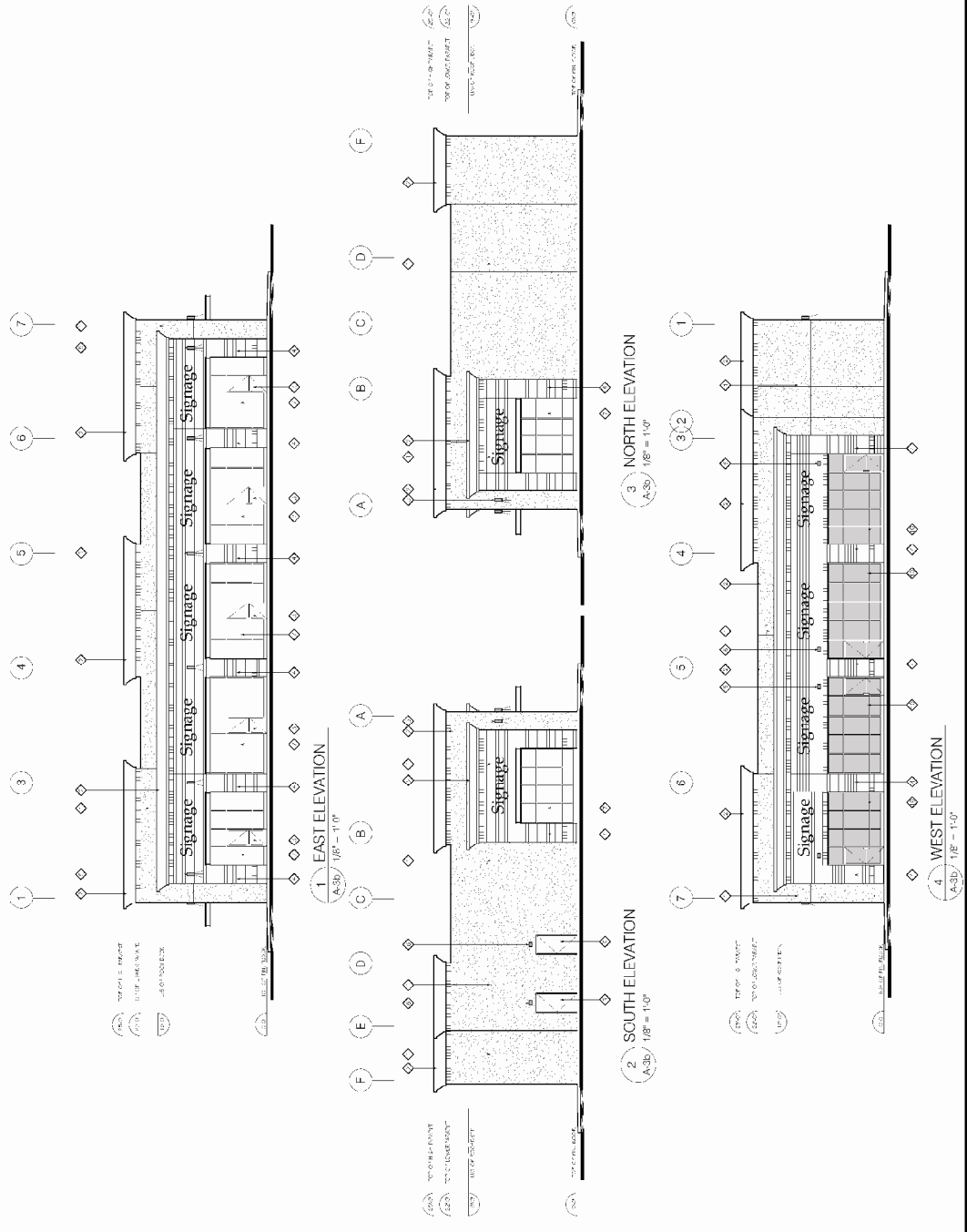
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01/15/2013

1629, 1631 and 1633 The Queensway

File #12 274762 WET 05 0Z

Attachment 2b: Elevations

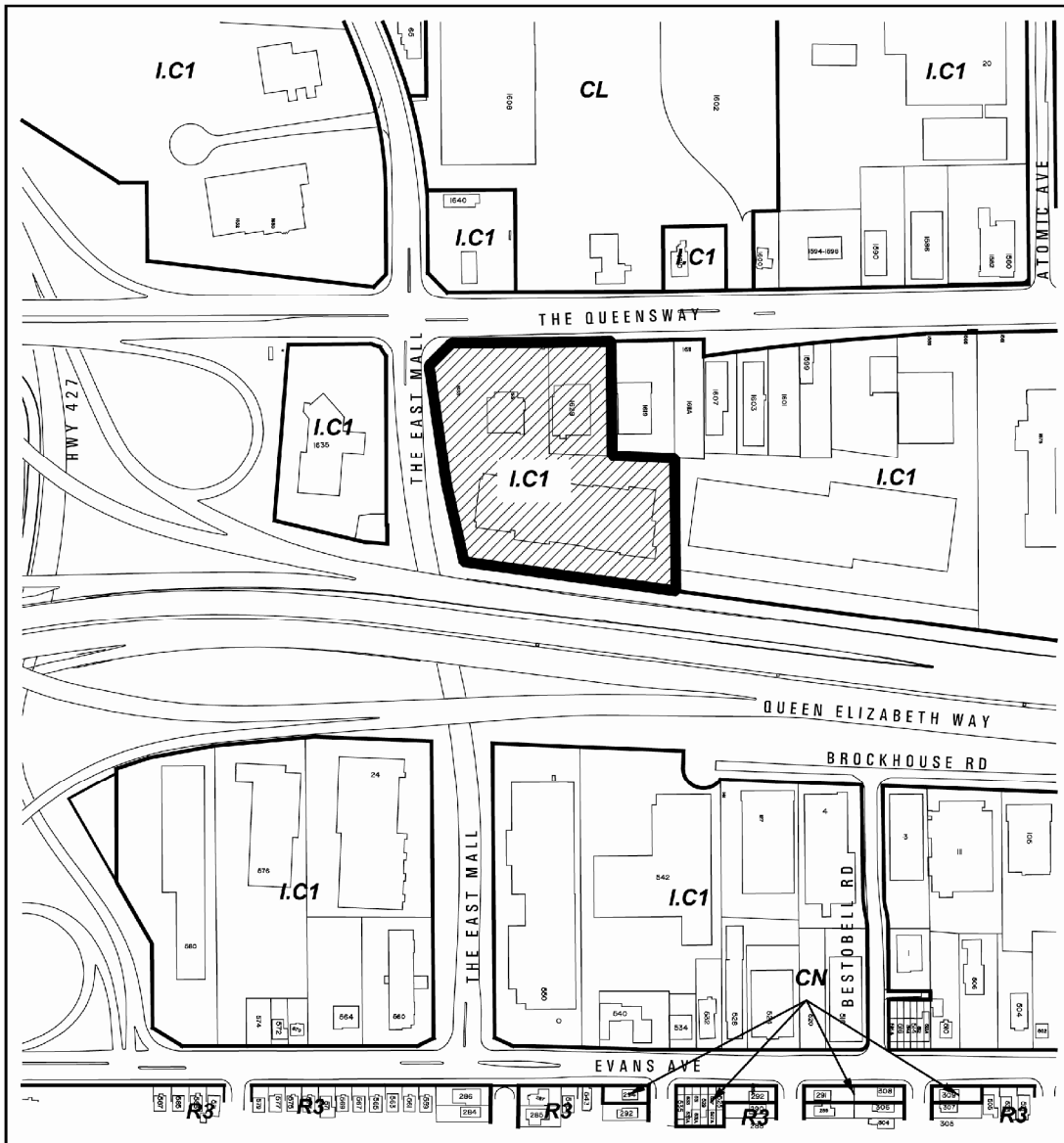


Elevations
 Applicant's Submitted Drawing
 Not to Scale
 01/15/2013

Building "B" Elevations
 1629, 1631 and 1633 The Queensway

File #12 274762 WET 05 02

Attachment 3: Zoning



Toronto City Planning
Zoning

1629, 1631 and 1633 The Queensway

File # 12 274762 WET 05 0Z

- R3 Residential Third Density
- I.C1 Industrial Class 1
- CL Commercial Limited
- CN Commercial Neighbourhood



Not to Scale
 Zoning By-law 11,737 as amended
 Extracted 01/11/2013

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	12 274762 WET 05 OZ
Details	Rezoning, Standard	Application Date:	November 6, 2012

Municipal Address: 1629, 1631 and 1633 THE QUEENSWAY

Location Description: CON 3 CST PT LOT 9 RP 64R6810 PART 10 RP 64R5769 PART 1 **GRID W0505

Project Description: Proposed amendments to the Etobicoke Zoning Code to permit the development of a new 2-storey fitness centre (4 278 m²), a restaurant (862 m²), and two 1-storey retail buildings (598 m² and 696 m²). Combined GFA for development is 6 436 m². A total of 430 parking spaces are proposed. All three existing buildings on the site (an industrial building, a restaurant, and car dealership) are proposed to be demolished.

Applicant:	Agent:	Architect:	Owner:
R G RICHARDS AND ASSOCIATES			FIRST CAPITAL HOLDINGS (ONTARIO) CORPORATION

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	I.C1	Historical Status:
Height Limit (m):	5 storeys	Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq. m):	24, 703	Height:	Storeys:	1 and 2
Frontage (m):	119		Metres:	8, 11 and 15
Depth (m):	145			
Total Ground Floor Area (sq. m):	3767			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	430
Total Non-Residential GFA (sq. m):	6436		Loading Docks	3
Total GFA (sq. m):	6436			
Lot Coverage Ratio (%):	15.2			
Floor Space Index:	0.26			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	1296	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	5140	0
Total Units:	0			

CONTACT: PLANNER NAME: Cynthia Owusu-Gyimah, Planner, (416) 394-2608

Attachment 5: Draft Zoning By-law

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto
Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2013

**To amend Chapters 320 and 324 of the Etobicoke Zoning Code, as amended,
With respect to the lands municipally known as
1629, 1631 and 1633 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 of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. THAT the Zoning Map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to Township of Etobicoke By-law No. 11,737, be and the same is here amended by changing the classification of the lands located in the former Township of Etobicoke as described in Schedules 'A' and 'B' annexed hereto from Class I Industrial Zone (I.C1) to Limited Commercial Zone (CL) provided that the following provisions shall apply to the development of the (CL) lands identified on Schedules 'A' and 'B' attached to this zoning by-law.
2. Notwithstanding the provisions of Sections 320-91 (Permitted Uses) of the Zoning Code, the only uses permitted within the lands identified on Schedule 'A' attached to and forming part of this zoning by-law shall be:
 - A. Those uses listed in Section 320-91 B. Business.(1) with the exception of: service stations and public garages; public parking areas; dry-cleaning plants using non-combustible cleaning solvents; amusement devices; game establishments; and undertaking establishments; and
 - B. Fitness clubs, *personal service shops*, veterinary clinic, pet services, *retail stores, retail service*, and commercial/recreational uses; and
 - C. Outdoor patios and drive-through facilities subject to the provisions of Section 320-23 of the Etobicoke Zoning Code.
3. Notwithstanding the development standards above and the building envelopes

delineated by the heavy lines on Schedule 'B' attached to and forming part of this By-law, the existing one-storey restaurant with drive through facility may continue to exist unaltered, however, when it is demolished the standards of this Zoning By-law shall apply.

4. Notwithstanding the provisions of Sections 320-78, 320-79, 320-83, 320-85, 320-92 and 320-93 of the Zoning Code, the following development standards shall be applicable to the (CL) lands described on Schedule 'A' attached to this zoning by-law:
 - A. The maximum gross floor area for all uses on the lands shall not exceed 6,500 m².
 - B. The maximum *building height* for each building shall be as shown on Schedule 'B' attached to and forming part of this By-law.
 - C. Equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment may exceed the permitted maximum building height for each building as shown on Schedule 'B' by 1.0 m.
 - D. No portion of any above-grade structure erected or used on the lands shall extend beyond the building envelopes delineated by the heavy lines on Schedule 'B' attached to and forming part of this By-law except that canopies may encroach into required setbacks up to 2 m.
 - E. The maximum building coverage shall be 20%
 - F. A minimum of 16% of the total area of the *lot* shall be soft landscaping.
 - G. Minimum landscape strip, save and except for the areas required for driveways, sidewalks shall be 4.5 m along the street lines of The East Mall and The Queensway.
 - H. A minimum of 48 bicycle spaces shall be provided.
 - I. In addition to the provisions of Section 320-18 and 320-23 of the Etobicoke Zoning Code, parking requirement for the fitness centre should be calculated at 6 parking spaces per 100 m².

5. Definitions:

"Building Height": shall mean the distance between the average elevation of the ground along all *lot lines* that abut a street and the elevation of the highest point of the building.

"Retail Store": shall mean *premises* in which goods or commodities are sold, rented or leased.

"Retail Service" shall mean *premises* in which photocopying, printing, postal, or courier services are sold or provided.

"Premises": shall mean the whole or part of lands, *buildings* or *structures*, or any combination of these.

"Soft Landscaping": shall mean landscaping excluding hard-surfaced areas such as decorative stonework, retaining walls, walkways, or other hard-surfaced landscape-architectural elements.

"Pet Services" shall mean *premises* used to provide for the grooming of domestic animals. A veterinary hospital or a kennel is not pet services.

"Outdoor Patio": shall mean an outdoor patron area that is ancillary to a non-residential use.

"Personal Service Shop": shall mean *premises* used to provide personal grooming services or for the cleaning or care of apparel.

6. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
7. Notwithstanding any severance, partition or division of the lands shown on Schedule 'A', the regulations of this By-law shall continue to apply to the whole of the said lands as if no severance, partition or division had occurred.
8. 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:
 - (a) 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
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
9. Chapter 332, 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
____-2013	Lands located on the south side of The Queensway, east of The East Mall, municipally known as 1629, 1631 and 1633 The Queensway.	To rezone the lands from Class 1 Industrial Zone (I.C1) to Limited Commercial Zone (CL) subject to site specific development standards.

10. By-law No. 83-47 of the former City of Etobicoke is repealed.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

