

Authority: Etobicoke York Community Council Item
EY24.3, as adopted by City of Toronto Council on June 8
and 9, 2021

CITY OF TORONTO

Bill 933

BY-LAW -2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 1693, 1695, and 1705-1707 Weston Road and 10 Victoria Avenue East.

Whereas Council of the City of Toronto has the authority pursuant to 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; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increased in height and density of development; and

Whereas 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, S.O. 2020., c. 18 ("COVID-19 Economic recovery Act, 2020") 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 on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 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;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning Bylaw No. 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10 and applying the following zoning label to these lands: RAC (x190), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, the Height Overlay Map in Section 995.20.1, the Lot Coverage Overlay Map in Section 995.30.1 and the Rooming Housing Overlay Map in Section 995.40.1 with no label.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 190, so that it reads:

(x190) Exception RAC 190

The lands are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 1693, 1695 and 1705-1707 Weston Road and 10 Victoria Avenue East, if the requirements of Section 7 and Schedule A of By-law [Clerks to provide By-law #] are complied with, an **apartment building or structure** may be constructed in compliance with (B) through (P) below
- (B) Despite Regulation 15.20.20.100 (1)(E), the **interior floor area** of an individual non-residential establishment may not exceed 350 square metres;
- (C) The total **gross floor area** of **buildings** and **structures** must not exceed a maximum of 20,000 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 19,500 square metres; and
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 500 square metres.
- (D) The provision of **dwelling units** is subject to the following:
 - (i) a minimum of 25 percent of the total number of **dwelling units** must have two bedrooms; and
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;
- (E) Despite Regulations 15.5.40.10 (1), the height of a **building or structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 126.21 metres to the highest point of the **building or structure**;

- (F) Despite Regulations 15.5.40.10 (3), (4) and (6), and 15.20.40.10 (1) the permitted maximum height of a **building** or **structure**, is the height in metres specified by the numbers following the HT symbol as shown on Diagram 3 of By-law [Clerks to provide By-law #], which is inclusive of the mechanical penthouse;
- (G) Despite (F) above and Regulation 15.5.40.10 (5), the following elements of a **building** or **structure** may project above the permitted maximum height as shown on Diagram 3 of By-law [Clerks to provide By-law #]:
- (i) elements of a green roof, parapets, awnings, guard rails, railings and dividers, balustrades, eaves, roof drainage and assemblies, scuppers, fall-arrest systems, chimneys, stacks, vents, windowsills, window washing equipment, insulation and building envelope membranes, decking, pavers, bollards, and built-in planter boxes, bollards, columns, architectural features, screens and landscaping elements may project above the permitted maximum heights shown on Diagram 3 to a maximum of 1.5 metres; and
 - (ii) wind, noise or privacy screens or other unenclosed structures/mitigation measures, balustrades, railings and dividers, pergolas, trellises, eaves, privacy screens, skylights, light fixtures, access hatches, window washing equipment, lightning rods, stair enclosures, terraces, and landscaping elements and structures located on the roof used for outside or open air recreation may project above the permitted maximum heights shown on Diagram 3 to a maximum of 3.0 metres;
- (H) Despite Regulation 15.20.40.70, the required minimum **building setbacks** in metres are as shown on Diagram 3 of By-law [Clerks to provide By-law #];
- (I) Despite (H) above and Regulation 15.5.40.60, the following **building** elements may encroach into a required minimum **building setback**:
- (i) canopies, awnings, and signage to a maximum of 3.0 metres;
 - (ii) light fixtures, fences and safety railings, ornamental elements, ventilation shafts, mechanical equipment, guardrails, balconies, balcony dividers, bollards, accessibility ramps or other elevating devices, stairs, stair enclosures, site servicing features, window washing equipment, building envelope membranes, screening, fences, pergolas, trellises, and landscape elements and features to a maximum of 2.0 metres;
 - (iii) vents, pipes, eaves, cornices, roof overhangs, roof drainage, parapets, balustrades, windowsills, pilasters, chimney breasts, bay windows, columns and other minor architectural projections to a maximum of 1.5 metres;
 - (iv) cladding to a maximum of 0.25 metres; and
 - (v) exterior stairs providing access to a **building** or **structure** if the stairs are:

- (A) no longer than 7.7 metres;
 - (B) no wider than 3.1 metres; and
 - (C) no closer to a **lot line** than 0.6 metres.
- (J) Regulations 15.5.50.10(1) and (2), with respect to landscaping requirements for apartment buildings, shall not apply;
- (K) Regulation 15.5.100.1(1)(B), with respect to maximum driveway width, shall not apply;
- (L) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, parking spaces must be provided in accordance with the following:
- (i) a minimum of 0.55 residential occupant **parking spaces per dwelling unit**;
 - (ii) a minimum of 0.05 residential visitor **parking spaces per dwelling unit**;
 - (iii) no **parking spaces** are required for a retail store;
 - (iv) a minimum of 4 of the residential visitor **parking spaces** required by (L)(ii) above must be dedicated for the purpose of "car-share" **parking spaces**;
 - (v) "car-share" or "car-sharing" means 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 drive, and set membership requirements of the "car-sharing" organization, including payment of a membership fee that may or may not be refundable; and
 - (vi) "car-share" **parking space** means a **parking space** exclusively reserved and signed for a car used only for "car-share" purposes;
- (M) Despite Regulation 200.15.1(1), an accessible parking space must have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) a 1.5 metre wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**;
- (N) Despite Regulation 230.5.1.10(4), a **stacked bicycle parking space** must have the following minimum dimensions:

- (i) minimum length of 1.8 metres;
 - (ii) minimum width of 0.45 metres; and
 - (iii) minimum vertical clearance of 1.2 metres;
- (O) Regulation 230.5.1.10(9)(B), with respect to the location of long term bicycle parking spaces, does not apply; and
- (P) Despite Regulation 230.5.1.10(10), both “short-term” and “long-term” **bicycle parking spaces** may be located in a **stacked bicycle parking space**.

Prevailing By-laws and Prevailing Sections: (None Apply)

6. Despite any future severance, partition or division on the **lot** as shown on Diagram 1, the provisions of this By-law apply as if no severance, partition or division occurred.
7. 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 Diagram 1 in return for the provision by the owner, at the owner’s expense of the facilities, services and matters set out in Schedule A 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 Schedule A of this By-law required that the owner 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; and
 - (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 Schedule A are satisfied.

Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Schedule 37 Provisions

The facilities, services and matters set out below are required to be provided by the owner of the *lot* at its expense to the City in accordance with one or more agreements pursuant to Section 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 came into force, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement.

Prior to the issuance of any Building Permit, the owner shall enter into 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 below.

Financial Contribution

1. Prior to the issuance of the first above building permit, the owner shall make a cash contribution to the City in the amount of \$100,000.00 to be used for streetscape and public realm improvements in the vicinity of the site and such improvements will ensure that the streetscape improvements comply with the Streetscape Manual to the satisfaction of the Chief Planner and Executive Director, City Planning.
2. The cash contribution outlined above shall be indexed upwardly from the date of the registration of the Section 37 Agreement to the date the payment is made in accordance with the non-residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor.
3. In the event the cash contribution outlined above has not been used for the intended propose within three (3) years of this By-law 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(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

Affordable Housing

4. The owner shall design and construct six (6) affordable rental dwelling units comprising 493.4 square metres of residential Gross Floor Area within an approved development at 1693-1707 Weston Road and 10 Victoria Avenue East, substantially in accordance with the Affordable Rental Housing Terms and Conditions, with any amendments to such terms as deemed appropriate by the Chief Planner and Executive Director, City Planning Division, the Executive Director, Housing Secretariat, and the City Solicitor, in consultation with the Ward Councillor;

5. The owner shall provide and maintain the six (6) affordable rental dwelling units referenced in 4. above as one (1) bachelor unit, three (3) two-bedroom units, and two (2) three-bedroom units in the new 24-storey mixed-use building on the lot, as follows:
- a. The six (6) affordable rental dwelling units comprised of 493.4 square metres of residential Gross Floor Area;
 - b. The affordable rental dwelling units shall be provided in contiguous groups of at least 6 dwelling units;
 - c. The general configuration and layout of the six (6) affordable rental dwelling units in the new 24-storey residential building shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - d. The owner shall provide and maintain the six (6) affordable rental dwelling units as rental dwelling units for a minimum of 99 years, beginning with the date each such unit is first occupied. No affordable rental dwelling unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit shall be made for at least 99 years from the date of first occupancy. Upon the expiration of the 99 year period, the owner shall continue to provide and maintain the affordable rental dwelling units as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise; and
 - e. During the first 99 years of occupancy, increases to initial rents charged to tenants occupying any of the affordable rental dwelling units shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline.

Other Matters in Support of the Development

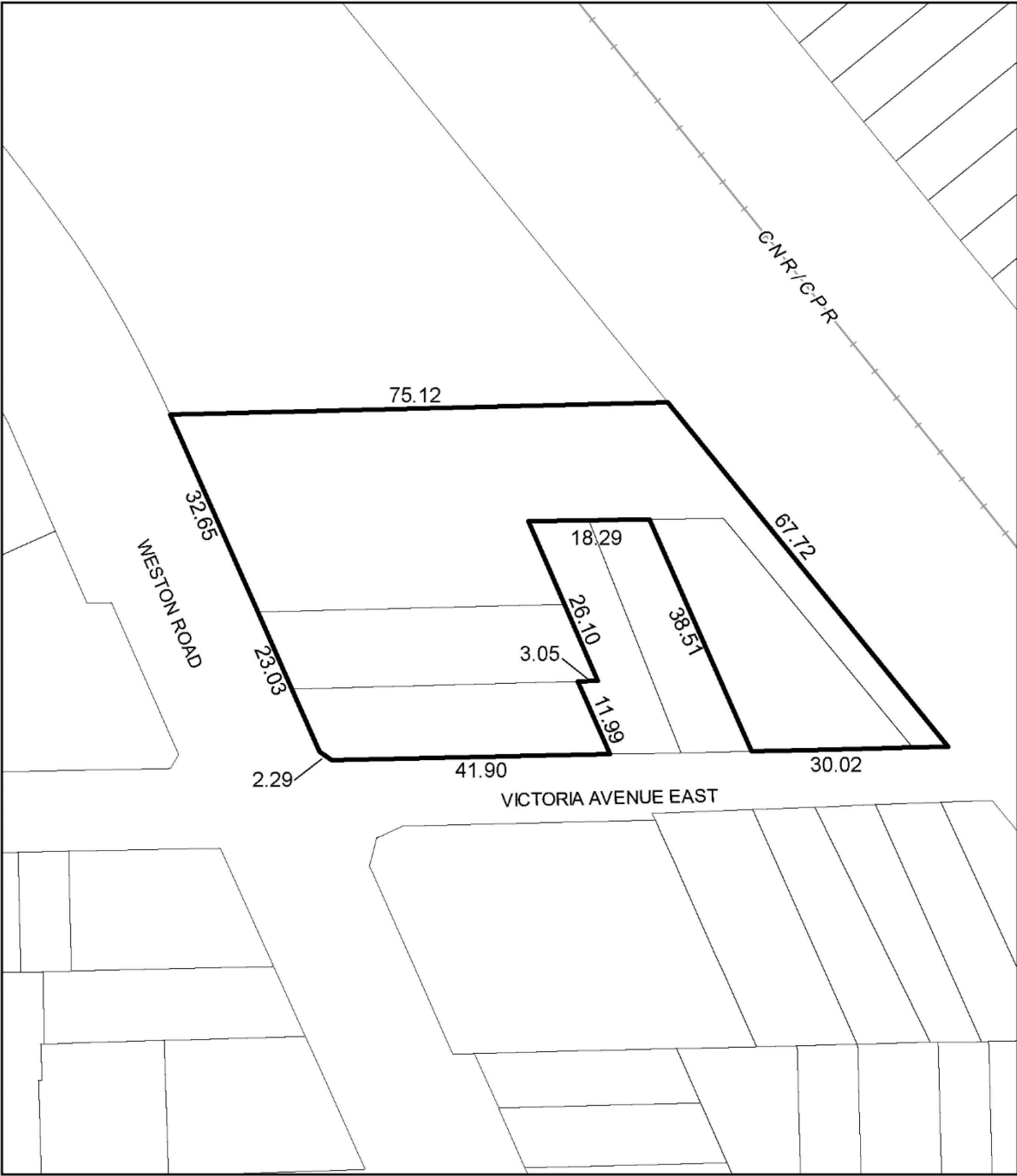
6. An acceptable tenant relocation and assistance plan shall be developed and implemented to mitigate hardship for existing tenants of the existing fifteen (15) rental dwelling units proposed to be demolished. The owner shall develop the tenant relocation and assistance plan in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning Division.
7. The owner shall provide a minimum of 10-percent of all new units in the proposed 24-storey building as three-bedroom units.
8. The owner shall provide a minimum of 25-percent of all new units in the proposed 24-storey building as two-bedroom units.
9. The owner shall construct and maintain, at its own expense, an area of not less than 850 square metres north of Victoria Avenue East, abutting the rail corridor, for use by the general public as Privately Owned Publicly Accessible Open Space (POPS) with the

specific location, configuration and design to be determined and secured in the context of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning.

10. Prior to the issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, an access easement in favour of the City in perpetuity, including support rights as applicable, for public use of the POPS, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
11. Prior to issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, a road widening of 3.7 metres along the frontage of the property on Weston Road, all to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the City Solicitor.
12. The owner shall satisfy the requirements of Metrolinx, Canadian Pacific Railway and Canadian National Railway, particularly regarding noise and vibration attenuation requirements and operational easement requirements, and shall insert any warning clauses in purchase and sale/tenancy agreements as required in connection with noise and vibration.
13. The owner shall construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner shall be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the Site Plan application.
14. The owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a site plan agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:
 - a. Incorporation in the construction of the building of exterior materials shown on 1:50 scale drawings as approved by the Chief Planner and Executive Director and submitted as part of the Site Plan Approval process;
 - b. Provision of on-site dog-relief facilities, with the location, nature and size of the facilities to be determined through the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - c. Reconstruction of the City sidewalks to City standards along the frontages of Weston Road and Victoria Avenue East, to the satisfaction of the General Manager, Transportation Services;
 - d. Incorporation of signage to identify the proposed Privately Owned Publicly Accessible Open Space (POPS) to be located on the north side of Victoria Avenue East, west of the abutting rail corridor; and

- e. The construction management plan include on-site contact during the construction process for residents and stakeholders to contact.

Diagram 1



1693-1707 Weston Road & 10 Victoria Ave E

File # 19 278899 WET 11 OZ

Diagram 2

