

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 934

BY-LAW -2022

To amend former City of York Zoning By-law 1-83, 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 1-83, 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. Section 6 of the former City of York Zoning By-law No. 1-83, as amended, be further amended by adding the following new Subsection (107):

"Lands – 1693, 1695, and 1705-1707 Weston Road and 10 Victoria Avenue East (107) Map 1

By changing the lands on District Map 1, more particularly shown on Schedule "A" attached hereto from MCR to MCR and Section 16 (469)."

2. That Section 16 of the former City of York Zoning By-law No. 1-83, as amended, be further amended by adding Subsection (469) with the following:

"(469) Lands - 1693, 1695, and 1705-1707 Weston Road and 10 Victoria Avenue East

Notwithstanding the provisions of former City of York Zoning By-law No. 1-83, the lot, as delineated by heavy black lines on Schedule "A" to this Subsection attached hereto, municipally known as 1693, 1695, and 1705-1707 Weston Road and 10 Victoria Avenue East, may be used for the purposes of erecting a mixed use building and accessory structures subject to the following provisions:

MAXIMUM GROSS FLOOR AREA

- (a) The maximum residential gross floor area of the building shall be 19,500 square metres.
- (b) The maximum non-residential gross floor area of the building shall be 500 square metres.
- (c) For the purposes of this Subsection, gross floor area shall exclude any areas used for:
 - (i) parking, loading, and bicycle parking below grade;
 - (ii) required loading spaces on the ground level and required bicycle parking spaces at or above grade.
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) shower and change facilities associated with required bicycle parking spaces;
 - (v) required amenity space;
 - (vi) elevator shafts;
 - (vii) garbage shafts;
 - (viii) mechanical penthouse; and

- (ix) exit stairwells in the building.

DWELLING UNITS

- (d) A minimum of 25 percent of the total number of dwelling units on the lot must have two bedrooms.
- (e) A minimum of 10 percent of the total number of dwelling units on the lot must have three or more bedrooms.

BUILDING HEIGHT

- (f) Height shall be measured from the Canadian Geodetic Datum elevation of 126.21 metres to the highest point of the building or structure.
- (g) The maximum height of the building or structure, or portion thereof, shall not exceed the height limits in metres specified by the number following the "H" symbol as shown on Schedule "B" attached hereto, except for the following:
 - (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 height limits as shown on Schedule "B" 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, stair enclosures, lightning rods, terraces, and landscaping elements and structures located on the roof used for outside or open air recreation may project above the height limits as shown on Schedule "B" to a maximum of 3.0 metres;

YARD SETBACKS

- (h) No portion of the building or structure erected or used above grade shall be located otherwise than wholly within the areas delineated by the lines as shown on Schedule "B" attached hereto, as to provide the minimum and maximum setbacks, with the exception of the following:
 - (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.

VEHICULAR ACCESS AND PARKING

- (i) Vehicular access to the lot shall only be provided from Victoria Avenue East.
- (j) Off street parking spaces shall be provided and maintained for each dwelling unit in a mixed use building at a minimum rate of 0.55 parking spaces for each dwelling unit.
- (k) For the purpose of calculating off street parking space requirements, a den is not considered a bedroom.
- (l) For a dwelling unit in a mixed use building, off street parking for visitors shall be provided and maintained at a minimum rate of 0.05 parking spaces for each dwelling unit, of which a minimum of 4 parking spaces shall be dedicated as car-share parking spaces.
- (m) No off street parking spaces are required for a retail store.
- (n) Accessible parking spaces shall be provided and maintained on the lot as follows:
 - (i) Of the off street parking space required in (j) above, a minimum of 8 parking spaces must be provided as accessible parking spaces.
 - (ii) An accessible parking space shall have the following minimum dimensions:
 - (a) length of 5.6 metres
 - (b) width of 3.4 metres;

- (c) vertical clearance of 2.1 metres; and
- (d) 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;
- (iii) Accessible parking spaces must be the parking spaces closest to a barrier free:
 - (a) entrance to a building;
 - (b) passenger elevator that provides access to the first storey of the building; and
 - (c) and the shortest route from the required entrances in (a) and (b) above.

BICYCLE PARKING

- (o) Bicycle parking shall be provided on the lot in accordance with the following:
 - (i) A minimum of 0.9 long-term bicycle parking spaces per dwelling unit;
 - (ii) A minimum of 0.1 short-term bicycle parking spaces per dwelling unit;
 - (iii) A minimum of 1 long-term bicycle parking for non-residential uses;
 - (iv) A minimum of 5 short-term bicycle parking spaces for non-residential uses;
 - (v) 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 horizontal clearance from the wall of 1.2 metres;
 - (vi) The minimum dimension of a bicycle parking space if places 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.

- (vii) Both short-term and long-term bicycle parking spaces may be located in a stacked bicycle parking space.
- (viii) The minimum dimension of a stacked bicycle parking space is:
 - (a) Minimum length of 1.8 metres;
 - (b) Minimum width of 0.45 metres; and
 - (c) Minimum vertical clearance of 1.2 metres.

LOADING

- (p) A minimum of one (1) off-street loading space shall be provided and maintained on the lot in accordance with the following dimensions:
 - (i) a minimum length of 13.0 metres;
 - (ii) a minimum width of 4.0 metres; and
 - (iii) a minimum vertical clearance of 6.1 metres.

AMENITY SPACE

- (q) A minimum of 2.0 square metres per dwelling unit of common indoor amenity area shall be provided and maintained in the building.
- (r) A minimum of 2.0 square metres per dwelling unit of common outdoor amenity area shall be provided and maintained on the lot.

OTHER PROVISIONS

- (s) Despite any existing or future severance, partition, or division of the land shown on Schedule "A" of this By-law, the provisions of this Subsection shall apply to the whole of the lands as if no severance, partition or division had occurred.

DEFINITIONS

- (t) For the purposes of this Subsection, the following definitions shall apply:
 - (i) "accessible" means free of a physical, architectural or design barriers that would restrict access or use to a person with a disability as defined in the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11;
 - (ii) "bicycle parking" means an area used for parking or storing of a bicycle;

- (iii) "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
 - (iv) "car-share parking space" means a parking space exclusively reserved and signed for a car used only for "car-share" purposes;
 - (v) "long-term bicycle parking spaces" mean bicycle parking spaces for use by occupants or tenants of a building;
 - (vi) "mixed use building" means a building with a minimum of one dwelling unit a non-residential use, including retail and service commercial uses;
 - (vii) "short-term bicycle parking spaces" mean bicycle spaces for use by visitors to a building; and
 - (viii) "stacked bicycle parking space" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces."
3. Within the lands shown on Schedule "A" attached hereto, no person shall use land or erect any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all watermains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
4. All other provisions of the former City of York Zoning By-law No. 1-83, as amended, shall continue to apply to the lands shown on Schedule "A" attached hereto, except in the cases where this Subsection are in conflict with the City of York Zoning By-law No. 1-83, as amended, the provisions of this Subsection shall prevail.
5. 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 attached to this By-law, in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule C 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 Schedule C 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 C are satisfied.

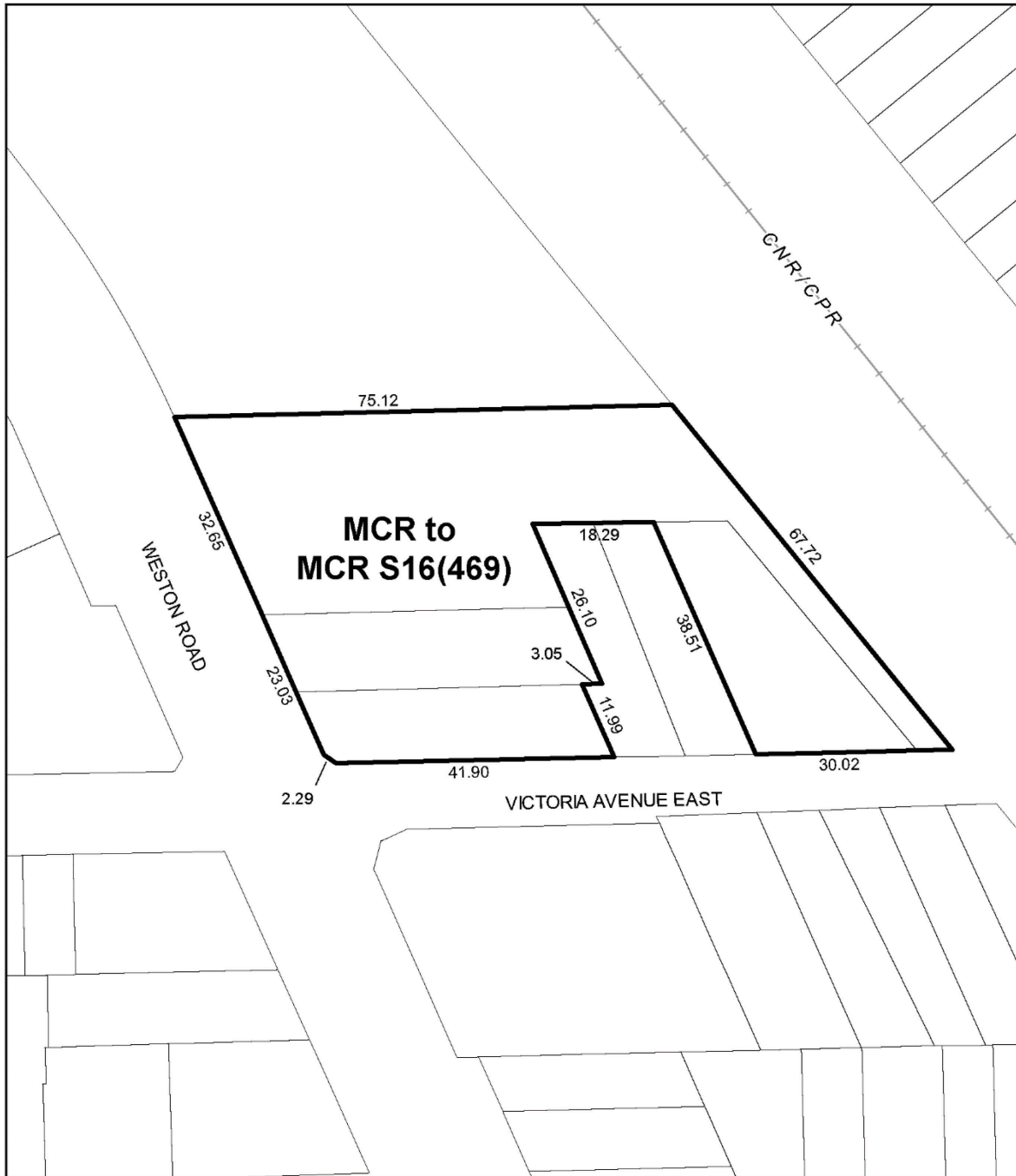
Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Schedule A



Toronto
 Schedule A

1693-1707 Weston Road & 10 Victoria Ave E

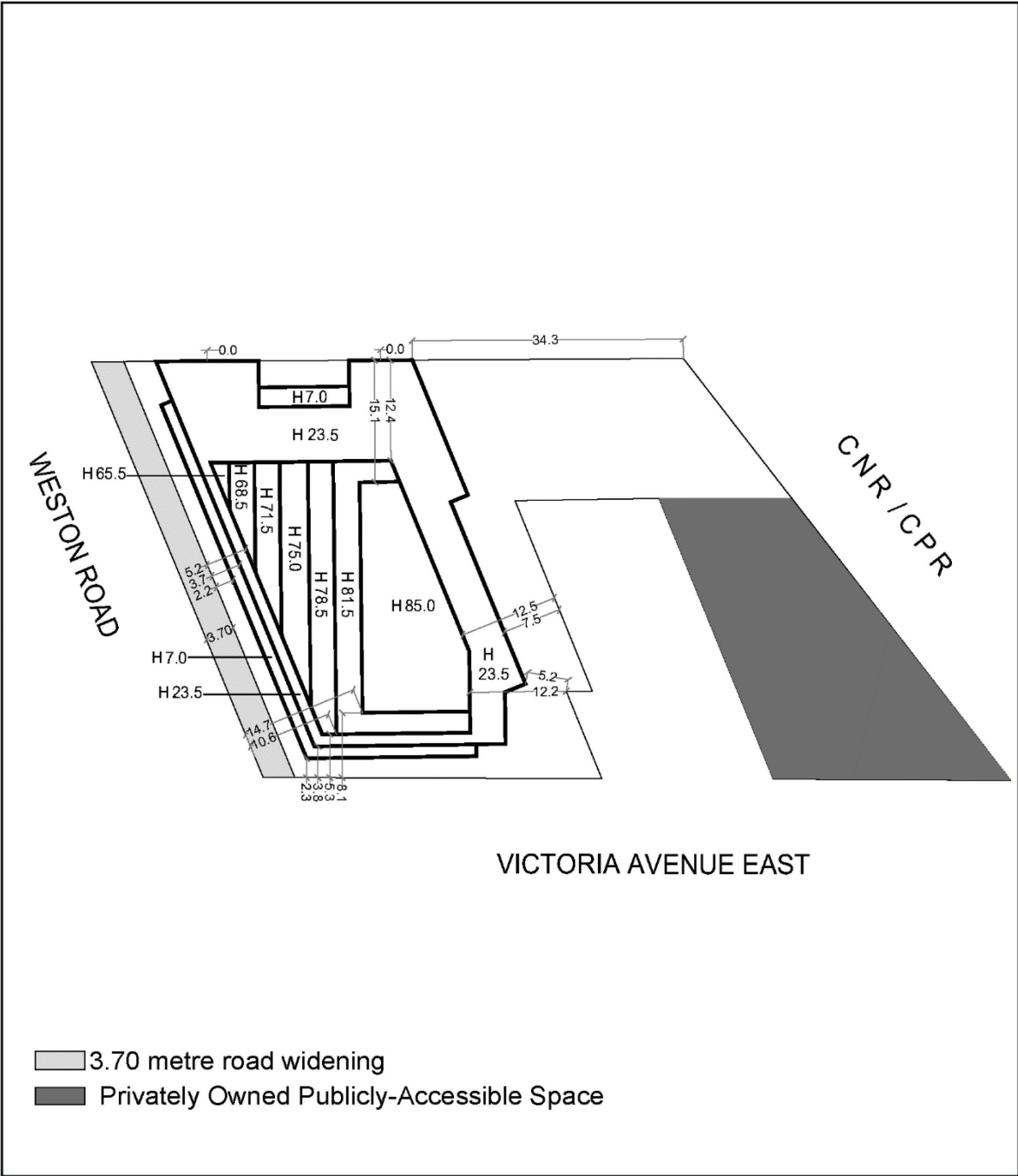
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PART OF LOT 4, CONCESSION 5; WEST OF YONGE STREET (COUNTY OF YORK)
 AND LOTS 2, 3 AND 8; REGISTERED PLAN 1710; CITY OF TORONTO (FORMERLY CITY OF YORK)
 J.D.Barnes Ltd,
 February 05, 2020.

City of York Zoning By-law No. 1-83
 Not to Scale
 03/03/2021



Schedule B



SCHEDULE C
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.