

Authority: Etobicoke York Community Council Item
EY33.5, as adopted by City of Toronto Council on July 19,
20, 21 and 22, 2022

CITY OF TORONTO

BY-LAW 964-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 1956-1986 Weston Road and 1, 3, 3a and 5 Little Avenue.

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 increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the 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 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 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, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The 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 By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from a zone label of CR 2.5 (c2.5; r2.5) SS2 (x969), CR 2.5 (c2.5; r2.5) SS2

(x1169), CR 2.5 (c2.5; r2.5) SS2 (x2572), and RD (a300; d0.4) (x1007) to a zone label of CR 2.5 (c2.5; r2.5) SS2 (x753) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 753 so that it reads:

(753) Exception CR 753

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 1956-1986 Weston Road and 1, 3, 3a and 5 Little Avenue, if the requirements of By-law 964-2022 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (W) below;
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 126.75 metres and the elevation of the highest point of the **building** or **structure** as shown on Diagram 3 of By-law 964-2022;
- (C) Despite Regulation 40.10.40.1(1), residential use portions of the **building** are permitted to be located on the same **storey** as non-residential use portions of the **building** provided the non-residential uses are located on or below the second storey;
- (D) Despite Regulation 40.10.40.10(2) the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law 964-2022;
- (E) Despite Clause 40.5.40.10 (4),(6),(7) and (8), and D above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 964-2022:
 - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 6 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 6 metres;
 - (iii) architectural features, air intake and air handling units, communication equipment, cooling tower, elevator overruns, exit stairs, stairs, fences, flues, landscape and public art features, noise attenuation walls, pipes,

- window washing equipment, and elevator machine room by a maximum of 6 metres;
- (iv) awnings, chimneys, bollards, guardrails, lighting fixtures, ornamental elements, cornices, railings, retaining walls, parapets, railings, balustrades, roof drainage systems, screens, stacks, terraces, green roof, trellises, vents, wind mitigation screens and **building** maintenance units by a maximum of 5 metres; and
 - (v) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3 metres.
- (F) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the lot is 56,250 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 52,500 square metres; and
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 3,750 square metres.
- (G) Despite Regulation 40.10.40.70 (2) and (4), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 964-2022;
- (H) Despite Regulation 40.10.40.80(2), the required separation of **main walls** are as shown in metres on Diagram 3 of By-law 964-2022;
- (I) Despite Clause 40.10.40.60, (H) and (I) above, the following elements may encroach into the required minimum **building setbacks** and main wall separation distances as follows:
- (i) exterior stairs and stair enclosures, by a maximum of 5.5 metres;
 - (ii) chimneys, planters, trellises, screens, wind mitigation screens, and wheel chair ramps, and their associated **structures**, by a maximum of 3.0 metres; and
 - (iii) architectural features, eaves, finials, guardrails, lighting fixtures, ornamental elements, parapets, railings, window sills, by a maximum of 1.0 metres.
- (J) Balconies are not permitted to encroach within the main wall separation distance, as shown on Diagram 3;
- (K) A minimum of 25 percent of the total number of **dwelling units** must contain two and three bedrooms, with a minimum of 10 percent of the total number of **dwelling units** must contain three bedrooms or more;

- (L) Despite Regulations 40.10.100.10(1) (A) and (C) with respect to vehicle access, one vehicular access is permitted from Lawrence Avenue West and one vehicular access is permitted from Little Avenue;
- (M) 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 0.4 residential occupant **parking spaces** for each **dwelling unit**;
 - (ii) a minimum of 0.05 residential visitor parking spaces for each **dwelling unit**; and
 - (iii) a minimum of 1 **parking space** for each 100 square metres of non-residential **gross floor area**.
- (N) Despite (M) above, the a minimum required number of **parking spaces** for residents may be reduced by a maximum of four spaces for each "car-share" **parking space** provided the maximum reduction permitted, irrespective of "car-share" **parking spaces** is 12. For the purposes of this exception:
- (i) "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
 - (ii) "car-share" **parking space** means a **parking space** exclusively reserved and signed for a car used only for "car-share" purposes.
- (O) Despite Regulation 200.15.1(1) and (3), an accessible **parking space** must comply with the following provisions:
- (i) An accessible **parking space** must have the following minimum dimensions; and
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and
 - (c) vertical clearance of 2.1 metres.
 - (ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path.

- (P) Despite Regulation 200.15.1(4), an accessible **parking space** must be the **parking spaces** closest to a barrier free:
- (i) entrance to a **building**;
 - (ii) passenger elevator that provides access to the first **storey** of the **building**;
and
 - (iii) shortest route from the required entrances in (i) and (ii).
- (Q) Despite Regulation 230.5.1.10(4)(A), the required minimum dimensions of a bicycle **parking space** is:
- (i) length of 1.8 metres;
 - (ii) width of 0.45 metres; and
 - (iii) vertical clearance of 1.9 metres.
- (R) Despite Regulation 230.5.1.10(4)(A)(ii), the required minimum dimensions of a **stacked bicycle parking space** is:
- (i) length of 1.8 metres;
 - (ii) width of 0.45 metres; and
 - (iii) vertical clearance of 1.0 metres.
- (S) In addition to the locations a "long-term" **bicycle parking space** may be located in listed in Regulations 230.5.1.10(9)(A)(i)(ii) and (iii), "long-term" **bicycle parking spaces** may also be located in the following locations:
- (i) "long-term" **bicycle parking spaces** may be provided in horizontal, vertical and/or stacked **bicycle parking spaces**, or any combination thereof; and
 - (ii) "long-term" **bicycle parking spaces** and may be located any floor of a **building** below grade.
- (T) In addition to the places a "long-term" **bicycle parking space** may be located in listed in Regulations 230.5.1.10(9)(B)(i)(ii) and (iii), "long-term" **bicycle parking spaces** may also be located in the following locations:
- (i) long-term **bicycle parking spaces** and/or **stacked bicycle parking spaces** may be located within a secured room, enclosure or any combination thereof.

- (U) Despite Regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space**;
- (V) Despite Regulations 230.40.1.20 (2), "short term" **bicycle parking spaces** may be located more than 30 metres from a pedestrian entrance, and be located indoors or outdoors;
- (W) Regulation 40.10.90.40(1) does not apply.

Prevailing By-laws and Prevailing Sections: None Apply

- 5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
- 6. Section 37 Requirements:
 - (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 attached to this By-law in return for the provision, by the owner and at the owner's expense, of the facilities, services and matters set out in Schedule A attached to this By-law 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 attached to this by-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; 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 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Schedule A
Section 37 Requirements

Prior to the issuance of the first permit issued under the Building Code Act, 1992 in respect of the lands shown on Diagram 1 attached to this By-law, the owner shall enter into an agreement under 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, and register same in priority, to the satisfaction of the City Solicitor, whereby the owner agrees to secure the facilities, services and matters set out below which are required to be provided to the City at the owner's expense as follows:

- A. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
1. Prior to the earlier of condominium registration or first residential use on site, the owner shall design, construct, finish and convey in fee simple to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum 315.87 square metres (3,400 square feet) non-profit community cultural space located on level one of the building fronting 3 Little Avenue, and subject to the following:
 - a. The non-profit community cultural space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building Condition plus capital fit-up, but not including furnishing of the space, with the terms and specifications to be secured in the Agreement, all satisfactory to the General Manager, Economic Development and Culture, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b. Prior to the issuance of the first above grade building permit, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and finishing of the conveyed non-profit community cultural space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the General Manager, Economic Development and Culture, the Chief Planner and Executive Director, City Planning and the City Solicitor; and
 - c. Concurrent with or prior to the conveyance of the non-profit community cultural space to the City, the owner and the City shall enter into, and register on title an Easement and Cost Sharing Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor, and the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the

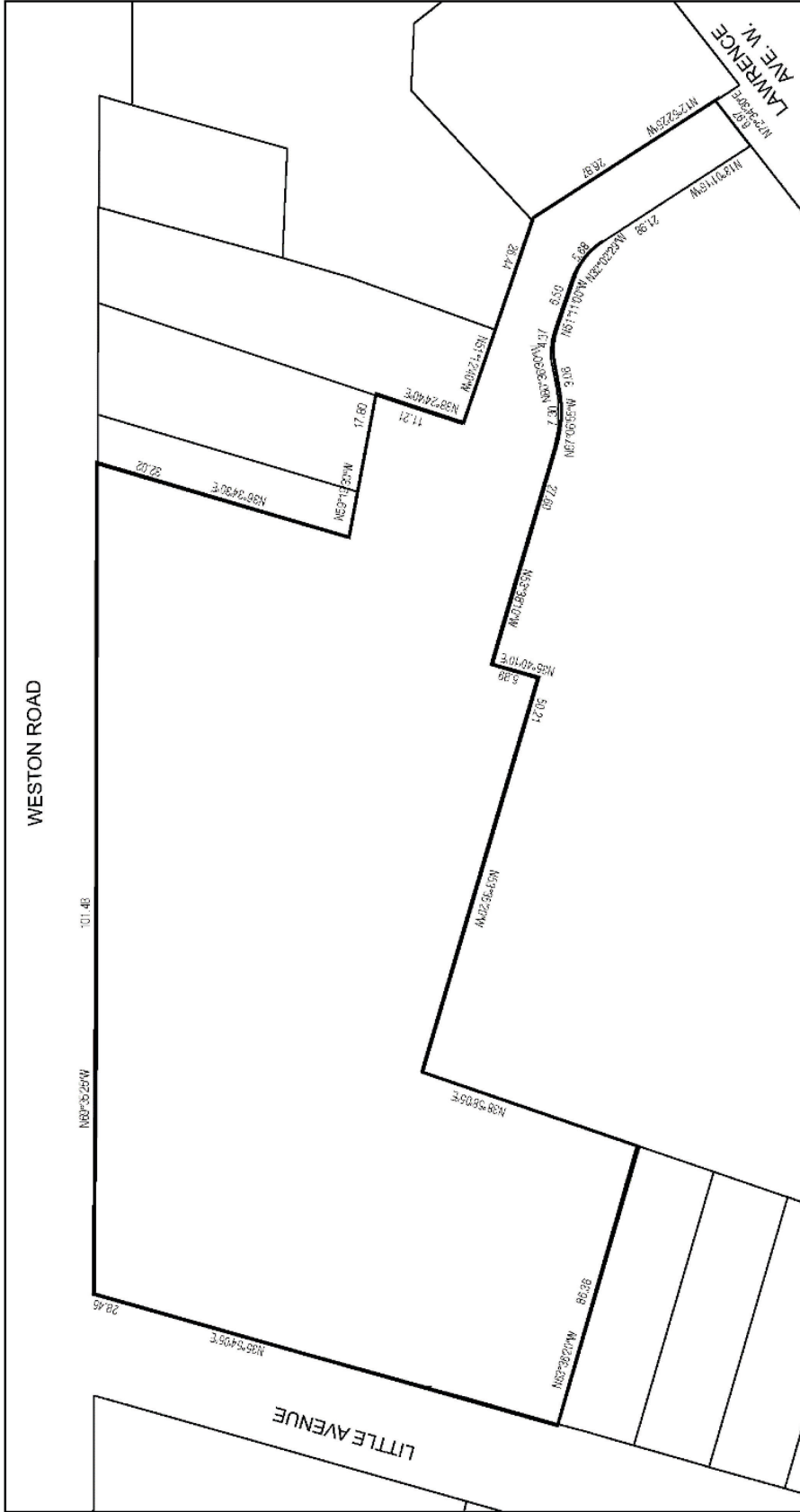
subject lands to be owned by the City and the owner as they pertain to the non-profit community cultural space.

- B. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
1. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council from time to time, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of the Toronto Green Standard applicable at the time of the site plan application for each building on the site;
 2. The owner shall prepare a Tenant Relocation and Assistance Plan to all Eligible Tenants of the four existing rental dwelling units proposed to be demolished, addressing the provision of alternative accommodation at similar rents in the form of rent gap payments and other assistance to mitigate hardship, and the Tenant Relocation and Assistance Plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;
 3. The owner shall, at its own expense, address the following matters in the application for site plan control approval for the development, which shall be determined and secured in a Site Plan Agreement with the City, as applicable:
 - a. The reconstruction of the City sidewalks to City standards along the frontages of Little Avenue and Weston Road, to the satisfaction of the General Manager, Transportation Services;
 - b. The provision of on-site dog-relief facilities, with the location, nature, and size of the facilities to be determined through the site plan review process, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - c. 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 and at no cost to the City, a road widening of 3.8 metres on the south limit of the site, tapering down to 3.5 metres on the north limit of the site along the Weston Road frontage of the site, in accordance with all applicable City policies regarding the environmental condition of potentially contaminated land, and free and clear of all physical and title encumbrances, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the City Solicitor, all as generally shown on the Site Plan (Drawing A102 dated June 6, 2022);
 - d. A minimum of 25 percent of the total number of dwelling units on the lot shall contain two and three bedrooms with a minimum of 10 percent of the

total number of dwelling units being three bedrooms or more, in keeping with the Growing Up Guidelines;

- e. The implementation of any wind control measures identified in the Pedestrian Wind Study, dated September 24, 2021, prepared by Theakston Environmental, and any future addendum, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - f. The satisfaction of applicable signage and warning clause requirements of the Toronto District School Board and the Toronto Catholic District School Board in connection with student accommodation.
- C. Prior to December 9, 2022 or such later date as may be agreed to in writing by the Senior Manager, Heritage Planning and the owner, but in any event prior to the issuance of the first permit under the Building Code Act, 1992, the owner shall provide a detailed Conservation Plan, prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for 1974-1978 Weston Road, 1984-1986 Weston Road and 3-5 Little Avenue, prepared by Goldsmith Borgal Ltd. Architects and dated April 20, 2022, to the satisfaction of the Senior Manager, Heritage Planning.

Diagram 1



1956 Weston Road

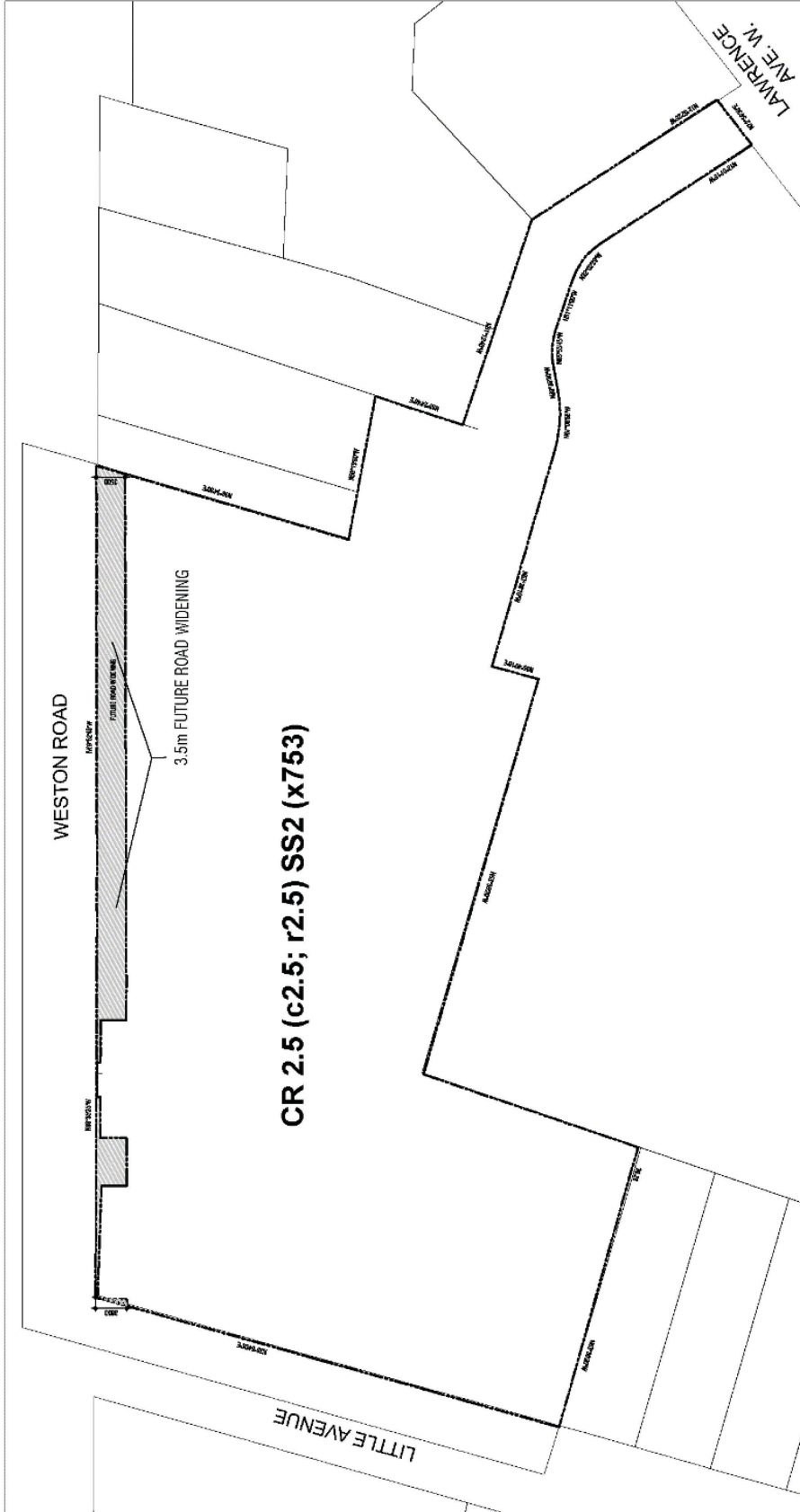
 **Toronto**
Diagram 1

File # 19 219985 WET 05 02



City of Toronto By-law 569-2013
Not to Scale
06/06/2022

Diagram 2

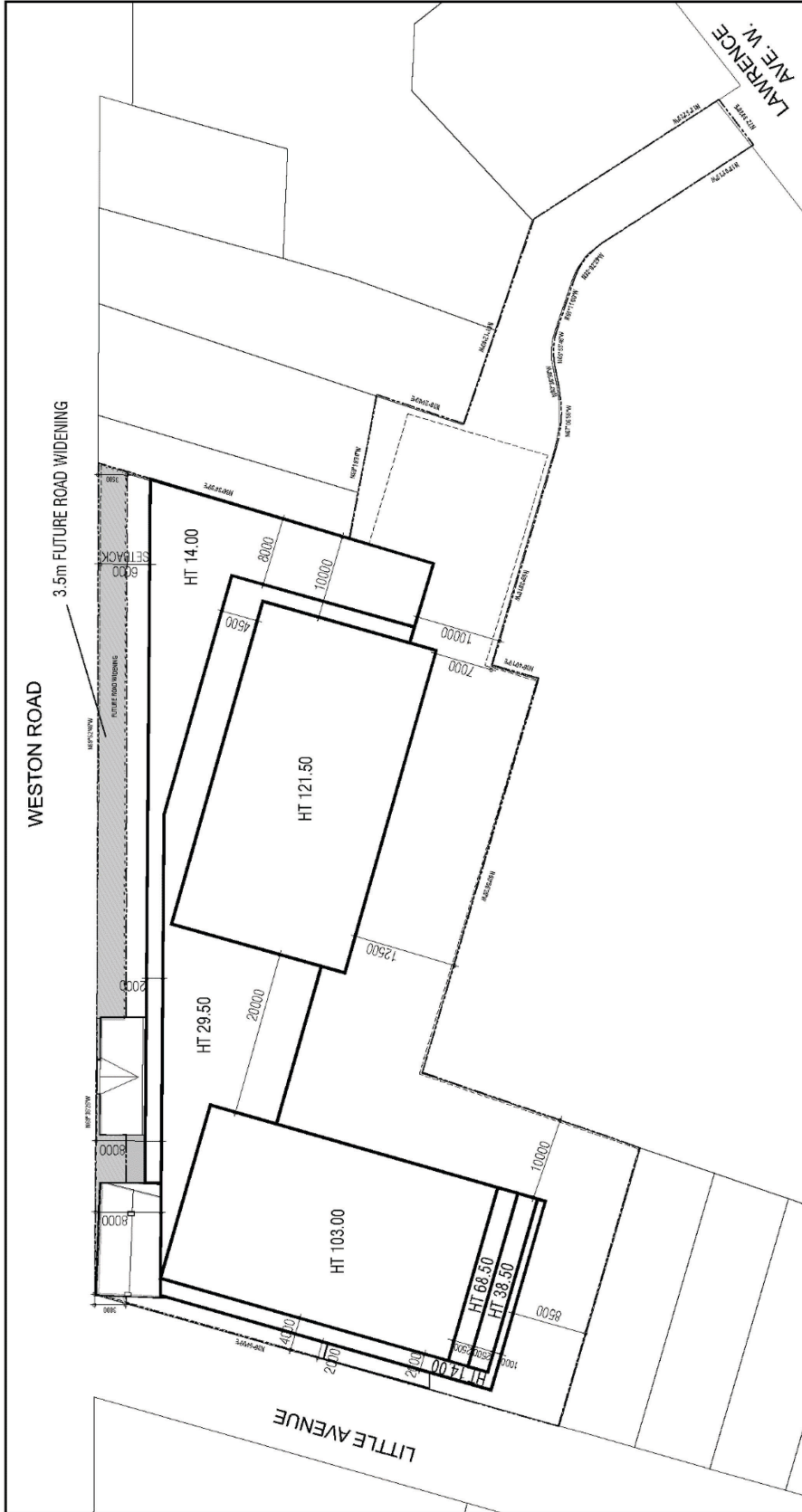


1956 Weston Road

File # 19 219985 WET 05 0Z

City of Toronto By-law 589-2013
Not to Scale
06/06/2022

Diagram 3



1956 Weston Road

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City of Toronto By-law 569-2013
Not to Scale
06/06/2022