



STAFF REPORT ACTION REQUIRED

Planning Study for the Weston Road and Black Creek Drive Area and Site Specific Official Plan and Zoning By-law Amendment Application for 955, 965 and 969 Weston Road – Final Report

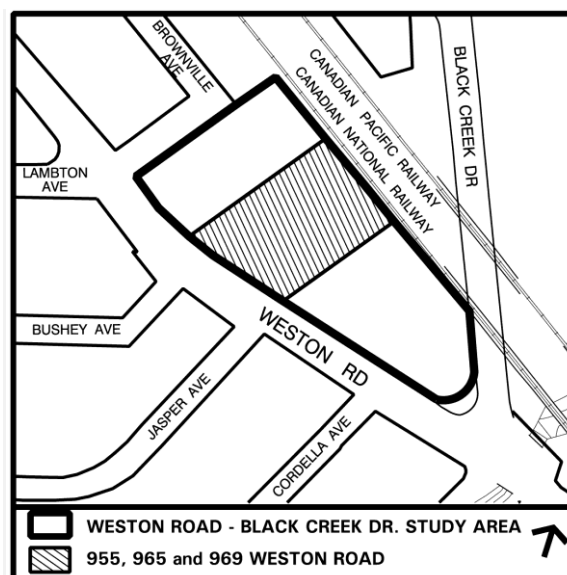
Date:	May 13, 2015
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning
Wards:	Ward 11 – York South-Weston
Reference Number:	P:\2015\ClusterB\PLN\PGMC\PG15076 05 136264 WET 11 OZ and 06 127685 WET 11 TM

SUMMARY

This report reviews and makes recommendations on both the Planning Study for the Weston Road and Black Creek Drive Area and the site specific Official Plan and Zoning By-law Amendment application for 955, 965 and 969 Weston Road.

This report does not bring forward an amendment to the Official Plan for these lands as Official Plan Amendment No. 231 (OPA 231), an amendment to the Official Plan of the City of Toronto with respect to the Economic Health Policies and the Policies, Designations and Mapping for Employment Areas, adopted by City Council in December 2013 addressed the required Official Plan amendments. OPA 231 redesignated the northern portion of the study area (955, 965, 969, 971 and 975 Weston Road) to *Neighbourhoods* and the southern area (915-935 Weston Road) to *General Employment*.

The Planning Study reviewed the land use policies for the lands on the east side of Weston Road between Black Creek Drive



and Lambton Avenue and recommends amending the former City of York Zoning By-law No. 1-83 for the northern portion of the study area from Commercial Employment (CE) to R3(H2) Residential Zone and Section 16(446) and to R3(H1) Residential Zone and Section 16(453) while maintaining the Commercial Employment (CE) zoning for the southern portion in keeping with the recent Official Plan amendment (OPA 231).

The site specific application for the properties known municipally as 955, 965 and 969 Weston Road seeks permission to build a 3 storey (plus basement) stacked townhouse development containing 71 units. The proposed development on these properties would have a floor area of approximately 7,000 m², representing a density of 0.9 times the area of the lot. Parking would be provided in a below grade garage with access from a new public road. 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 York Zoning By-law No.1-83, for the lands known municipally as 955, 965, 969, 971 and 975 Weston Road substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 7.
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.
3. If the Ontario Municipal Board schedules a hearing on the appeals as it relates to the application at 955, 965 and 969 Weston Road, the City Solicitor be instructed to oppose the application if OPA 231 has not yet been approved in respect of the lands known municipally as 955, 965, 969, 971 and 975 Weston Road as any approvals for the subject lands should be considered in the context of the block and in a comprehensive manner.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to provide an undertaking to the satisfaction of the City Solicitor that the owner will submit a letter to the Ontario Municipal Board requesting the OMB to bring the Toronto Official Plan as amended into force as it relates to 955, 965 and 969 Weston Road.
5. Before introducing the necessary Bills to City Council for enactment, Official Plan Amendment No. 231 to the Official Plan of the City of Toronto with respect to the Economic Health Policies and the Policies, Designations and Mapping for Employment Areas (By-law No. 1714-2013) shall be in effect as it relates to the land use designation for the properties known municipally as 955, 965, 969, 971 and 975 Weston Road.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Etobicoke York Community Council at its meeting of July 5, 2005, considered the Preliminary Report on the application to amend the former City of York Official Plan and Zoning By-law and to modify the Toronto Official Plan to permit a residential development at 955, 965 and 969 Weston Road. The Preliminary Report identified a number of matters to be addressed, including whether the proposed residential use was appropriate given the context of the small employment area within which it would be situated.

The owner appealed the Official Plan and Zoning By-law Amendment application to the Ontario Municipal Board, on the basis that the City had not made a decision within the statutory period. The City Clerk received the notice of appeal dated February 3, 2006.

City Council at its meeting of April 25, 26 and 27, 2006 adopted the Directions Report from the Director, Community Planning, Etobicoke York District on the application at 955, 965 and 969 Weston Road and in doing so, authorized the City Solicitor to oppose the application at the Ontario Municipal Board and requested Planning staff to undertake a planning study for the area east of Weston Road between Brownville Avenue and Black Creek Drive referred to in this report as the Weston Road and Black Creek Drive Study Area.

At the request of the applicant and with the consent of the City Solicitor, the Ontario Municipal Board deferred the hearing that was originally scheduled for July 4, 2006 to allow the City to undertake the planning study.

City Council at its meeting on September 25, 26 and 27, 2006 adopted the Status Report from the Director, Community Planning, Etobicoke York District on the application at 955, 965 and 969 Weston Road and the Planning Study of the Weston Road and Black Creek Drive Area. In doing so, City Council endorsed, in principle, the conversion of a portion of the study area to residential use. City Council also requested the Director, Community Planning, Etobicoke York District to report on the appropriate Official Plan and Zoning By-law Amendments for the Study Area.

At its meeting of December 16, 17 and 18, 2013, City Council adopted Official Plan Amendment No. 231 to amend the Official Plan of the City of Toronto with respect to the Economic Health Policies and the Policies, Designations and Mapping for Employment Areas. This amendment redesignates the properties known municipally as 955, 965, 969, 971 and 975 Weston Road from *Employment Areas* to *Neighbourhoods*.

Official Plan Amendment No. 231 was approved, with minor modifications, by the Minister of Municipal Affairs and Housing on July 29, 2014. 178 appeals of the Minister's decision were received and forwarded to the Ontario Municipal Board. The property owner of 955, 965 and 969 Weston Road has appealed OPA 231. A Pre-Hearing Conference was held on March 12 and 13, 2015. Another Pre-Hearing Conference has been scheduled for June 22, 2015 by the OMB. No date has been set for the full hearing.

The applicant has recently requested the Board to schedule a Pre-Hearing Conference to address the site specific development applications for 955, 965 and 969 Weston Road. At this time, no date has been set by the OMB. This report proposes to address the outstanding appeal of the application.

Community Consultation

Community consultation meetings were held to discuss both the site specific development application and the planning study.

A community consultation meeting was held on September 8, 2005 at the former Weston Apparel Building (955 Weston Road) to discuss the site specific application for 955, 965 and 969 Weston Road. Approximately 14 members of the public attended along with the Ward Councillor, the applicant and City staff. There was general support for residential uses on these lands, provided it was considered for the entire block between Lambton Avenue and Black Creek Drive. It was commented that any change in this area should be considered in the context of a study of the larger block. Other issues raised were the form and density of proposed development, the setback from Weston Road and the rail line, the need for a usable park, parking supply, traffic impact and the appearance of the proposed residential buildings.

A community consultation meeting was held on May 30, 2006 at Our Lady of Victory Catholic School (92 Lambton Avenue) to discuss the planning study. Approximately 20 members of the public attended along with the Ward Councillor, the applicant and City staff. As with the previous meeting, there was general support for residential uses within the block. It was noted that development in this area should create a unique focal point for the area, which is in keeping with the character of the Mount Denis community, and also create opportunities to attract new people to the area. It was noted that better connections and faster access to downtown Toronto through improvements to the public transportation system would also encourage people to move to the neighbourhood.

A further community consultation meeting was held on November 17, 2008 at Mount Dennis Legion (1050 Weston Road) to discuss the planning study and the site specific application. Approximately 24 members of the public attended along with the Ward Councillor, the applicant and City staff. As with the previous meetings, there was general support for residential uses within the block. Issues raised included: water and sewer capacity; amount of amenity space proposed; need for a traffic signal; the location of the public road; need for affordable housing; need for commercial uses; dumping of soil on the property; and the stacked townhouse built form being proposed.

The Ward Councillor held an additional community consultation meeting to discuss the status of the application and planning study on January 29, 2013. As with the previous meetings, there was general support for residential uses within the block. Issues raised included: the location of the new road; the need for a traffic signal; and the stacked townhouse built form being proposed.

ISSUE BACKGROUND

Planning Study (East side of Weston Road between Lambton Avenue and Black Creek Drive)

One of the issues identified in the Preliminary and Directions Reports regarding the site specific development application for 955, 965 and 969 Weston Road was the proposed land use change from employment to residential. Staff noted that when reviewing the site specific application for residential uses in the interior of this employment area, which is comprised of a number of properties in different ownership and in different uses, consideration must be given to the larger employment area and potential impacts and how the area might redevelop in the future. In order to review this application in a comprehensive manner within its context, a planning study of the broader employment area from Lambton Avenue to Black Creek Drive (the Study Area) was undertaken.

Development Application (955, 965 and 969 Weston Road)

The application for the lands at 955, 965 and 969 Weston Road seeks approval for a stacked townhouse development consisting of two townhouse blocks (Block A and Block B) above a one storey below grade parking garage. The proposed buildings would be three storeys in height, have an approximate total residential gross floor area 6,972 m² and contain 71 residential units (35 one bedroom units and 36 two bedroom units). A centrally located landscaped court yard is proposed between Block A and Block B that would provide shared outdoor amenity for the development. The above grade portions of the development would be setback 30 m from the rail line.

In total, 85 parking spaces are proposed, 71 below grade spaces for residents and 14 surface parking spaces for visitors. The below grade parking garage would be accessed from a driveway off a proposed new public road. The 14 visitor spaces would be located on surface at the rear of the property. The loading space would be located at the rear of Block B.

The proposed public road would connect to Weston Road and would align with Bushey Avenue (See Attachment 1: Site Plan, Attachment 2: Elevations and Attachment 6: Application Data Sheet).

Study Area and Surrounding Area

The study area consists of 9 properties with a combined area of approximately 1.9 ha (4.7 acres). It is located on the east side of Weston Road, bounded by Lambton Avenue to the north, the CP, CN and Metrolinx rail corridor to the east, and Black Creek Drive to the

south. The properties within the study area range in size from 272 m² to 6,718 m². The grade for this portion of Weston Road slopes upward from the south. Uses within the study area are predominately employment uses, including motor vehicle repair shops, a kitchen cabinet manufacturer, a bake shop and a restaurant.

The lands which are the subject of the site specific development application (955, 965 and 969 Weston Road) are situated near the middle of the study area, have frontage of 24.38 m along Weston Road and an approximate area of 7,558 m². The lands are currently vacant, but have recently been utilized by Metrolinx as a staging area for work on the Georgetown South GO line expansion and the Union Pearson Express.

The surrounding land uses are as follows:

- North: residential uses that include single detached, semi-detached and walk-up apartment buildings and commercial uses fronting Weston Road.
- South: industrial and commercial uses.
- East: CP/Metrolinx rail corridor.
- West: on the other side of Weston Road residential uses that include single detached, semi-detached and walk-up apartment buildings and commercial uses fronting Weston Road.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong, healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 study area is subject to the former City of York Official Plan, the former Metropolitan Toronto Official Plan and the City of Toronto Official Plan.

The lands at 955, 965 and 969 Weston Road are also subject to the former City of York and former Metropolitan Toronto Official Plan. When the Toronto Official Plan was approved by the OMB in 2006, the OMB did not bring the Toronto Official Plan into force for those lands that were the subject of applications under appeal at the OMB. As

such the lands at 955, 965 and 969 Weston Road were exempted from the new Plan. The Toronto Official Plan proposed to designate these properties as *Employment Areas*.

The remaining properties (915-935 Weston Road and 971-975 Weston Road) are designated *Employment Areas* on Map 17 – Land Use Plan in the Official Plan. *Employment Areas* are places of business and economic activities, and residential uses are not permitted. Uses that support this function consist 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. The site is not within an Employment District on Urban Structure Map 2.

The study area is subject to Site and Area Specific Policy No. 53. This policy specifies that a development concept plan for the entire development block may be required to comprehensively assess individual proposals. Site and Area Specific Policy No. 53 also indicates that a development concept plan may also be required for a property assembly of a portion of a block.

The southern portion of the study area is located within the Natural Heritage System. Development in or near this system will recognize natural heritage values and potential impacts on the natural ecosystem, and will minimize adverse impacts and when possible, restore and enhance the Natural Heritage System. All proposed development in or near the Natural Heritage System must be evaluated to assess the development's impacts on the system and identify measures to mitigate negative impact on and/or improve this system.

Metropolitan Toronto Official Plan

The Metropolitan Toronto Official Plan identifies the portion of Weston Road adjacent to 955, 965 and 969 Weston Road as Metropolitan Mainstreet and Metropolitan Arterial Road. The policies of the Metropolitan Toronto Official Plan encourage area municipalities to designate in their Official Plan Local Corridor Re-Urbanization areas appropriate for the reasonable achievement of employment and residential intensification.

Former City of York Official Plan

The lands at 955, 965 and 969 Weston Road are subject to the former City of York Official Plan and located within the Mount Dennis Secondary Plan area within the former City of York Official Plan. The Secondary Plan designates the site Mixed Industrial/Commercial, an employment area designation which provides for a wide range of employment activities. Residential development is permitted subject to certain development criteria.

Section 12.8 provides for the introduction of residential or live/work uses in locations designated for Employment, subject to a rezoning and based on the following considerations:

- (i) location's potential for employment activities;
- (ii) impact of residential, live/work development on existing employment and residential activities in the surrounding area;
- (iii) environmental suitability for residential development; and
- (iv) availability of social and community services and residential amenities.

Official Plan Amendment No. 231

On December 18, 2013 City Council approved Official Plan Amendment No. 231 (OPA 231), an amendment to the Official Plan of the City of Toronto with respect to the Economic Health Policies and the Policies, Designations and Mapping for Employment Areas. Official Plan Amendment No. 231 was approved, with minor modifications, by the Minister of Municipal Affairs and Housing on July 29, 2014. However, a number of appeals of the Minister's decision were received and forwarded to the Ontario Municipal Board. While a Pre-Hearing Conference was held on March 12 and 13, 2015 and another Pre-Hearing Conference has been scheduled by the OMB for June 22, 2015, no hearing date has been set for the full hearing.

OPA 231 designates the northern portion of the study area *Neighbourhoods* and the southern portion of the Study Area *General Employment Area*. This is consistent with the recommendations of the Planning Study for the Weston Road and Black Creek Drive Area which City Council endorsed in principle at its meeting of September 25, 26 and 27, 2006. The Study recommended the conversion of the northern portion of the study area to a residential land use designation and retention of the southern portion as an employment designation.

General Employment Areas are places for business and economic activities generally located on the peripheries of *Employment Areas* where, in addition to all uses permitted in a *Core Employment Area*, retail and service uses, restaurants, fitness centres and ice arenas may also be established.

Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

The Official Plan contains development criteria for assessing new development in *Neighbourhoods*. These criteria are intended to ensure that physical changes to established neighbourhoods are sensitive, gradual and generally fit the existing physical character. Policy 4.1.5 of the Official Plan states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood.

The development criteria contained in the *Neighbourhoods* policies are supplemented by additional development criteria outlined in the Built Form policies in Section 3.1.2 of the Official Plan. The Built Form policies emphasize the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area.

Weston Road is identified as a Major Street on Map 3- Right-of-Way Width Associated with Major Streets of the Official Plan. Policy 4.1.7 states that the intensification of properties on major streets within *Neighbourhoods* is not encouraged. Where a more intense form of residential development than that permitted by the existing zoning on a major street in a *Neighbourhoods* designation is proposed, the application will be reviewed in accordance with Policy 4.1.5, having regard to both the form of development along the street and its relationship to adjacent development in the residential neighbourhood.

Zoning

In accordance with the established protocol, the lands were excluded from City of Toronto Zoning By-law No. 569-2013 as there was an active application and ongoing planning study at the time of the By-law's enactment. As such, the former City of York Zoning By-law No. 1-83 continues to apply to the lands. The former City of York Zoning By-law (By-law No. 1-83) zones the site Commercial Employment (CE) (see Attachment 3 – Zoning). This zoning permits a wide range of non-residential uses including, but not limited to, industrial, office, retail, restaurant and recreational uses.

Site Plan Control

The study area and the proposed development are subject to Site Plan Control. As each of the remaining properties are developed, Site Plan Approval applications will be required.

A Site Plan Application was submitted with the Official Plan and Zoning By-law Amendment Application (Site Plan Application 05 136530 WET 11 SA) for the lands at 955, 965 and 969 Weston Road.

Plan of Subdivision

Applications for Draft Plan of Subdivision will be required to establish new public roads and may be required as each site is developed to appropriately secure the required public infrastructure including the public roads. To date, a Draft Plan of Subdivision application has not been filed for the lands at 955, 965 and 969 Weston Road.

Tree Preservation

City of Toronto By-laws provide for the protection of trees situated on both private and City property. As each property within the study is redeveloped, an Arborist Report and

Tree Preservation Plan will be required. Tree protection and/or replacement will be secured through the Site Plan Approval process for each development.

An Arborist Report and Tree Preservation Plan has not been submitted for the current proposal at 955, 965 and 969 Weston Road.

Archaeological Assessment

The study area and subject lands are within the Interim Screening Areas for Archaeological Potential identified in the Archaeological Master Plan of the City.

A Stage 1 and 2 Archaeological Assessment Report was submitted for 955, 965 and 969 Weston Road. The submitted report concludes that no archaeological resources were encountered and no further study is required as it relates to these properties.

Tenure

The applicant for the subject lands has advised that the 71 townhouse units would be condominium. A draft Plan of Condominium application will be required.

Mount Dennis Mobility Hub

Mount Dennis has been identified as one of 51 Mobility Hubs in The Big Move: the Transit Plan for the Greater Toronto and Hamilton Area (GTHA). Mobility Hubs are significant transit stations as a result of the level of transit service planned for them and the development potential around them. They are intended to be connected places, where different modes of movement are seamlessly connected and there are opportunities to integrate concentrations of living, working or playing.

The Mount Dennis Mobility Hub Study was completed by Metrolinx in 2014. The study establishes a long-term vision of a higher-density, mixed use environment connected by an expanded pedestrian and cycling network for the Mount Dennis Station and surrounding lands.

The Mount Dennis Mobility Hub Study notes that the employment area at the northeast corner of Weston Road and Black Creek Drive should accommodate a mix of manufacturing/retail and service uses that serve a much broader area. It comments that over time, it is likely that the north half of the employment area at Weston Road and Black Creek Drive will transition from manufacturing and service uses to residential uses. Future development should provide a road network that buffers residential uses, supports employment intensification south of Jasper Avenue and enables lands between Bushey Avenue and Lambton Avenue to redevelop as residential over time. Redevelopment and intensification of the employment lands should face Weston Road and accommodate parking at the side or rear of the building.

The Mobility Hub Study recommended a comprehensive redevelopment strategy for the lands east of Weston Road between Lambton Avenue and Black Creek Drive be investigated with land owners.

Reasons for Application

The proposed residential development was not a use provided for in the *Employment* designation in the former City of York Official Plan or in the Commercial Employment (CE) zone of the former City of York Zoning By-law No 1-83, both of which continue to apply.

The Official Plan Amendment is now no longer required to provide for residential uses for 955 to 971 Weston Road as OPA 231 has recently redesignated these properties to *Neighbourhoods*.

Agency Circulation

All appropriate agencies and City divisions were circulated for comments. Responses received have been used to assist in evaluating the application and study, and to formulate appropriate Zoning By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The planning study and subject application supports and is consistent with the 2014 Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. The subject application complies with the policies of the PPS that support intensification and require new development to be directed to appropriate locations for growth.

Policy 1.4.3 requires provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other means, facilitating all forms of residential intensification and redevelopment and promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of public transit.

Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and supports the development of viable choices and plans for public transit and other alternative transportation modes.

The proposed development complies with the above policies and other relevant policies of the Provincial Policy Statement by: contributing to the range of housing types in the area, intensifying the residential use of the site and making efficient use of existing infrastructure.

The proposal also meets the policies of the Provincial Growth Plan. The Growth Plan promotes increasing intensification of the existing built-up areas.

The Growth Plan also requires all intensification areas to be planned and designed to provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places. The current proposal conforms with these policies.

Land Use

OPA 231 proposes to designate the northern portion of the Study Area and application lands as *Neighbourhoods*. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

OPA 231 proposes to designate the southern portion of the Study Area *General Employment Area*. *General Employment Areas* are places for business and economic activities generally located on the periphery of *Employment Areas* where, in addition to all uses permitted in a *Core Employment Area*, retail and service uses, restaurants, fitness centres and ice arenas may also be established. This area will continue to provide opportunities for employment uses and commercial uses to serve the needs of existing and future residents.

This is consistent with the recommendations of the Planning Study for the Weston Road and Black Creek Drive Area which City Council endorsed in principle at its meeting of September 25, 26 and 27, 2006. The Study recommended the conversion of a portion of the study area to residential uses and retaining the balance for employment uses. The proposed residential development for 955, 965 and 969 Weston Road would conform to OPA 231 and City Council's endorsed recommendations for these lands within the Study Area.

As OPA 231 provides appropriate amendments to the Official Plan for the Study Area, this report does not make any recommendations related to the Official Plan.

Proposed Zoning By-law Amendments

As noted in the planning report on the study, the abutting lands to the north and west contain medium to low density residential uses and future development should complement the existing built form context and enhance the range of housing types for the area. As such, it is proposed that the northern portion of the Study Area, which was designated *Neighbourhoods* by OPA 231, be rezoned from Commercial Employment Zone (CE) to R3 Residential Zone (R3). The R3 zoning would match the zoning of the residential neighbourhoods to the north and west. This zoning would permit a range of housing forms such as single detached, semi detached, triplex and townhouses. Additional multiple unit housing forms that are compatible with the existing character of the surrounding residential neighbourhoods may be considered for this area subject to rezoning applications. It is also recommended that the Draft Zoning By-law include an "H" Holding Symbol to require appropriate studies and application for the residential uses as further outlined below.

For the application lands (955, 965 and 969 Weston Road), a site specific zoning is proposed to permit the proposed stacked townhouse development as outlined below. It is

also recommended that the Draft Zoning By-law for this site include an "H" Holding Symbol to require the submission of a draft plan of subdivision application and approval of the application and registration of the Plan to establish the proposed new public road.

It is recommended that the southern portion of the Study Area remain zoned Commercial Employment (CE) which will continue to provide opportunities for employment uses and commercial uses to serve the needs of existing and future residents.

As OPA 231 has been appealed, it is recommended that prior to the introduction of the necessary Bills to City Council for the proposed zoning by-law amendments that OPA 231 shall be in effect as it relates to the land use designations for these lands.

Development Application

As noted in the Status Report on the Planning Study, redevelopment within the Study Area should be integrated into the surrounding built form fabric, fitting with the existing character and scale of the neighbouring residential area, complementing the built form and be designed to efficiently use existing infrastructure and service facilities.

The proposed three storey stacked townhouse development is consistent with the scale of the existing buildings to the north and west along Weston Road, which are generally developed with medium to low density residential uses. The proposed development would complement the existing built form context and enhance the range of housing types for the area.

The proposed development would be integrated and linked into the fabric of this area through the introduction of a new public road at the north end of the property. Servicing and parking for the development would be accessed from the new public road. The public road would also offer additional frontage for this site and the property to the north, which would assist in providing future development opportunities.

Rail Safety

The Study Area abuts the Canadian National Railway (CNR) Weston Subdivision and Canadian Pacific Railway (CPR) MacTier Subdivision to the north. The rail corridor will also be used by Metrolinx for the Georgetown line and the Union Person Express.

The standard requirements of CNR/CPR/Metrolinx are warning clauses and a 30 m setback from the rail right-of-way combined with a 2.5 m high earthen berm topped by a 3.0 m high acoustical fence to provide safety and mitigate the impact of the railway operation. Alternative measures such as a crash wall can be considered to the satisfaction of the rail companies which may reduce minimum building setbacks. The specific mitigation measure would be assessed by the rail companies and secured as each site is developed.

As there are no current development plans or applications for the properties at 971 and 975 Weston Road and no details have been provided in regards to the rail safety

requirement for these two properties, it is recommended that the Draft Zoning By-law include an "H" Holding Symbol to require the owner to submit a site plan to the satisfaction of the rail companies to demonstrate that the proposed development meets the rail company safety requirements.

The proposed development for 955, 965 and 969 Weston Road has been circulated to the rail companies for review and comment. The rail companies noted that a 30 m setback and an alternative safety berm are proposed as part of the development. The rail companies note that the proposed safety berm appears to be equivalent to the rail company conventional berm configuration and would be acceptable in principle. The rail companies also advise warning clauses are to be included in all offers of purchase and sale to inform future residents of possible noise and vibration impacts. The rail company requirements for warning clause will be secured in the Site Plan, Draft Plan of Subdivision and/or Draft Plan of Condominium approval processes for these lands.

It is recommended that the Draft Zoning By-law Amendments include an "H" Holding Symbol to require the owner to provide confirmation from the rail companies that satisfactory arrangements have been made to address their requirements for the proposed development, prior to lifting of the H.

Noise and Vibration

As the properties within the Study Area are redeveloped, there is the potential that residential developments may be located adjacent to existing industrial/commercial uses and abutting the rail corridor. Any future residential development must demonstrate Ministry of the Environment and Climate Change (MOECC) guidelines for acceptable levels of noise and vibration will be achieved. It is recommended that where possible, noise attenuation should be achieved through the placement, location and massing of buildings. As each site is developed, the applicant must demonstrate that appropriate mitigation measures (either temporary or permanent) are in place to protect the residential uses from any potential noise and vibration sources (such as traffic, existing industrial uses and the rail corridor).

The applicant for 955, 965 and 969 Weston Road has submitted an Environmental Noise and Vibration Impact Study for the proposal. The study indicates that no acoustic barriers will be required to protect the outdoor living areas associated with the proposed townhouses. The study recommends central air conditioning be installed for all dwelling units and upgraded exterior wall and glazing construction be provided on all buildings. The study further recommends warning clauses be included in offers of purchase and sale to inform future residents of traffic noise.

The study noted that most recorded vibration levels from passing trains were well within the permissible limits. However for one CP freight train the vibration levels were marginally in excess of CP limits. The study therefore recommended that warning clauses be included in offers of purchase and sale to inform future residents of the marginal excess vibration.

A further review of noise and vibration impacts will be undertaken through the Site Plan Approval process, when detailed plans are available for each site. The studies will be peer reviewed by an appropriate consultant retained by the City to ensure that appropriate architectural sound and vibration isolation requirements will be in place, in compliance with the MOECC Guidelines. The recommended mitigation measures of the noise and vibration study would be secured through the Site Plan Approval process.

As there are no current development plans or applications for the properties at 971 and 975 Weston Road, it is recommended that the Draft Zoning By-law include an "H" Holding Symbol requiring a noise and vibration study to be submitted to the satisfaction of the Director, Community Planning, Etobicoke York District, to demonstrate how the MOECC Guidelines would be met for a residential development and to identify required mitigation measures.

Transportation

Transportation Services staff have commented that the traffic expected to be generated by the proposed residential development will not significantly impact the level of service of the adjacent road network. On this basis, the applicant was not required to submit a Transportation Impact Study. However, to mitigate interference with the functionality of the west approach to the Weston Road/Lambton Avenue signalized intersection, the applicant will be required to provide an auxiliary eastbound to northbound left turn storage lane at the east approach to the Weston Road/Bushey Avenue/Proposed Public Road unsignalized intersection, measuring 2.7 m in width with 15.0 m of storage and a 15.0 m blended approach taper at the existing northbound left turn lane.

This left turn lane can be accommodated within the existing Weston Road pavement cross-section, and by reducing the length of the westbound left turn lane approaching Lambton Avenue to not less than 25.0 m.

The applicant will also be required to submit a detailed pavement marking plan to illustrate the required auxiliary eastbound to northbound left turn lane at the Weston Road/Bushey Avenue/Proposed Public Road unsignalized intersection, and the required pavement marking modifications to the existing westbound left turn storage lane approaching the Weston Road/Lambton Avenue signalized intersection. The applicant will be responsible for all costs to implement the approved pavement marking plan. These requirements of Transportation Services staff will be secured through the Site Plan Approval and Draft Plan of Subdivision process.

As part of the development application, a new public road is proposed off Weston Road that would align with Bushey Avenue. The proposed public road would comply with Development Infrastructure Policy Standards (DIPS) for new public roads and would assist in achieving the Official Plan objectives relating to comprehensive development and integration of the proposal into the context of the larger block. It would also provide for the integration and organization of any future redevelopment of the adjacent

properties to the north. The incorporation of a public road will necessitate the submission of a Draft Plan of Subdivision application.

Transportation Services staff have advised that within the Study Area, Weston Road is required to be widened. As each property is developed, dedications ranging from 2.0 m to 2.8 m will be required as a condition of Site Plan Approval. For the development at 955, 965 and 969 Weston Road, the applicant is required to convey to the City a strip of land measuring 2.4 m in width along the entire Weston Road property frontage to satisfy the Official Plan requirement of a 27 m right-of-way. The submitted site plan illustrates the 2.4 m widening on Weston Road and this widening will be secured through the Site Plan Approval or Draft Plan of Subdivision process.

The area is well served by public transportation along Weston Road and Eglinton Avenue West (89 Weston and 32 Eglinton West bus routes). In addition, Metrolinx is currently constructing the Eglinton Crosstown line which will run from Weston Road to Kennedy Road. The Crosstown line will link to 54 local bus routes, three TTC interchange subway stations and GO Transit. It is estimated this line will open in 2020.

Tree Preservation

The properties within the Study Area are subject to the provisions of By-law No. 780-2004, regarding tree protection. As each property is developed, the applicant will be required to submit an arborist report/tree preservation plan.

Environmental issues

Given the current and previous industrial uses within the Study Area, future residential developments will be required to provide a Record of Site Condition prior to the issuance of a building permit. In addition, all applicants will be required to undertake a peer review process to ensure that any lands dedicated to the City for roads or parks purposes, are remediated to the residential standards, with these peer reviews conducted for the City and funded by the applicant.

Natural Heritage

The properties within the southern portion of the Study Area are located within the Natural Heritage System (Map 9 of the Official Plan) being part of the valley and stream corridor system associated with the Humber River and the Black Creek tributary. A preliminary review of the area shows that the properties within the Study Area are fully developed and there does not appear to be terrestrial natural heritage to protect. Other than the valley and stream corridor, no other natural heritage features have been identified for this area (City of Toronto Natural Heritage Study, December 2001). As properties in the Natural Heritage Area are redeveloped consideration should be given to restoration opportunities including reviewing options for restoring the natural heritage features and functions that formerly existed in the study area and to reinforce the existing natural heritage features and functions of the adjacent Black Creek system.

Restoration of the natural heritage features for each site will be considered and secured through the Site Plan Approval process.

For the proposal for 955, 965 and 969 Weston Road, Urban Forestry staff have advised the landscape plans must be revised to mitigate the development's impact on the natural heritage system. The revisions include seeding the berm adjacent to the rail corridor with native grasses and wildflowers and planting native trees and shrubs suitable for the area; planting native conifer trees to provide winter bird habitat; designing and constructing the surface parking in accordance with the City's "Greening Surface Parking Lots"; and maximizing the number of boulevard trees to be planted. These revisions will be reviewed and secured through the Site Plan Approval process.

Flood Plain

The Toronto and Region Conservation Authority (TRCA) has indicated that the properties in the southerly portion of the Study Area are located within the limits of the Regulatory Flood Plain associated with the Black Creek. Policy 3.4.5 of the Official Plan prohibits development within the floodplain. Furthermore, Policy 4.2.2 of the TRCA's Valley and Stream Corridor Management Program (VSCMP) does not permit redevelopment or intensification of areas within the floodplain that have not been identified as Special Policy Areas. For those properties currently located within the Regulatory Flood Plain, minor additions up to 50 percent of the existing buildings, or replacement of structures may be permitted, subject to TRCA's approval, and provided that the use associated with the replacement and/or addition does not increase risk to property damage or public safety. Residential development would not be supported, since this type of use presents a higher risk factor.

In addition, all development proposals for properties located within the TRCA's Generic Regulation Line will be subject to TRCA's review and the approval of an Ontario Regulation 166/06 permit will be required. Any new development must maintain a minimum setback of 10 m from the Regulatory Flood Plain.

The TRCA has advised that the development lands (955, 965 and 969 Weston Road) lie beyond the Regional Floodplain associated with Black Creek and has no comments or requirements with respect to the application.

Municipal Infrastructure

A preliminary review of municipal infrastructure shows that existing municipal water and sewer services can accommodate the potential residential development anticipated within the Study Area. However, as each site is developed, detailed studies may be required to fully assess the need for additional infrastructure and any additional infrastructure will be secured through the approval process for each application.

The applicant has submitted a Functional Servicing Report for the proposed development at 955, 965 and 969 Weston Road, which demonstrates there is sufficient stormwater,

sanitary and water capacity to service the proposed development. Engineering Construction Services staff concur with this finding.

Parking

The former City of York Zoning By-law No. 1-83 specifies a minimum parking requirement of one parking space per dwelling unit. The applicant is proposing to provide resident parking for the development at ratio of 1.0 parking space per one and two bedroom dwelling units and 1.2 spaces per three bedroom dwelling unit and visitor parking ratio at a ratio of 0.15 spaces per dwelling unit.

Based on the foregoing parking ratios the applicant is required to provide a total of 82 parking spaces for the proposed development (71 parking spaces for the one and two bedroom dwelling units and 11 visitor parking spaces).

The applicant proposes a total of 85 parking spaces, 71 parking spaces in the proposed single-level underground parking garage for residents and 14 surface visitor parking spaces located on the north side of the site. The proposed parking supply and layout satisfies the minimum by-law requirement for both the amount and dimension of parking spaces. Transportation Services staff advise the proposed parking supply and surface/garage parking layout is acceptable. It is recommended that the Draft Zoning By-law include the above noted minimum parking space ratios for this proposed development. The other properties in the Study Area would be subject to the general parking standards of the former City of York Zoning By-law No. 1-83.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The Study Area and development lands are in an area with 0.8-1.56 ha of parkland per 1,000 people. This is in the third highest quintile of current provision of parkland. The Study Area and development lands are in a parkland priority area, as per Alternative Parkland Dedication By-law 1020-2010.

The site specific application for 955, 965 and 969 Weston Road proposes 71 residential units on a site area of 0.756 ha. At the alternative rate of 0.4 ha per 300 units, the amount of required parkland dedication would equal 0.09 ha (900 m²) or 12.5% of the proportionate residential site area. Sites with a total area of less than 1 ha are subject to a cap of 10%, therefore the parkland dedication amount would equal 0.08 ha (800 m²).

The applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu payment and this is acceptable to Parks, Forestry and Recreation staff, as the parkland dedication associated with the development would be too small to create a serviceable park and the site is located near Westlake Memorial Park, Cayuga Park and Keelestone Park. The actual amount of cash-in-lieu payment would be determined by Facilities and Real Estate staff at the time of issuance of the building permit.

Parks, Forestry and Recreation staff have advised that future residential developments in the Study Area would also be subject to cash-in-lieu of parkland payment.

Community Services and Facilities

The applicant submitted a Community Services Report that demonstrated the Mount Dennis area has numerous public community services, and it is not expected the residential redevelopment of the lands within the Study Area would have a negative impact on existing facilities.

A community centre at the southeast corner of Black Creek Drive and Eglinton Avenue West is currently under construction and is expected to open in 2016. The community centre will have an approximate floor area of 5,254 m² and will contain a gym, indoor swimming pool with change rooms, multipurpose rooms (with kitchen), meeting rooms, music room, track, fitness centre/health club, and administrative offices.

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. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

As this application was received prior to January 31, 2010 the TGS is voluntary. While the TGS is not a requirement for this development, the applicant has been encouraged to meet Tier 1 of the TGS. Discussions with the applicant in this regard will continue through the Site Plan Approval process and appropriate TGS performance measures could be secured through this process.

Construction Management

The applicant is required to submit a Construction Management Plan to the satisfaction of Executive Director of Engineering and Construction Services showing the following items: dust/mud control on and off-site; location of truck loading points; trailer parking; location of temporary material storage areas; access/truck routing; provision of hoarding, temporary fencing and covered walkways; location and extent of aerial crane operations; parking for construction trades; and procedures to address vermin and rodents. These requirements will be addressed and secured through the Site Plan Approval process.

Ontario Municipal Board Appeal (955, 965 and 969 Weston Road)

As noted previously, this report does not make any further recommendations on amendments to the Toronto Official Plan as Official Plan Amendment No. 231 (OPA 231) would redesignate the lands at 955, 965 and 969 Weston Road and 971 and 975 Weston Road to *Neighbourhoods*. OPA 231 would redesignate the subject lands to the land use designation requested in the application for these lands. However, to ensure the redesignation of the entire Study Area is considered in a comprehensive manner and in the context of the entire block, it is recommended that if the Ontario Municipal Board

schedules a hearing on the appeals as it relates to the application at 955, 965 and 969 Weston Road, the City Solicitor be instructed to oppose the application.

Conclusion

The Planning Study reviewed the land use policies for the lands on the east side of Weston Road between Black Creek Drive and Lambton Avenue and recommends amending the former City of York Zoning By-law No. 1-83 for the northern portion of the Study Area to R3 Residential Zone (R3) and maintaining the Commercial Employment (CE) zoning for the southern portion in keeping with Official Plan Amendment 231.

The proposed development for 955, 965 and 969 Weston Road would be compatible with and integrate well with the existing neighbourhood. The development represents an appropriate level of intensification for the lands. The proposed building heights and scale are appropriate for the lands and the proposal conforms to the built form policies of the Official Plan. Staff are therefore recommending that the application to amend the former City of York Zoning By-law No 1-83 to permit 71 stacked townhouse units be approved by City Council.

CONTACT

Gregory Byrne, Senior Planner
Tel. No. (416) 394-8238
Fax No. (416) 394-6063
E-mail: gbyrne@toronto.ca

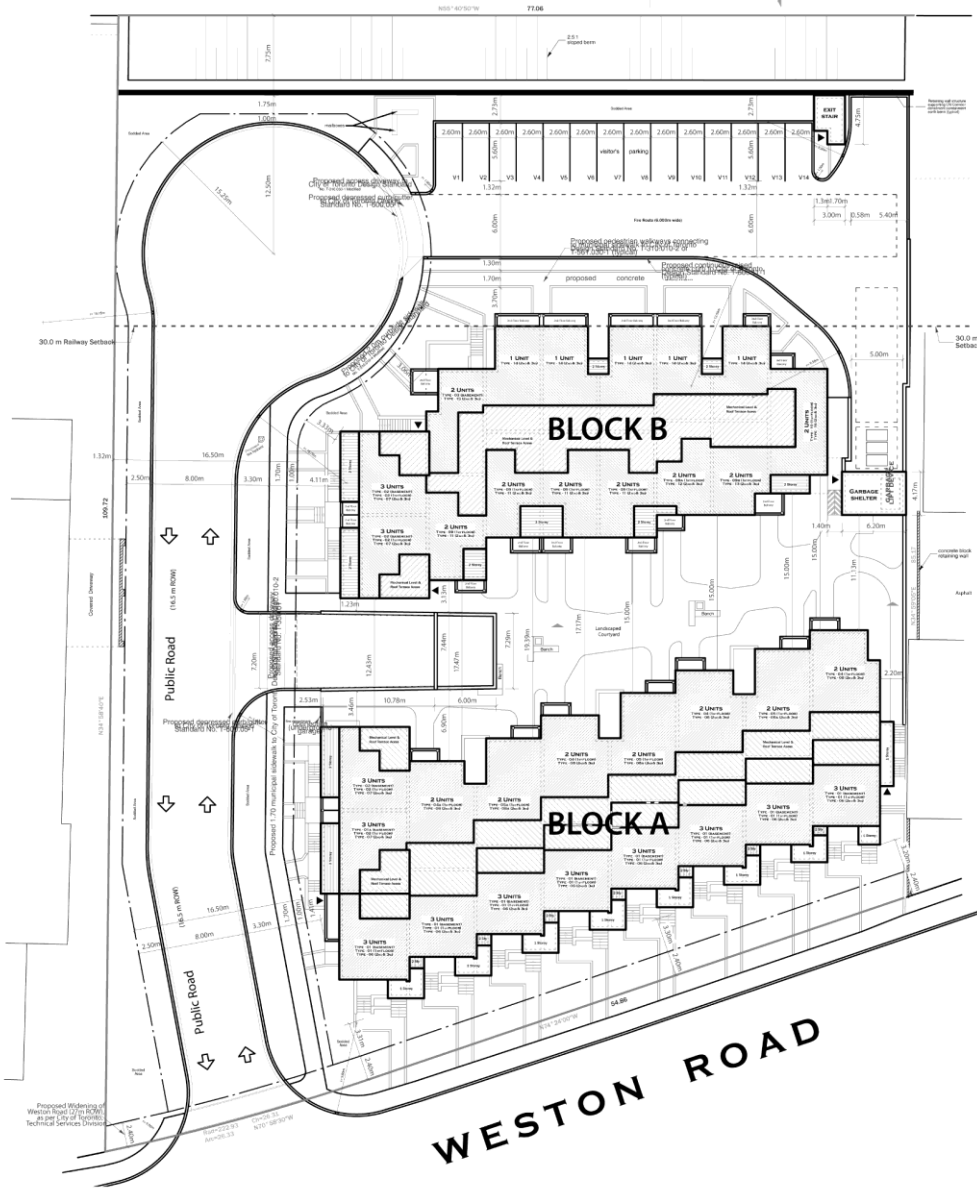
SIGNATURE

Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Site Plan (955, 965 and 969 Weston Road)
Attachment 2: Elevations (955, 965 and 969 Weston Road)
Attachment 3: Zoning
Attachment 4: Official Plan
Attachment 5: Official Plan (OPA 231)
Attachment 6: Application Data Sheet
Attachment 7: Draft Zoning By-law Amendment

Attachment 1: Site Plan (955, 965 and 969 Weston Road)



Site Plan

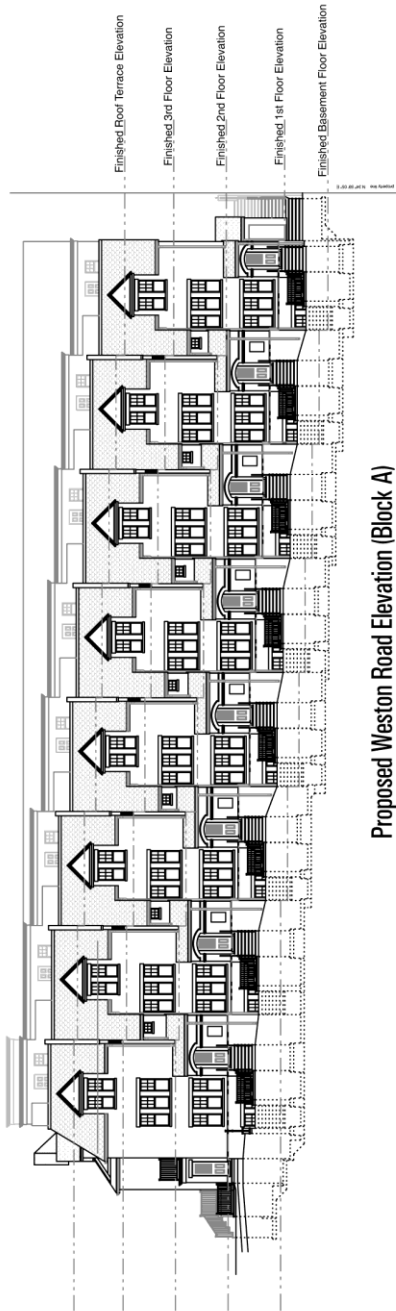
955 - 969 Weston Road

Applicant's Submitted Drawing

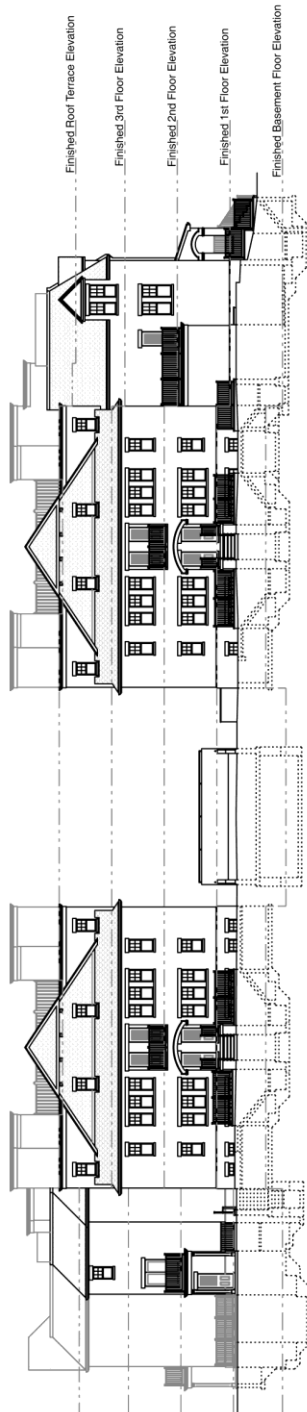
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File # 05 136264 WET 11 0Z

Attachment 2: Elevations (955, 965 and 969 Weston Road)



Proposed Weston Road Elevation (Block A)



Proposed Public Road Elevation (Block A)

Proposed Public Road Elevation (Block B)

Elevations

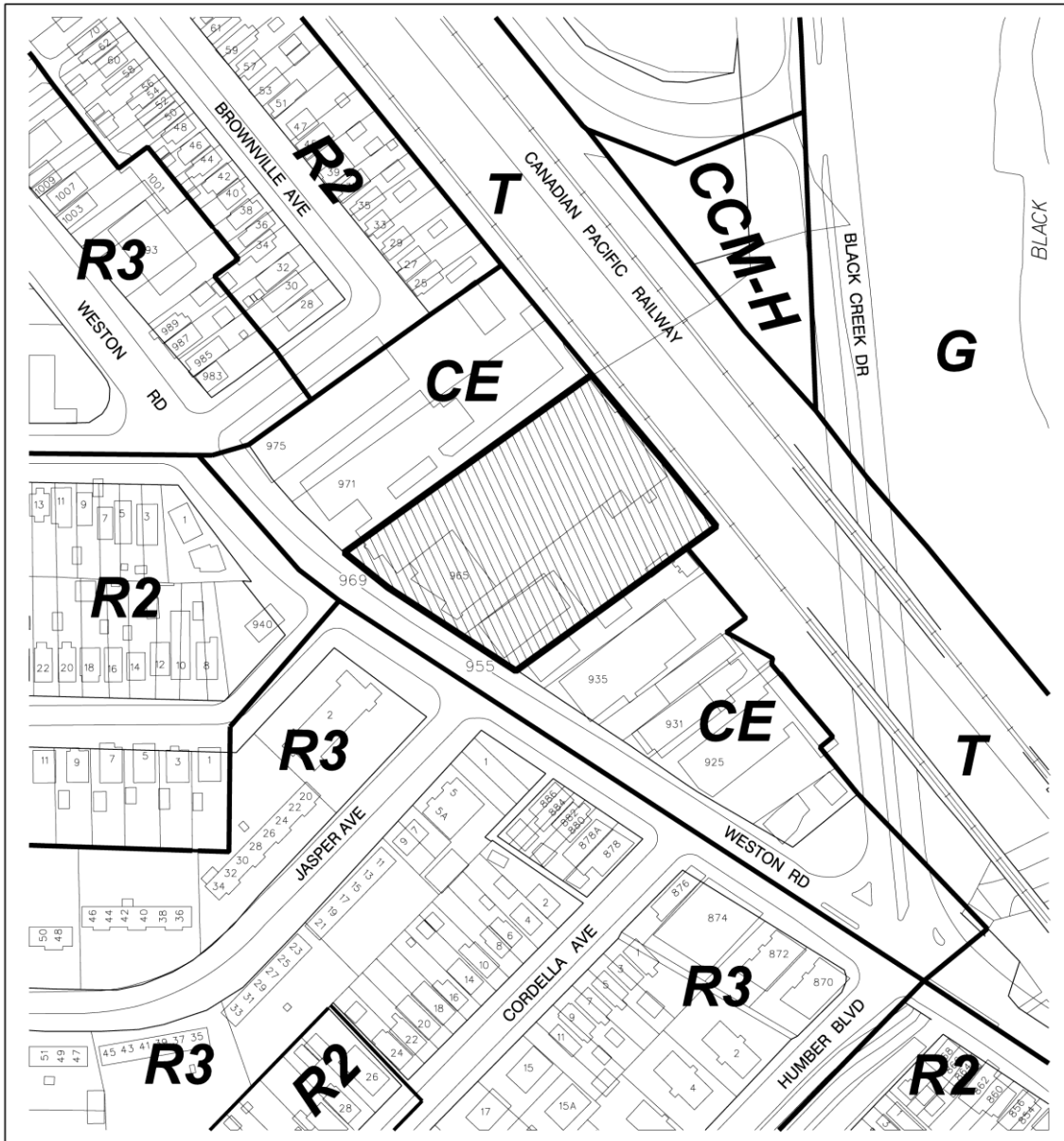
Applicant's Submitted Drawing

Not to Scale
04/03/14

955 - 969 Weston Road

File # 05 136264 WET 11 0Z

Attachment 3: Zoning



TORONTO City Planning
Zoning

955 - 969 Weston Road
File # 05_136264 WET 11 02

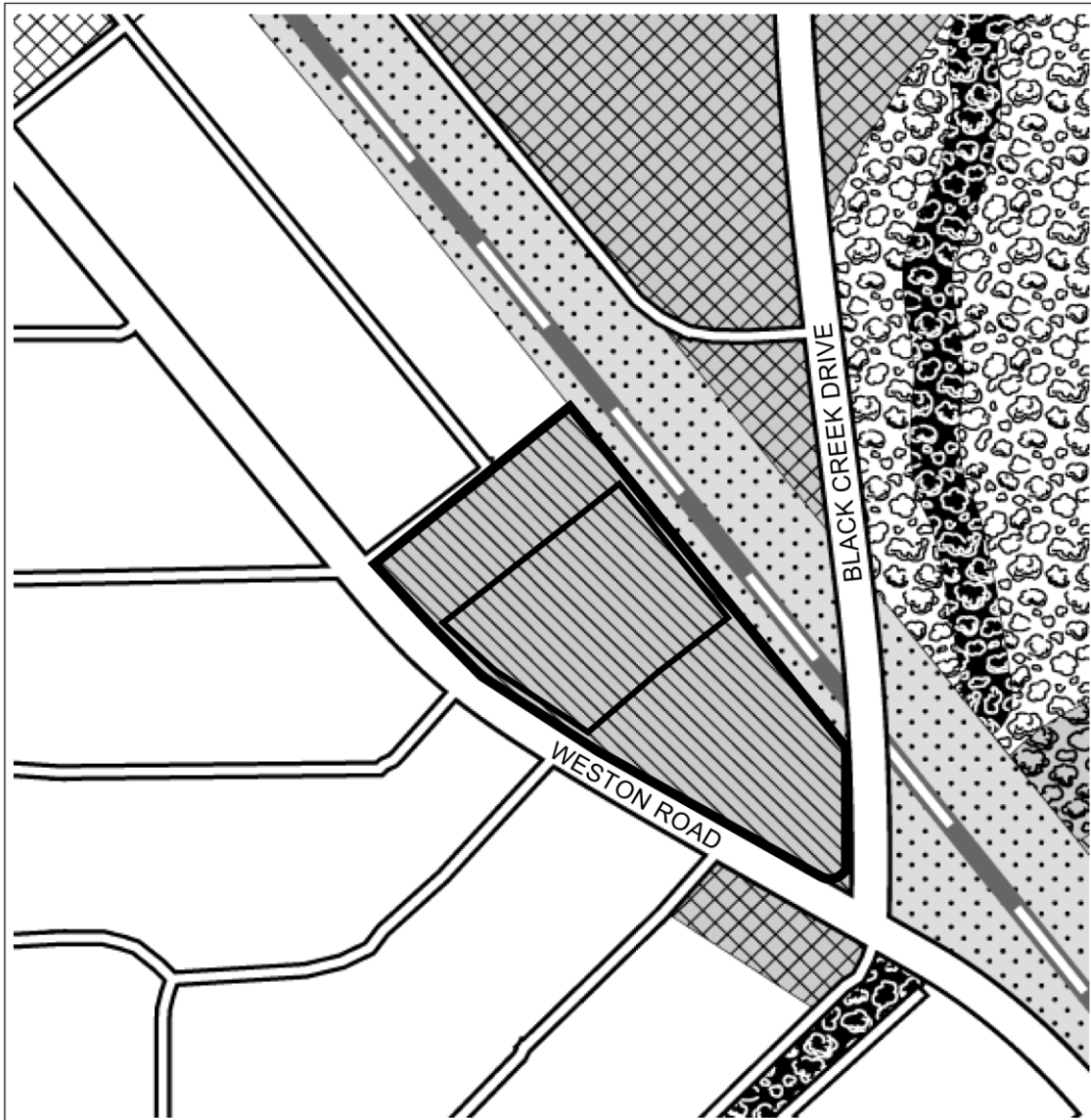
R2 Residential Zone
R3 Residential Zone
CCM City Centre Mixed Use District Zone
CE Commercial Employment Zone

T Transportation & Utilities
-H Holding Provision



Not to Scale
Zoning By-law 1-83 as amended
Extracted 04/03/14

Attachment 4: Official Plan



TORONTO City Planning
Extract from Official Plan

955, 965 & 969 Weston Road

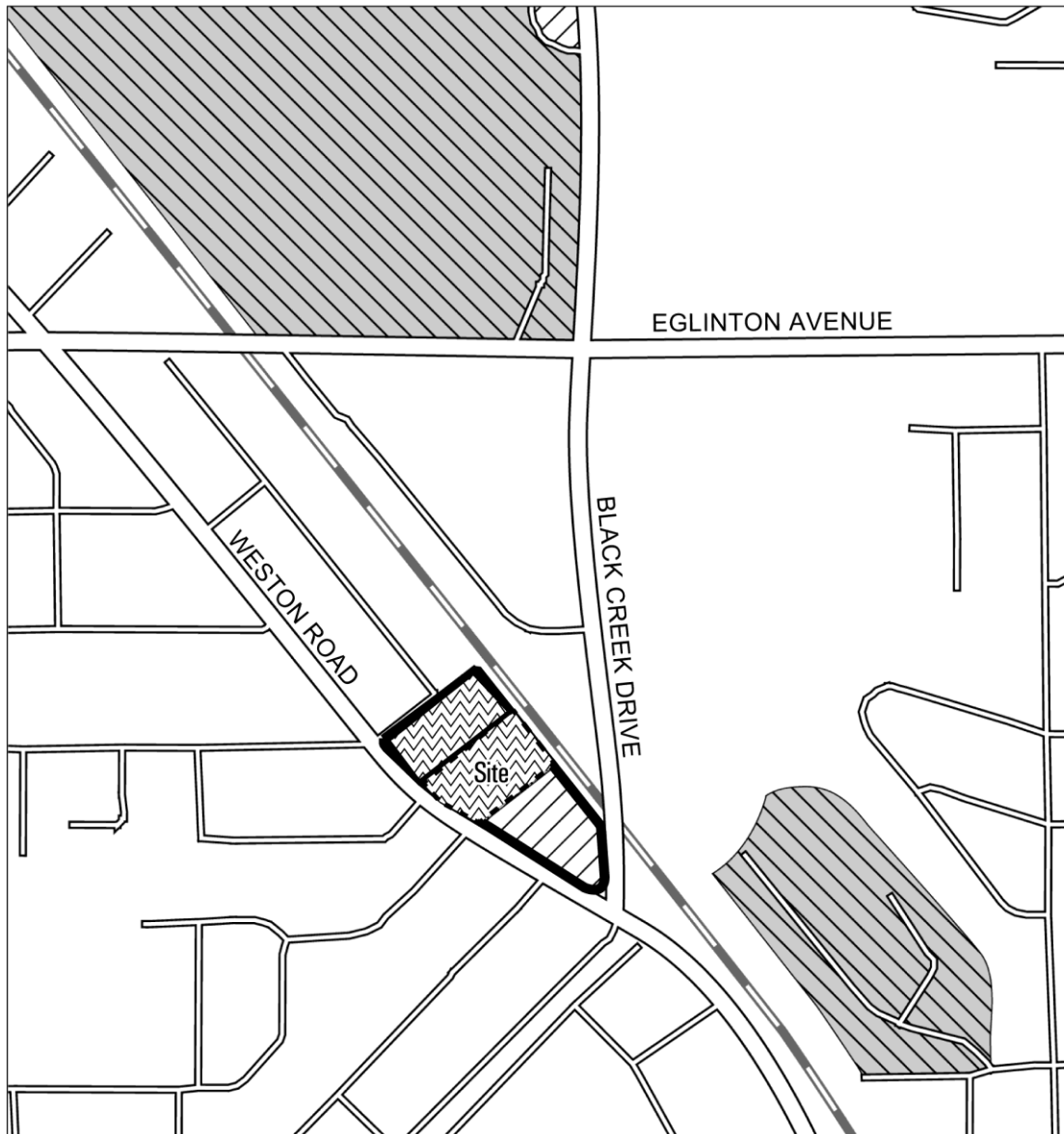
File # 05 136264 WET 11 0Z, 06 127685 WET 11 TM



Not to Scale
 02/05/15

--- Roads not currently shown on Land Use Map

Attachment 5: Official Plan (OPA231)








TORONTO City Planning

Extract Official Plan Amendment 231
By-Law No. 1714-2013

955, 965 & 969 Weston Road
Weston Road and Black Creek Drive Study Area

File # 05 136264 WET 11 OZ, 06 127685 WET 11 TM

-  Weston Road - Black Creek Drive Study Area
-  Site Location
-  Neighbourhoods

- Employment Areas
-  Core Employment Areas
-  General Employment Areas


Not to Scale
02/06/2015

Attachment 6: Application Data Sheet (955, 965 and 969 Weston Road)

Application Type	Official Plan Amendment & Rezoning	Application Number:	05 136264 WET 11 OZ
Details	OPA & Rezoning, Standard	Application Date:	May 26, 2005

Municipal Address: 955, 965 and 969 WESTON ROAD
 Location Description: CON 3 PT LT39 RP 64R7036 PT 6 **GRID W1107
 Project Description: Official Plan and Zoning By-law Amendment for proposed stacked townhouse development containing 71 residential units, with access from a new public roadway.

Applicant:	Agent:	Architect:	Owner:
WALKER, NOTT, DRAGICEVIC ASSOCIATES LIMITED			3773001 CANADA INC

PLANNING CONTROLS

Official Plan Designation:	Employment Area	Site Specific Provision:	N/A
Zoning:	CE Commercial Employment	Historical Status:	N/A
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	7558.99	Height:	Storeys:	3
Frontage (m):	24.38		Metres:	10.5
Depth (m):	36.49			
Total Ground Floor Area (sq. m):	2130			Total
Total Residential GFA (sq. m):	6972		Parking Spaces:	85
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	6972			
Lot Coverage Ratio (%):	0			
Floor Space Index:	0.92			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo, Freehold		
Rooms:	Residential GFA (sq. m):	6972	0
Bachelor:	0	0	0
1 Bedroom:	35	0	0
2 Bedroom:	36	0	0
3 + Bedroom:	0	0	0
Total Units:	71		

CONTACT:	PLANNER NAME:	Gregory Byrne, Senior Planner
	TELEPHONE:	(416) 394-8238

Attachment 7: Draft Zoning By-law Amendment

Authority: Planning and Growth Management Committee Item ~ as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2015

To amend former City of York Zoning By-law No. 1-83, as amended, with respect to the lands municipally known 955, 965, 969, 971 and 975 Weston Road.

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 enacts:

1. That Section 6 of the City of York Zoning By-law No. 1-83, as amended, be further amended by adding a new Subsection (88) as follows:

**Lands – 955, 965, 969, 971 and 975 Weston Road
(88) MAP 17**

By changing the area shown on District Map 17 more particularly shown on Schedule 'A' hereto from CE -Commercial Employment to R3(H2)- Residential Zone and Section 16(446) and to R3(H1) Residential Zone and Section 16(453).

2. That Section 16 of City of York Zoning By-law No. 1-83, as amended, be and the same is hereby further amended by adding a new Subsection (446) as follows:

"(446) Lands – 955, 965 and 969 Weston Road

- 1) Notwithstanding the provisions of Section 9 of City of York Zoning By-law No. 1-83, as amended, the lands municipally known as 955, 965 and 969 Weston Road, which lands are more particularly shown on Schedule 'B' attached hereto, may be used for the purpose of erecting

thereon a maximum of 71 stacked townhouses and accessory uses, and are subject to the following regulations:

- a) Parking shall be provided at a rate of 1.0 parking space per dwelling unit containing two bedrooms or less, and 1.2 parking space per dwelling unit containing more than two bedrooms or dwelling units containing at least one bedroom and a den.
- b) Additional parking for visitors shall be provided at a rate of 0.15 spaces per dwelling unit. All visitor parking shall be provided on the surface between the most northerly building and the rear lot line.
- c) If the calculation of the number of required parking spaces results in a number containing a fraction, the number is rounded down to the nearest whole number, but there must not be less than one parking space.
- d) The maximum residential gross floor area shall be 7000 square metres. For the purposes of this paragraph, gross floor area shall exclude any areas used for parking of motor vehicles, loading areas, mechanical rooms, equipment storage, laundry rooms, recreation rooms, common hallways and stairs.
- e) No portion of any building shall be higher than a geodetic elevation of 127.8 metres above sea level.
- f) The buildings shall be located within the buildable area as shown on the site plan attached as Schedule 'C' hereto so as to provide the minimum setbacks shown on the site plan. Balconies, decks and porches may project beyond the buildable area, provided the projection does not exceed 1.6 metres. Stairs and basement entrances may project beyond the buildable area.
- g) The limits of the parking garage structure shall be as shown on Schedule 'C' hereto.
- h) No dwelling unit, exclusive of balconies, shall be permitted within 30 metres of the rear property line. Accessory structures may be permitted between the building and the rear lot line.
- i) Vehicular access to and from the site shall be provided from a new public road on the north side of the site. No vehicular access shall be permitted to the building directly from Weston Road.

j) A minimum of 706 square metres of common outdoor amenity space shall be provided.

2) HOLDING SYMBOL

On the lands subject to an 'H' symbol as illustrated on District Map 17, more particularly shown as R3(H2) Residential Zone, no person shall use any lot or erect any building or structure for residential uses until the "H" symbol has been removed.

The "H" holding symbol shall be lifted when an application to amend the zoning by-law has been filed and the following condition has been fulfilled to the satisfaction of City Council:

- (a) The owner has submitted a Draft of Subdivision Application that establishes a new public road to the satisfaction of the City.
- (b) The owner has submitted an acceptable site plan or rail safety study to the satisfaction of the rail companies to demonstrate that the proposed development meets the rail company's safety requirements for residential development adjacent to rail lines and that arrangements have been made with the rail companies for any mitigation measures required to satisfy safety requirements for residential development and to provide confirmation from the rail companies that the arrangements including details have been made with the rail companies to satisfy their requirements for the proposed development.

3. That Section 16 of City of York Zoning By-law No. 1-83, as amended, of the former City of York, be and the same is hereby further amended by adding a new Subsection (453) as follows:

"(453) Lands – 971 and 975 Weston Road

- 1) Notwithstanding the provisions of Section 9 of City of York Zoning By-law No. 1-83, as amended, the lands municipally known as 971 and 975 Weston Road, which lands are more particularly shown on Schedule 'D' attached hereto, may be used for the existing non-residential use within the existing building and that was lawfully established on the date of the passing of this by-law.
- 2) Notwithstanding the provisions of Section 9 of City of York Zoning By-law No. 1-83, as amended, the lands municipally known as 971 and 975,

which lands are more particularly shown on Schedule 'D' attached hereto, no residential building or dwelling unit shall be permitted within 30 metres of the rear property line.

3) HOLDING SYMBOL

On the lands subject to an "H" symbol as illustrated on District Map 17 more particularly shown as R3(H1) Residential Zone, no person shall use any lot or erect any building or structure for residential uses until the "H" symbol has been removed.

The "H" holding symbol shall be lifted when an application to amend the zoning by-law has been filed and the following conditions have been fulfilled to the satisfaction of City Council:

- (a) The owner has submitted a noise and vibration study to the satisfaction of the City that evaluates to the City's satisfaction, how the residential uses can be developed on the site in terms of Ministry of the Environment guidelines for acceptable noise and vibration levels and identifies appropriate mitigation techniques to be incorporated into the development; and
- (b) The owner has submitted an acceptable site plan or rail safety study to the satisfaction of the rail companies to demonstrate that the proposed development meets the rail company's safety requirements for residential development adjacent to rail lines and that arrangements have been made with the rail companies for any mitigation measures required to satisfy safety requirements for residential development and to provide confirmation from the rail companies that the arrangements including details have been made with the rail companies to satisfy their requirements for the proposed development.

5. Within the lands municipally known in the year of 2014 as 955, 965, 969, 971 and 975 Weston, 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:

- i) 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
- ii) all water mains and sanitary sewers and appropriate appurtenances, have been installed and are operational."

4. All other provisions of 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 provisions of this Subsection are in conflict with City of York Zoning By-law No. 1-83, as amended, the provisions of this Subsection shall prevail.

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

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Schedule 'A' BY-LAW Number and to
16(446) and to 16(453) of Zoning BY-LAW 1-83

