

Authority: Etobicoke York Community Council Item EY4.2, as adopted by City of Toronto Council on March 31, April 1 and 2, 2015 and MM9.46, moved by Councillor Giorgio Mammoliti, seconded by Councillor Frank Di Giorgio, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015

CITY OF TORONTO

BY-LAW No. 1040-2015

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known in the year 2014 as 3406-3434 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. Section 64 Exemptions is amended by adding Section 64.27 Exceptions to C5 ZONE (MIXED USE COMMERCIAL ZONE).
2. Section 64.27 Exceptions to C5 ZONE (MIXED USE COMMERCIAL ZONE) is amended by adding Section 64.27(1) as follows:

64.27-(1) C5(H4)(1)

RESTRICTED USES

- (a) The following uses shall not be permitted: club and body rub service. For the purposes of this Exception "body rub service" shall mean a premise used for services involving the kneading, manipulation, rubbing, massaging, touching or stimulating by any means of a person's body for the purpose of appealing to erotic or sexual appetites or inclinations.

EXCEPTION REGULATIONS

- (b) Height
 - (i) Notwithstanding Section 27(5)(a)(i), the maximum building height shall not exceed 43 metres and the minimum building height shall not be lower than 9.6 metres.
 - (ii) Notwithstanding Section 27(5)(a)(i), the maximum number of storeys shall not exceed 12 storeys and a minimum of 3 storeys. For purposes of this provision, the mechanical penthouse shall not be counted as a storey.
 - (iii) For the purposes of this section, "Grade, Established" shall mean 144.50 metres Canadian Geodetic Datum.

- (iv) For the purposes of this section, "Building Height" shall mean the vertical distance between the established grade (144.50 metres Canadian Geodetic Datum) and the elevation of the highest point of the building, including the mechanical penthouse.
- (c) Setbacks
 - (i) Notwithstanding Sections 27(4)(a)(i), the building setback above established grade to an elevation of 6.5 metres or two storeys shall be a maximum of 3.0 metres from the front lot line.
 - (ii) Notwithstanding Sections 27(4)(a)(iii), the portion of any building and structure above 6.5 metres or two storeys in elevation shall be setback an additional 1.5 metres from the base.
 - (iii) The building setback above grade from the south lot line shall be a minimum of 4.5 metres.
- (d) Maximum Gross Floor Area
 - (i) The maximum gross floor area shall not exceed 27,000 square metres
- (e) Amenity Space
 - (i) A minimum of 2 square metres of common indoor amenity space per dwelling unit shall be provided.
 - (ii) A minimum of 2 square metres of common outdoor amenity space per dwelling unit shall be provided.
- (f) Parking

Parking shall be provided as follows:

 - (i) 0.8 resident parking spaces for each bachelor dwelling unit;
 - (ii) 0.9 resident parking spaces for each one-bedroom dwelling unit;
 - (iii) 1.0 resident parking spaces for each two-bedroom dwelling unit;
 - (iv) 1.2 resident parking spaces for each dwelling unit providing three or more bedrooms;
 - (v) 0.2 parking spaces for each dwelling unit for the exclusive use of visitors; and
 - (vi) 1.0 spaces per 28 square metres for the retail component of the proposed development.
- (g) Notwithstanding any severance, partition, or division of the site, as shown on Schedule C5(H4)(1) shall apply to the whole of the site as if no severance, partition or division occurred.

3. Section 27(10)(a)(iv) (HOLDING PROVISIONS) is amended by adding at the end of the section the following wording:

"Subsection (B), (C) and (D) of Section 27(10)(a)(iv) shall not apply to the lands municipally known in the year 2014 as 3406-3434 Weston Road."

4. **INCREASED HEIGHT AND DENSITY**

Matters which are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, in order to permit the increased density of the proposed development authorized under section 2(b) and (d) of this Exception are:

SECTION 37 AGREEMENT

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *site* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(1) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

The *owner* of the *site* shall:

- (a) pay a \$400,000 cash contribution towards local community improvements in the Emery Village area including the construction of a flag pole and public square prior to the issuance of the first building permit for the development;
 - (b) in the event the cash contribution referred to in (a) above has not been used for the intended purpose 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 property; and
 - (c) the above noted cash contribution is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the execution of the Section 37 Agreement to the date the payment is made.
5. Within the lands municipally known in the year 2014 as 3406-3434 Weston Road, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and

- (b) all water mains and sanitary sewers and appropriate appurtenances, have been installed and are operational.

Enacted and passed on October 2, 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

