

Authority: Local Planning Appeal Tribunal Decision/Order issued on March 14, 2018, Order issued on October 31, 2018, Order issued on December 13, 2019, and Order issued on March 3, 2020 in Tribunal Case PL170370

CITY OF TORONTO

BY-LAW 251-2020(LPAT)

To amend the former City of North York Zoning By-law 7625, as amended, with respect to a portion of the lands municipally known in the year 2017 as 3415-3499 Weston Road (Phase 2).

Whereas the Local Planning Appeal Tribunal, by its Decision issued on March 14, 2018, Order issued on October 31, 2018, Order issued on December 13, 2019, and Order issued on March 3, 2020 in Tribunal Case PL170370, approved amendments to the former City of North York Zoning By-law 7625, as amended, with respect to a portion of the lands municipally known as 3415-3499 Weston Road (Phase 2); and

Whereas the Local Planning Appeal Tribunal, by its decision issued on March 14, 2018 in Tribunal File PL170406, confirmed that the conditions relating to the holding symbol have been satisfied in relation to this lifting of the holding symbol in relation to a portion of the lands affected; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in the height or 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 or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provisions 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 or matters in return for an increase in the height or density of development, a 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;

Therefore pursuant to the Order of the Local Planning Appeal Tribunal, By-law 7625, the General Zoning By-law of the former City of North York, as amended, is further amended as follows:

1. Schedule "B" and "C" of By-law 7625 of the former City of North York, as amended, are amended in accordance with Schedule C5(2) of this By-law.

2. Section 64.27 Exceptions to C5 ZONE (MIXED USE COMMERCIAL ZONE) is amended by adding Section 64.27(2) as follows:

64.27-(2) C5(2)

EXCEPTION REGULATIONS

(a) Setbacks

- (i) Notwithstanding Section 27(4)(a)(i), the building setback above established grade to an elevation of 10.5 metres or 3-storeys shall be a maximum of 3.5 metres from any street.
- (ii) The elements listed in Section 27(4)(a)(ii)(B) may be permitted in the area between a main wall of a building facing a street and a lot line that is a street.
- (iii) In addition to those elements listed in Section 27(4)(a)(ii)(B), bicycle parking spaces, eaves, fences, gas metres, landscape and public art features, light fixtures, ornamental or architectural elements, planters, retaining wall of the loading bay, screens, terraces, underground garage ramps and their associated structures, vents, window sills, wheelchair ramps, window washing equipment, may be permitted in the area between a main wall of a building facing a street and a lot line that is a street.
- (iv) Section 27(4)(a)(iii) and 27(10)(a) shall not apply.

(b) Height

- (i) Notwithstanding Section 27(5)(a)(i), the maximum building heights shall not exceed those building heights identified on Schedule C5(2).
- (ii) Notwithstanding Section 27(5)(a)(i), the maximum number of storeys shall not exceed 30-storeys and a minimum of 3-storeys. For the purposes of this provision, the mechanical penthouse shall not be counted as a storey.
- (iii) For the purposes of this section, "Building Height" shall mean the vertical distance between the established grade (149.35 metres Canadian Geodetic Datum) and the elevation of the highest point of the building, including the mechanical penthouse.
- (iv) Notwithstanding subsection (i) herein, guardrails, safety railings, stair enclosures, window washing elements of a roof, parapets, vents, screens, stacks, lightning rods, mechanical elements associated with a cooling tower and lighting fixtures may project 2.5 metres beyond the maximum permitted building height and a generator may project 3.5 metres beyond the maximum permitted building height.

(c) Maximum Gross Floor Area

- (i) Notwithstanding Section 22.10 and 27(6)(a), the maximum gross floor area shall not exceed 46,000 square metres.

(d) Parking

Parking shall be provided as follows:

- (i) 0.9 resident parking spaces for each dwelling unit in Phase Two, on the lands identified on Schedule 1;
- (ii) 0.1 parking spaces for each dwelling unit for the exclusive use of visitors, on the lands identified on Schedule 1;
- (iii) 92 parking spaces for the exclusive use of Phase One residents;
- (iv) Up to eight (8) car share parking spaces may be provided on the site and for every car-share parking space provided, the minimum number of parking spaces required by paragraph d(i) shall be reduced by 4.0 spaces;
- (v) For the purposes of this section, "car-share" 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 an organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable; and "car-share parking space" means a parking space that is reserved and actively used for car-sharing;
- (vi) Notwithstanding Section 27(7)(a)(iii), residential parking for apartment dwelling uses (residents and visitors) shall be provided below and/or above grade; and
- (vii) No parking spaces are required for a community centre use.

(e) Loading

- (i) Notwithstanding Section 6A(16)(a) and (b), Two Type "G" loading spaces shall be provided, which measure 13.0 metres in length and 4.0 metres in width, with a vertical clearance of 6.1 metres.

(f) Section 27(9)(a) shall not apply.

(g) Notwithstanding any severance, partition, or division of the site, as shown on Schedule C5(2) the provisions shall apply to the whole of the site as if no severance, partition or division occurred.

3. Section 27(11)(a)(iii) (HOLDING PROVISIONS) is amended by adding at the end of the section the following wording:

"Subsection (A), (B), (C), (D), (E) and (F) of Section 27(11)(a)(iii) shall not apply to the lands municipally known in the year 2017 as 3415-3499 Weston Road (Phase 2)."

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 height and density of the proposed development authorized under section 2(b) and 2(c) 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:

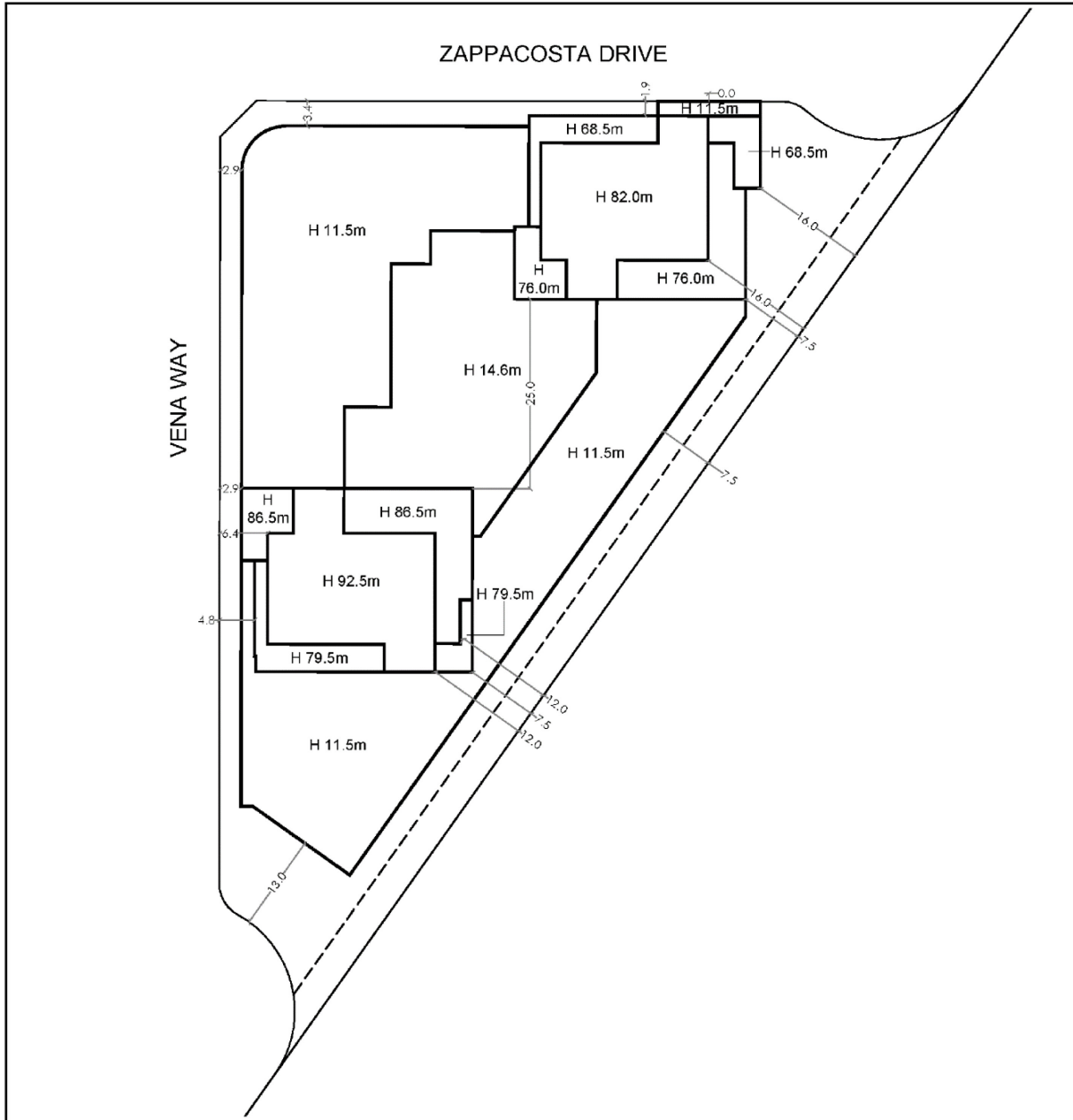
- (a) prior to the issuance of the first above grade building permit, the owner shall pay to the City the sum of \$1,000,000 to be used in the Emery Village Secondary Plan Area and allocated towards:
 - (i) the construction of the First Nations Park;
 - (ii) parks and open space improvements;
 - (iii) significant corner and gateway features along Finch Avenue West;
 - (iv) path(s) through the abutting hydro corridor to Emery Village Collegiate Institute; and
 - (v) potential pedestrian connections (bridges);
- (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;
- (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;

- (d) The owner shall provide, at its own expense, a minimum of approximately 2,500 square metres of privately-owned publicly-accessible space (POPS) and public access easements to and over the POPS for members of the public as part of Phase 3 and/or Phase 4 of the development. The public access easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days of the year;
- (e) The owner shall provide 4,000 square feet (2,000 square feet at nominal rent and 2,000 square feet at market rent) of indoor Community Space for an Alternative Community Use as outlined in the Consent Agreement registered on title on June 15, 2009, as instrument number AT2094299. An additional 1,000 square feet of Community Space shall also be provided at nominal rent. All 5,000 square feet of the Community Space is to be contiguous and provided on the ground level of Building K;
- (f) The owner make satisfactory arrangements with Engineering and Construction Services staff and enter into the appropriate financially secured development agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the accepted Functional Servicing Report and Traffic Impact Study accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
- (g) The owner shall construct and maintain the development in accordance with the accepted Environmental Noise and Vibration Impact Study addendum to secure appropriate mitigation measures;
- (h) The owner shall construct and maintain the development in accordance with the accepted Electromagnetic Interference Survey prepared by Brosz Technical Services dated March 20, 2017 and the assessment/EMF management plan to secure mitigation measures;
- (i) The owner shall design and construct a 1.7 metre wide municipal sidewalk along the south side of Zappacosta Drive (Street A) and the east side of Vena Way (Street B), all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager of Transportation Services and at no cost to the City. In addition, a pedestrian access to the hydro corridor (to later connect with path(s) to Emery Village Collegiate Institute) shall be provided;
- (j) The owner shall provide, prior to the issuance of the first above grade building permit, a public art contribution in accordance with the City's Percent for Public Art Program for a value not less than one percent of the gross construction cost of all buildings and structures on the lands to be paid at time of first building permit. Public Art shall be implemented as per the 2005 Public Art Plan and be in

keeping with the Emery Village Heritage and Cultural Plan (BIA's Heritage Interpretation Plan);

- (k) The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009; and
 - (l) The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
5. Within the lands municipally known in the year 2017 as 3415-3499 Weston Road (Phase 2) 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.

Pursuant to Local Planning Appeal Tribunal Decision/Order issued on March 14, 2018, Order issued on October 31, 2018, Order issued on December 13, 2019, and Order issued on March 3, 2020 in Tribunal Case PL170370.



 **TORONTO**
Schedule C5 (2)

3415-3499 Weston Road

File # 15 266570 WET 07 0Z


Former City of North York By-Law 7625
10/18/2018