

Authority: Etobicoke York Community Council Item EY9.3, as adopted by City of Toronto Council on December 13, 14 and 15, 2023
City Council voted in favour of this by-law on December 15, 2023
Written approval of this by-law was given by Mayoral Decision 30-2023 dated December 15, 2023

CITY OF TORONTO

BY-LAW 1301-2023

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 1240, 1246 and 1250 Weston Road.

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, as amended; and

Whereas pursuant to Section 36 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, use a holding symbol "(H)" in conjunction with any use designation to specify the use to which lands, buildings or structures may be put once Council removes the holding symbol "(H)" by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of holding symbol "(H)"; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law; and

Whereas pursuant to Section 453.1 of the City of Toronto Act, 2006, as amended, a by-law passed under Section 34 of the Planning Act, may establish one or more residential densities of development applicable to any land in respect of which the owner of the land and the operator of the housing accommodation, if different from the owner, agree with the City to provide all or such proportion as specified in the by-law of the housing accommodation located or to be located on the land, for the purpose of a social housing program;

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, as amended, 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 990.1 respecting the lands outlined by heavy black lines from a zone label of RM (f12.0; u2; d0.8) (x252) to a zone label of (H) CR 2.0 (c2.0; r2.0) SS2 (x927) 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 927 so that it reads:

(927) Exception CR 927

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 lands municipally known as 1240, 1246 and 1250 Weston Road, if the requirements of By-law 1301-2023 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (P) 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 123.84 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Regulation 40.10.30.40(1) regarding the permitted maximum **lot coverage**, as a percentage of the **lot area**, does not apply;
- (D) 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**;
- (E) Regulation 40.10.40.1(6) regarding location of entrances when abutting residential does not apply;
- (F) 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 1301-2023;
- (G) Despite regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 3 of By-law 1301-2023;
 - (i) for the purpose of this exception, a mezzanine or mechanical penthouse does not constitute a **storey**;
- (H) Despite regulations 40.5.40.10(3) to (8) and (E) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 1301-2023:

- (i) equipment used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, as well as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 6.0 metres;
 - (ii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, including a mechanical penthouse, by a maximum of 6.0 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 2.0 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 3.5 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.0 metres;
 - (vi) antennae, flagpoles and satellite dishes, by a maximum of 2.5 metres; and
 - (vii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres;
- (L) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 13,575 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 10,184 square metres;
 - (ii) the required minimum **gross floor area** for the exclusive use of a "social housing program" is 2,422.98 square metres; and
 - (iii) the permitted maximum **gross floor area** for non-residential uses is 25 percent of the total **gross floor area** of the **building**;
- (M) Despite regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 1301-2023;
- (N) Despite Clause 40.10.40.60 and (M) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) decks and porches, by a maximum of 2.0 metres;
 - (ii) balconies, by a maximum of 0 metres;
 - (iii) canopies and awnings, by a maximum of 2.0 metres;

- (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.3 metres;
 - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 0.6 metres;
 - (vi) window projections, including bay windows and box windows, by a maximum of 1.0 metre;
 - (vii) eaves, by a maximum of 0.6 metres; and
 - (viii) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metre;
- (L) Regulation 40.10.50.10(3) regarding **soft landscaping** requirements for a **lot** abutting the residential zone category does not apply;
- (M) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, a minimum of 18 **parking spaces** must be provided;
- (N) Despite regulation 200.15.10(1) and (2), a minimum of 1 of the required **parking spaces** in (M) above is required to be an accessible **parking space**;
- (O) The provision of **dwelling units** is subject to the following:
- (i) a minimum of 15 percent of the total number of **dwelling units** must have two or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms; and
 - (iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;
- (P) For the purpose of this exception, "social housing program" means a program or project on the lands authorized under Section 453.1 of the City of Toronto Act, 2006, that:
- (i) is entirely owned or operated by or is leased to and operated by a non-profit housing co-operative as defined in the Co-operative Corporations Act or a non-profit corporation as defined in the National Housing Act (Canada) and that, in the opinion of the City, is designed to provide housing accommodation primarily for persons with low to moderate incomes, at a charge not exceeding the greater of:
 - (a) the amount required to finance, operate and maintain such accommodation without profit; and

- (b) the amount required to be charged for such accommodation under the terms of an agreement respecting the financing of the accommodation where one party is the provincial or federal government or an agent of either; or
- (ii) provides housing accommodation that is owned and operated by or on behalf of Toronto Housing Company Inc. or Toronto Community Housing Corporation;

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. Holding Symbol Provisions:
 - (A) The lands zoned with the holding symbol "(H)" delineated by heavy lines on Diagram 2 attached to this By-law must not be used for any purpose other than those uses and buildings existing as of the date of the passing of this By-law, until the holding symbol "(H)" has been removed; and
 - (B) An amending by-law to remove the holding symbol "(H)" referred to in (A) above may be enacted by City Council when the following are fulfilled:
 - (i) The owner, as operator of the social housing program, has, at its sole cost and expense, pursuant to Section 453.1 of the City of Toronto Act, 2006, entered into an agreement with the City to secure the provision of a social housing program on the lands and register it in priority against title to the lands, with such terms and conditions satisfactory to the Executive Director, Housing Secretariat and the City Solicitor; with the terms including:
 - (a) The required minimum gross floor area for the exclusive use of a "social housing program" is 2,735.42 square metres; and
 - (b) Units in the social housing program will be operated using rents at 80 percent of Average Market Rent for a period of at least 40 years;
 - (ii) Submit to the General Manager, Transportation Services for review and acceptance, revised plans, drawings and studies to address the comments, contained in a memorandum from Development Engineering to City Planning dated October 16, 2023;
 - (iii) Submit to the Chief Engineer and Executive Director of Engineering and Construction Services, Engineering and Construction Services for review and acceptance, revised plans, drawings and revised Functional Servicing and Stormwater Management reports, Hydrological Assessment Report,

Servicing Report Groundwater Summary form, Hydrological Review Summary form, Foundation Drainage form to address the comments contained in a memorandum from Development Engineering to City Planning dated October 16, 2023;

- (iv) Satisfactory arrangements are in place to secure the construction of new municipal infrastructure or any improvements to the existing municipal infrastructure, to service the proposed development, and the owner has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure to the satisfaction of the General Manager, Toronto Water, and the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor;
- (v) Satisfactory Pedestrian Level Wind Study, with the required mitigation tested and satisfactory conditions confirmed has been submitted by the owner and accepted by the Chief Planner and Executive Director, City Planning; and
- (vi) Application to Injure or Remove Trees has been submitted by the owner and accepted by the General Manager of Parks, Forestry and Recreation.

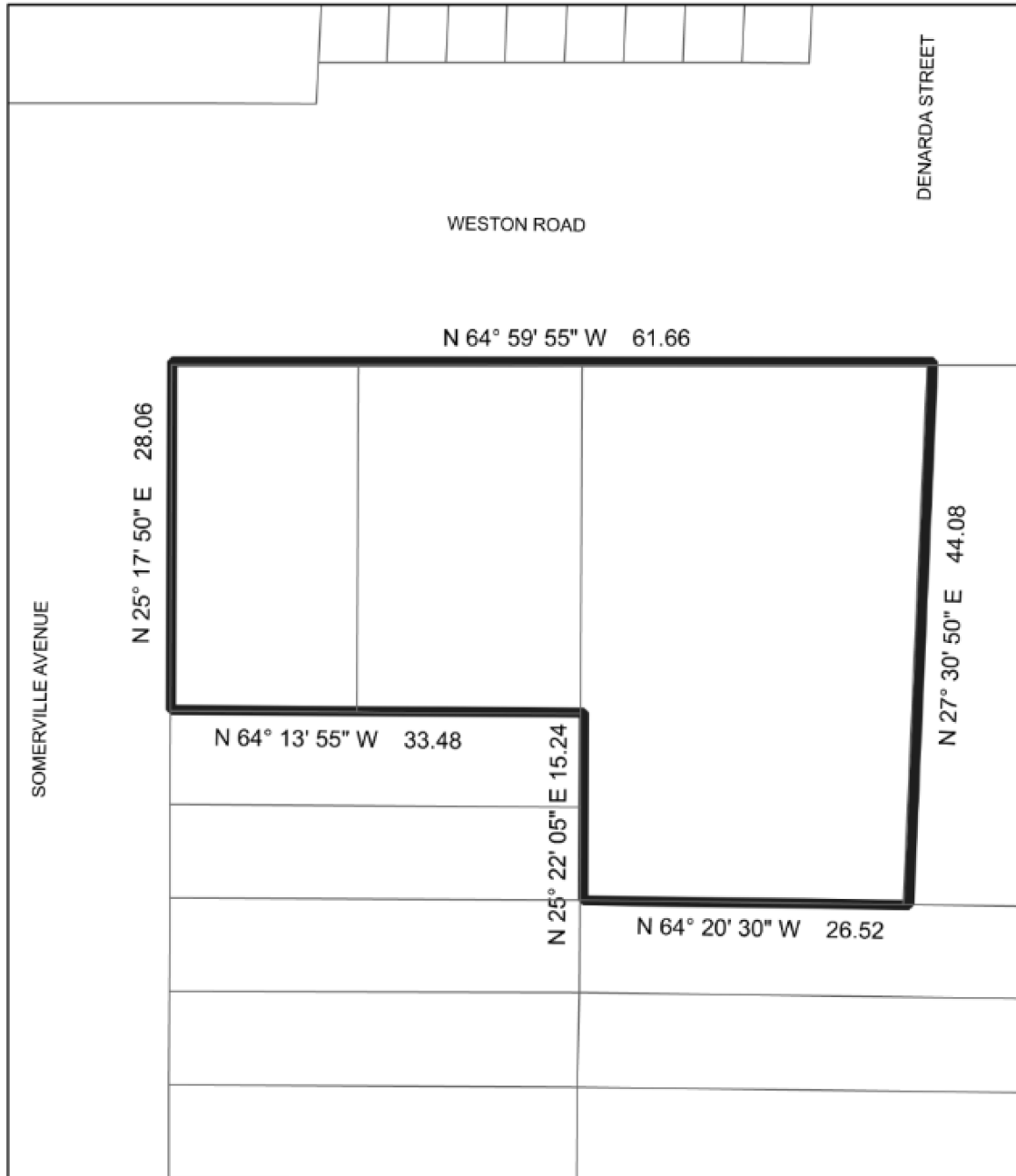
Enacted and passed on December 15, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1



 **TORONTO**
Diagram 1

1240, 1246, 1250 Weston Road

File # 22 166923 WET 05 0Z

