

Authority: Etobicoke York Community Council Item [-], as adopted by City of Toronto Council on [-]

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 1798, 1800, 1802, 1804, 1806, 1808, and 1812 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 the holding symbol "(H)" is removed 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.

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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: (H) RAC (d2.5) (x221) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and

applying the following Policy Area label to these lands: PA4, as shown on Diagram 3 attached to this By-law.

5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying the following height and storey label to these lands: HT 24.0, ST 8, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value.
7. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.8.10 Exception Number [x221] so that it reads:

(221) Exception RAC x221

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 1798, 1800, 1802, 1804, 1806, 1808, and 1812 Weston Road, if the requirements of By-law [Clerks to insert By-law number] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (W) below;
- (B) Despite regulations 15.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 126.60 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite regulation 15.20.20.20(1):
 - (i) the following uses are permitted without requirement to comply with the specific conditions for each use in Clause 15.20.20.100:

Art Gallery
Artist Studio
Automated Banking Machine
Community Centre
Financial Institution
Library
Medical Office
Office
Performing Arts Studio

Personal Service Shop
Pet Services
Production Studio
Veterinary Hospital

- (ii) the following uses are permitted if they comply with the specific conditions associated with the reference number(s) for each use in Clause 15.20.20.100:

Club (1)
Cogeneration Energy (3)
Crisis Care Shelter (5)
Custom Workshop (1)
Day Nursery (6)
Eating Establishment (1, 7)
Education Use (1)
Group Home (8)
Home Occupation (9)
Multi-tenant House (18)
Market Garden (10)
Nursing Home (11)
Outdoor Patio (23)
Outdoor Sales or Display (12)
Place of Worship (13)
Private Home Daycare (14)
Public Utility (15, 16)
Recreation Use (1)
Religious Education Use (1)
Renewable Energy (3)
Residential Care Home (8)
Respite Care Facility (17)
Retail Store (1)
Retail Service (1)
Retirement Home (11)
Secondary Suite (19)
Seniors Community House (20)
Service Shop (1)
Short-term Rental (22)
Take-out Eating Establishment (1)
Transportation Use (21)

- (D) Despite regulation 15.20.20.40, the following **building** types for **dwelling units** are permitted:

- (i) **apartment building**; and

- (ii) **mixed-use building;**
- (E) Despite regulation 15.5.50.10(1), **landscaping** must be provided in accordance with the following:
 - (i) A minimum of 21% of the area of the **lot** for **landscaping**; and;
 - (ii) A minimum of 57% of the **landscaping** area required in (E)(i), above, must be **soft landscaping**.
- (F) Despite regulation 15.20.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 5 of By-law [Clerks to insert By-law number];
- (G) Despite regulation 15.20.40.10(2), the permitted maximum number of **storeys** in a **building** is not limited for the purpose of this exception;
- (H) The required minimum height of the first **storey** non-residential space, measured between the **first floor** and the floor of the second **storey**, excluding any mezzanine, is 4.5 metres, but does not apply to the following elements and spaces:
 - (i) areas such as loading access, **loading spaces**, **bicycle parking spaces**, and shower and change facilities; and
 - (ii) elements for the functional operation of the **building** such as storage rooms, corridors, electrical, utility, mechanical and ventilation rooms;
- (I) Despite regulations 15.5.40.10(2), (3) and (5), and (F) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 5 of By-law [Clerks to insert By-law number]:
 - (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 7.0 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 7.0 metres;
 - (iii) **building** maintenance units and window washing equipment, by a maximum of 8.0 metres;

- (iv) rooftop guard rails on the same level as the mechanical penthouse, by a maximum of 3.0 metres;
 - (v) guard rails other than those in (iv) above, by a maximum of 2.0 metres; and
 - (vi) divider screens on a balcony and/or terrace, by a maximum of 2.0 metres;
- (J) The permitted maximum floor area for each **storey** of a **building**, that is above a height of 25.5 metres, is 750 square metres, measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor, excluding inset and projecting balconies;
- (K) Despite regulation 15.20.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 29,000 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 28,500 square metres;
 - (ii) the required minimum **gross floor area** for non-residential uses is 300 square metres;
 - (iii) the permitted maximum **gross floor area** for non-residential uses is 500 square metres;
- (L) Despite regulation 15.20.40.1(1), the permitted maximum number of **dwelling units** is 490;
- (M) Despite Clause 15.20.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 5 of By-law [Clerks to insert By-law number];
- (N) Despite Clause 15.20.40.80(1), the required separation of **main walls** are as shown in metres on Diagram 5 of By-law [Clerks to insert By-law number];
- (O) Despite Clause 15.5.40.60, and (M) and (N) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) canopies and awnings, by a maximum of 3.0 metres; and
 - (ii) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.35 metres;
 - (iii) balconies, by a maximum of 1.8 metres;

- (iv) despite (iii) above, no balcony located below a height of 25.3 metres may encroach into the required minimum **front yard setback** and east and west **side yard setbacks**; and
 - (v) despite (iii) above, julliette balconies and associated guardrails may encroach into the east or west required minimum **side yard setbacks** above a height of 25.3 metres, by 0.5 metres;
- (P) Despite regulation 5.10.40.70(2), an underground **parking garage** must not extend into the required minimum **rear yard setback** or east **side yard setback**;
- (Q) The west **main wall** of the **building** must have no windows or openings below a height of 24.5 metres;
- (R) 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 2 or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have 3 or more bedrooms; and
 - (iii) any **dwelling units** with 3 or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;
- (S) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
 - (i) a minimum of 0.13 residential occupant **parking spaces** for each **dwelling unit**, but not exceeding the permitted maximum in Table 200.5.10.1 for **dwelling units** in an **apartment building** in Parking Zone B;
 - (ii) a minimum of 2.0 plus 0.05 residential visitor **parking spaces** for each **dwelling unit**;
 - (iii) a minimum of 0 **parking spaces** for non-residential uses, but not exceeding the permitted maximum in Table 200.5.10.1 for the non-residential uses in Parking Zone B; and
 - (iv) if the calculation of the number of required **parking spaces** in (i) and (ii) results in a number with a fraction, the number is rounded down to the nearest whole number;
- (T) Despite regulation 200.15.10.10(1) and (2), accessible **parking spaces** must be provided in accordance with the following:

- (i) a minimum of 2 of the required **parking spaces** must be accessible **parking spaces** for non-residential and visitor uses; and
 - (ii) a minimum of 3 of the required **parking spaces** must be accessible **parking spaces** for residential occupants;
- (U) Despite regulation 200.15.1(1) and (3), an accessible **parking space** must have the following minimum dimensions:
 - (i) length of 5.6 metres;
 - (ii) width of 3.4 metres; and
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) The entire length of an accessible **parking space** must be adjacent to a 1.5-metre-wide accessible barrier free aisle or path.
- (V) Despite regulation 230.5.1.10(4)(A) and (B), a **bicycle parking space** must comply with the following:
 - (i) the minimum dimension of a **bicycle parking space** is:
 - (a) length of 1.8 metres;
 - (b) width of 0.45 metres; and
 - (c) vertical clearance from the ground of 1.8 metres; and
 - (ii) the minimum dimension of a **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device is:
 - (a) length or vertical clearance of 1.8 metres;
 - (b) width of 0.45 metres; and
 - (c) horizontal clearance from the wall of 1.2 metres;
- (W) Despite regulation 230.5.1.10(10), both "long-term" and "short-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**;

Prevailing By-laws and Prevailing Sections: (None Apply.)

8. 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.

9. Temporary Use(s):

- (A) None of the provisions of Zoning By-law 569-2013, as amended, or this By-law apply to prevent the erection and use of a sales office in a **building, structure** or trailer for the purpose of selling, renting or leasing of **dwelling units**, provided that any such **building** or **structure** does not exceed a maximum height of 7.5 metres, on the lands to which this By-law applies for a period of 3 years from the date this By-law comes into full force and effect, after which this temporary use permission expires.

10. 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 from the lands identified as "Part A" on Diagram 6 of this by-law may be enacted when the following are fulfilled:
 - (i) A portion of the real property where a development is or will be proposed, lies within 500 metres of a closed municipal landfill. Therefore, the owner of the real property (the ""Owner"") shall retain a qualified person (as that term is defined in Ontario Regulation 153/04) (the ""Qualified Person"") to conduct a subsurface investigation for the possible presence of methane gas at the property. The investigation shall provide coverage across the property and shall be carried out such that the possible presence of methane gas can be adequately assessed;
 - (ii) the owner or applicant, at their sole cost and expense has submitted a Methane Study to the City along with a certified letter that is signed and stamped by a qualified person. The letter will state whether or not the investigation indicates that methane gas was detected at or above 1% volume in air, at any (subsurface) location on the property;
 - (iii) the owner or applicant, at their sole cost and expense has submitted a revised *Functional Servicing and Stormwater Management Report* to demonstrate that the existing sanitary sewer system and watermain and any required improvements to them, have adequate capacity and supply to accommodate the development of the lands to the satisfaction of the Executive

Director, Development Review and the General Manager, Toronto Water; and

- (iv) if the *Functional Servicing and Stormwater Management Report* accepted and satisfactory from (iii) above require any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:
 - (a) the owner or applicant has secured the design, construction, and provision of financial securities for any new municipal infrastructure, or any upgrades or required improvements to the existing municipal infrastructure identified in the accepted *Functional Servicing and Stormwater Management Report*, to support the development, in a financial secured agreement, all to the satisfaction of the Executive Director, Development Review; or,
 - (b) the required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory *Functional Servicing and Stormwater Management Report* in (a) above are constructed and operational, all to the satisfaction to the General Manager, Toronto Water;
 - (v) a peer review of the Air Quality Assessment, submitted by and at the sole cost and expense of the owner, is completed to the satisfaction of the Executive Director, Development Review; and
 - (vi) a peer review of the Noise and Vibration Study, submitted by and at the sole cost and expense of the owner, is completed to the satisfaction of the Executive Director, Development Review;
- (C) An amending by-law to remove the holding symbol "(H)" referred to in (A) above from the lands identified as "Part B" on Diagram 6 of this by-law may be enacted when the following are fulfilled:
- (i) A portion of the real property where a development is or will be proposed, lies within 500 metres of a closed municipal landfill. Therefore, the owner of the real property (the ""Owner"") shall retain a qualified person (as that term is defined in Ontario Regulation 153/04) (the ""Qualified Person"") to conduct a subsurface investigation for the possible presence of methane gas at the property. The investigation shall provide coverage across the

property and shall be carried out such that the possible presence of methane gas can be adequately assessed;

- (ii) the owner or applicant, at their sole cost and expense has submitted a Methane Study to the City along with a certified letter that is signed and stamped by a qualified person. The letter will state whether or not the investigation indicates that methane gas was detected at or above 1% volume in air, at any (subsurface) location on the property;
- (iii) the owner or applicant, at their sole cost and expense has submitted a revised *Functional Servicing and Stormwater Management Report* to demonstrate that the existing sanitary sewer system and watermain and any required improvements to them, have adequate capacity and supply to accommodate the development of the lands to the satisfaction of the Executive Director, Development Review and General Manager, Toronto Water; and
- (iv) if the *Functional Servicing and Stormwater Management Report* accepted and satisfactory from (iii) above require any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:
 - (a) the owner or applicant has secured the design, construction, and provision of financial securities for any new municipal infrastructure, or any upgrades or required improvements to the existing municipal infrastructure identified in the accepted *Functional Servicing and Stormwater Management Report*, to support the development, in a financial secured agreement, all to the satisfaction of the Executive Director, Development Review; or,
 - (b) the required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory *Functional Servicing and Stormwater Management Report* in (a) above are constructed and operational, all to the satisfaction to the General Manger, Toronto Water;
- (v) the owner or applicant, at their sole cost and expense submits all applicable drawings illustrating a 7.5 m easement westerly from centreline of the 1,200 mm combined trunk sewer along the eastern

property boundary and a 3.0 m easement southerly from the centerline of the 250 mm sanitary sewer along the northern property boundary, free and clear of all encumbrances to the satisfaction of Executive Director, Development Review and General Manager, Toronto Water, or an alternative easement to the satisfaction of the General Manager, Toronto Water;

- (a) Pay all costs associated with the City retaining a third-party peer reviewer for review of alternative easement, to the satisfaction of General Manager of Toronto Water;
- (vi) a peer review of the Air Quality Assessment, submitted by and at the sole cost and expense of the owner, is completed to the satisfaction of the Executive Director, Development Review; and
- (vii) a peer review of the Noise and Vibration Study, submitted by and at the sole cost and expense of the owner, is completed to the satisfaction of the Executive Director, Development Review.

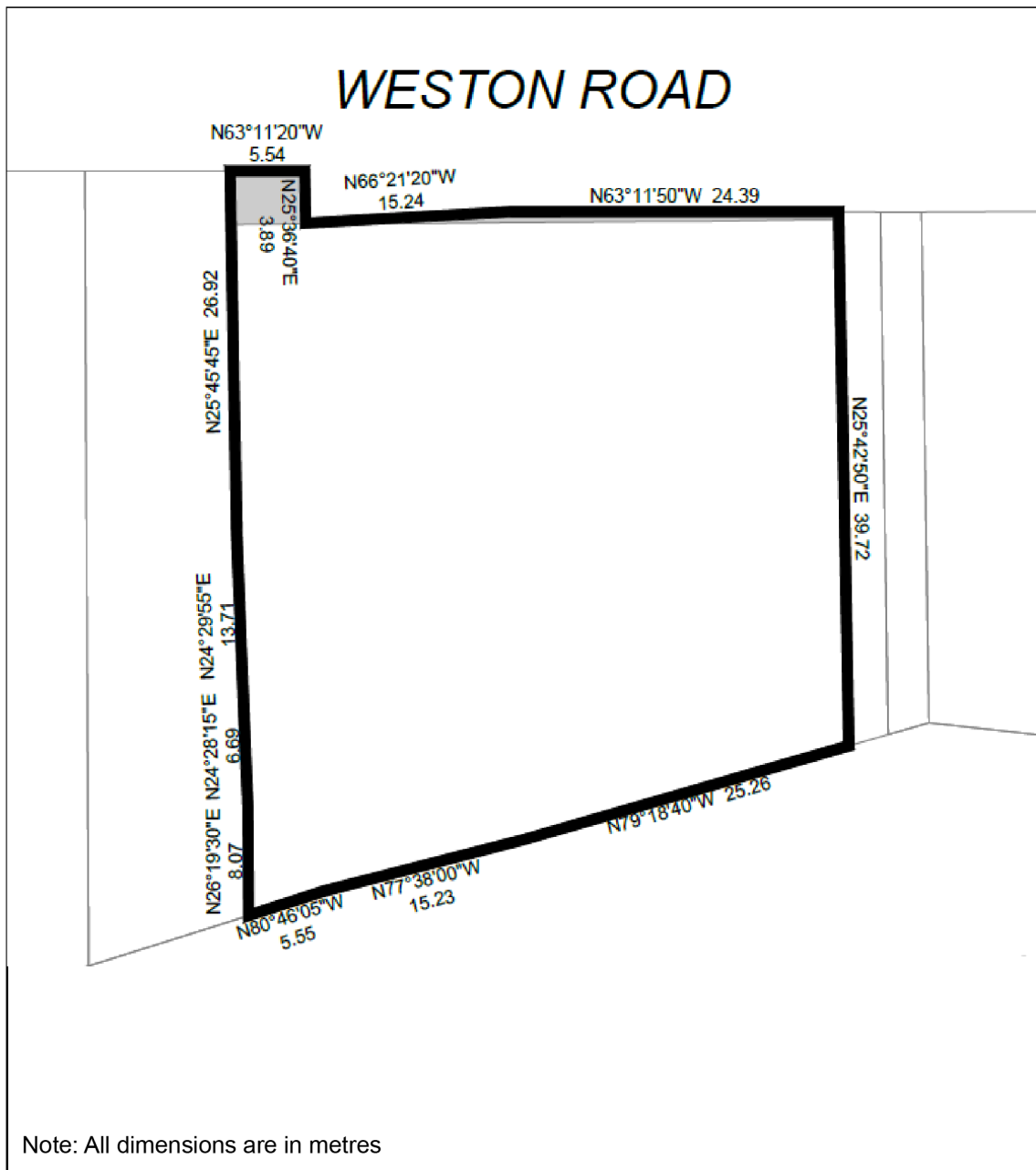
Enacted and passed on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)

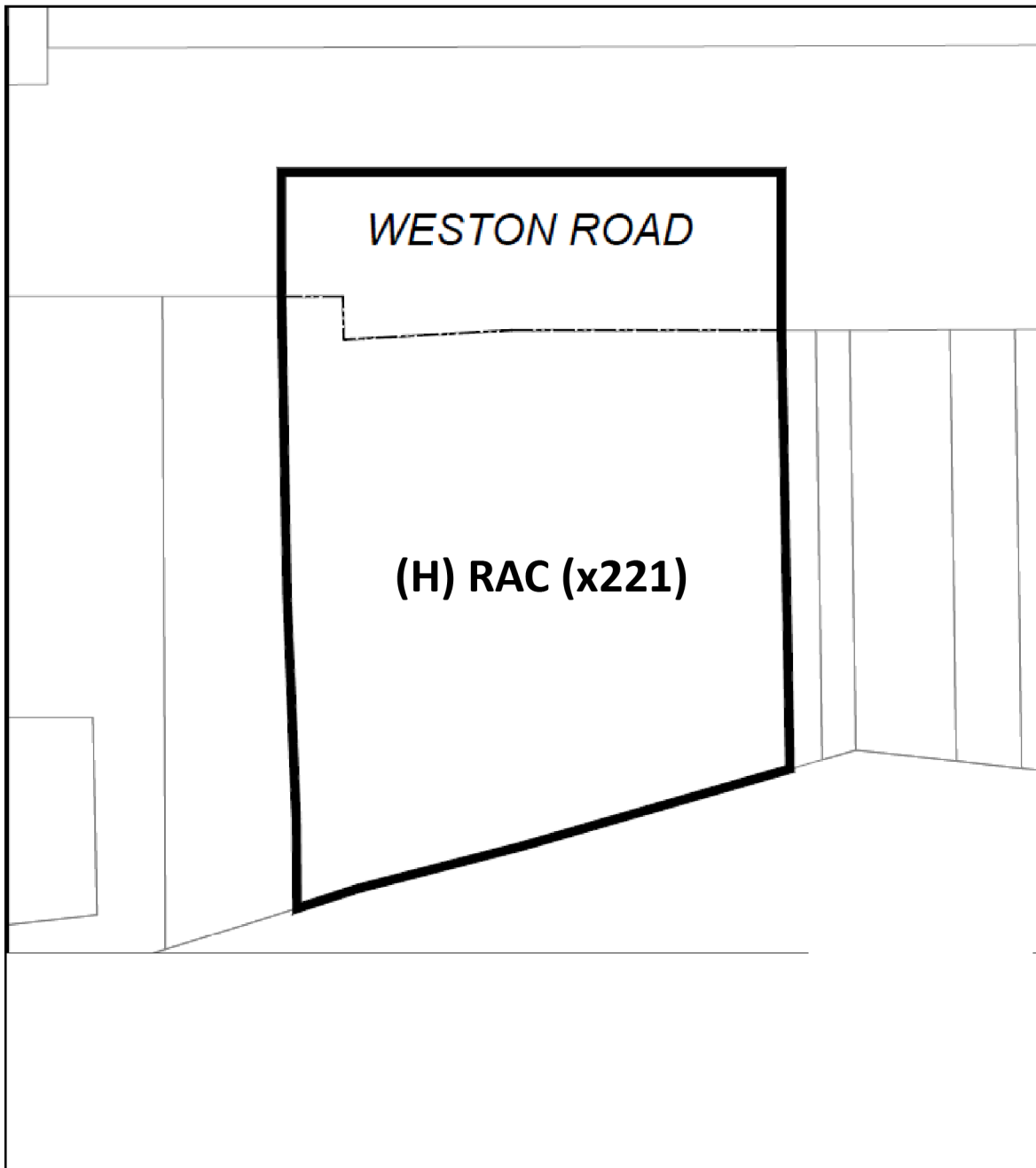
Diagram 1



Toronto
Diagram 1

1798-1812 Weston Road

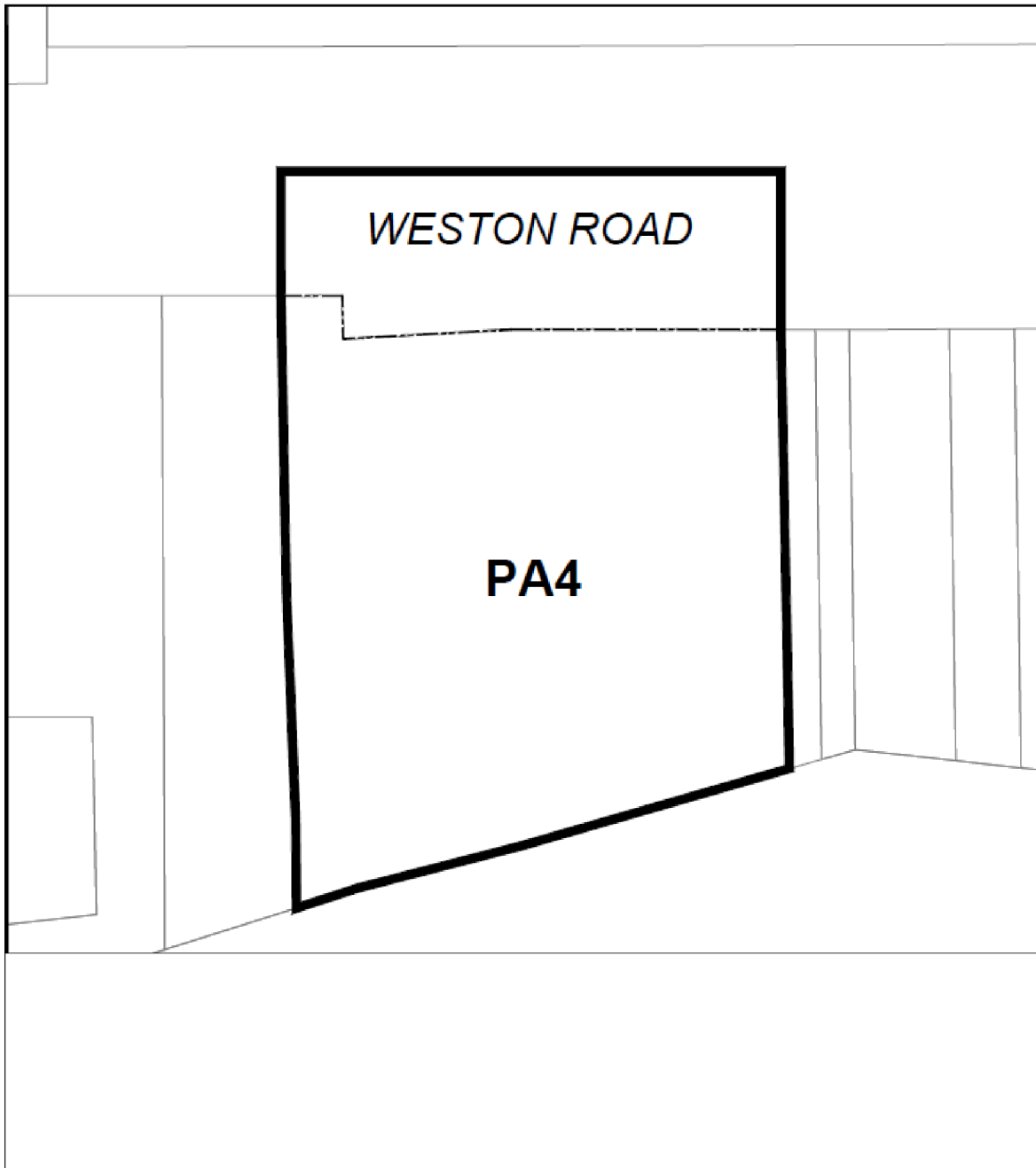
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Diagram 2

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Diagram 2

1798-1812 Weston Road

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Diagram 3

 **TORONTO**
Diagram 3

1798-1812 Weston Road

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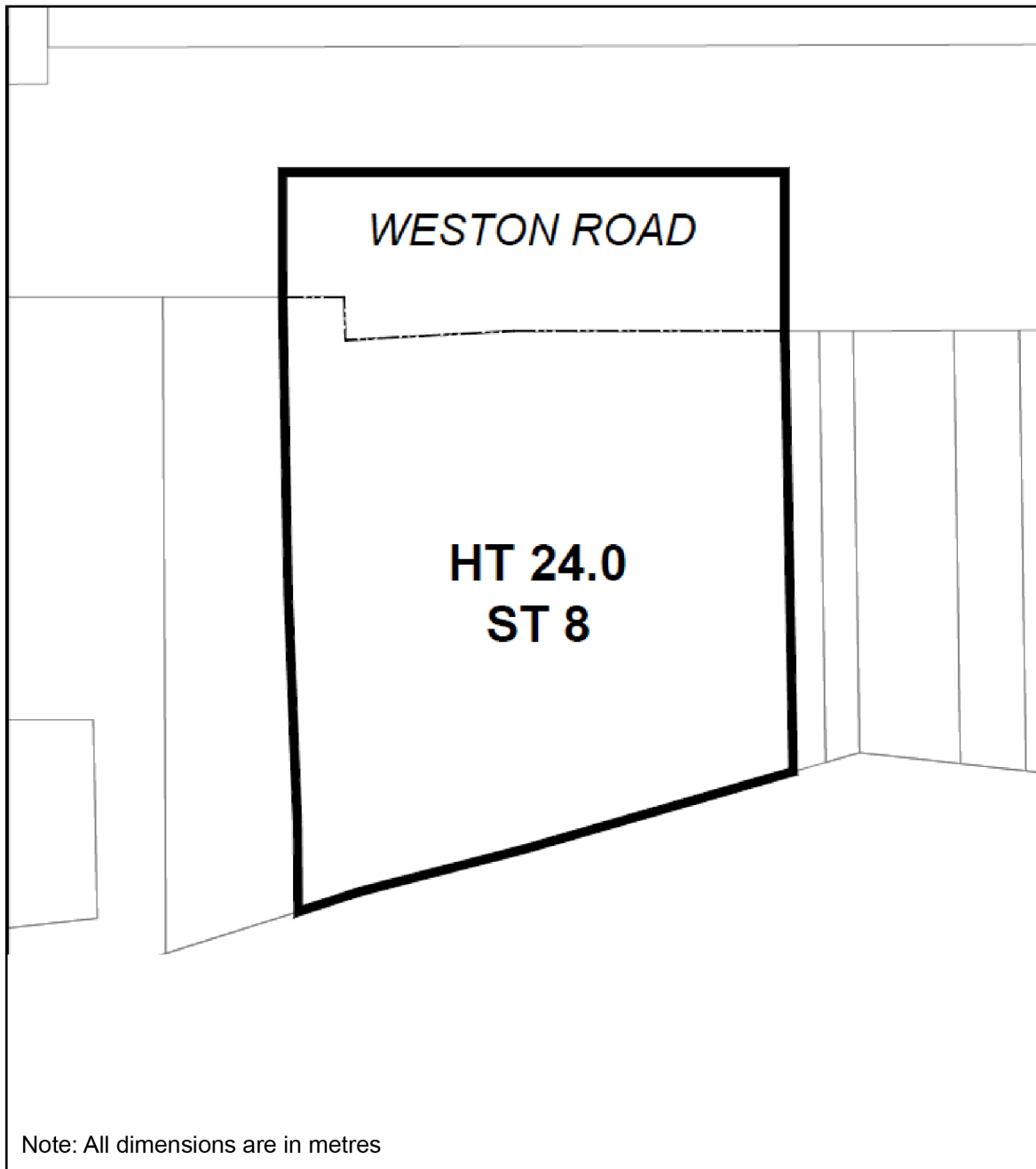
Diagram 4

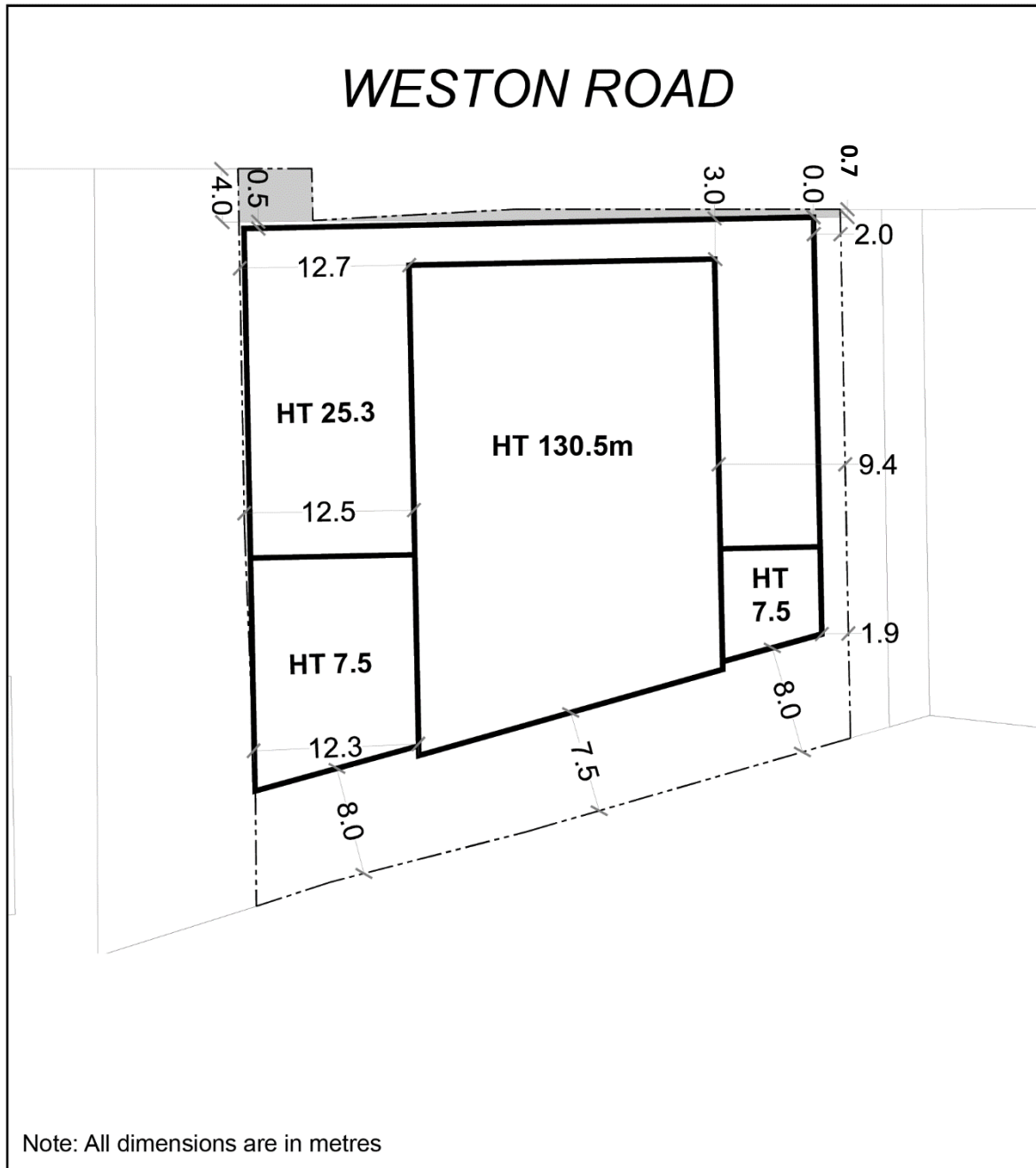
Diagram 5

Diagram 6