

Attachment 5: Draft Zoning By-law Amendment

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 965-2022, being a by-law to amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 1693, 1695, and 1705-1709 Weston Road and 10 Victoria Avenue East

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)";

The Council of the City of Toronto enacts:

1. Diagram 2 to By-law 965-2022 is deleted and replaced with Diagram 2 of By-law [Clerks to insert By-law number].
2. Diagram 3 to By-law 965-2022 is deleted and replaced with Diagram 3 of By-law [Clerks to insert By-law number].
3. Section 5(A) to By-law 965-2022 is amended by replacing "(P)" with "(Y)".
4. Section 5(B) to By-law 965-2022 is replaced with the following:
“(B) Despite Regulation 15.20.20.100(1)(E), the interior floor area of an individual non-residential establishment may not exceed 475 square metres;”
5. Section 5(C) to By-law 965-2022 is replaced with the following:

- “(C) Despite regulation 15.20.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 34,800 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 34,250 square metres;
 - (ii) the required minimum **gross floor area** for non-residential uses is 450 square metres;”
6. Section 5(D) to By-law 965-2022 is replaced with the following:
- “(D) The provision of **dwelling units** is subject to the following:
- (i) a minimum of 22 percent of the total number of **dwelling units** must have 2 or more bedrooms;
 - (ii) a minimum of 11 percent of the total number of **dwelling units** must have 3 or more bedrooms;
 - (iii) any **dwelling units** with 3 or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;”
7. Section 5(E) to By-law 965-2022 is replaced with the following:
- “(E) Despite regulation 15.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 126.30 metres and the elevation of the highest point of the **building** or **structure**;”
8. Section 5(F) to By-law 965-2022 is replaced with the following:
- “(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 3 of By-law [Clerks to insert By-law number];”
9. Section 5(G) to By-law 965-2022 is replaced with the following:
- “(G) Despite regulations 15.5.40.10(2), (3), (5) and (6) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 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 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 3.5 metres;
- (iv) **building** maintenance units and window washing equipment, by a maximum of 4.0 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 3.0 metres; and
- (vii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.5 metres;”

10. Section 5(H) to By-law 965-2022 is replaced with the following:

“(H) Despite clause 15.20.40.70, the required minimum **building setbacks** in metres are shown on Diagram 3 of By-law [Clerks to insert By-law number];”

11. Section 5(I) to By-law 965-2022 is replaced with the following:

“(I) Despite Clause 15.5.40.60, Regulation 15.5.75.1(4)(A)(i) and 15.5.75.1(5)(B), and (G) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:

- (i) decks, porches and balconies, by a maximum of 2.0 metres;
- (ii) canopies and awnings, by a maximum of 3.0 metres;
- (iii) exterior stairs, access ramps and elevating devices, by a maximum of 4.3 metres;
- (iv) architectural features, such as a pilaster, column, cornice, sill, belt course, or chimney breast, by a maximum of 1.0 metres;
- (v) window projections, including bay windows and box windows, by a maximum of 3.0 metres;
- (vi) eaves, by a maximum of 1.0 metre;

- (vii) a dormer, by a maximum of 2.0 metres; and
 - (viii) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metres;”
- 12. New Section 5(K) is deleted and replaced with the following:
 - “(K) Despite Clause 15.5.40.60 and (H)(i) and (v) above, balconies are not permitted on the north and south faces of the **building** above 23.6 metres, excluding Juliet Balconies;”
- 13. Section 5(L) to By-law 965-2022 is replaced with the following:
 - “(L) 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 0.07 residential occupant **parking spaces** for each **dwelling unit**, but not exceeding the permitted maximum in Table 200.5.10.1 for **dwelling units** in a Mixed Use building in Parking Zone B;
 - (ii) a minimum of 2 plus 0.05 residential/retail visitor **parking spaces** for each **dwelling unit**;”
- 14. Section 5(N)(ii) to By-law 965-2022 is replaced with the following:
 - “(ii) minimum width of 0.4 metres; and”
- 15. Section 5(P) to By-law 965-2022 is replaced with the following:
 - “(P) Despite regulation 230.5.1.10(14), within areas used for bicycle parking, access to **bicycle parking spaces** must be provided via an unobstructed aisle that is 1.8 metres in width;”
- 16. By-law 965-2022, as amended, is further amended by adding the following:
 - “(Q) Despite regulation 230.5.1.10(13), a minimum of 3.5% of the “long term” **bicycle parking spaces** provided on the lot must be oversized **bicycle parking spaces**;
 - (R) Despite regulation 220.5.10.1, a minimum of one (1) Type “G” and one (1) Type “C” loading space must be provided on the lot;
 - (S) The permitted maximum “floor plate” area for each **storey**, is:
 - (i) 850.0 square metres between a height of 23.6 metres and 115.5 metres above established grade;

- (ii) 750.0 square metres above a height of 115.5 metres above established grade;
- (T) Despite regulation 15.5.60.40.(2)(B) the maximum permitted height of an **ancillary building** or **structure** is 9.0 metres;
- (U) Despite regulation 15.5.60.20(3)(C)(ii)(a), the minimum **side yard** setback for an **ancillary building** or **structure** located in a rear yard that is 4.0 metres or more from the **residential building** on the lot is 1.2 metres;
- (V) Despite regulation 15.20.40.50(1), **amenity space** must be provided at the following rate:
 - (iii) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**, of which a minimum of 25% must be in the form of multi-purpose space;
 - (iv) at least 2.0 square metres of outdoor **amenity space** for each **dwelling unit** of which 137 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (v) no more than 25 percent of the outdoor component may be a **green roof**;
- (W) Despite regulation 230.5.1.10(9)(B), “long-term” **bicycle parking spaces** may be located:
 - (i) on the first and second levels of the **building** below ground and on the first and second levels of the **building** above ground;
- (X) The number of **bicycle parking spaces** required by regulation 970.30.15.5(1) may be reduced, subject to the following:
 - (i) the number of “long-term” **bicycle parking spaces** reduced is not more than half the amount required by regulation 970.30.15.5(1)(A) rounded down to the nearest whole number;
 - (ii) for each **bicycle parking space** required by regulation 970.30.15.5(1) to be reduced, the owner or occupant must provide a payment-in-lieu to the City of Toronto; and
 - (iii) the owner or occupant must enter into an agreement with the City of Toronto pursuant to Section 40 of the Planning Act;
- (Y) For the purpose of this exception, each word or expression that is in bold

font will have the same meaning as such word or expression as defined in Chapter 800 of Zoning By-law 569-2013, as amended, except for the following:

- (i) “Floorplate” means the total built area measured from the exterior of the **main walls** on each **storey**, excluding balconies.”

Prevailing By-laws and Prevailing Sections: None Apply

- 17. 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.

18. 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 when the following are fulfilled:
 - (i) 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 Chief Engineer and Executive Director, Engineering and Construction Services; and
 - (ii) if the Functional Servicing and Stormwater Management Report accepted and satisfactory from (a) 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 Chief Engineer and Executive Director, Engineering and Construction Services;
 - (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 Chief Engineer and Executive Director, Engineering and Construction Services;

- (iii) a Compatibility Study has been peer reviewed at the cost of the Applicant or Owner, and revised to the satisfaction of the Executive Director, Development Review;
- (iv) a Rail Safety Study has been peer reviewed at the cost of the Applicant or Owner, and revised to the satisfaction of the Executive Director, Development Review.

19. Section 37 Provisions

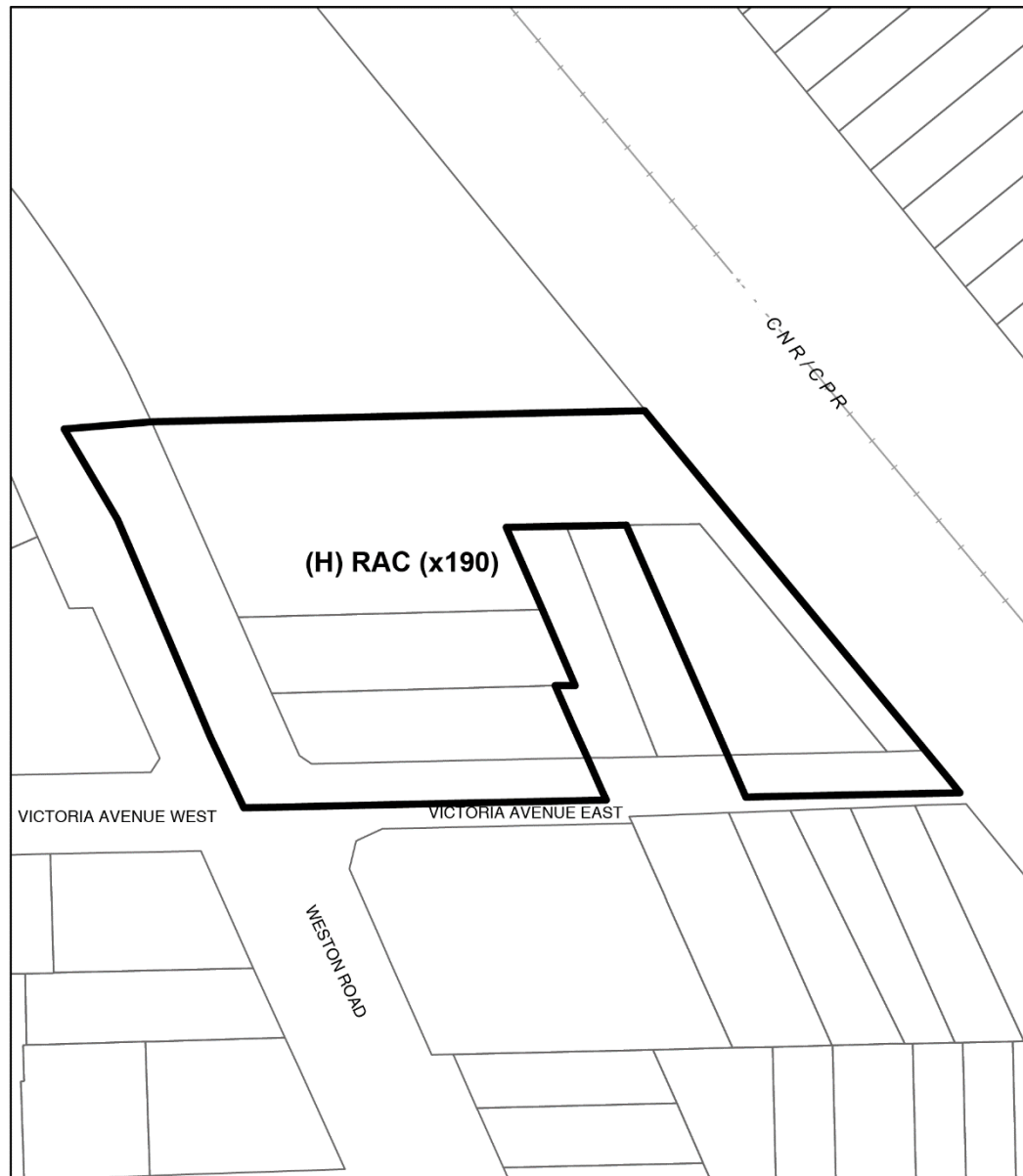
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A of By-law 965-2022, is repealed and replaced by Schedule A attached hereto, and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor:
- (B) Where Schedule A of this By-law required that the owner provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

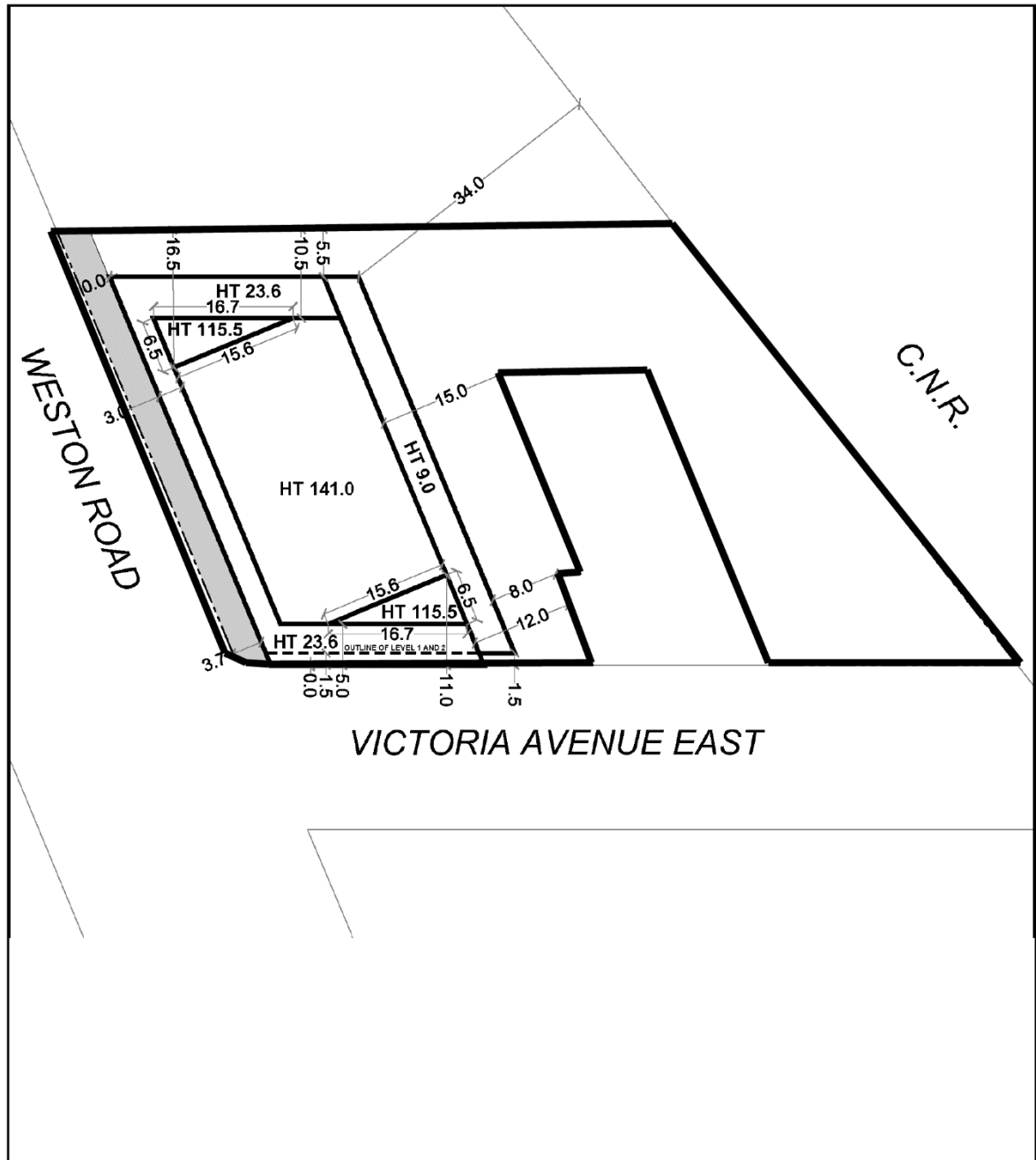
(Seal of the City)



Toronto
Diagram 2

1693 Weston Road, 1695 Weston Road, and
1705-1709 Weston Rd and 10 Victoria Avenue East

File #: 24 202418 WET 05 02



Toronto
Diagram 3

1693 Weston Road, 1695 Weston Road, and
1705-1709 Weston Rd and 10 Victoria Avenue East

File #: 24 202418 WET 05 02

 3.70 metre road widening


City of Toronto By-law 569-2013
Not to Scale
06/25/2025

SCHEDULE A

Schedule 37 Provisions

The facilities, services and matters set out below are required to be provided by the owner of the *lot* at its expense to the City in accordance with one or more agreements pursuant to Section 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement.

Prior to the issuance of any Building Permit, the owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits below.

Financial Contribution

1. Prior to the issuance of the first above building permit, the owner shall make a cash contribution to the City in the amount of \$100,000.00 to be used for streetscape and public realm improvements in the vicinity of the site and such improvements will ensure that the streetscape improvements comply with the Streetscape Manual to the satisfaction of the Chief Planner and Executive Director, City Planning.
2. The cash contribution outlined above shall be indexed upwardly from the date of the registration of the Section 37 Agreement to the date the payment is made in accordance with the non-residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor.
3. In the event the cash contribution outlined above has not been used for the intended propose 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 lands.

Affordable Housing

4. The owner shall design and construct six (6) affordable rental dwelling units comprising 493.4 square metres of residential Gross Floor Area within an approved development at 1693-1707 Weston Road and 10 Victoria Avenue East, substantially in accordance with the Affordable Rental Housing Terms and Conditions, with any amendments to such terms as deemed appropriate by the Chief Planner and Executive Director, City Planning Division, the Executive Director, Housing Secretariat, and the City Solicitor, in

consultation with the Ward Councillor;

5. The owner shall provide and maintain the six (6) affordable rental dwelling units referenced in 4. above as one (1) bachelor unit, three (3) two-bedroom units, and two (2) three-bedroom units in the new 24-storey mixed-use building on the lot, as follows:
 - a. The six (6) affordable rental dwelling units comprised of 493.4 square metres of residential Gross Floor Area;
 - b. The affordable rental dwelling units shall be provided in contiguous groups of at least 6 dwelling units;
 - c. The general configuration and layout of the six (6) affordable rental dwelling units in the new 24-storey residential building shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - d. The owner shall provide and maintain the six (6) affordable rental dwelling units as rental dwelling units for a minimum of 99 years, beginning with the date each such unit is first occupied. No affordable rental dwelling unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit shall be made for at least 99 years from the date of first occupancy. Upon the expiration of the 99 year period, the owner shall continue to provide and maintain the affordable rental dwelling units as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise;
 - e. During the first 99 years of occupancy, increases to initial rents charged to tenants occupying any of the affordable rental dwelling units shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline.
 - f. The rent of Affordable Rental Units would be calculated in accordance with the City's income based affordable rent definition as provided in Official Plan Amendment 558;
 - g. The affordable rental units shall include ensuite laundry and air conditioning in each affordable rental unit at no additional cost to tenants, except for applicable utilities;
 - h. The owner shall provide an access plan addressing how the affordable rental units will be occupied, including the use of the City's Centralized Affordable Rental Housing Access System or, where the system is not yet in place, to tenants who have demonstrated that they are in need of affordable rental housing through a fair and transparent process developed in consultation and to the satisfaction of the

Chief Planner and Executive Director, City Planning and Executive Director,
Housing Secretariat;

- i. The residents of the affordable rental units will have access to the amenities of the development including indoor and outdoor amenity space, access to rent vehicle parking spaces, as applicable, and access to bicycle and visitor vehicle parking, all on the same terms and conditions as any other resident of the development

Other Matters in Support of the Development

6. The owner shall provide a minimum of 11-percent of all new units in the proposed 43-storey building as three-bedroom units.
7. The owner shall provide a minimum of 22-percent of all new units in the proposed 43-storey building as two-bedroom units.
8. Prior to issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, a road widening of 3.7 metres along the frontage of the property on Weston Road, all to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the City Solicitor.
9. The owner shall satisfy the requirements of Metrolinx, Canadian Pacific Railway and Canadian National Railway, particularly regarding noise and vibration attenuation requirements and operational easement requirements, and shall insert any warning clauses in purchase and sale/tenancy agreements as required in connection with noise and vibration.
10. The owner shall construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner shall be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the Site Plan application.