

**2062 to 2070 Weston Road - Rezoning Application –
Final Report**

Date:	December 15, 2011
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 11 – York South-Weston
Reference Number:	09 183714 WET 11 OZ

SUMMARY

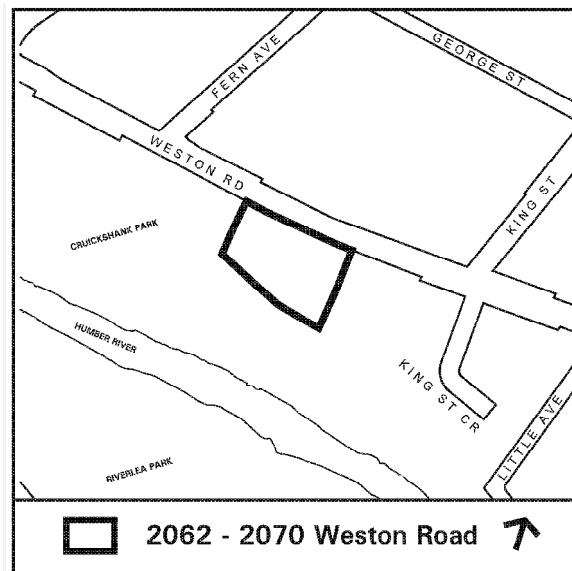
This application proposes to amend the former City of York Zoning By-law 1-83 to permit an 18-storey mixed-use residential and commercial building, comprised of a 5-storey podium and 13-storey tower at 2062 to 2070 Weston Road. The development will contain approximately 204 residential units comprised of a mix of one bedroom, one bedroom plus den, two bedroom and two bedroom plus den units. The proposal also includes approximately 546.4 square metres of land to be conveyed to the City for public park purposes.

This report reviews and recommends approval of the application to amend the former City of York Zoning By-law 1-83.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of York Zoning By-law 1-83, for the lands at 2062 to 2070 Weston Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7 to the report dated December 15, 2011.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. Prior to the issuance of the first above grade building permit, the owner shall provide a cash contribution of \$155,000 to the City of Toronto, indexed upwardly in accordance with the Non-Residential Price Index for Toronto from the date of execution of the Section 37 agreement to the date of payment, and allocated as follows:
 - (a) \$150,000 for W.C. Swanek Park improvements; and
 - (b) \$5,000 for the Weston Heritage Conservation District Study.
 - b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. The securing of architectural plans, elevations and landscape drawings and the submission of 1:50 scale elevation drawings for the elevations, illustrating materials and finishes to the satisfaction of the Chief Planner and Executive Director, City of Toronto Planning Division.

Valley/Hazard Lands

- ii. Prior to site plan approval pursuant to Section 114 of the *City of Toronto Act*, the owner shall convey to the Toronto Region Conservation Authority (TRCA) the valley/hazard lands and the lands within the 10 metre buffer measured from the long term stable top of slope line (with the exception of the surface parking area), for a nominal sum of two dollars.
- iii. As part of the Site Approval Process the owner shall submit a restoration/buffer enhancement plan, sediment and erosion control plan and tree protection plan to the satisfaction of the Toronto Region Conservation Authority.

- iv. Prior to the issuance of any building permit or site grading the owner shall apply for and receive a TRCA permit under Ontario Regulation 166/06.

Weston Road Right of Way

- v. Prior to site plan approval pursuant to Section 114 of the *City of Toronto Act* the owner shall prepare all documents and convey to the City, at nominal cost, a road widening along the Weston Road frontage of the subject site to meet the City's minimum requirements for a 27 metre wide right-of-way, in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have been dedicated as a public highway, all to the satisfaction to the Executive Director of Technical Services and the City Solicitor.

Park

- vi. The proposed development is subject to the parkland dedication alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007. The parkland dedication requirement will be capped at 10% of the development area. Lands below the TRCA long-term stable top-of-bank will be excluded from the parkland dedication calculation.
- vii. Prior to site plan approval pursuant to Section 114 of the *City of Toronto Act*, the owner shall convey land with frontage along Weston Road for parkland purposes to the satisfaction of the General Manager of Parks, Forestry and Recreation. The lands are to be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager of Parks, Forestry and Recreation.
- viii. The final size, grading, configuration and development of the parklands to be conveyed will be subject to the approval of the General Manager of Parks, Forestry and Recreation and in consultation with the local Councillor.
- ix. The owner will be responsible for the base park construction at their own expense. The Base Park Improvements include the following where deemed necessary by the General Manager of Parks, Forestry and Recreation:
 - (a) Grading (inclusive of topsoil supply and placement, minimum of 150 mm depth);

- (b) Sodding (#1 nursery grade);
 - (c) Fencing (1.8 metres, black-vinyl chain-link, commercial-industrial quality, with top and bottom rail). No gates or openings shall be permitted onto the adjacent green space;
 - (d) Drainage systems, including connections to the municipal service as required;
 - (e) Electrical and water connections (minimum 100 mm) to the street line; and
 - (f) Street trees along all public road allowances, which abut City owned parkland.
- x. The owner shall design the Base Park Improvements at their expense and to the satisfaction of the General Manager of Parks, Forestry and Recreation, including a community consultation process.
 - xi. No credit shall be given towards the Parks and Recreation component of the Development Charges for the costs associated with the above noted work.
4. Before introducing the necessary Bills to City Council for enactment, require the applicant to enter into a Site Plan Agreement under Section 41(16) of the Planning Act and Section 114 of the City of Toronto Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of January 12, 2010, the Etobicoke York Community Council considered a report dated December 16, 2009 from the Director of Community Planning, Etobicoke York District (EY33.22), which provided preliminary information on the above-noted application and sought Community Council's direction on the further processing of the application and on the community consultation process. A copy of the report can be found at:

<http://www.toronto.ca/legdocs/mmis/2010/ey/bgrd/backgroundfile-25773.pdf>

ISSUE BACKGROUND

Proposal

The applicant is proposing to amend the former City of York Zoning By-law 1-83 to permit an 18-storey mixed-use building at 2062 to 2070 Weston Road. This proposal has been revised from the original concept submitted as part of the application which contemplated a 21-storey mixed use building comprised of an 8-storey (25.5 metres) street-related podium building topped by a 13-storey tower.

The revised development consists of a 5-storey (16.8 metres) street-related podium building along Weston Road and a 13-storey tower above. The podium portion of the building will have a 5 metre step back from the front wall of the building at the fourth storey. The total height of the building will be 18-storeys (57.1 metres), plus an additional 5.5 metre high mechanical penthouse.

Commercial space is proposed at the ground level along Weston Road. The total gross floor area for the proposed building is approximately 18,485 square metres, of which 990 square metres is for commercial uses and 17,495 square metres is for residential uses. The development has an overall density of 3.8 times the gross site area. (See Attachment 6)

The proposed development also includes approximately 546.4 square metres of land at the north end of the site that is to be conveyed to the City for public park purposes. The proposed park has a width of approximately 11.5 metres and extends east to west across the site from Weston Road to the Humber River Valley. The park represents 10% of the gross site area.

The development will contain approximately 204 residential units comprised of a mix of one bedroom, one bedroom plus den, two bedroom and two bedroom plus den units. A 341 square metre outdoor amenity space for residents is located on the rooftop adjacent to Weston Road and accessed from the sixth floor of the building's south side. As well, the building is designed such that portions of the 5-storey podium extend out over the outdoor parking spaces located at the rear of the property.

A total of 299 parking spaces are proposed to serve the development of which 5 spaces will be provided as outdoor surface parking spaces at the rear of the property and the remainder will be housed in a three level underground parking garage. Vehicle access to the site is located at the north end of the building, adjacent to the proposed public park. This access driveway leads to a drop-off area, the surface parking spaces, the underground parking garage, and the loading and garbage storage area which are all located at the rear of the building.

Refer to the Attachments 1, 2, 3 and 6 illustrating the site plan, elevations, perspectives and project data, respectively.

Site and Surrounding Area

The site is located on the west side of Weston Road, north of Lawrence Avenue West, south of Church Street and borders the Humber River Valley to the west.

The site has an area of 5,468.7 square metres (approximately 0.55 hectares), with a frontage of approximately 92 metres along Weston Road. The site is currently occupied by Cruickshank Motors and houses a one-storey car dealership showroom at the south end of the property and a one-storey automobile body shop at the north end of the site. The remainder of the property is used as surface parking for the car dealership.

The surrounding land uses are as follows (based on Weston Road being a north-south street):

North: a one-storey office building, followed by a 21-storey residential building and a 14-storey apartment building. Further north towards St. Philips Road are a series of mid-rise (5 to 9 storeys) apartment buildings on the west side of Weston Road and low-rise commercial buildings and townhouses on the east side of Weston Road.

South: immediately south and adjacent to the property is a two-storey Canada Post building. Further south are low rise commercial buildings, and low-rise residential dwellings along King Street Crescent and Little Avenue. Mixed-use buildings are located at the northeast and northwest corners of Weston Road and Lawrence Avenue West.

West: immediately west of the site is the Humber River Valley, Cruickshank Park (12-acres) and a bicycle trail system that extends along the river.

East: low rise commercial buildings, a library and further east a low-rise residential neighbourhood.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated by the Toronto Official Plan as *Apartment Neighbourhoods* on Map 14 of the Plan. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. All land uses provided for in the *Neighbourhoods* designation are also permitted in *Apartment Neighbourhoods*.

Section 4.2 of the Plan contains policies that set out the development criteria for new buildings in *Apartment Neighbourhoods*. Policy 2 states that development will contribute to the quality of life by:

- a) locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*;
- b) locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- c) locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- d) including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- e) locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- f) providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- g) providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
- h) providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities.

The site is also subject to Site and Area Specific Policy 51. The applicable policy for properties along Weston Road states that:

- a) view corridors to the Humber Valley from street intersections of Weston Road in the Weston community should be maintained. Links between the Weston community and the Humber Valley will be improved by adding and improving existing pedestrian connections including: an expansion of the pedestrian/bicycle trail system north of Cruickshank Park and establishing additional amenities for park users such as a café, retail pavilion, and washrooms.

The Official Plan also places the site in an *Avenues* corridor as identified in Map 2 of the Plan. The *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. Reurbanization of the *Avenues* is to be achieved through the preparation of an Avenue Study. Section 2.2.3 of the Official Plan establishes the policy objectives of Avenue studies.

Map 9 of the Official Plan places the western portion of the site within the Natural Heritage System. The Official Plan notes that the Natural Heritage System is made up of areas where protecting, restoring and enhancing the natural features and functions should

be given high priority in city-building decisions and where impacts of new development in areas near the natural heritage system are to be carefully assessed.

Section 3.4 of the Plan contains a number of policies related to development in or near the Natural Heritage System. Policy 3.4.8 states that development will be set back from the following locations by at least 10 metres, or more if warranted by the severity of existing or potential natural hazards:

- a) the top-of-bank of valleys, ravines and bluffs;
- b) other locations where slope instability, erosion, flooding, or other physical conditions present a significant risk to life or property; and
- c) other locations near the shoreline which may be hazardous if developed because of flooding, erosion or dynamic beach processes.

Policy 3.4.10 states that development is generally not permitted in the natural heritage system. Where the underlying land use designation provides for development in or near the natural heritage system, development will:

- a) recognize natural heritage values and potential impacts on the natural ecosystem as much as is reasonable in the context of other objectives for the area; and
- b) minimize adverse impacts and when possible, restore and enhance the natural heritage system.

Policy 3.4.12 states that all proposed development in or near the natural heritage system will be evaluated to assess the development's impacts on the natural heritage system and identify measures to mitigate negative impact on and/or improve the natural heritage system, taking into account the consequences for:

- a) terrestrial natural habitat features and functions including wetlands and wildlife habitat;
- b) known watercourses and hydrologic functions and features;
- c) significant physical features and land forms;
- d) riparian zones or buffer areas and functions;
- e) vegetation communities and species of concern; and
- f) significant aquatic features and functions including the shoreline of Lake Ontario.

To assist with this evaluation, the applicant has submitted a Natural Heritage Study as part of the application at the request of City Planning.

Section 3 of the Official Plan also contains a number of policies related to the Built Environment and the Human Environment that are to be considered in the review of the proposed development. In conjunction with these policies, urban design guidelines apply for the Weston area. These guidelines, endorsed by Council, are a companion document to the Official Plan and are discussed in more detail below.

Zoning

The subject property is zoned Main Street Commercial/Residential Zone (MCR) in the former City of York Zoning By-law 1-83, as amended (See attachment 4). Permitted uses include but are not limited to the following: street townhouses, stacked street townhouses, apartment house, retirement lodge, nursing home, retail store, office, restaurant, recreational use, theatre, funeral parlour, institutional use, commercial school, public garage and hotel.

The MCR zoning regulations specify that the maximum building height shall be the lesser of 8-storeys or 24 metres, except where the lands front onto Weston Road then any portion of a building or structure constructed within 6 metres of the front lot line shall be limited to 9 metres in height. The maximum permitted density is 2.5 times the lot area. The proposed mix-use building is permitted but does not comply with the regulations of this zone.

Site Plan Control

The proposed development is subject to Site Plan Control. An application for Site Plan Approval is required but has not been submitted as part of this application.

Demolition Control Application

In March 2007 a demolition approval application was submitted, pursuant to By-law 3102-95 of the former City of York, to remove the stand alone accessory building associated with the dealership at 2062 to 2070 Weston Road. City Council on June 19, 20 and 22, 2007 adopted the recommendations of the Etobicoke York Community Council to approve the application to demolish the accessory building, subject to the owner entering into a Beautification Agreement, containing a beautification plan, with the City to be registered on-title prior to the issuance of a demolition permit.

The applicant has not pursued entering into the Beautification Agreement to allow for the issuance of the demolition permit. It is expected that the applicant will obtain the demolition permit for all buildings on the site at the time of building permit issuance. At that point site plan approval will secure a comprehensive landscape plan and the need for a Beautification Agreement will not be required.

Ravine Control

A portion of the property along the west property line is subject to provisions of the City of Toronto Municipal Code Chapter 658 – Ravine and Natural Feature Protection. Any development within the City's ravine and natural feature protection areas may require a permit from Urban Forestry, Ravine and Natural Protection and is subject to the regulations of this by-law.

Tree Preservation

This application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law).

Toronto and Region Conservation Authority

The westerly edge of the site falls within an area that is subject to Toronto and Region Conservation Authority Regulation O. Reg. 166/06, associated with the Humber River Valley. A permit will be required from the Conservation Authority for any development or site alteration within the regulated area.

Archaeological Assessment

The site is within the Interim Screening Areas for Archaeological Potential identified in the Archaeological Master Plan of the City. The applicant has submitted a Stage 1 and 2 Archaeological Assessment Report. The submitted report concludes that the subject property is free of archaeological concern and no further study is required.

Weston 2021 Revitalization Initiative

The subject property is located in the Weston community which has become a focus of interest for examining opportunities to attract private investment and redevelopment due to Metrolinx's mandate to increase regional GO Train service, redevelop the existing GO Transit station in the area, and implement infrastructure for the Union Pearson Air Rail Link (ARL). In an effort to attract private investment and encourage development, the City has identified the need for a coordinated revitalization approach in the area.

The Weston 2021 Revitalization Initiative is a long-term neighbourhood approach aimed at guiding revitalization, redevelopment and capital improvements. The objective of the Initiative is to restore liveability in the community of Weston by implementing strategies that will create opportunities for private investment and development through incremental change. To date a number of city and other agency initiatives have been undertaken to examine opportunities for the revitalization of the community. These have included: Top 10 Ideas for Weston (P. Bedford, University of Toronto); Tower Renewal – Weston Apartment Building Assessment; Creative Cultural Hub Study; Graphic Facilitation and Visioning Workshop; Weston 2021 Design Charrette and the Urban Land Institute - Technical Assistance Panel Review.

Reasons for the Application

An amendment to the former City of York Zoning By-law 1-83 is required to permit an increase in height and density and to amend other performance standards, as may be required.

Community Consultation

A community consultation meeting was held on April 8, 2010 at the York West Seniors Active Living Centre at 1901 Weston Road. The purpose of the meeting was to obtain community feedback regarding the proposed development. In addition to the ward Councillor, City staff and the applicant, approximately 40 to 50 people attended the meeting.

The community was not opposed to the redevelopment of the site but had a number of concerns with the design and massing of the initial proposal. A number of issues were

raised related to: the height, mass and design of the building; wind and shadow effects; park location and design; access to valley lands; traffic; retail/commercial uses; heritage and potential community benefits. In order to address these issues the ward councillor created a working group comprised of residents, business owners, City staff and the applicant and the applicant's consultants.

The working group committee met a total of 6 times over the course of 2010 and 2011. A series of revised proposals was prepared for discussion by the applicant to address the various issues noted above. The outcome of the working group committee process, in dealing with these issues, is discussed in the comments section of the report.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

The framework for reviewing this development proposal included the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the City's Official Plan, the Zoning By-law, the Weston Urban Design Guidelines, the Avenues and Mid-Rise Building Study, Tall Building Guidelines and community consultation.

While the Official Plan provides overall policy guidance for land use matters, staff also used other information to assist in the evaluation of the proposal. Consideration was also given to material submitted by the applicant that included an Area Based Planning Review, Pedestrian Wind Assessment, Sun/Shadow Studies, Transportation Impact Report, Site Servicing Assessment and an Angular Plane analysis.

Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS) as it proposes to redevelop an underutilized site that is located along an *Avenues* corridors where reurbanization is anticipated and encouraged by the City's Official Plan.

The development promotes efficient development and land use patterns and offers a mix of housing, which is consistent with the relevant policies of the PPS. Specifically, the proposal is consistent with the policies in Section 1.1 "Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns", Section 1.4 "Housing" and Section 2.1 "Natural Heritage". The development also promotes the efficient use of land, resources, infrastructure that supports transit while providing public open space and the protection of the adjacent natural heritage system.

The proposal conforms, and does not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The site is designated by the Toronto Official Plan as *Apartment Neighbourhoods* on Map 14 of the Plan. The application proposes an 18-storey mixed-use commercial residential building and new public park on a site currently occupied by a one-storey car dealership and automotive repair shop.

The Official Plan acknowledges that significant growth is generally not intended within developed *Apartment Neighbourhoods*. However, there may be opportunities for compatible infill on sites that are underutilized and have sufficient space to accommodate new buildings. The application was reviewed against the policies of Section 4.2 of the Plan that set out the development criteria for new buildings in *Apartment Neighbourhoods*.

The Official Plan also places the site within an Avenues Corridor along Weston Road. The Plan states that the reurbanization of the *Avenues* is to be achieved through the preparation of an Avenue Study. Section 2.2.3 of the Plan contains policies stating that development may be permitted on the *Avenues* prior to an Avenue Study were it implements all the policies of the Plan including the policies of the relevant designation area(s). A City initiated Avenue Study has not commenced for Weston Road.

At the request of City Planning, the applicant submitted an Area Based Planning Review that focused on properties fronting along Weston Road between Oak Street to the north and Lawrence Avenue to the south. The study was used to assess if the proposed development would set a built form precedent for other potential redevelopment sites. It also assisted in determining the subsequent cumulative impacts on community services and facilities, parks, transportation, etc.

The study concluded that none of the possible redevelopment sites had the same potential for redevelopment as compared to the proposed development due to differences in size, nature, location, official plan polices, ownership and surrounding uses. Most of the properties examined would need to be combined with one or more adjacent properties to create a suitable development parcel to realize redevelopment of any significance. It was acknowledged that property assemblies are challenging and unlikely to come forward in the short to medium term. In addition, the study noted that approximately 480 residential units could be realized in this area in addition to the 204 units proposed by the application. These units could be accommodated by the existing municipal infrastructure, road networks and community services without any adverse impacts.

The revised proposal complies with the *Apartment Neighbourhoods* polices of the Plan and is appropriate for the site. It provides for additional housing and intensification and incorporates a new public park with a view corridor to the Humber River Valley. The building has been massed to provide a transition in height from both the planned and existing built form context in proximity to the site, which includes the 21-storey building to the north and the low rise residential neighbourhood to south. In addition, the building has been setback from the new public park and Humber Valley lands to limit shadow and winds impacts. The proposed development also incorporates amenity space and an

appropriate parking supply for its intended uses. In addition, the ground floor of the building has been designed to incorporate commercial uses that will enhance the safety, amenity and animation of Weston Road.

Density, Height, Massing

The built form policies of the Official Plan require new buildings to be located and massed to frame the edges of streets and parks with good proportions; to provide good access to sunlight and sky view; to provide for an attractive, comfortable and safe pedestrian environment; to preserve existing mature trees wherever possible; as well as accommodate good site access and circulation.

The proposed mixed use development has been revised from a 21-storey building with an 8-storey podium to an 18-storey building with a 5-storey (16.8 metres) street-related podium fronting onto Weston Road. The revised building height is 57.1 metres, plus an additional 5.5 metre high mechanical penthouse. The development has an overall density of 3.8 times the gross site area and will contain 204 residential units.

The Official Plan also places the site within an *Avenues* corridor along Weston Road. As an Avenue Study has been not undertaken for Weston Road, staff considered the recommended performance standards contained in the Avenues and Mid-Rise Building Study adopted by Council in July 2010. While the report deals primarily with lands designated *Mixed Use Areas* that front on to the *Avenues*, it does provide clarification on the built form vision for the *Avenues*.

Development along the *Avenues* is generally envisioned to be a mid-rise building where the building is no higher than the width of the adjacent right-of-way. As Weston Road has a right-of-way width of 27 metres this would equate to a mid-rise building with a height of 27 metres. This building height is generally consistent with the maximum permitted height in the Zoning By-law and the height recommended in the Weston Urban Design Guidelines, both of which allow for an 8-storey building (24 metres).

The building height and mass, as currently proposed, is the result of discussions held as part of a working group committee set up by the local councillor and comprised of area residents, business owners, agency representatives and city staff. As part of this process consideration was given to the existing built form context that includes buildings located to the north of the subject site ranging in height from 21-storeys to 5-storeys. It was also noted that other than the subject site, other properties in the area could not accommodate a tall building without impacting low rise residential neighbourhoods. The working group committee, particularly resident members, viewed this proposal as an opportunity to improve Weston Road with a well designed building that could attract other private reinvestment in the area.

Given these considerations, members of the working group were willing to accept a taller building that was well designed and contextually sensitive where:

- a) the building transitioned in height from the 21-storey building to the north;

- b) appropriate regard was given to setting the building back from the proposed public park to the north and the valley lands to the west;
- c) the building was located and massed to frame the edges of the street and park with good proportion;
- d) shadow impacts and wind conditions were minimized on the park and adjacent properties;
- e) the height of the podium was reduced to create a vibrant street wall and comfortable pedestrian environment;
- f) the proposed development did not result in traffic conflicts;
- g) the ground floor provided for variety of retail and community uses that support active street life; and
- h) the valley lands would be protected and enhanced.

Weston Urban Design Guidelines

The proposed revised development is generally consistent with the urban design guidelines for the Weston area as approved by City Council. These guidelines place the subject property within the Apartment Neighbourhood-Weston Road Corridor. The revised proposal meets the objectives for this corridor as set out by the guidelines. It provides for additional housing and an increase in the residential population that will help support commercial activity along Weston in a built form that addresses its context.

The revised proposal has been designed to incorporate the guidelines where possible as follows:

- a) the proposed public park creates an unobstructed view corridor and visual connection to the Humber River Valley;
- b) the building and its entrances front onto Weston Road;
- c) the maximum height of the building within approximately 20 metres of the top of bank is 5-storeys;
- d) the podium portion of the building is 5-storeys;
- e) no portion of the building is located below the top of bank ("line of bluff") forming the edge of the Humber Valley; and
- f) the building setback from the Weston Road right-of-way is less than 4 metres as recommended by the guidelines.

Discrepancies with the guidelines relate to landscaping and building height. Although the guidelines require that appropriate landscaping be provided along the Weston Road street frontage, Urban Forestry has advised that there is no room within the narrow municipal right-of way for the installation of a continuous soil trench and City streetscape tree planting. Also as discussed previously, the building will have a maximum height of 18-storeys versus the 8-storeys recommended in the guidelines. However the podium portion of the building will be 5-storeys in height with a 5 metre step back at the fourth storey. The guidelines recommend a minimum 3 metre setback above the sixth floor.

Natural Heritage System

The westerly edge of the site falls within an area that is subject to Toronto and Region Conservation Authority Regulation O. Reg. 166/06, associated with the Humber River Valley. This portion of the property is also subject to provisions of the City of Toronto Municipal Code Chapter 658 – Ravine and Natural Feature Protection.

In addition, the Official Plan places this western portion of the site within the Natural Heritage System where protecting, restoring and enhancing the natural features and functions should be given high priority in city-building decisions and where impacts of new development in areas near the natural heritage system are to be carefully assessed.

Section 3.4 of the Plan contains a number of policies related to development in or near the Natural Heritage System. Policy 3.4.8 states that development will be set back at least 10 metres from the top-of-bank of valleys, ravines and bluffs. The original proposal was revised so that no portion of the building above or below grade was located within the 10 metre setback measured from the long term stable top of slope line as determined by the Toronto and Region Conservation Authority (TRCA).

The only section of the development that encroaches into the 10 metre setback is a small portion of the surface parking and truck turning area. Commenting divisions and the TRCA accepted this condition given that the building location satisfies the 10 metre setback limit and the lands within this setback area will be rezoned to Green Open Space District (G) so that the area is protected from structural encroachments, the placement of fill and the removal of vegetation.

Toronto and Region and Conservation Authority (TRCA)

The Toronto and Region Conservation Authority (TRCA) reviewed the application and advised that they have no objection to the approval of the development subject to the following conditions:

- 1) The valley/hazard lands and the 10 metre buffer (with the exception of the surface parking area) be placed in an "Open Space – Hazard Land" zoning, or equivalent which has the affect of prohibiting structural encroachments, the placement of fill, or the removal of vegetation, except for the purposes of floor or erosion control, or resource management.
- 2) The valley/hazard lands and buffer which are those lands located west of the long term stable top of slope line and 10 metre buffer (with the exception of the surface parking area) are to be conveyed to public ownership for a nominal sum of two dollars.
- 3) At the site plan approval stage the applicant shall submit a restoration/buffer enhancement plan, sediment and erosion control plan and tree protection plan to the satisfaction of the TRCA.
- 4) The owner shall apply for and receive a TRCA permit under Ontario Regulation 166/06 prior to any site grading or the issuance of a municipal building permit.

The draft zoning by-law included as Attachment 7 proposes to rezone portions of the site measured 10 metres from the long term stable top of slope line of the Humber River Valley (with the exception of the surface parking area) from a Mixed Commercial Residential District (MCR) to a Green Open Space District (G). The other conditions listed above will be required to be fulfilled as part of the site plan approval process.

Sun, Shadow, Wind

The applicant has provided sun/shadow studies to allow staff to assess the impacts of shadows that the proposed building will cast on surrounding properties. The proposed development has been revised to minimize the shadow impacts on the new park as well as on the public sidewalk and the low rise residential community to the south and east. This was done by lowering the overall height of the building and podium, relocating the tower to the centre of the building and setting the building back from the edge of the public park. The proposed public park is partially shadowed by the proposed building in the morning and in full sunlight in the afternoons.

A Pedestrian Wind Assessment by RWDI Consulting Engineers was also submitted in support of the initial submission. A revised report was not requested to address the current proposal but will be required to be submitted as part of a site plan application.

The working group committee accepted the improvements to the shadows cast resulting from the revised proposal and recognize that pedestrian wind assessments can be addressed through the site plan process.

Roadways

According to the Official Plan, this section of Weston Road requires a minimum road allowance width of 27 metres. A right-of-way widening is required across the Weston Road frontage of the subject property for future road allowance improvement purposes. The owner will be required to complete this conveyance as a condition to obtaining site plan control approval, at no cost to the City, and to the satisfaction of the Executive Director, Technical Services.

Based on the detailed traffic impact analyses undertaken by the applicant's traffic engineering consultant, road geometry and/or operational improvements are not required in conjunction with the proposed mixed-use development.

Traffic Impact and Access Driveway

A Transportation Impact Study, dated August 2009 prepared by BA Group was submitted with the original application submission. The report was revised on March 2011 to address changes to the development as well comments received from City staff. Transportation Services have reviewed the study and concur with the consultant's conclusion that the forecast volume of traffic expected to be generated by this mixed-use development can be accommodated by the surrounding road network without any negative level-of-service impacts. Resident members of the working group committee continued to have concerns with perceived traffic issues in the area.

In reviewing the application, Transportation Services noted that the location of the proposed full-movement site access to Weston Road is offset +/- 5 metres north of the existing driveway to 2077 Weston Road located opposite the subject development. This driveway off-set creates the potential for overlapping north and southbound left turn queues approaching each of these driveways, which may result in driver delay/frustration and conflicting turning movements. To mitigate the issue of overlapping left turn queues, Transportation Services has recommended that as part of the site plan process the proposed site driveway be relocated to align centreline-to-centreline with the existing driveway at 2077 Weston Road.

Transportation Services notes that the applicant's consultant contends that, based on relatively low southbound-to-eastbound left turning movements at the driveway to 2077 Weston Road, the probability of overlapping left turn queues will be infrequent. A detailed review of the location/design of the proposed access driveway and internal site circulation will be addressed as part of the site plan review process.

Parking

The proposed development provides a total of 299 parking spaces, of which 258 spaces are for residents, 41 spaces are for residential visitors, and 27 spaces are for the retail component of the proposed development. The number of proposed parking spaces exceeds the parking standards requested by Transportation Services that are included in the draft zoning by-law, attached to this report as Attachment 7.

Based on the overlap in the peak parking demand that is characteristic of retail patrons and residential visitors, Transportation Services has recommended that the proposed retail component of the development share parking with residential visitor parking. As a condition to site plan approval, a shared retail-visitor parking arrangement for this development subject to the following conditions may be accepted:

- a) A minimum of 21 visitor parking spaces will be shared with the retail uses;
- b) All shared parking spaces must be available to residential visitors between the hours of 7:00 PM and 7:00 AM, seven days a week;
- c) Each of the designated visitor/retail parking spaces must be signed to this effect;
- d) Retail units must not be given exclusive use of any of the shared spaces; and
- e) The owner(s) shall provide an effective enforcement mechanism ensuring that this arrangement remains in effect at all times

The draft Zoning By-law also includes standards for the provision of parking for the physically disabled at a minimum ratio of one parking space for every 100 parking spaces required or part thereof. All parking designated for the physically disabled is to be located in close proximity to a building entrance.

Servicing

The applicant has submitted a satisfactory Site Servicing Assessment Report prepared by Sernas Associates, dated August 10, 2011 and revised on November 15, 2011. The report

concludes that the existing municipal infrastructure is adequate to service the proposed development without any adverse impact to the municipal services in the area.

Open Space/Parkland

The application proposes a combined residential/commercial use. The site is in the second lowest quintile of current provision of parkland, as per Map 8B/C of the Official Plan. The site is in a parkland priority area, as per Alternative Parkland Dedication Rate By-law 1420-2007.

The application proposes 204 residential condominium units on a site of 0.5 hectares. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication is 0.05 hectares. The parkland dedication will be capped at 10% of the development site.

The owner proposes to satisfy the parkland dedication requirement by a park conveyance. The proposed conveyance includes a 546.4 square metres area with a frontage of 11.5 metres along Weston Road. The location of the proposed park along the north side of the site was selected to enable the widest street frontage since the site is deeper along the south side of the development. It extends east to west across the site from Weston Road to the Cruickshank Park and the Humber River Valley.

The proposed park conveyance will provide a view corridor into the Humber River Valley which is in keeping with the intent of Official Plan's Site Specific policy 51 to maintain and improve view corridors to the Humber River Valley. Given the steep slope from the rear of the site to the existing trail to the west and respecting TRCA's 1994 Management Policy which forbids the construction of a structure along a slope, a multi-use trail connection from this park conveyance location to the existing trail has not been recommended.

The working group committee was satisfied with the proposed park size and location and accepted the access restriction to the valley given the existing topographically constraints and TRCA policy.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The Toronto Green Standard (TGS) is a two-tier set of performance measures with supporting guidelines related to sustainable site and building design for new development. The TGS is a set of performance measures for green development.

As this application was submitted prior to January 31, 2010, it is not required to meet Tier 1 of the Toronto Green Standard. However any future site plan control application would be required to apply the Tier 1 performance measures of the Toronto Green Standard particularly in regard to bicycle parking requirements.

Section 37

The Official Plan includes policies pertaining to the exchange of public benefits for the increased height and density for new developments pursuant to Section 37 of the *Planning Act*. Staff is recommending that Council require the owner to enter into an agreement pursuant to Section 37 of the *Planning Act* to secure certain community benefits as a result of the proposed increase in residential density and height.

Through discussions with the local Councillor, the applicant and staff, the community benefits recommended to be secured in the Zoning By-law Amendment and Section 37 agreement are as follows:

- a) Prior to the issuance of the first above grade building permit, the owner shall provide a cash contribution of \$155,000 to the City of Toronto, indexed upwardly in accordance with the Non-Residential Price Index for Toronto from the date of execution of the Section 37 agreement to the date of payment, and allocated as follows:
 - i. \$150,000 for W.C. Swanek Park improvements; and
 - ii. \$5,000 for the Weston Heritage Conservation District Study.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

- b) The securing of architectural plans, elevations and landscape drawings and the submission of 1:50 scale elevation drawings for the elevations, illustrating materials and finishes to the satisfaction of the Chief Planner and Executive Director, City of Toronto Planning Division.

Valley/Hazard Lands

- c) Prior to site plan approval pursuant to Section 114 of the *City of Toronto Act*, the owner shall convey to the Toronto Region Conservation Authority (TRCA) the valley/hazard lands and the lands within the 10 metre buffer measured from the long term stable top of slope line (with the exception of the surface parking area), for a nominal sum of two dollars.
- d) As part of the Site Approval Process the owner shall submit a restoration/buffer enhancement plan, sediment and erosion control plan and tree protection plan to the satisfaction of the Toronto Region Conservation Authority.
- e) Prior to the issuance of any building permit or site grading the owner shall apply for and receive a TRCA permit under Ontario Regulation 166/06.

Weston Road Right of Way

- f) Prior to site plan approval pursuant to Section 114 of the *City of Toronto Act*

the owner shall prepare all documents and convey to the City, at nominal cost, a road widening along the Weston Road frontage of the subject site to meet the City's minimum requirements for a 27 metre wide right-of-way, in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have been dedicated as a public highway, all to the satisfaction to the Executive Director of Technical Services and the City Solicitor.

Park

- g) The proposed development is subject to the parkland dedication alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007. The parkland dedication requirement will be capped at 10% of the development area. Lands below the TRCA long-term stable top-of-bank will be excluded from the parkland dedication calculation.
- h) Prior to site plan approval pursuant to Section 114 of the *City of Toronto Act*, the owner shall convey land with frontage along Weston Road for parkland purposes to the satisfaction of the General Manager of Parks, Forestry and Recreation. The lands are to be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager of Parks, Forestry and Recreation.
- i) The final size, grading, configuration and development of the parklands to be conveyed will be subject to the approval of the General Manager of Parks, Forestry and Recreation and in consultation with the local Councillor;
- j) The owner will be responsible for the base park construction at their own expense. The Base Park Improvements include the following where deemed necessary by the General Manager of Parks, Forestry and Recreation:
 - b) Grading (inclusive of topsoil supply and placement, minimum of 150 mm depth);
 - c) Sodding (#1 nursery grade);
 - d) Fencing (1.8m, black-vinyl chain-link, commercial-industrial quality, with top and bottom rail). No gates or openings shall be permitted onto the adjacent green space;
 - e) Drainage systems, including connections to the municipal service as required.
 - f) Electrical and water connections (minimum 100 mm) to the street line; and
 - g) Street trees along all public road allowances, which abut City owned parkland.

- h) The owner shall design the Base Park Improvements at their expense and to the satisfaction of the General Manager of Parks, Forestry and Recreation, including a community consultation process.
- i) No credit shall be given towards the Parks and Recreation component of the Development Charges for the costs associated with the above noted work.

Development Charges

It is estimated that the development charges for this project will be approximately \$1,651,745.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Luisa Galli, Planner
Tel. No. (416) 394-6007
Fax No. (416) 394-6063
E-mail: lgalli@toronto.ca

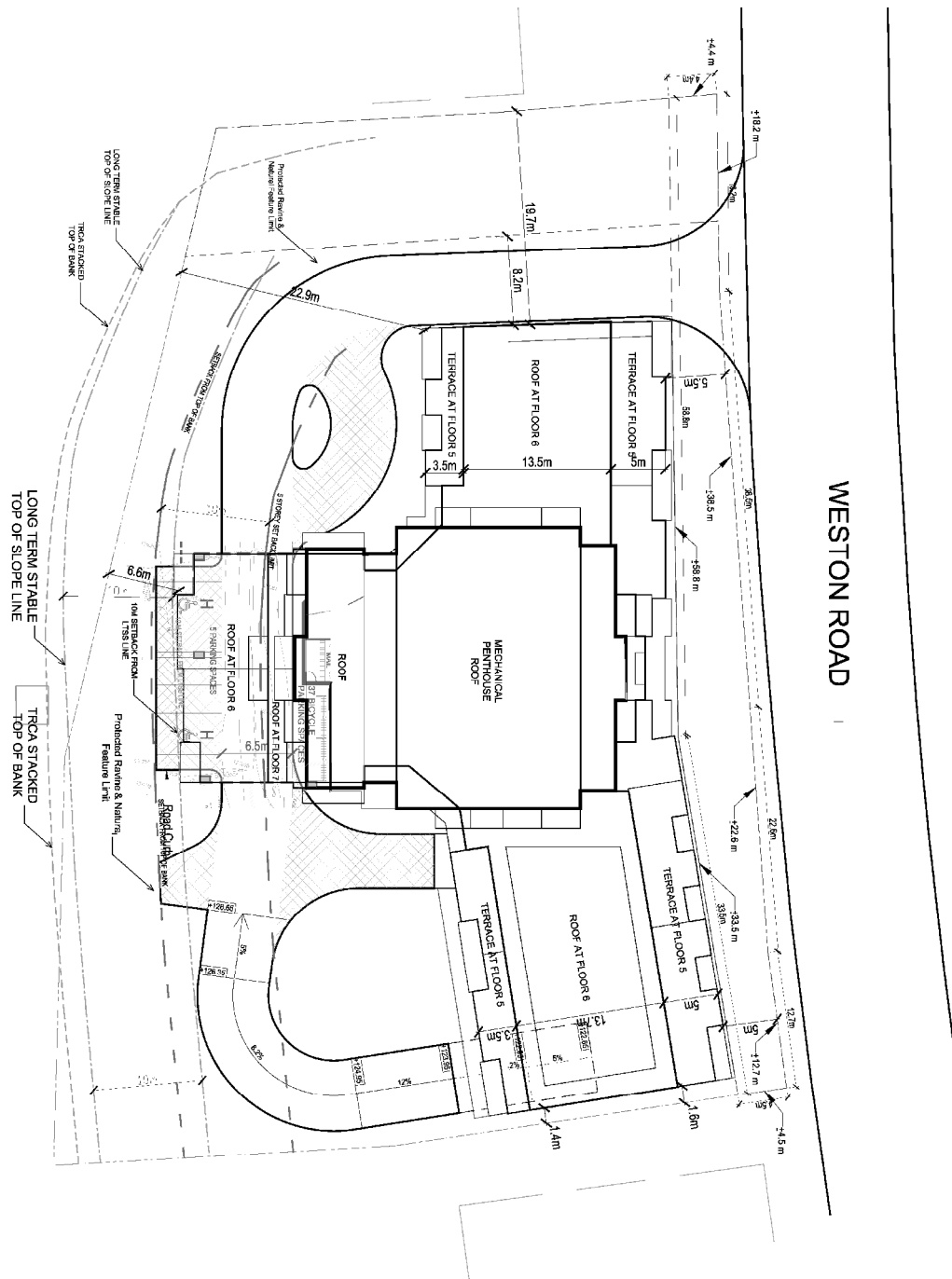
SIGNATURE

Thomas C. Keefe
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Perspectives
Attachment 4: Zoning
Attachment 5: Official Plan
Attachment 6: Application Data Sheet
Attachment 7: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

Applicants Submitted Drawing

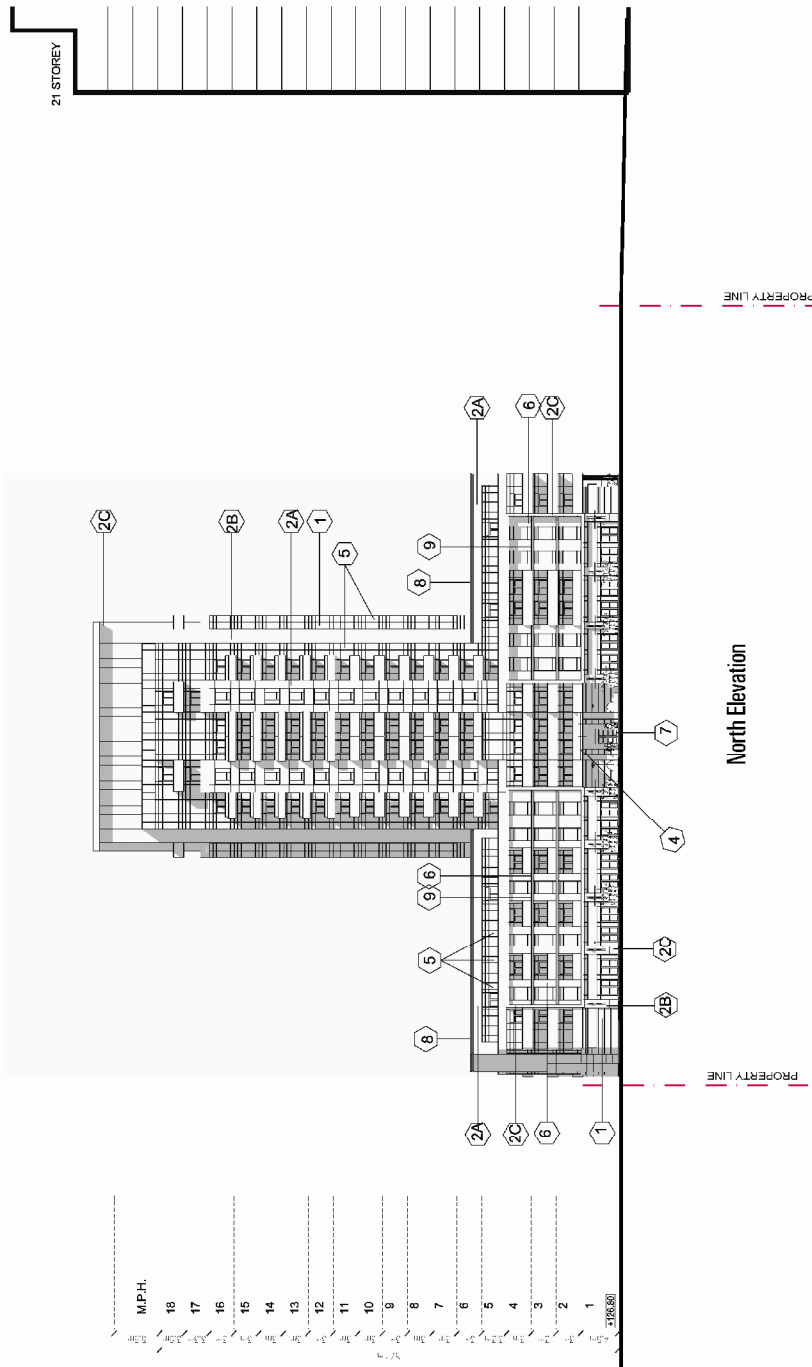
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11/29/2011



2062 - 2070 Weston Road

File # 09 183714 WET 11 0Z

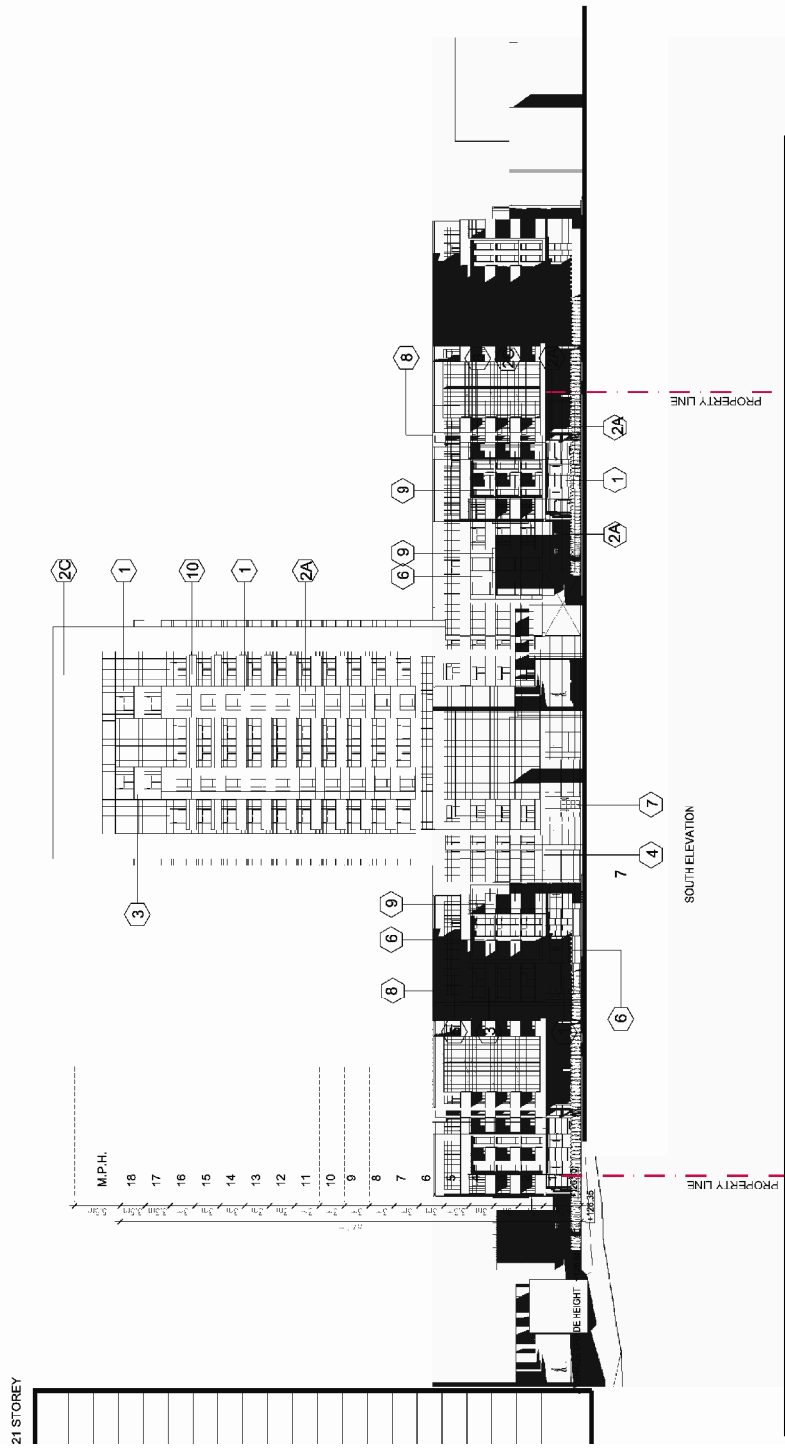
Attachment 2: Elevations



2062 - 2070 Weston Road

File # 09 183714 WET 11 0Z

Elevations
Applicant's Submitted Drawing
Not to Scale
11/30/2011



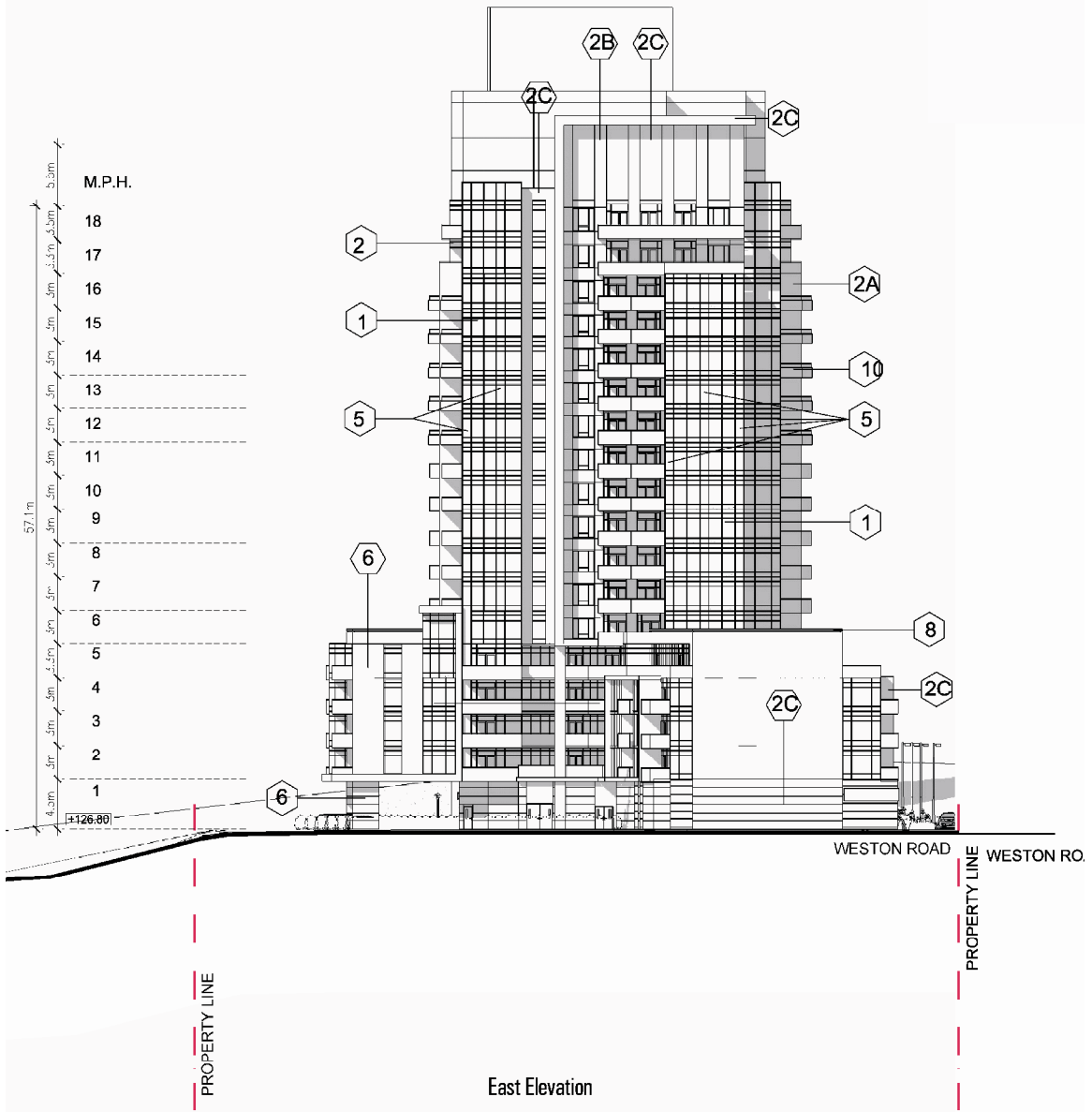
Elevations

Applicant's Submitted Drawing

Not to Scale
11/30/2011

2062 - 2070 Weston Road

File # 09 183714 WET 11 0Z



Elevations

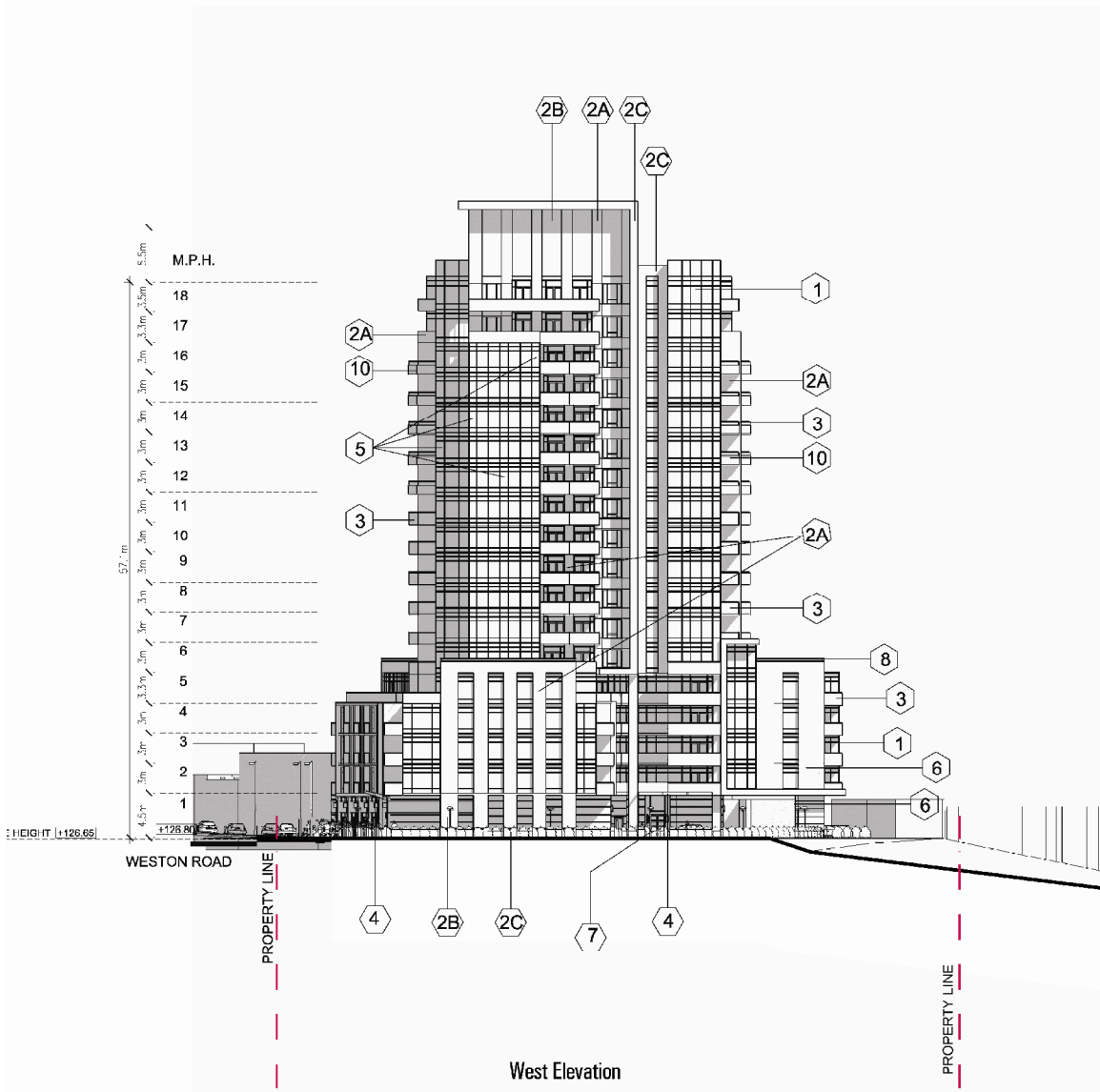
Applicants Submitted Drawing

Not to Scale

11/29/2011

2062 - 2070 Weston Road

File # 09 183714 WET 11 0Z



Elevations

Applicants Submitted Drawing

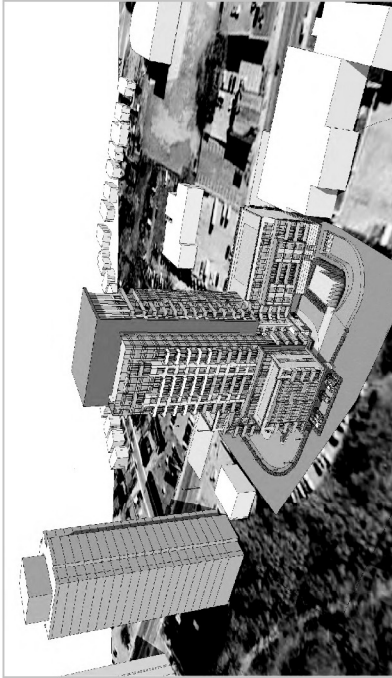
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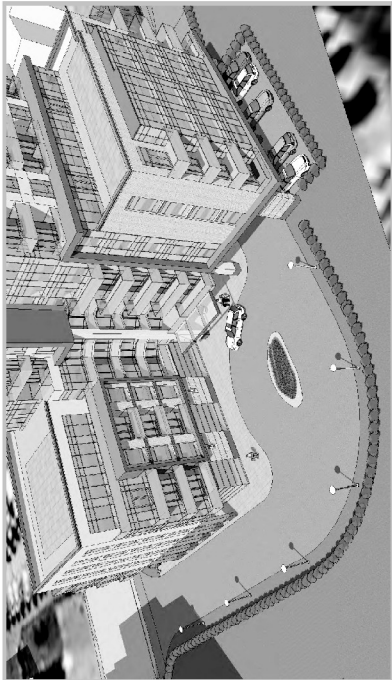
2062 - 2070 Weston Road

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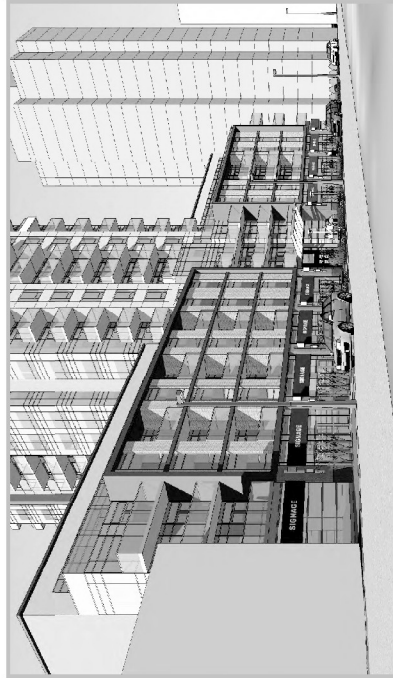
Attachment 3 - Perspectives



AERIAL VIEW FROM SOUTHEAST



AERIAL VIEW FROM SOUTHWEST



PEDESTRIAN VIEW FROM EAST ALONG WESTON ROAD



PEDESTRIAN VIEW FROM WEST ALONG WESTON ROAD

2062 - 2070 Weston Road

Other Required Graphics
Applicant's Submitted Drawing

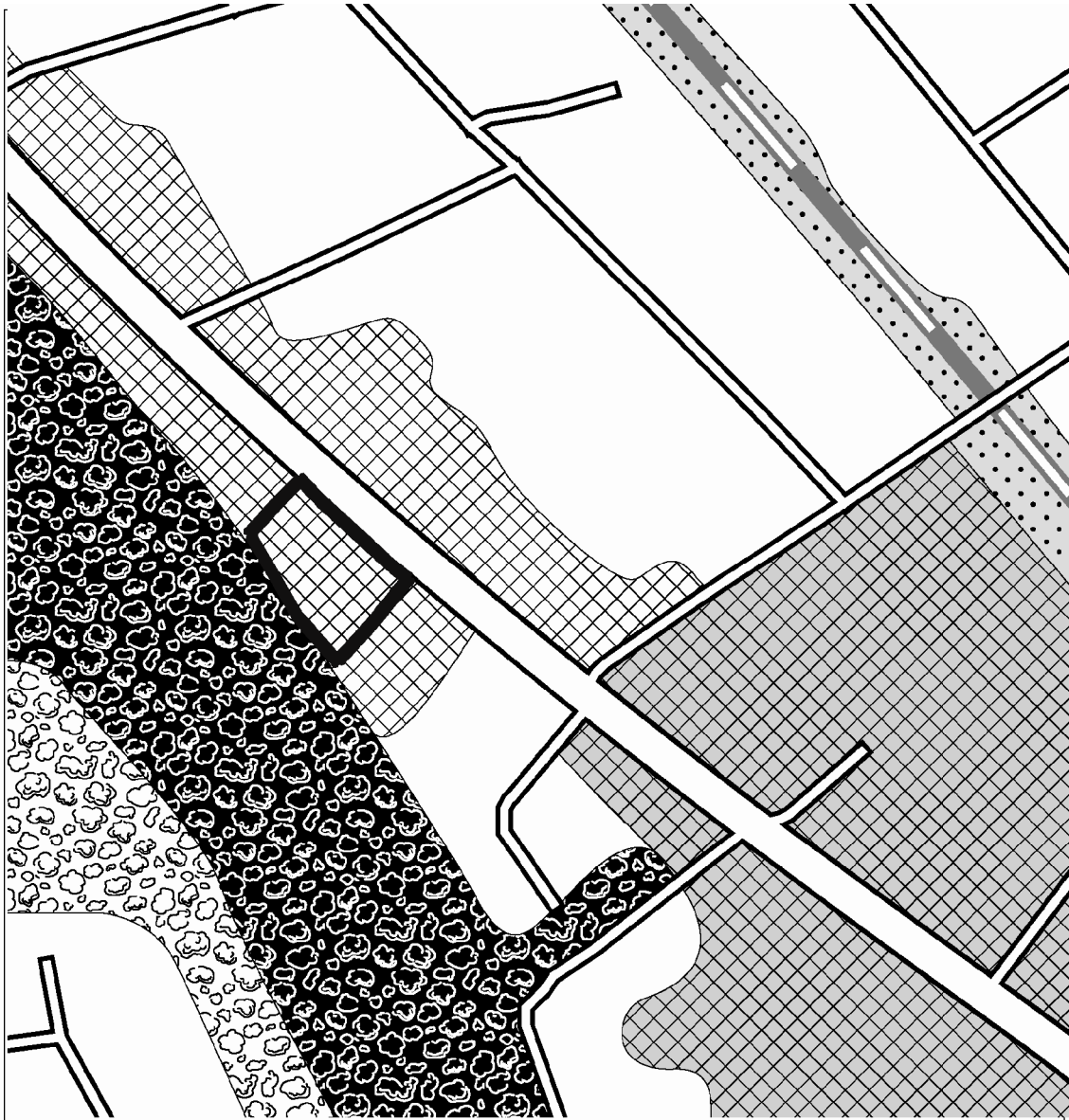
File # 09 183714 WET 11 0Z

Not to Scale
11/30/2011

Attachment 4: Zoning



Attachment 5: Official Plan



TORONTO City Planning
Official Plan

2062 - 2070 Weston Road

File # 09_183714



↑
 Not to Scale
 12/09/2009

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	09 183714 WET 11 OZ
Details	Rezoning, Standard	Application Date:	October 29, 2009

Municipal Address: 2062 WESTON RD

Location Description: CON 5 WYS PT LT6 **GRID W1102

Project Description: An application to amend the former City of York Zoning By-law 1-83 to permit a 18-storey building comprised of a 5-storey podium with commercial uses at grade and a 13-storey tower element above the podium. The proposed development will contain 204 residential condominium units and a public park.

Applicant:	Agent:	Architect:	Owner:
MCCARTHY TETRAULT LLP JOHN DAWSON	PAUL RYCROFT	TURNER FLEISCHER	2062 WESTON ROAD HOLDINGS

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	Policy 51
Zoning:	Main Street Commercial Residential (MCR)	Historical Status:	
Height Limit (m):	8 storeys (24 metres)	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	5474	Height:	Storeys:	18
Frontage (m):	91.8		Metres:	57.1
Depth (m):	61.27			
Total Ground Floor Area (sq. m):	1715.5			Total
Total Residential GFA (sq. m):	17494.4		Parking Spaces:	299
Total Non-Residential GFA (sq. m):	989.4		Loading Docks	0
Total GFA (sq. m):	18483.8			
Lot Coverage Ratio (%):	34.9			
Floor Space Index:	3.76			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	17494.4	0
Bachelor:	0	Retail GFA (sq. m):	989.4	0
1 Bedroom:	111	Office GFA (sq. m):	0	0
2 Bedroom:	93	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	204			

CONTACT:	PLANNER NAME:	Luisa Galli, Planner
	TELEPHONE:	(416) 394-6007

Attachment 7: Draft Zoning By-law Amendment

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto
Council on ~, 2012
Enacted by Council: ~, 2012

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20

**To amend the former City of York Zoning By-law No. 1-83, as amended,
With respect to the lands municipally known as,
2062 to 2070 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*;

WHEREAS Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density and height of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as 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 and matters in return for an increase in the height or density of development, the 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 owners of the lands referred to herein have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in density and height of development permitted hereunder, beyond that otherwise permitted on the lands by the former City of York Zoning By-law No. 1-83, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. That this By-law applies to the Lands delineated by heavy lines on Schedule "A" attached to and forming part of this By-law.
2. Except as provided herein, the provisions of the former City of York Zoning By-law No. 1-83, as amended, shall continue to apply to the Lands delineated by heavy lines on Schedule "A".
3. That Section 6 of the former City of York Zoning By-law No. 1-83, as amended, be further amended by adding a new Subsection (85) as follows:

Lands – 2062 to 2070 Weston Road

(85) MAP 2

By changing the area shown on District Map 2, more particularly shown on Schedule "A" attached hereto, from a Mixed Commercial Residential District (MCR) to the following designations Green Open Space District (G) and MCR S16(442) each as shown on Schedule "A".

4. That Section 16 of the former City of York Zoning By-law No. 1-83, as amended, be further amended by adding a new Subsection (442) as follows:

"(442) LANDS – 2062 to 2070 Weston Road

Notwithstanding the provisions of Sections 12.2, 12.3(1) and 12.3(5), the Lands municipally known as 2062 to 2070 Weston Road, in the former City of York, and shown as MCR S16(442) on Schedule "A" as attached, may be used for the following purposes:

Apartment House
Home Occupation
Retail Store
Office
Restaurant; restaurant licensed; take-out eating establishment; bake-shop
Recreational use
Theatre
Commercial School
Vehicle Sales Establishment
Any use accessory to any of the foregoing uses

Provided that the following regulations are complied with:

- a) The maximum *height* of any building or structure, or portion thereof, shall not exceed the *height* limits in metres specified by the numbers following the symbol H and the specified number of storeys as shown on Schedule "B" except for the

following:

- i. any mechanical penthouse, structures for noise attenuation, outside or open air recreation, safety or wind protection purposes in addition to the height exemptions listed in Section 3.7.1 of By-law 1-83, as amended, provided that the maximum *height* of the top of such element or enclosure is no higher than the sum of 5.5 metres plus the *height* limit otherwise applicable as shown on Schedule "B"; and
 - ii. any curbs, parapets, terrace guards and dividers, planters, railings, decorative screens, flues, vents and window washing equipment including those located on the roof of the building, provided that the maximum *height* of the top of such elements is no higher than the sum of 1.8 metres plus the *height* limit otherwise applicable as shown on Schedule "B";
- b) The maximum *height* of any portion of a building or structure shall not exceed 17.1 metres (5 storeys) within the 10 metre setback from top of bank;
- c) Setbacks and building step-backs shall be in accordance with Schedule "B";
- d) Notwithstanding, paragraph (c), no portion of the building or structure erected or used above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines as shown on Schedule "B", with the exception of the following:
- i. Rooftop architectural features, canopies, awnings, building cornices, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures, wheelchair ramps, underground garage ramps, fences, retaining walls and landscape features.
 - ii. Balconies may extend a maximum of 2.0 metres beyond the heavy lines shown on Schedule "B" as measured perpendicular to the exterior walls of the building.
- e) No portion of a building or structure above a height 17.1 metres or 5 storeys, whichever is the lesser, shall have a *floor-plate area* that exceeds 750 square metres;
- f) The maximum gross floor area shall be 18,490 square metres;
- g) The maximum residential gross floor area shall be 17,500 square metres;
- h) The minimum non-residential gross floor area shall be 980 square metres;
- i) No dwelling unit shall be located below an elevation of 4.5 metres above *grade*;

- j) A minimum of 20% of the Lands shall be green landscaped open space;
- k) All portions of a building or structure erected or used above or below grade shall be set back a minimum of 10 metres from the long term stable top of slope line of the Humber River Valley with the exception of surface parking areas;
- l) Residential amenity space shall be provided and maintained on the Lands shown as MCR S16(442) on Schedule "A" in accordance with the following:
 - i. a minimum of 400 square metres of indoor residential amenity space located in a multi-purpose room or rooms which need not be contiguous, at least one of which is 40 square metres, is to be provided in a location adjoining or directly accessible from the outdoor residential amenity space; and
 - ii. a minimum of 340 square metres of outdoor residential amenity space, which is to be provided in a location adjoining or directly accessible from the indoor residential amenity space.
- m) Parking shall be provided in accordance with the provisions of By-law 1-83, as amended, with the exception of the following:
 - i. A minimum of 0.8 parking spaces for each bachelor dwelling unit;
 - ii. A minimum of 0.9 parking spaces for each one-bedroom dwelling unit;
 - iii. A minimum of 1.0 parking spaces for each two-bedroom dwelling unit;
 - iv. A minimum of 1.2 parking spaces for each dwelling unit providing three or more bedrooms;
 - v. A minimum of 0.2 visitor parking spaces for each dwelling unit shall be provided and maintained for the exclusive use of visitors;
 - vi. Parking for the retail component of the proposed development shall be provided and maintained on the Lands at a minimum ratio of 1.0 parking space per 47 square metres of non-residential gross floor area;
 - vii. Alternative to providing exclusive retail parking, the retail parking provision may be included in the total visitor parking requirement provided that the visitor/retail parking spaces are shared; and
 - viii. Parking for the physically disabled shall be provided and maintained on the site at a minimum ratio of one parking space for every 100 parking spaces required or part thereof.

n) Provide and maintain a loading space on the Lands which has minimum dimensions of 13 metres long by 4 metres wide with an unencumbered vertical clearance of 6.1 metre for the entire loading area.

o) For the purpose of subsection (442) the following definitions shall apply:

"FLOOR-PLATE AREA" means the total aggregate floor area of a storey measured from the exterior face of the all exterior walls of that storey.

"GRADE" means 126.35 metres Canadian Geodetic Datum.

"HEIGHT" means the vertical distance between the Grade and the highest point of the roof in the case of a flat roof, or the average height halfway up in the case of pitched roofs.

"RETAIL STORE" means a separately leasable portion of a building, located on the ground floor, at the grade level of the public sidewalk that is directly accessible from that public sidewalk and where goods, wares, merchandise, substances, articles or things are displayed, offered or kept for sale or rent (excluding dollar stores, money marts, public garages and flea markets), and/or where household, financial, office or travel services are provided.

"VEHICLE SALES ESTABLISHMENT" means a building or portion thereof used for the display, sale, lease and/or rental of new or used motor vehicles, provided there is no outdoor parking or display of said vehicles."

5. Despite any existing or future consent, severance, partition or division of the lands, the provisions of this By-law shall apply to the Lands as if no consent, severance, partition or division occurred.

SECTION 37

6. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the owner of the Lands of the facilities, services and matters set out in Section 8 hereof, to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in Section 9 of this By-law.

7. Upon execution and registration, to the satisfaction of the City Solicitor, of an agreement or agreements with the owner of the Lands pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out Section 8 hereof, the Lands are subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.

8. The facilities, services and matters set out herein are the matters required to be provided by the owner of the Lands at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:
 - a) Prior to the issuance of the first above grade building permit, the owner shall provide a cash contribution of \$155,000 to the City of Toronto, indexed upwardly in accordance with the Non-Residential Price Index for Toronto from the date of execution of the Section 37 agreement to the date of payment, and allocated as follows:
 - ii. \$150,000 for W. C. Swanek Park improvements; and
 - iii. \$5,000 for the Weston Heritage Conservation District Study.
9. Building permit issuance with respect to the lands to which this By-law applies shall be dependent upon satisfaction of the provisions of this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
10. Within the lands shown on Schedule "A" attached to this By-law, 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.

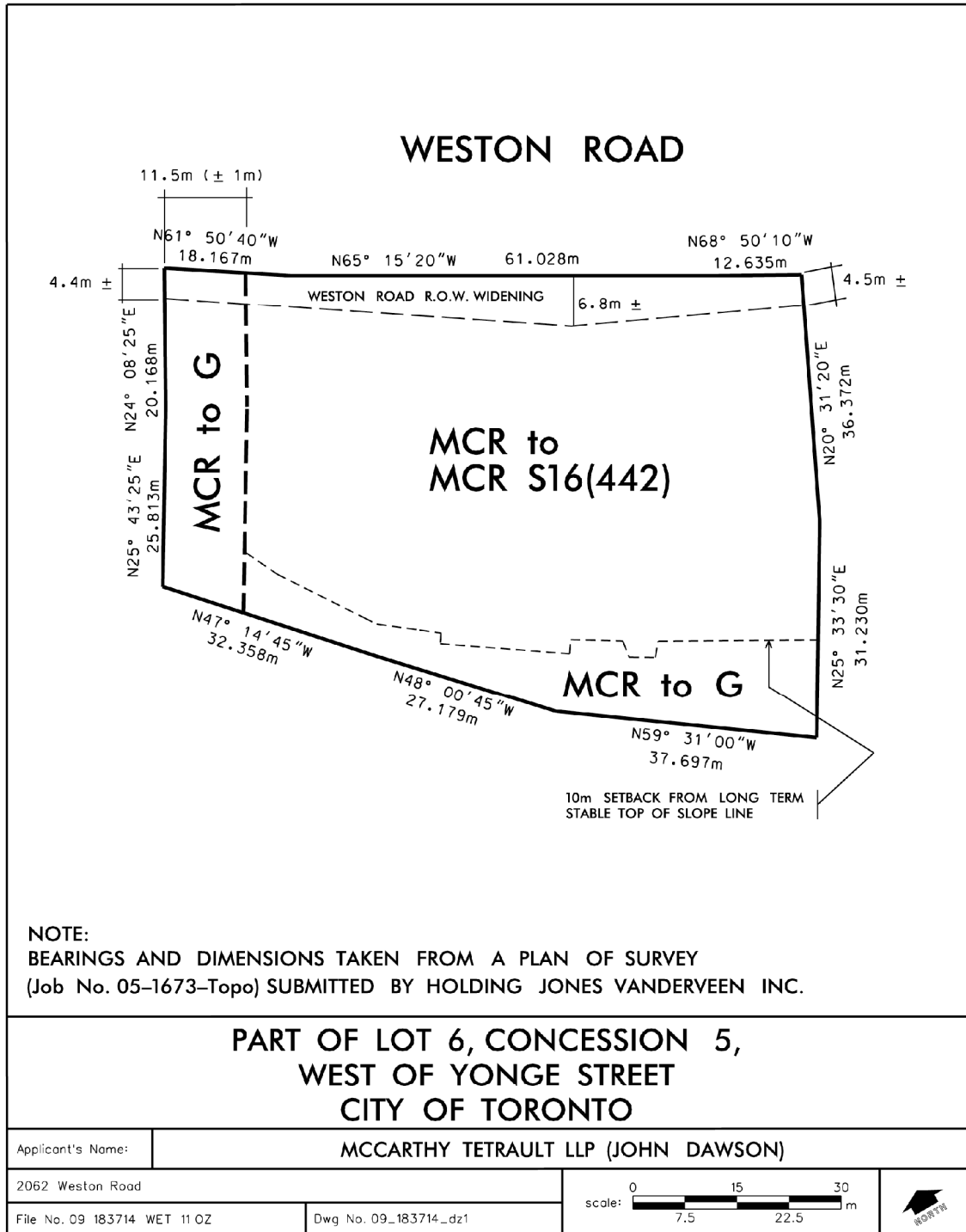
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

TORONTO Schedule 'A' BY-LAW



TORONTO Schedule 'B' BY-LAW

