***Draft Zoning By-law Amendment (March 1, 2021)***

**CITY OF TORONTO**

**BY-LAW No. ####-2021**

**To amend Chapters 304, 320 and 324 of the Etobicoke Zoning Code****, as amended, with respect to lands municipally known in the year 2019 as 250 Wincott Drive and 4620 Eglinton Avenue West.**

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the PlanningAct, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Where the matters herein set out are in conformity with the Official Plan as adopted by the Council of the City of Toronto; and

Whereas pursuant to Section 37(2) of the Planning Act, the Council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize increased in the height and/or density of development beyond that otherwise permitted by the zoning by-law, in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas the increases in the density and heights permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the Etobicoke Zoning Code, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the lands and the City of Toronto; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; 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;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Schedule “A” attached to this By-law.
2. Notwithstanding the provisions of Sections 320-39, 320-45, 320-52, and 320-77 of the Etobicoke Zoning Code, the following development standards shall apply to the lands described on Schedule “A” hereto. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
3. The Zoning Map referred to in Section 320-5, Article II of the Etobicoke Zoning Code and referred to in Section 323-1, be and the same, is amended to include the lands identified as 4620 Eglinton Avenue West on Schedule “A” hereto and to classify these lands Sixth Density Residential (R6).

1. That the Zoning Map referred to in Section 320-5, Article II of the Zoning Code and referred to in Section 323-1, be and the same, is amended by changing the classification of the lands identified as 250 Wincott Drive on Schedule “A” attached hereto from Planned Commercial Local (CPL) to Sixth Density Residential (R6).
2. Definitions

The provisions of Section 304-3 Definitions of the Etobicoke Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law the following definitions shall apply:

1. “Amenity Space” means a common area or areas within a Lot which are provided for the exclusive use of residents of a building for recreational or social purposes.
2. “Bicycle Parking Space” means an area used for parking or storing a bicycle; A long-term Bicycle Parking Space means a Bicycle Parking Space for use by the occupants of a building, and a short-term Bicycle Parking Space means a Bicycle Parking Space for use by visitors to a building. A stacked Bicycle Parking Space means a horizontal bicycle parking space that is positioned above or below another Bicycle Parking Space and equipped with a mechanical device providing floor level access to both Bicycle Parking Spaces.
3. “Community Agency Space” shall mean exclusive space for the City and/or non-profit service providers to operate local community service programs such as but not limited to recreation, employment training, settlement services, arts and cultural activities and other community service programs for local residents.
4. “Gross Floor Area” means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level. The Gross Floor Area of a mixed-use building is reduced by the area in the building used for:
5. parking, loading and bicycle parking below-ground;
6. required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
7. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
8. shower and change facilities required by this By-law for required bicycle parking spaces;
9. amenity space required by this By-law
10. elevator shafts;
11. garbage shafts;
12. mechanical penthouse; and
13. exit stairwells in the building.
14. “Height” means the vertical distance between Canadian Geodetic Datum elevation of 160.0 metres and the highest point of the building or structure except for those elements prescribed in Section 8 below.
15. “Landscaping” means an area used for trees, plants, decorative stonework, retaining walls, walkways, or other landscape or architectural elements and may include air intake and exhaust shafts.Driveways and areas for loading, parking or storing of vehicles are not landscaping.
16. “Loading Space” means an area used for the loading or unloading of goods or commodities from a vehicle.
17. “Lot” means the lands delineated in heavy black lines and identified as 4620 Eglinton Avenue West and 250 Wincott Drive on Schedule ‘A’ attached to this By-law.
18. “Mixed Use Building” means a building with dwelling units and a non-residential use. An apartment building is not a mixed use building.
19. “Soft Landscaping” means Landscaping excluding hard-surfaced areas such as decorative stonework, retaining walls, walkways, or other hard-surfaced landscape-architectural elements.

1. Permitted Uses

Notwithstanding Section 320-76 of the Zoning Code, no building or structure shall be erected or used on the Lot, except for the following uses:

1. Mixed Use Building;
2. The uses permitted in Section 320-94 for the General Commercial (CG) Zone;
3. Animal Hospital;
4. Retail Store, including Grocery Store;
5. Accessory uses and buildings;
6. Parking areas, driveways and a private right-of-way;
7. Community Agency Space;
8. Privately-owned publicly accessible open space;
9. Public park; and
10. Temporary Sales Office.

1. Gross Floor Area
2. Notwithstanding Section 320-77 of the Zoning Code, the maximum Gross Floor Area permitted on the Lot shall be 65,300 square metres, provided:
	1. the residential Gross Floor Area shall not exceed 53,800 square metres;
	2. the new non-residential Gross Floor Area, exclusive of the Community Agency Space required in iv) below, shall not exceed 7,250 square metres;
	3. the retained non-residential Gross Floor Area located in Building D as shown on Schedule “B” hereto shall be 3,950 square metres; and
	4. a minimum of 465 square metres of Community Agency Space must be provided on the first floor of Building B as shown on Schedule “B” hereto.
3. Dwelling Units
4. The maximum number of dwelling units permitted on the Lot shall be 587, subject to the following:
	1. a minimum of 54 affordable dwelling units must be provided on the Lot;
	2. a minimum of 35 percent of the total number of dwelling units on the Lot must contain two bedrooms, of which 15 percent of all dwelling units must achieve a minimum unit size of 87 square metres; and
	3. a minimum of 17 percent of the total number of dwelling units on the Lot must contain three or more bedrooms, of which 10 percent of all dwelling units must achieve a minimum unit size of 100 square metres.
5. Building Height
6. No portion of a building or structure erected on the Lot shall have a greater Height measured in metres or number of storeys other than specified by the numbers following the symbols “H” and “ST” on Schedule “B” hereto, except for those elements prescribed below:
7. equipment and structures used for the functional operation of the **building**, such as electrical, utility, mechanical, ventilation, maintenance, safety and green roof purposes, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, elevator machine rooms, chimneys, stacks, vents and water supply facilities, and related structural elements that enclose, screen or cover such equipment and structures, as well as areas dedicated for indoor **amenity space** and associated elevator lobbies/vestibules may project above the height limits to a maximum of 6.5 metres;
8. wind, noise or privacy screens or other unenclosed structures/mitigation measures, balustrades, railings and dividers, pergolas, trellises, eaves, privacy screens, skylights, access hatches, window washing equipment, lightning rods, terraces, and landscaping elements and structures located on the roof used for outside or open air recreation may project above the heights limits to a maximum of 3.0 metres;
9. architectural features and screens, parapets, railings, dividers, terrace or balcony guards, window sills, light fixtures, scuppers, fall-arrest systems, roof assemblies, roof drainage, insulation and **building** envelope membranes, decking, pavers, bollards, and built-in planter boxes may project above the heights limits to a maximum of 1.5 metres; and
10. Mechanical penthouses for Building D may project above the height limits to a maximum of 2 metres.
11. the total area of all equipment, structures, or parts of a building exceeding the permitted maximum height shall cover no more than the following, measured horizontally:
12. 55% of the area of the roof for Building A as identified on Schedule “B” hereto;
13. 68% of the area of the roof for Building B as identified on Schedule “B” hereto; and
14. 52% of the area of the roof for Building C as identified on Schedule “B” hereto.
15. the minimum height of the first storey of a Mixed Use Building, including the mezzanine level, shall be 4.5 metres.
16. Setbacks/Building Envelope
17. Notwithstanding Sections 320-40, 320-41, 320-42 and Section 320-77 of the Zoning Code, no building or structure located above ground on the Lot shall be located other than within the building envelope shown on Schedule “B” hereto, except for those elements prescribed below:
	* 1. canopies, awnings, signage or similar structures may extend a maximum distance of 3.0 metres beyond the building envelope;
		2. light fixtures, fences and safety railings, ornamental elements, ventilation shafts, mechanical equipment, guardrails, balconies, balcony dividers, bollards, wheelchair ramps or other elevating devices, stairs, stair enclosures, site servicing features, window washing equipment, screening, fences, pergolas, trellises, and landscape elements and features may extend a maximum distance of 2.0 metres beyond the building envelope;
		3. eaves, cornices, roof overhangs, windowsills, pilasters, chimney breasts, bay windows, columns and other minor architectural projections may extend a maximum distance of 1.0 metres beyond the building envelope;
		4. cladding may extend a maximum distance of 0.25 metres beyond the building envelope; and
		5. structures used for the ventilation of an underground parking facility may extend beyond the building envelope.
18. Notwithstanding 10. a) above, no portion of the area of Building C identified on Schedule “C” hereto, including any permitted projections or encroachments, shall penetrate a 45 degree angular plane projected westward over the Lotfrom a point located 20.1 metres to the east of the Lot at the Canadian Geodetic Datum elevation of 160.2 metres, as shown on Schedule “C”.
19. For Building A as shown on Schedule “B” hereto, the maximum area of the tower floor plate, as measured from the exterior of the main walls on each storey located wholly above the Canadian Geodetic Datum elevation of 174 metres, is 750 square metres.
20. Amenity Space
21. Amenity Space shall be provided and maintained for the residential uses on the Lot, in accordance with the following:
22. A minimum of 2.0 square metres of Amenity Space located indoor for each dwelling unit on the Lot;
23. A minimum of 2.0 square metres of Amenity Space located outdoors for each dwelling unit on the Lot; and
24. At least 40.0 square metres of Amenity Space located outdoors shall be provided in a location adjoining or directly accessible to the Amenity Space located indoors.
25. Vehicle Parking

Notwithstanding the provisions of Sections 320-18 C. and 320-44 of the Zoning Code, the following requirements shall apply to the Lot:

1. Vehicle parking spaces shall be provided at the following rates:
2. for residential uses, a minimum of
3. 0.8 parking spaces for each one bedroom dwelling unit;
4. 0.9 parking spaces for each two bedroom dwelling unit; and
5. 1.1 parking spaces for each three bedroom dwelling unit;
6. for residential uses, a maximum of:
7. 1.2 parking spaces for each one bedroom dwelling unit;
8. 1.3 parking spaces for each two bedroom dwelling unit; and
9. 1.6 parking spaces for each three bedroom dwelling unit;
10. for residential visitors, a minimum of 0.15 parking spaces for each dwelling unit;
11. for a grocery store:
12. a minimum of 1.0 parking space for each 100 square metres of gross floor area;
13. a maximum of 4.5 parking spaces for each 100 square metres of gross floor area; and
14. if the gross floor area is 200 square metres or less, no parking space is required;
15. for Community Agency Space:
16. a minimum of 0.5 parking space for each 100 square metres of gross floor area; and
17. a maximum of 1.3 parking spaces for each 100 square metres of gross floor area;
18. for all other non-residential uses:
19. a minimum of 1.0 parking space for each 100 square metres of gross floor area;
20. a maximum of 4.0 parking spaces for each 100 square metres of gross floor area; and
21. if the gross floor area 200 square metres or less, no parking space is required;
22. Parking spaces for residential visitors and non-residential uses may be shared;
23. If the calculation of the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number, there may not be less than one parking space
24. Loading
25. Loading Spaces shall be provided as follows:
26. For residential uses: a minimum of 3 Loading Spaces, which must have a minimum length of 13.0 metres, a minimum width of 4.0 metres, and a minimum vertical clearance of 6.1 metres; and
27. For non-residential uses:
	1. a minimum of 2 Loading Spaces, which must have a minimum length of 11.0 metres, a minimum width of 3.5 metres, and a minimum vertical clearance of 4.0 metres; and
	2. 1 Loading Space, which must have a minimum length of 17.0 metres, a minimum width of 3.5 metres, and a minimum vertical clearance of 4.4 metres;
28. Bicycle Parking
29. Bicycle parking spaces shall be provided in horizontal, vertical or stacked spaces, in accordance with the following:
30. a minimum of 0.68 “long term” Bicycle Parking Spaces per dwelling unit for residential bicycle parking and may be located at, below or above-grade in a secured room;
31. a minimum of 0.07 “short term” Bicycle Parking Spaces per dwelling unit for residential visitor bicycle parking to be located at grade;
32. a minimum of 0.13 “long-term” Bicycle Parking Spaces per 100 square metres for non-residential uses; and
33. a minimum of 3 “short-term” Bicycle Parking Spaces plus 0.25 spaces per 100 square metres for non-residential uses;
34. A bicycle parking space must comply with the following dimensions:
35. a minimum length of 1.8 metres, a minimum width of 0.6 metres, and a minimum vertical clearance from the ground of 1.9 metres;
36. a minimum length or vertical clearance of 1.9 metres, a minimum width of 0.6 metres, and a minimum horizontal clearance from the wall of 1.2 metres if placed in a vertical position on a wall, structure or mechanical device; and
37. a minimum vertical clearance of 1.2 metres per bicycle parking space, a minimum width of 0.6 metres, and a minimum length of 1.8 metres if provided as a stacked bicycle parking space, whereby a horizontal bicycle parking space is position above or below another bicycle parking space and is equipped with a mechanical device providing floor level access to both spaces.
38. If the calculation of the minimum bicycle parking spaces results in a fraction of a bicycle parking spaces being required, the number of required bicycle parking spaces must be rounded up to the next whole number.
39. Landscaping
40. A minimum 3.0 metre wide strip of landscaping shall be provided between any lot line that abuts a street and those portions of a main wall.
41. A minimum 1.5 metre wide strip of land used only for soft landscaping shall be provided along the north lot line.
42. Other Elements
43. A private right-of-way with a width of 8.5 metres shall be provided on the Lot as shown on Schedule “B” hereto.
44. A privately-owned publicly-accessible open space with a minimum area of 658.98 square metres shall be provided within the hatched area shown on Schedule “B” hereto.
45. A public park with a minimum area of 1,700.26 square metres shall be provided within the shaded area shown on Schedule “B” hereto.
46. Section 37

TBD

1. Notwithstanding any severance, partition or division of the Lot, the provisions of this By-law shall apply to the whole of the Lot as if no severance, partition or division occurred.
2. Chapter 324, Site Specifics, of the Etobicoke Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws.

|  |  |  |
| --- | --- | --- |
| **BY-LAW NUMBER AND ADOPTION DATE** | **DESCRIPTION OF PROPERTY** | **PURPOSE OF BY-LAW** |
| ####-2021[date] | Lands municipally known as 4620 Eglinton Avenue West and 250 Wincott Drive | To rezone the lands from Planned Commercial Local (CPL) to Sixth Density Residential (R6) to permit the development of 3 new mixed-use buildings and the retention and expansion of the existing commercial plaza, subject to site-specific development standards. |

Enacted and passed on [month] [day], 2021.

Frances Nunziata, John D. Elvidge,

 Speaker Interim City Clerk

(Seal of the City)