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

**CITY OF TORONTO**

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

**To amend the City of Toronto By-law 569-2013, 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 to pass this By-law pursuant to Section 34 of the PlanningAct, R.S.O. 1990, c. P.13, as amended;

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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increased in height and density of development;

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law;

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, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

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

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, 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 secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy lines to: CR 0.5 (c0.5; r0.0) SS3 (CR 310) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1 and applying the following Policy Area label to these lands: PA 4, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number CR XXXX, so that it reads:

**Exception CR 310**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

1. On 250 Wincott Drive and 4620 Eglinton Avenue West, if the requirements of Section 7 and Schedule A of By-law ####-2020 are complied with, a **building** or **structure** may be erected or used in compliance with (B) through (Y) below;
2. Regulation 40.10.30.40(1) shall not apply;
3. Despite Regulation 40.10.40.40(1), the total **gross floor area** of all **buildings** and **structures** on the **lot** must not exceed 65,300 square metres, provided:
	1. the residential **gross floor area** must not exceed 53,800 square metres;
	2. the new non-residential **gross floor area**, exclusive of the community space required in (iv) below, must not exceed 7,250 square metres;
	3. the retained non-residential **gross floor area** located in Building D as shown on Diagram 4 of By-law XXXX-2021 shall be 3,950 square metres;
	4. a minimum of 465 square metres of community space must be provided on the **first floor** of Building B as shown on Diagram 4 of By-law XXXX-2021; and
	5. for the purposes of this exception community space means 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. The total number of **dwelling units** must not exceed 587, subject to the following:
5. a minimum of 54 affordable **dwelling units** must be provided on the **lot**;

1. 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
2. a minimum of 17 percent of the total number of **dwelling units** on the **lot** must contain three or more bedrooms, for which 10 percent of all **dwelling units** must achieve a minimum unit size of 101 square metres;
3. Despite Regulations 40.5.40.10(1) and (2), the height of each portion of a **building** or **structure** is measured as the vertical distance between Canadian Geodetic Datum elevation of 160.0 metres and the highest point of the **building** or **structure**;
4. Despite Regulation 40.10.40.10(3), the permitted maximum height and number of **storeys** of any **building** or **structure** is specified by the numbers following the HT and ST symbols as shown on Diagram 4 of By-law XXXX-2021;
5. Despite Regulations 40.5.40.10(4), (6) and (8)(A), and (F) above, the following elements of a **building** or **structure** may project above the permitted maximum height as shown on Diagram 4 of By-law XXXX-2021:
	* 1. 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 permitted maximum heights shown on Diagram 4 to a maximum of 6.5 metres;
		2. 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 permitted maximum heights shown on Diagram 4 to a maximum of 3.0 metres;
		3. 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 permitted maximum heights shown on Diagram 4 to a maximum of 1.5 metres;
		4. Building D can accommodate a mechanical penthouse to a maximum of 2 metres;
6. Despite Regulations 40.5.40.10(5)(A), the total area of all equipment, **structures**, or parts of a **building** exceeding the permitted maximum height for a **building** as permitted in (G) above, may cover no more than the following, measured horizontally:
	1. 55% of the area of the roof for Building A as identified on Diagram 4 of By-law ####-2021;
	2. 68% of the area of the roof for Building B as identified on Diagram 4 of By-law ####-2021; and
	3. 52% of the area of the roof for Building C as identified on Diagram 4 of By-law ####-2021;
7. Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey**, including the mezzanine level, is 4.5 metres;
8. Despite (I) above, the required minimum height of the first storey of Building D as shown on Diagram 4 of By-law ####-2021 is 3.5 metres;
9. Despite Regulations 40.10.40.70 (3)(A), (B), (C) and (4), the required minimum **building setbacks** in metres are as shown in metres on Diagram 4 of By-law ####-2021;
10. Despite (K) above, Regulations 40.10.40.60(1) to (5), and 40.5.40.60(1), the following **building** elements may encroach into a required minimum **building setback**:
	* 1. canopies, awnings, and signage to a maximum of 3.0 metres;
		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 to a maximum of 2.0 metres;
		3. eaves, cornices, roof overhangs, windowsills, pilasters, chimney breasts, bay windows, columns and other minor architectural projections to a maximum of 1.0 metre;
		4. cladding to a maximum of 0.25 metres; and
		5. **structures** used for the ventilation of an underground parking facility;
11. Despite (F), (G), (K) and (L) above, no portion of the area of Building C identified on Diagram 5 of By-law ####-2021, including any permitted projections or encroachments, may penetrate a 45 degree **angular plane** projected westward over the **lot** from a point located 20.1 metres to the east of the east **lot line** at the Canadian Geodetic Datum elevation of 160.2 metres, as shown on Diagram 5 of By-law ####-2021;
12. For Building A as identified on Diagram 4 of By-law ####-2021, the maximum area of the tower floor plate area, 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;
13. Despite Regulation 200.5.10.1, required **parking spaces** for residential visitors and non-residential uses may be shared;
14. Despite Regulation 40.10.40.1(1), residential lobby access in any**mixed use building** and **dwelling units** in Building A, as identified on Diagram 4 of By-law ####-2021,may be located in the first **storey**;
15. Despite Regulation 40.10.40.1(2), pedestrian entrances for any non-residential use on the first **storey** of a **building** must be level with the private sidewalk closest to the entrance or accessed by a ramp which rises no more than 0.04 metres vertically for every 1.0 metre horizontally;
16. Despite Regulation 40.10.40.1(6), pedestrian access for the **lot** consisting of private sidewalks connecting to public sidewalks, may be located within 12.0 metres of a **lot** in the Residential or Residential Apartment Zone category;
17. Despite Regulation 40.10.40.50(1), residential **amenity space** must be provided in accordance with the following:
	1. A minimum of 2.0 square metres of indoor **amenity space** per **dwelling unit** on the **lot**;
	2. A minimum of 2.0 square metres of outdoor **amenity space** per **dwelling unit** on the **lot**; and,
	3. At least 40.0 square metres of outdoor **amenity space** is provided in a location adjoining or directly accessible to the indoor **amenity space**;
18. Despite Regulation 40.10.50.10(1)(B), a minimum 3.0 metre wide strip of **landscaping**, which may include air intake and exhaust shafts, must be provided between any **lot line** that abuts a street and those portions of a **main wall**;
19. Despite Regulation 40.10.50.10(3), a minimum 1.5 metre wide strip of land used only for **soft landscaping** must be provided along the north **lot line**;
20. Despite Regulation 40.10.80.20(1), **parking spaces** that are not in a **building** or **structure** may be set back 0.0 metres from the west **lot line**;
21. A private right-of-way with a width of 8.5 metres, as identified as the Private Road on Diagram 4 of By-law ####-2021, must be provided and located as shown on Diagram 4 of By-law ####-2021;
22. A privately-owned publicly-accessible open space with a minimum area of 658.98 square metres must be provided and located within the hatched area shown on Diagram 4 of By-law ####-2021;
23. A public **park** with a minimum area of 1,700.26 square metres must be provided and located within the shaded area shown on Diagram 4 of By-law ####-2021;

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

1. Despite any existing or future severance, partition or division of the lands shown as CR 2.2 CR 0.5 (c0.5; r0.0) SS3 (xXXXX) on Diagram 2 attached to and forming part of this By-law, the provisions of this Exception and By-law 569-2013 shall apply to the whole of the lands as one lot as if no severance, partition or division had occurred.
2. Section 37 Provisions
3. TBD

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

[Name], [Name],

Speaker City Clerk

(Seal of the City)

**SCHEDULE A**

**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the **owner’s** expense in return for the increase in height and density of the proposed development on the lands shown on Diagram 1 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the **owner** agrees as follows:

1. TBD