

Authority: Scarborough Community Council Item SC33.4,
as adopted by City of Toronto Council on July 19 and 20,
2022

CITY OF TORONTO

Bill 776

BY-LAW -2022

To amend the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 1910 Eglinton Avenue East.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 and 36 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; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (H) Symbol with conditions in the zoning by-law; and

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

Whereas pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, a by-law under Section 34 of the Planning Act, may authorize increases in the 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; and

Whereas subsection 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the 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 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, are 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:

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 adding the zone label on the By-law to the Zoning By-law Map in Section 990.10 respecting the lines outlined by heavy black lines to a zone label of (H) CR 1.0 (c0.5; r0.5) SS3 (x757) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying no value.
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying the following height and storey label to these lands: HT 11.0, as shown on Diagram 3 attached to this By-law.
6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1, and applying the following lot coverage label to these lands: 33 percent, as shown on Diagram 4 attached to this By-law.
7. Zoning By-law 569-2013, as amended, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1, and applying no value to these lands.
8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 757, so that it reads:

(x757) Exception CR 757

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

Site Specific Provisions:

- (A) On 1910 Eglinton Avenue East, if the requirements of Section 11 and Schedule A of By-law [Clerks to insert By-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with (B) to (O) below;
- (B) Despite Regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 161.0 metres and the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.30.40(1), the permitted maximum **lot coverage** is 63%;

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- (D) Despite Regulation 40.10.40.10(3), the permitted maximum height of a **building** or **structure** is the number, in metres, following the letters 'HT' as shown on Diagrams 5 of By-law [Clerks to insert By-law ##];
- (E) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the letters 'ST' as shown on Diagram 5 of By-law [Clerks to insert By-law ##]; and
- (i) For the purposes of this exception, a mechanical penthouse does not constitute a **storey**.
- (F) Despite (D) above and Regulations 40.5.40.10(4) to (7), (8)(A) and (8)(B), the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 5 of By-law [Clerks to insert By-law ##]:
- (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 6.5 metres;
- (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in Provision (E)(i) above, inclusive of a mechanical penthouse, by a maximum of 6.5 metres;
- (iii) columns, architectural features, parapets, and elements and **structures** associated with a roof, **green roof** , by a maximum of 2.0 metres;
- (iv) **building** maintenance units and window washing equipment by a maximum of 2.0 metres;
- (v) planters, **landscaping** features and guard rails by a maximum of 2.0 metres;
- (vi) divider screens on a balcony and/or terrace by a maximum of 1.8 metres; and
- (vii) trellises, pergolas, and unenclosed **structures** providing safety, wind protection or acoustic mitigation to rooftop **amenity space**, by a maximum of 4.0 metres.
- (G) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 28,787 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 25,919 square metres; and
- (ii) the required minimum **gross floor area** for non-residential uses is 10 percent of the total **gross floor area**;

- (H) The provision of **dwelling units** is subject to the following:
- (i) a minimum of 25 percent must be two-bedroom **dwelling units**; and
 - (ii) a minimum of 10 percent must be three-bedroom **dwelling units** or larger.
- (I) Despite Regulations 40.10.40.70(3) and 40.10.40.80(2), the required minimum **building setbacks** and separation of **main walls** are as shown in metres on Diagram 5 of By-law [Clerks to insert By-law ##];
- (J) Despite Regulation 40.10.40.60 and (I) above, the following elements may encroach into the required minimum **building setbacks** as follows:
- (i) canopies and awnings, by a maximum of 2.5 metres;
 - (ii) columns, architectural features, such as a pilaster, cornice, sill, belt course, or chimney breast, by a maximum of 3.0 metres;
 - (iii) eaves, by a maximum of 1.0 metres; and
 - (iv) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.5 metres.
- (K) Regulation 40.10.50.10(1)(B)(i), with respect to **landscaping** abutting a **street**, does not apply;
- (L) The maximum permitted area of the tower floor plate for the seventh **storey** to the 40th **storey**, inclusive, is 750 square metres, as measured from the exterior of the **main wall** on each **storey**, excluding inset balconies.
- (M) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a maximum of 0.3 residential occupant **parking spaces** for each bachelor **dwelling unit** up to 45 square metres in area;
 - (ii) a maximum of 1.0 residential occupant **parking spaces** for each bachelor **dwelling unit** greater than 45 square metres in area;
 - (iii) a maximum of 0.5 residential occupant **parking spaces** for each one bedroom **dwelling unit**;
 - (iv) a maximum of 0.8 residential occupant **parking spaces** for each two bedroom **dwelling unit**;
 - (v) a maximum of 1.0 residential occupant **parking spaces** for each three bedroom and greater **dwelling unit**;

- (vi) a minimum of 2.0 residential visitor **parking spaces** plus 0.1 **parking spaces** for each **dwelling unit**;
 - (vii) a maximum of 0.8 **parking spaces** for each 100 square metres of office **gross floor area**; and
 - (viii) a maximum of 3.5 parking spaces for each 100 square metres of retail **gross floor area**.
- (N) Notwithstanding Regulation 200.5.1.10(2)(A) and (D), Electric Vehicle Infrastructure, including electric vehicle supply equipment, does not constitute as an obstruction to a **parking space**;
- (O) Despite Clause 220.5.10.1, one (1) Type 'G' loading space is required.

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

9. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

10. Holding Provisions

- (A) The lands zoned with the '(H)' symbol delineated by heavy lines on Diagram 2 attached to and forming part of this By-law, must not be used for any purpose other than those uses and buildings existing on the landssite as shown on Diagram 1 as of the date ~~of date~~ of passing of this By-law until the '(H)' symbol has been removed.
- (B) An amending by-law to remove the '(H)' symbol may be enacted by City Council when the following conditions have been fulfilled to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning and the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Transportation Services, as the case may be, and Council:
- (i) The owner has, at its sole cost and expense, submitted a Functional Servicing and Stormwater Management Reports, including confirmation of water and fire flow, sanitary and stormwater capacity, acceptable and satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services;
 - (ii) The execution and registration of a development agreement between the owner of the lands and the City, at the owner's sole cost and expense, securing the financing and construction of any improvements that may be required to the City's sanitary sewer, storm sewer and water supply systems to accommodate the proposed development;

- (iii) The receipt of all necessary approvals for the infrastructure required, as described (ii) above;
- (iv) The owner has, at their sole cost and expense, submitted a Multi-Modal Transportation Impact Study, including a comprehensive Travel Demand Management Plan that is acceptable and satisfactory to the General Manager, Transportation Services and Chief Planner and Executive Director, City Planning and thereafter has secured such matters in a manner satisfactory to the General Manager, Transportation Services, the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- (v) The owner has, at their sole cost and expense, submitted a Compatibility/Mitigation Study, including assessments of Noise, Vibration, Dust, Odour, and Air Quality, subject to a third peer review at the owners expense, for which studies may be submitted separately or jointly, that are acceptable and satisfactory to the Chief Planner and Executive Director, City Planning and thereafter has secured such matters in a manner satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- (vi) The owner has, at their sole cost and expense, provided confirmation that a public access easement has been obtained for pedestrian and vehicular use of the rear access having a width of not less than 8.1 metres measured along the west property boundary to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and City Solicitor; and
- (vii) The owner has entered into and registered on title to the lands a Section 37 Agreement pursuant to Section 37 of the Planning Act, acceptable and satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor.

11. Section 37 Requirements

- (A) Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown as (H) CR 1.0 (c0.5; r0.5) SS3 (x757) on Diagram 2 of By-law [Clerks to supply ##] in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;

- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent upon satisfaction of the same;
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all applicable provisions of Schedule A are satisfied; and
- (D) Once the agreement or agreements securing the facilities, services and matters set out in Schedule A have been executed and registered, the provisions of Schedule A shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Schedule 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 in Diagram 1 in this By-law. Prior to the issuance of any **building** permit, the owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure community benefits and matters required to support the development, as follows:

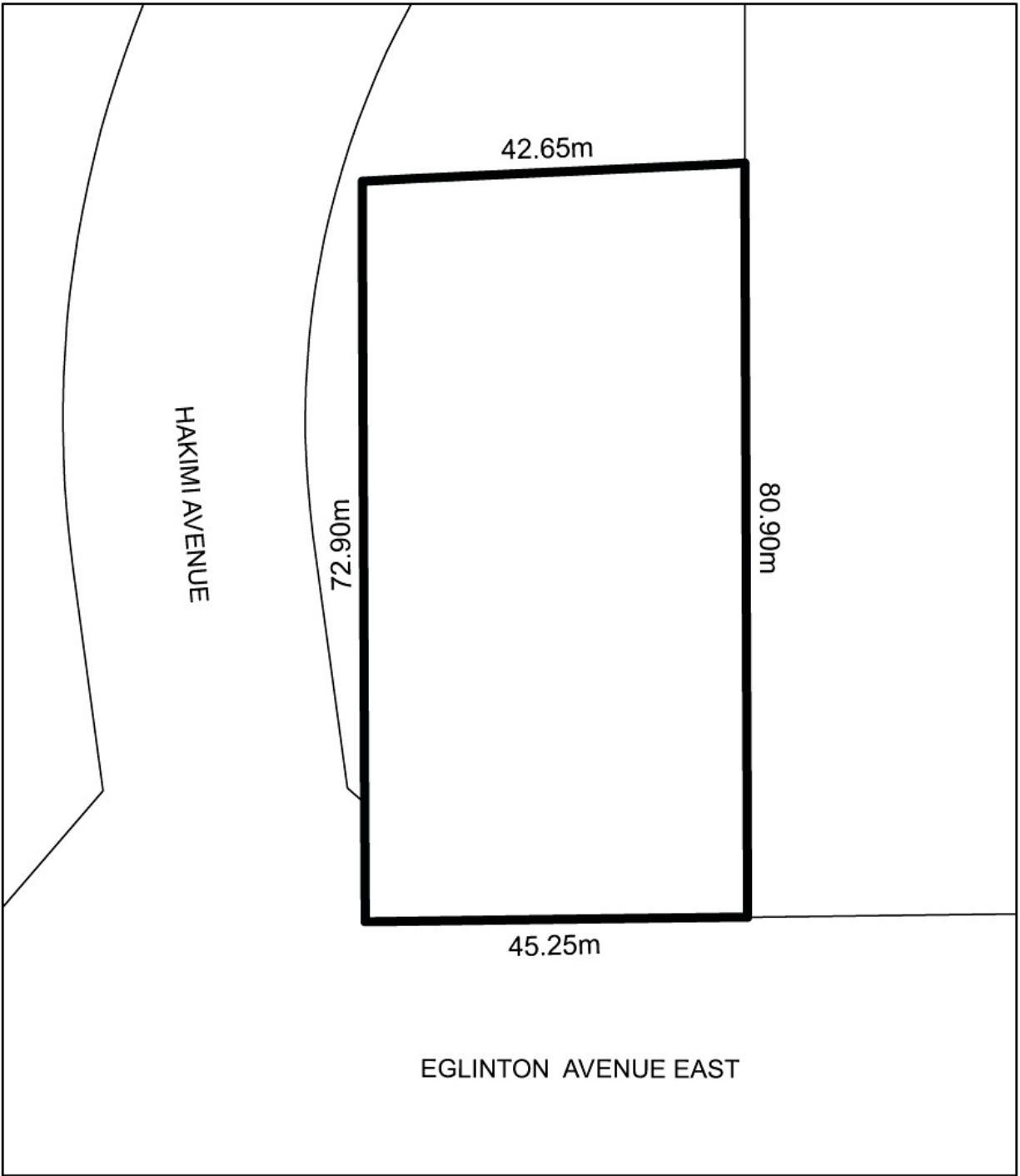
Community Benefits

1. Prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution to the City in the amount of three million (\$3,000,000.00) dollars allocated as follows:
 - (A) one million one million (\$1,000,000.00) dollars to be allocated to the new Community Recreation Centre in the Golden Mile Area;
 - (B) one million (\$1,000,000.00) dollars (the 'Cash Contribution') be allocated towards the provision of Affordable Housing units that would benefit the community in the vicinity of the lands, to the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
 - (C) one million (\$1,000,000.00) dollars to be allocated to commission public art in a process in accordance with the Percent for Public Art Program Guidelines. Prior to the issuance of the first above-grade building permit, the owner will submit a plan that details the possible locations of any public art installations on the site or on public space adjacent to the site and the method of art selection, to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.
2. The Cash Contribution set out in Clause 1 shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135, or its successor, calculated from the of enactment of this By-law to the date of payment of the Cash Contribution by the owner to the City.
3. In the event the Cash Contribution in Clause 1 has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the Cash Contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.

Matters Required to Support the Development

4. The required transportation improvements and transportation demand management measures identified in a Transportation Demand Management Plan accepted and satisfactory to the General Manager, Transportation Services and secured to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning through the Site Plan Control Approval process in addition to the following:
 - (A) The owner shall pay to the City, by certified cheque, \$50,000, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of enactment of this By-law to the date of payment, for the future implementation of one (1) bike-share station, at a location that may be determined by the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services.
5. The owner shall construct and maintain, at its own expense, privately owned publicly-accessible spaces ('POPS'), of not less than 298 square metres north of Eglinton Avenue East, and the Owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the POPS and any required public access easements to connect the POPS to adjacent POPS and/or public rights-of-way, where necessary; and the Owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the POPS shall be determined in the context of a Site Plan Approval for each building and/or block pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City.
6. The owner shall construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner shall be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the Site Plan Control application.
7. The owner shall satisfy conditions and requirements as identified in memorandums provided to the City on behalf of Metrolinx as it relates to the Eglinton Crosstown LRT, utility companies, Toronto District School Board and Toronto Catholic District School Board, based on their review of the development application, all to the satisfaction of the Chief Planner and Executive Director, City Planning and secured in the appropriate agreement(s) satisfactory to the City Solicitor.
8. The owner shall, at its own expense, address the following matters in any application for Site Plan Approval for the development, which shall be determined and secured in a Site Plan Agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:

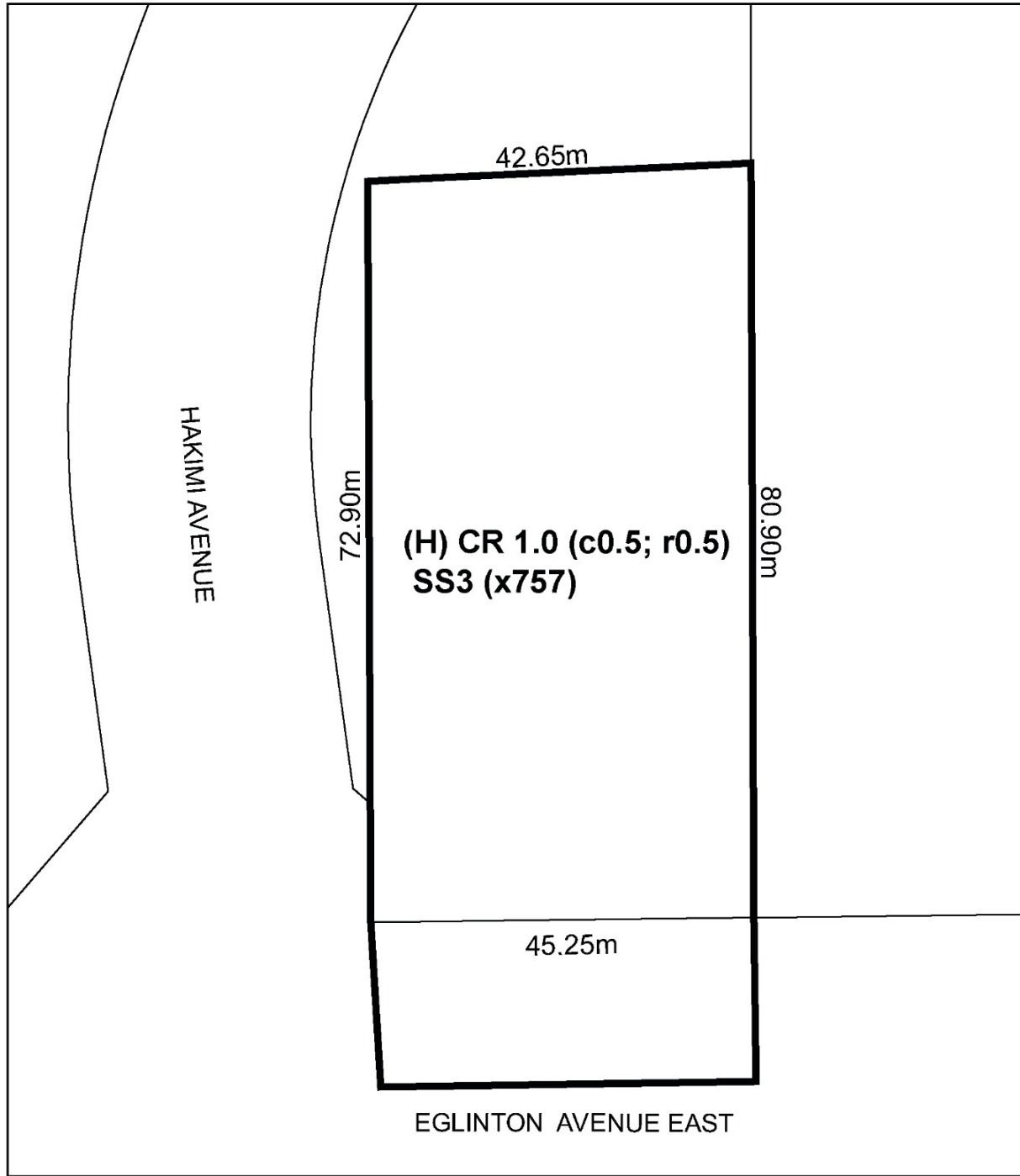
- (A) Provision of on-site dog-relief facilities, with the location, nature and size of the facilities to be determined through the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (B) Implementation of any required air quality, dust and odour mitigation or other recommendations, in the Air Quality and Odour Study, subject to a peer review, satisfactory and accepted by the Chief Planner and Executive Director, City Planning;
- (C) Implementation of any required Compatibility and Mitigation measures in the Compatibility/Mitigation Study, subject to peer review, satisfactory and accepted by the Chief Planner and Executive Director, City Planning;
- (D) Implementation of any required Wind mitigation measures, in the Pedestrian Level Wind Study, satisfactory and accepted by the Chief Planner and Executive Director, City Planning;
- (E) Implementation of any required of Metrolinx, particularly regarding noise and vibration attention requirements, warning clauses in purchase and sale/tenancy agreements, and construction traffic management plan and schedules;
- (F) Submission of a revised Energy Strategy Report that includes all required information outlined in the Energy Strategy Terms of Reference, to the satisfaction of the Project Manager, Environment and Energy Division;
- (G) Submission of a detailed Landscape and Soil Volume Plans to determine compliance with Toronto Green Standard Volume 3, Tier 1 to the satisfaction of the General Manager, Parks, Forestry and Recreation Division;
- (H) Construction of a bus stop platform on the Eglinton Avenue East frontage to the satisfaction of the Toronto Transit Commission; and
- (I) Requirements for a construction management plan to be provided at Site Plan Approval, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, coordination with adjacent on-going development construction, parking and access, refuse storage, site security, site supervisor contact information, any required coordination with Metrolinx regarding the Eglinton Crosstown LRT, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services.

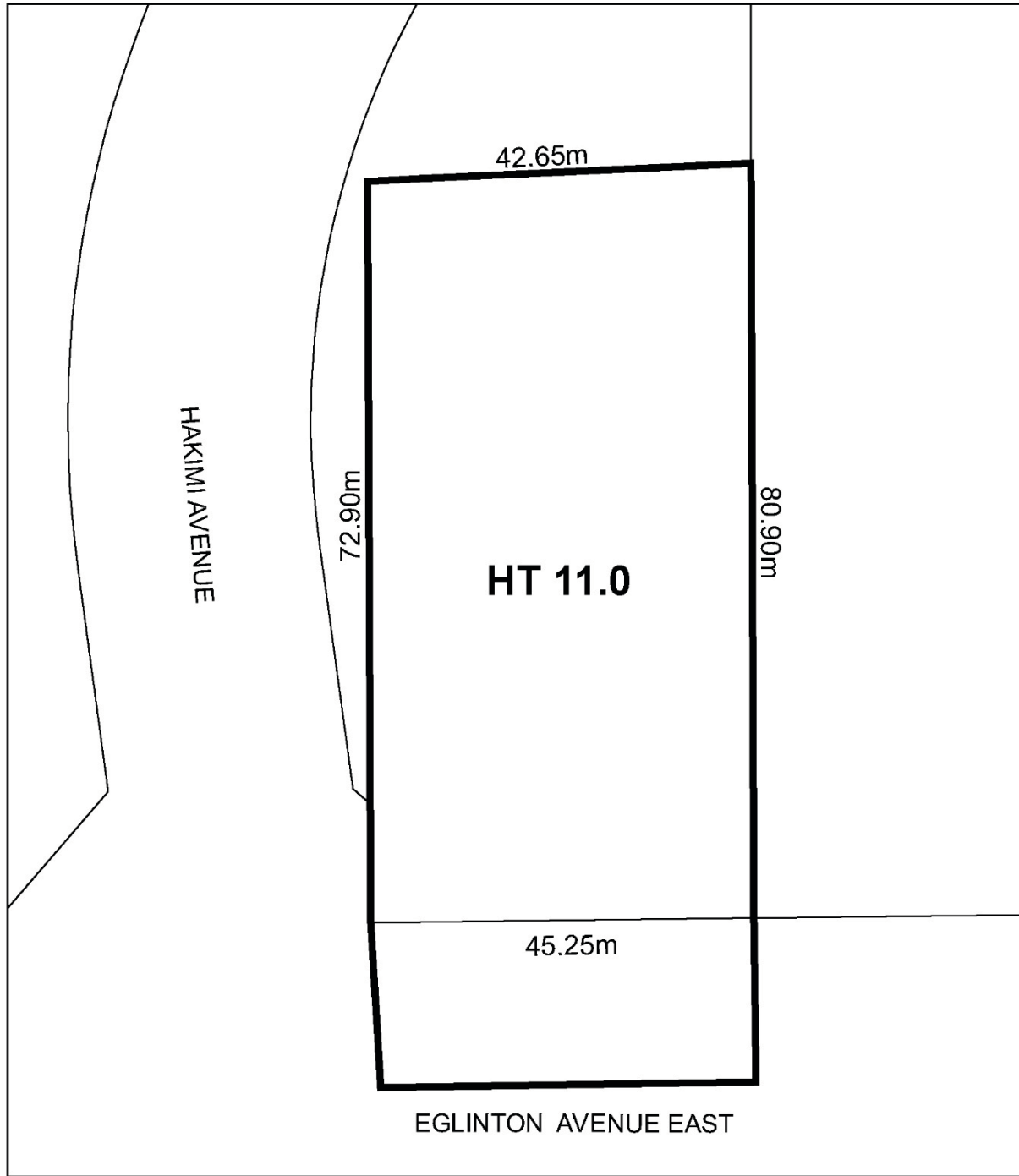


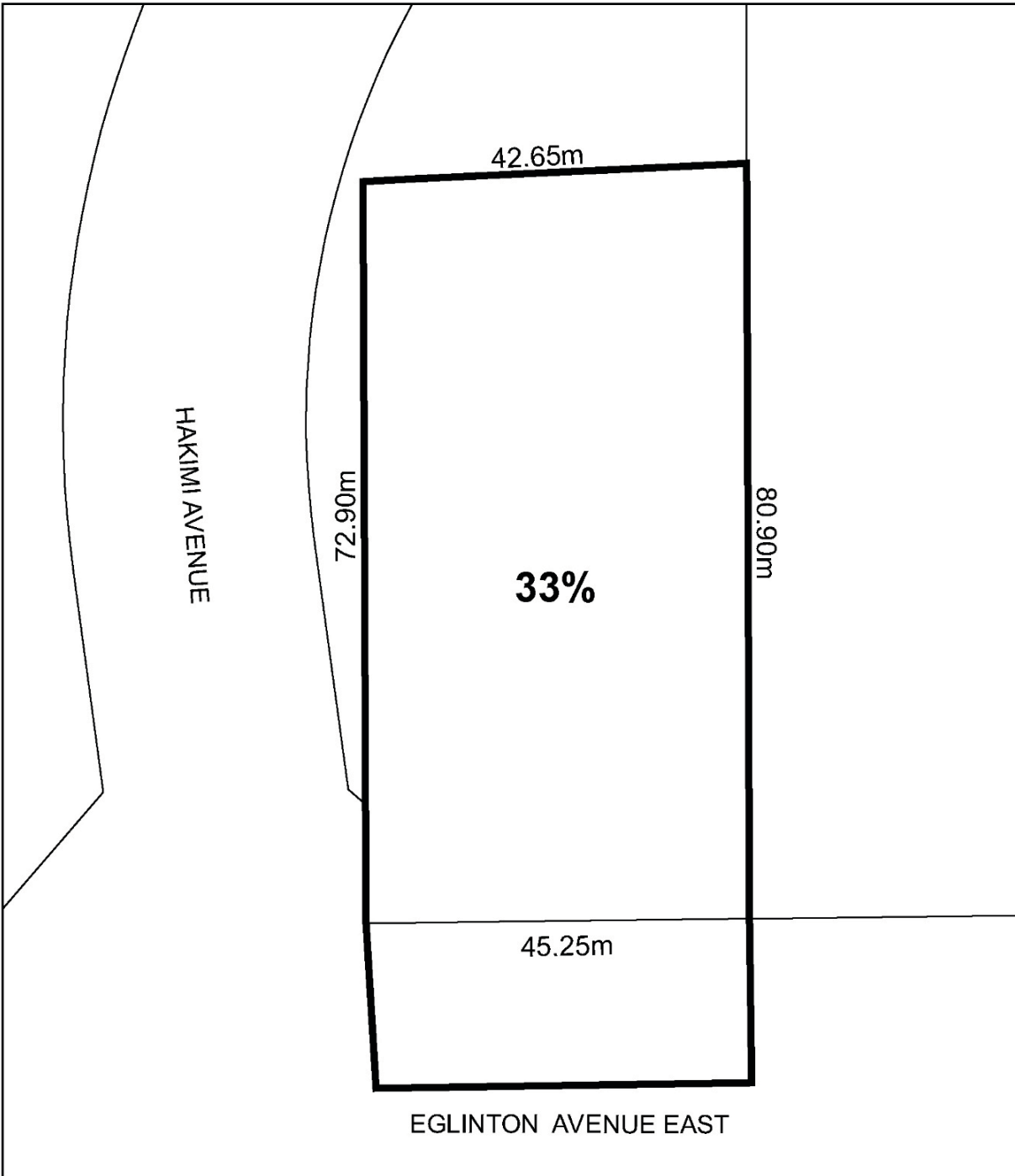
 **TORONTO**
Diagram 1

1910 Eglinton Ave E

File # 20 161237 ESC 21 0Z







 **TORONTO**
Diagram 4

1910 Eglinton Ave E

File # 20 161237 ESC 21 OZ

