

Authority: North York Community Council Item NY32.1,
as adopted by City of Toronto Council on June 15 and 16,
2022

CITY OF TORONTO

Bill 809

BY-LAW -2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 2116 Eglinton Avenue West.

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

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

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

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 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 provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height 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 permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is 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 lands subject to this By-law to the Zoning By-law Map in Section 990.110 and applying the following zone labels: CR SS2 (x494) as shown on Diagram 2 of 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 Overlay Map in Section 995.10, and applying the following label to these lands: PA3, as shown on Diagram 3 attached to and forming part of this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30, with no label.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20, and applying the following height label to these lands: HT 24.0, ST 8, as shown on Diagram 4 attached to and forming part of this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40, with no label.
8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number (x494):

Exception CR 494

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 2116 Eglinton Avenue West a building, structure, addition or enlargement may be constructed in compliance with (B) to (O) below.
- (B) Despite Regulation 40.10.40.40(1), the permitted maximum total gross floor area is 7,600 square metres, of which:
 - (i) the permitted maximum residential gross floor area is 7,150 square metres; and
 - (ii) the permitted maximum non-residential gross floor area is 450 square metres.
- (C) Regulations 40.10.20.100(1) and (17) with respect to the permitted maximum interior floor area of all eating establishments, take-out eating establishments and retail services on a lot does not apply;
- (D) Despite Regulation 40.5.40.10(1) and (2), the height of a building or structure is the distance between the Canadian Geodetic Datum elevation of 160.87 metres and the highest point of the building or structure;

- (E) Despite Regulation 40.10.40.10(2), the permitted maximum height of a building or structure is the numerical value, in metres, following the letters HT as shown on Diagram 5 of By-law [Clerks to insert By-law Number];
- (F) Despite Clause 40.5.40.10 and (E) above, the following elements of a building or structure may project above the permitted maximum building height:
 - (i) Structures related to outdoor flooring to a maximum of 0.5 metre;
 - (ii) Mechanical penthouse, mechanical elements, covered stairs or stair enclosures and indoor amenity space to a maximum of 5.5 metres;
 - (iii) Elevator overruns and waste chute vents to a maximum 6.0 metres;
 - (iv) Safety railings, architectural features, parapets, window washing equipment, privacy screens, chimneys, vents, stacks, terraces, platforms, roof access hatches, lightning rods, planters, and public art features, and elements or structures on the roof of the building used for outside or open air recreation, and safety purposes to a maximum of 1.8 metres;
 - (v) Landscape features, privacy screens, wind mitigation features, to a maximum 2.75 metres; and
 - (vi) Green roof elements to a maximum 2.0 metres.
- (G) Despite Regulation 40.10.40.10(5), the required minimum height of the first storey is 4.2 metres;
- (H) Regulation 40.5.40.10(5), with respect to the limits on elements for functional operation of a building, does not apply;
- (I) Despite Regulations 40.5.40.70(1) and 40.10.40.70(2), the required minimum building setbacks in metres are as shown on Diagram 5 of By-law [Clerks to supply By-law Number];
- (J) Despite Regulation 40.10.40.50(1), a building with 20 or more dwelling units must provide amenity space at the following rate:
 - (i) At least 2.6 square metres for each dwelling unit must be outdoor amenity space; and
 - (ii) At least 0.76 square metre for each dwelling unit must be indoor amenity space.

- (K) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, parking spaces must be provided in accordance with the following:
- (i) A minimum of 0.38 residential occupant parking spaces for each dwelling unit;
 - (ii) A minimum of 0.07 residential visitor parking spaces for each dwelling unit; and
 - (iii) 0 parking spaces for non-residential gross floor area.
- (L) Despite Regulation 200.5.11.1(1), "car share-parking spaces" may replace parking spaces otherwise required for residential occupants, subject to the following:
- (i) a maximum reduction of 3 parking spaces will be permitted for each 'car-share parking space';
 - (ii) for the purpose of this exception, "car-share" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and to use a car-share vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven and do include use of cars on an hourly basis; and
 - (iii) for the purpose of this exception, "car-share parking space" means a parking space exclusively reserved and signed for a vehicle used only for "car-share" purposes and such car-share is for the use of at least the occupants of the building.
- (M) Despite regulations 200.5.1.10(2)(A)(iv), Electric Vehicle Infrastructure, including electrical vehicle supply equipment, does not constitute an obstruction to a parking space;
- (N) Despite Regulation 230.5.1.10(4) short-term bicycle parking spaces may have a minimum width of 0.24 metre; and
- (O) Despite Regulation 40.10.20.40(1) dwelling units are permitted in a mixed-use building.

Prevailing By-laws and Prevailing Sections: (None apply).

9. Despite any future severance, partition or division of the lands as shown on Diagram 1, save and except for the portion of the lands denoted as 0.4 metres along the frontage of Eglinton Avenue West and 1.37 metres along the frontage of the public lane, the provisions of this By-law shall apply as if no severance, partition or division occurred.

10. For the purposes of By-law [Clerks to provide By-law ##], car-share means the practice where a number of people share the use of one or more cars that are owned by a for-profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and / or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
11. For the purposes of By-law [Clerks to provide By-law ##], car-share parking space means a parking space that is reserved and actively used for car-sharing.
12. Section 37 Provisions
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 attached to this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule A attached to 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 on satisfaction of same; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

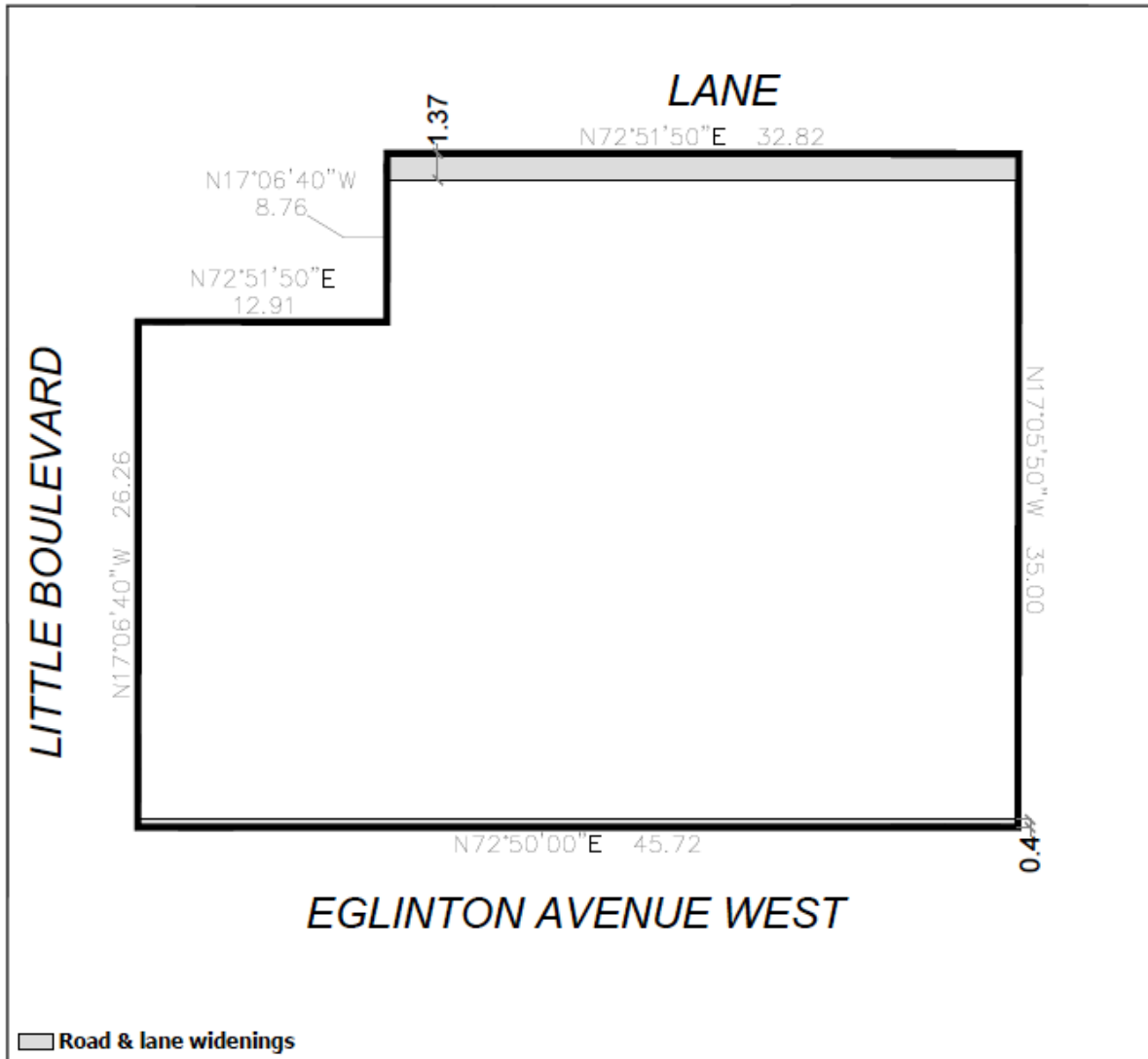
(Seal of the City)

SCHEDULE A
Section 37 Provisions

Prior to the issuance of the first building permit in respect of the lands shown on Diagram 1 attached to this By-law, the owner shall enter into an agreement under Section 37(3) of the Planning Act and register same in priority, to the satisfaction of the City Solicitor, whereby the owner agrees to secure the facilities, services and matters set out below which are required to be provided to the City at the owner's expense as follows:

- (1) The Community Benefits recommended to be secured in the Section 37 Agreement are as follows:
 - (a) Prior to the issuance of an above-grade building permit, the owner shall make a voluntary cash contribution of \$100,000.00 (One Hundred Thousand Dollars) towards additional transportation demand management measures area parks improvements, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (b) The cash contribution in paragraph 1(a) above shall be indexed upwardly in accordance Building Construction with the Statistics Canada Residential or Non-Residential, as the case may be, Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01 or its successor, calculated from the date of the Agreement to the date of payment; and
 - (c) In the event the cash contribution referred to in paragraph 1(a) above has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- (2) The following matters shall be provided as a legal convenience to support the development:
 - (a) The Owner shall provide and maintain a minimum of two (2) car-share spaces as defined in the Zoning By-law Amendments in locations within the Development to be determined at the Site Plan Approval stage all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager, Transportation Services;
 - (b) The owner shall provide proof of purchase and distribution of carshare memberships, each at the value of a 1-year membership, to all first-time residential unit renters to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- (c) Prior to the issuance of the first Above-Grade Building Permit for the Development on any portion of the Lands, the Owner shall pay to the City, by certified cheque, the sum of Fifty Thousand Dollars (\$50,000.00) in Canadian funds, 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 18-10-0135-01 or its successor, calculated from the date of the Agreement to the date of payment; for the future implementation of bike-share facilities in the vicinity of the development site, at a location that may be determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
- (d) The Owner shall provide and maintain a minimum of one (1) bicycle repair station in a location within the development determined at the Site Plan Approval stage all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager, Transportation Services;
- (e) The Owner shall provide and maintain twenty five (25) additional bicycle parking spaces on site to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager, Transportation Services;
- (f) The owner shall provide proof of purchase and distribution of PRESTO cards, each at the value of a monthly TTC pass, to all first-time residential unit renters to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (g) The owner shall provide and maintain a real-time transportation screen in a location, through Site Plan Approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the General Manager; and
- (h) No later than the earlier of registration of the condominium corporation of the building on the Site, the first residential occupancy of the building on the Site, or three years after the issuance of an above-grade building permit for the building on the Site, the owner shall at its sole expense provide minimum 2.1 metre wide sidewalks along the Eglinton Avenue West frontage and Little Boulevard frontage, to the satisfaction of the Director of Community Planning, North District.



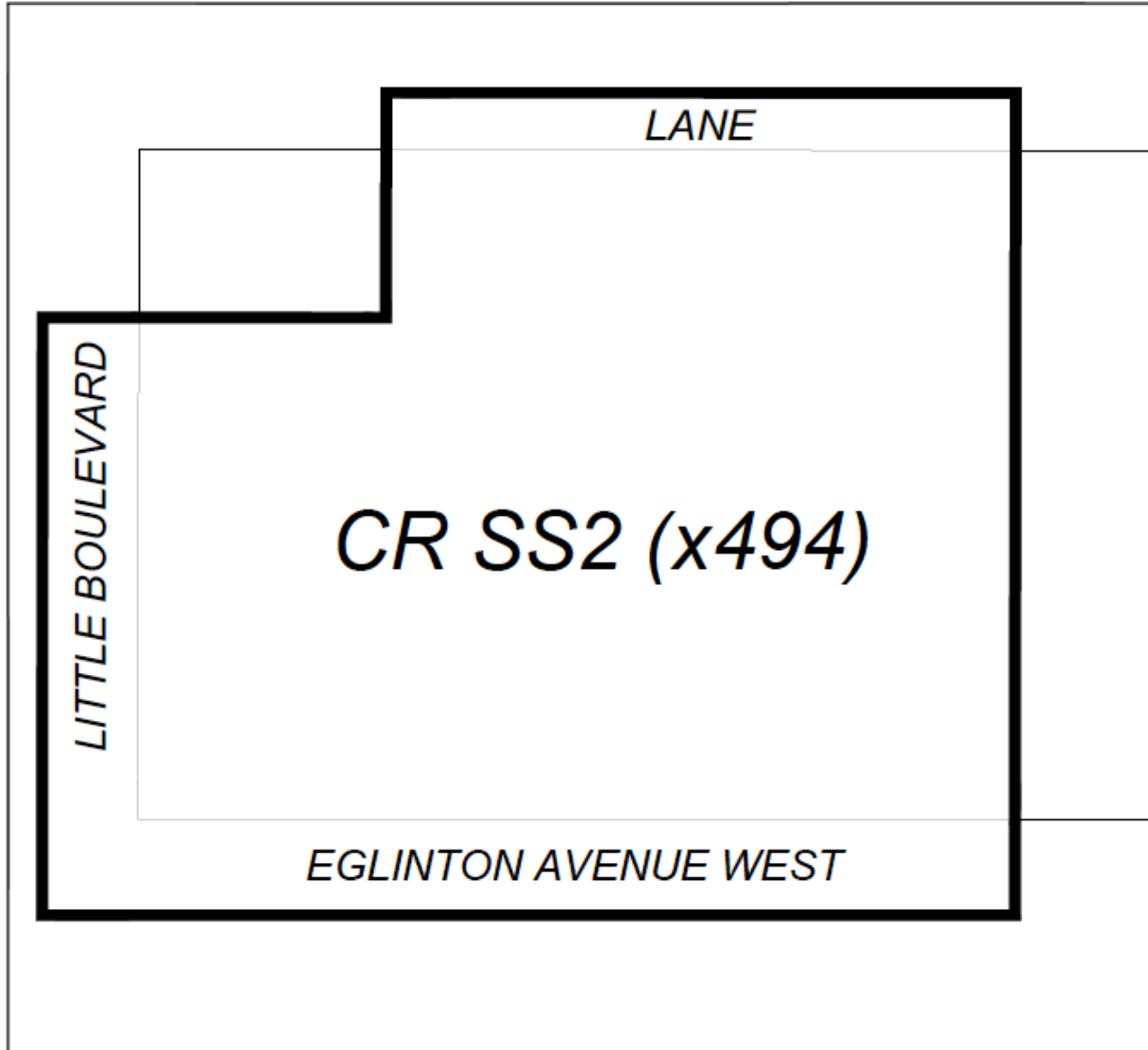
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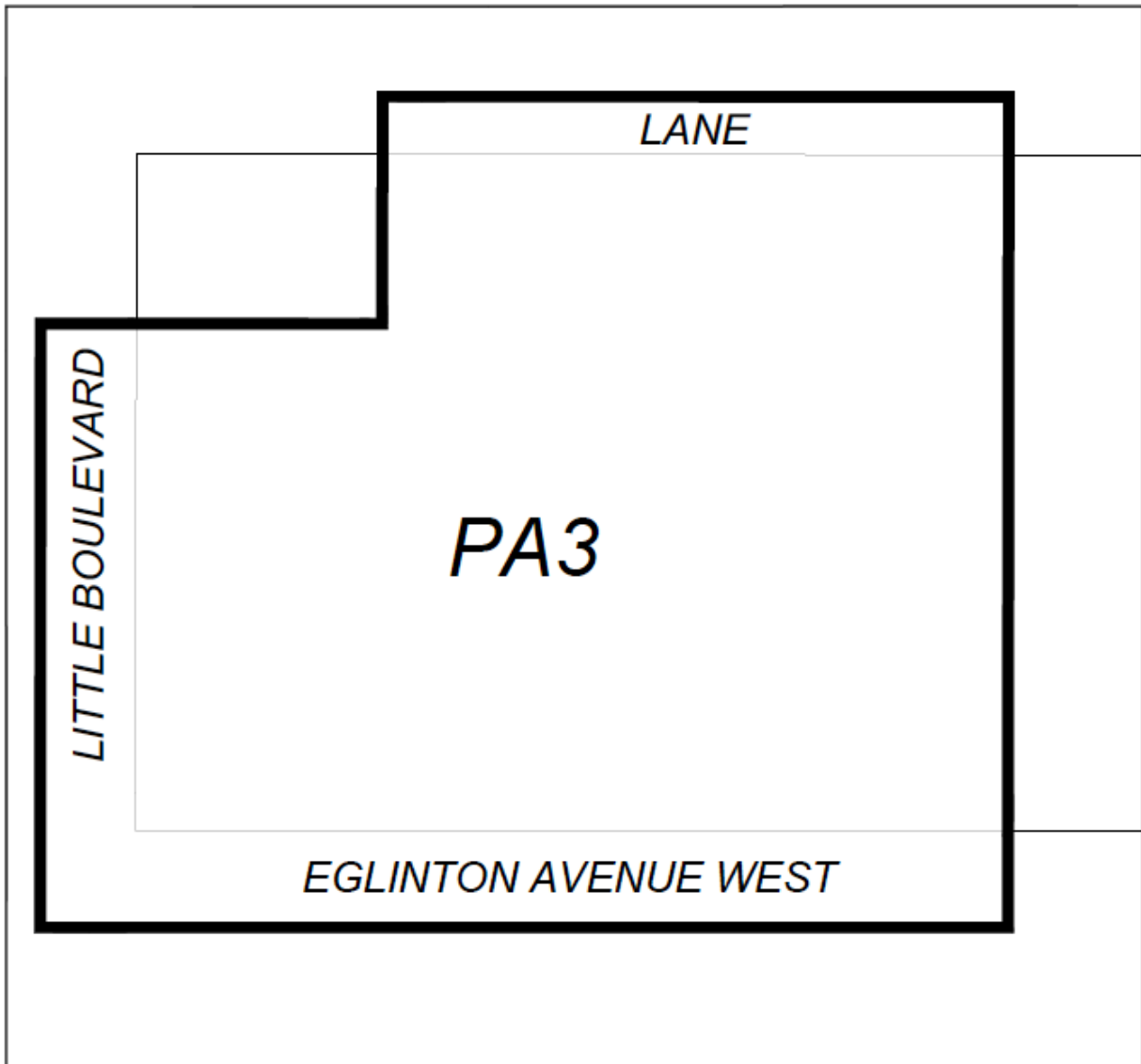
Diagram 1

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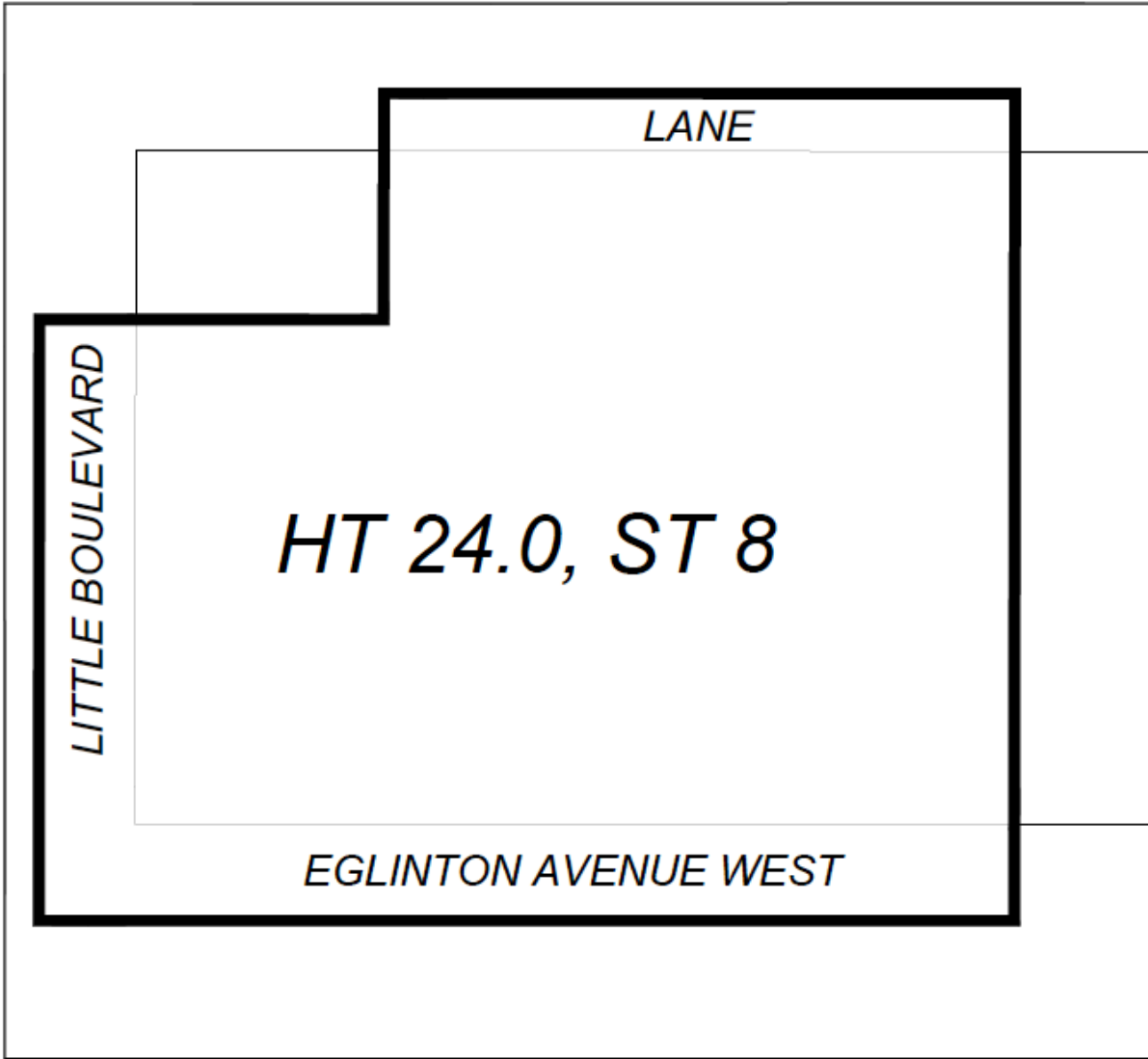


Diagram 4

2116 Eglinton Avenue West, Toronto

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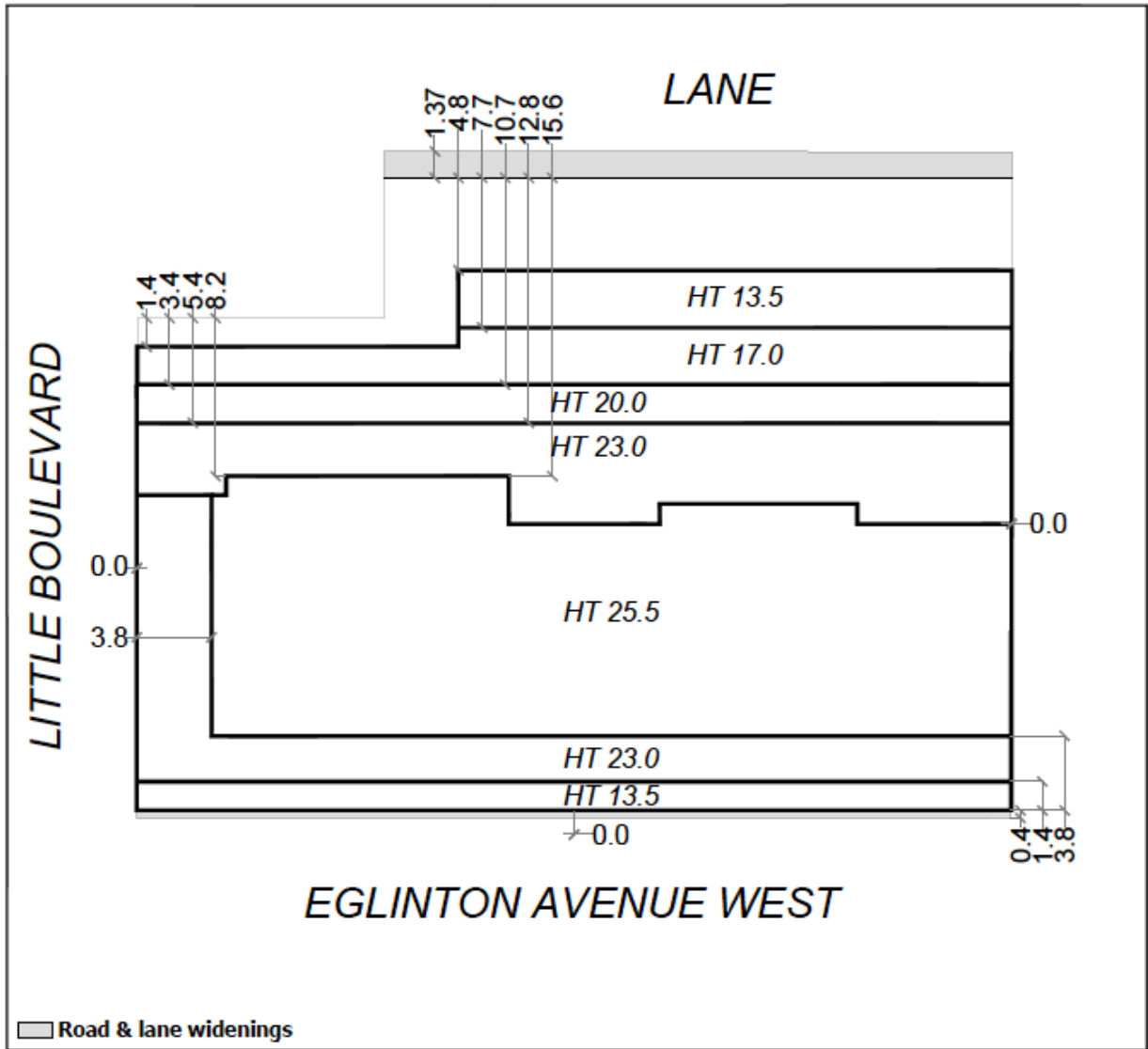


Diagram 5

2116 Eglinton Avenue West, Toronto

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