

Authority: Scarborough Community Council Item SC33.5,
as adopted by City of Toronto Council on July 19 and 20,
2022

CITY OF TORONTO

Bill 865

BY-LAW -2022

To amend former City of Scarborough Eglinton Community Zoning By-law 10048, as amended, with respect to the lands municipally known in the year 2021 as 30 Gilder Drive.

Whereas Council of the City of Toronto has the authority to 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020., c. 18 ("COVID-19 Economic recovery Act, 2020") came into force, 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; and

Whereas subsection 37(3) 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, 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;

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 former City of Scarborough Woburn Community Zoning By-law No. 9510, 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. **SCHEDULE 'A'** of the Eglinton Community Zoning By-law 10048, as amended, is further amended for the lands outlined in the attached Schedule '1' by deleting the existing zoning and replacing it with the **Apartment Residential (A) Zone** and the performance standards shown on Schedule '1', so that the amended zoning shall read as follows:

A-200-345-346-517-518-570-655-656-657-700-701-702

2. **PERFORMANCE STANDARDS CHART – SCHEDULE ‘B’**, Eglinton Community Zoning By-law 10048, as amended, is further amended by adding the following Performance Standards:

INTENSITY OF USE

345. **Gross floor area** of all buildings shall not exceed 38,430 square metres.
346. A maximum of 455 **dwelling units** of which a minimum 45.7 percent of the **dwelling units** must have 2-bedrooms and a minimum of 6.5 percent of the **dwelling units** must have 3-bedrooms.

SETBACKS

517. The minimum **setbacks** for the new building and existing building from the lot line(s) to the **main wall(s)** and the minimum separation distances between the existing building and the new building shall be the minimum distance in metres specified by the numbers on the Schedule ‘3’ of By-law [Clerks to provide By-law #].
518. The following elements are permitted to project beyond the delineated lines specified on ‘Schedule 3’ of By-law [Clerks to provide By-law #].
- (i) Eaves, cornices, columns, landscape features, wheelchair ramps, light fixtures, stairs and stair enclosures, balustrades, guardrails, bollards, awnings, arcades, canopies, raised planters, patios, retaining walls, fences, vents, screens, wind mitigation screens and features, underground parking ramp and associated structures, damper equipment, window washing equipment by a maximum of 4.0 metres;
 - (ii) Enclosures housing mechanical elements and ducts, elevators, elevator enclosures and overruns, and associated structures by a maximum of 1.2 metres;
 - (iii) Elements or structures on any roof used for outside or open air recreation, including amenity space, and for maintenance, safety, wind protection or green roof purposes by a maximum of 1.2 metres; and
 - (iv) Balconies by a maximum of 1.2 metres;

MISCELLANEOUS

570. Notwithstanding **CLAUSE V – INTERPRETATION**; sub-clause

(f) **Definitions:**

- (i) “**Amenity space**” means indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities.
- (ii) “**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** can be reduced by the area in the building used for:
 - (a) Parking, loading and bicycle parking below established grade;
 - (b) Required loading spaces and required **bicycle parking spaces** at or above established grade;
 - (c) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (d) Shower and change facilities required by this By-law for bicycle parking spaces;
 - (e) Indoor **amenity space** required by this By-law;
 - (f) Elevator shafts;
 - (g) Garbage shafts;
 - (h) Mechanical penthouse; and
 - (i) Exit stairwells in the building.
- (iii) “Car-sharing” means the practice where a number of people share the use of one or more vehicles and such car-share vehicles are made available for rent over short periods of time, such as hourly rental.
- (iv) “New building” means the new **apartment building** labelled as “New Building” as shown on Schedule ‘2’ attached to By-law **[Clerks to provide By-law #]**, and municipally known as 30 Gilder Drive.
- (v) “Existing building” means the existing **apartment building** labelled as “Existing Building” as shown on Schedule ‘2’ attached to By-law **[Clerks to provide By-law #]**, and existing ancillary buildings or structures, including portions below finished grade level, an underground parking

garage and garage entry ramp, all as existing on the lot municipally known as 30 Gilder Drive as of July 6, 2021.

HEIGHT

655. The **height** of a building or structure is measured as the vertical distance between the Canadian Geodetic Datum elevation of 166.15 metres, and the highest point of the **building** or **structure**.
656. Maximum **height**: 78.3 m measured from established grade to the highest point of the new **building** or **structure** as shown on Schedule '2' of By-law [Clerks to provide By-law #].
657. Despite the maximum **height** under Performance Standard 656:
- (i) Mechanical penthouse, enclosure for mechanical equipment, covered stairs or stair enclosures, and access hatches may project to a maximum of 6.5 metres above the applicable **height** limit shown above;
 - (ii) Terraces and balcony guards, elements of a green roof and insulation and roof surface materials, planters, railings, parapets, and ornamental architectural features, may project to a maximum of 3.0 metres above the applicable **height** limit shown above;
 - (iii) Window washing equipment may project to a maximum of 8.0 metres above the applicable **height** limit shown above; and
 - (iv) Ladder for maintenance purposes may project to a maximum of 1.2 metres above the applicable **height** limit shown above;

PARKING

700. Vehicular **parking spaces** shall be provided in accordance with the following minimum requirements:
- (i) Resident parking: Minimum 0.53 **parking spaces** per unit for each **dwelling unit**;
 - (ii) Visitor parking: Minimum 0.07 **parking spaces** per unit for each **dwelling unit**, which can be provided anywhere within the existing building and new building parking lot and underground parking structure(s).
701. A minimum of 5 car-share **parking spaces**, dedicated to car-sharing, shall be provided and maintained on the site, with each car-share **parking space** being considered for the purpose of this by-law to be equivalent to 4 **parking spaces**.
702. **Bicycle parking spaces** must be provided in accordance with the following:

- (i) A minimum of 0.75 **bicycle parking spaces** for each **dwelling unit**, allocated as:
 - (a) 0.68 "long-term" resident **bicycle parking space** per **new dwelling unit**; and
 - (b) 0.07 "short-term" visitor **bicycle parking space** per **new dwelling unit**.

Notwithstanding the above parking provisions, the minimum **bicycle parking space** requirements do not apply to the existing building as shown on Schedule '2' of By-law [Clerks to provide By-law #].

3. SCHEDULE "C", EXCEPTIONS MAP and EXCEPTIONS LIST are amended by adding the following Exception No. 77:

77. On those lands identified as Exception No. 77 on Schedule '4' of By-law [Clerks to insert by-law ##], the following provisions shall apply:

- (a) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in density of the development is permitted beyond that otherwise permitted on the lands subject to this Exception, in return for the owner, at the owner's expense, providing:
 - (i) The owner shall provide and continue to provide and maintain two hundred and five (205) market rental dwelling units in the proposed "new building" and the one hundred and ninety-two (192) rental dwelling units in the "existing building" on the lands at 30 Gilder Drive as rental housing, together with the new and retained associated facilities and amenities of the existing residential rental property, for a period of at least 20 years commencing from the date that the Zoning By-laws come into force and effect, and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
 - (ii) The owner shall provide tenants of the rental dwelling units in the "existing building" with access to and, use of, all indoor and outdoor amenities on the lands, at no extra charge, and on the same terms and conditions as any other resident of the development, without the need to pre-book or pay a fee unless specifically required as a customary practice for private bookings.
 - (iii) The owner shall undertake improvements to the "existing building", taking into account tenant responses to the required Tenant Survey related to indoor and outdoor common area and amenity space as follows:

- a. Prior to the issuance of Notice of Approval Conditions for site plan approval, the owner shall submit to the City a Construction Mitigation Strategy and Tenant Communication Plan to mitigate the impacts of construction of the development on tenants of the "existing building" at 30 Gilder Drive, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- b. Prior to the first above-grade building permit for any part of the "new building" development:
 - i. Accessibility improvements within the "existing building", including a clothes folding table which are universally accessible within the laundry room, and push button automatic door openers for the front entrance and laundry room doors and other common doors where feasible;
 - ii. Upgrades to the laundry room in the "existing building";
 - iii. Improvements to the open area within the front lobby area of the "existing building" in the form of unmovable, durable furniture or artwork;
- c. Prior to first occupancy of any new residential units in the "new building":
 - i. Accessibility improvements surrounding the "existing building", including improving existing pedestrian paths, repairing damaged curbs and creating new curb cuts, and the creation of new pedestrians paths;
 - ii. 208 bicycle parking spaces, including 180 interior spaces within the "new building", to be shared between the residents of the "existing building" and "new building";
 - iii. Accessibility improvements within the "existing building", including push button automatic door opener to the new indoor refuse drop-off area and other waste facilities;
 - iv. Improved waste management facilities, including either the consolidation of the storage of garbage within the "existing building", or an enclosed

garbage collection area to west of the "existing building"; and,

- v. Indoor hand-delivered refuse drop-off area for recycling and kitchen waste drop-off within the "existing building" will be added.
- (iv) The costs associated with the provision and maintenance of the rental housing improvements and Construction Mitigation Strategy and Tenant Communication Plan required in Part (iii) above shall not be passed on to tenants of the "existing building" at 30 Gilder Drive in any form. For clarity, the Owner shall agree to not apply to the Landlord and Tenant Board, or any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for an above-guideline increase in rent to recover expenses incurred in completing the rental housing improvements identified by the tenant survey as required in Part (iii) above.
 - (v) The Owner shall provide a minimum of 10-percent of all new units in the "new building" as three-bedroom units; and
 - (vi) The Owner shall provide a minimum of 25-percent of all new units in the "new building" as two-bedroom units;
- (b) 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 the community benefits above.

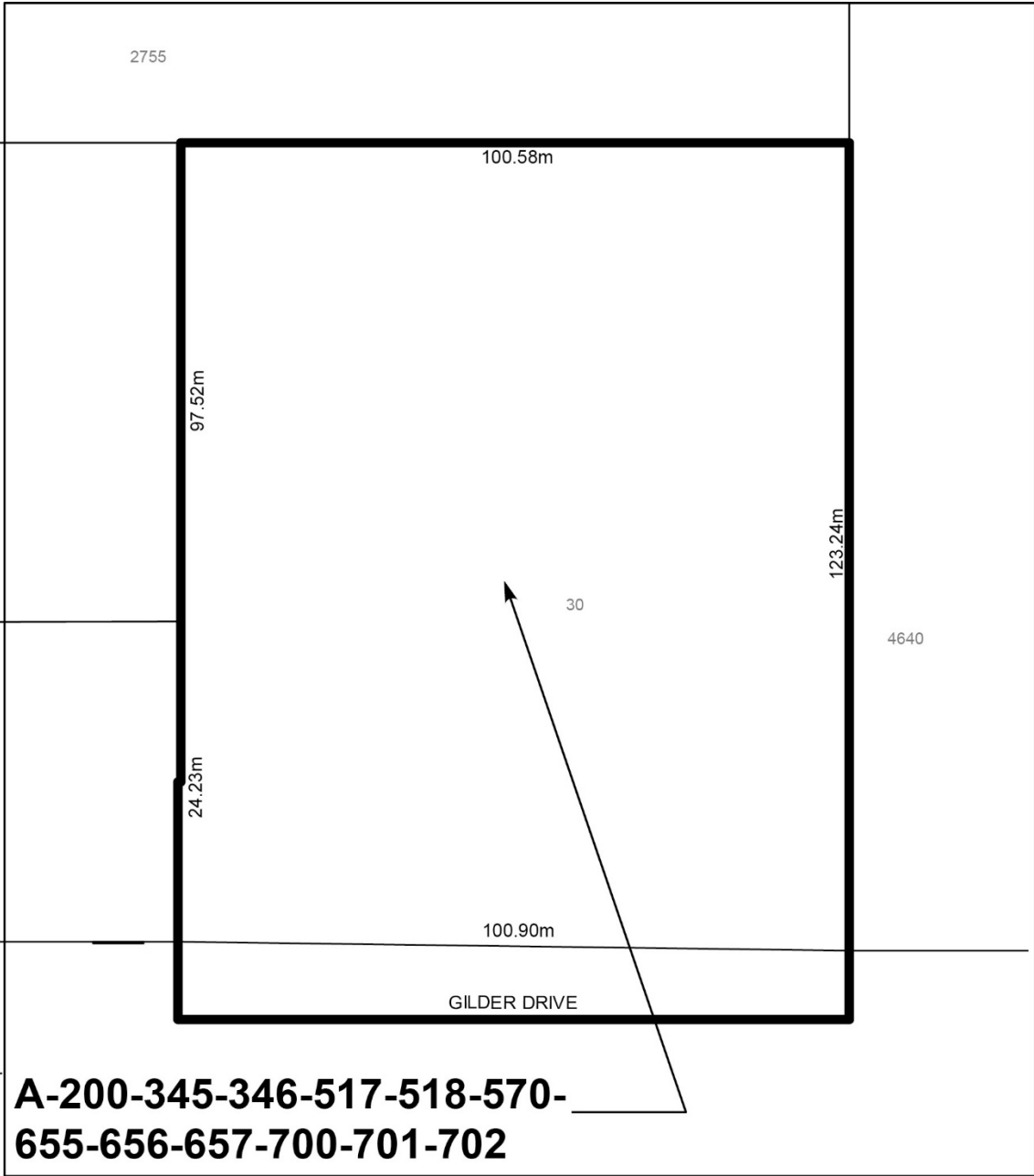
Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Schedule 1



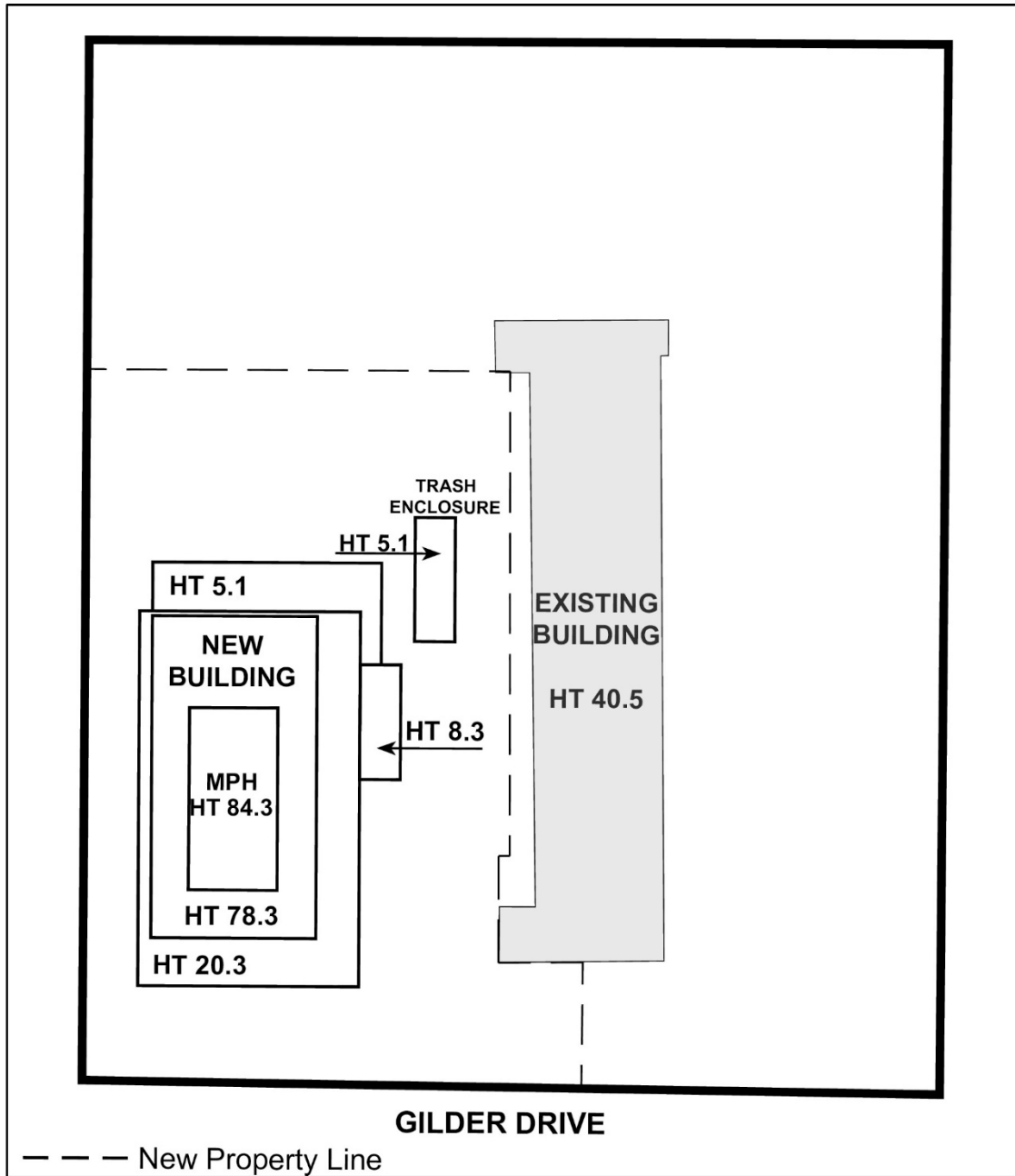
TORONTO
Zoning By-law Amendment
Schedule 1

30 Gilder Drive

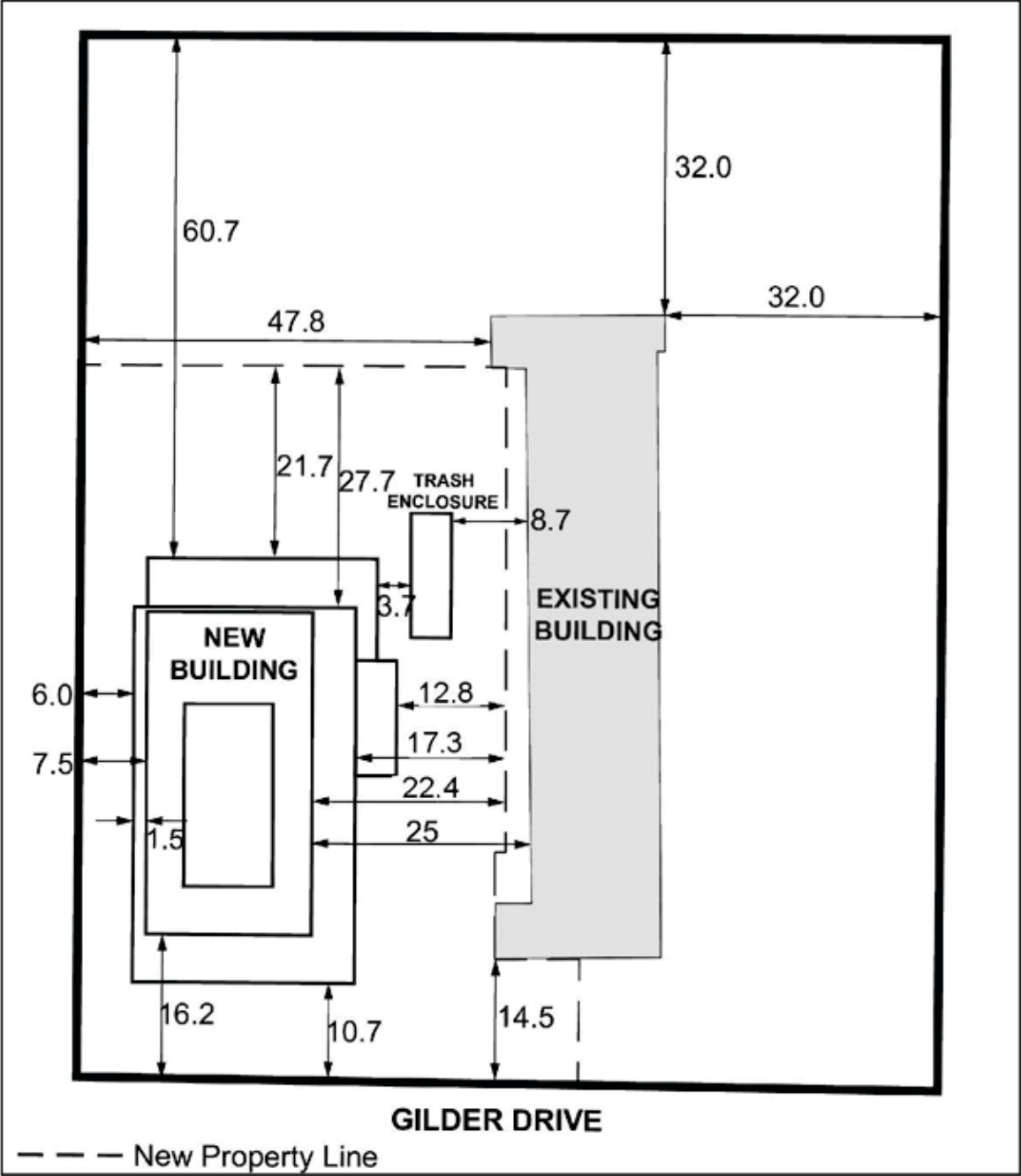
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Eglinton Community By-law No.10048
Not to Scale
06/07/2022

Schedule 2



Schedule 3



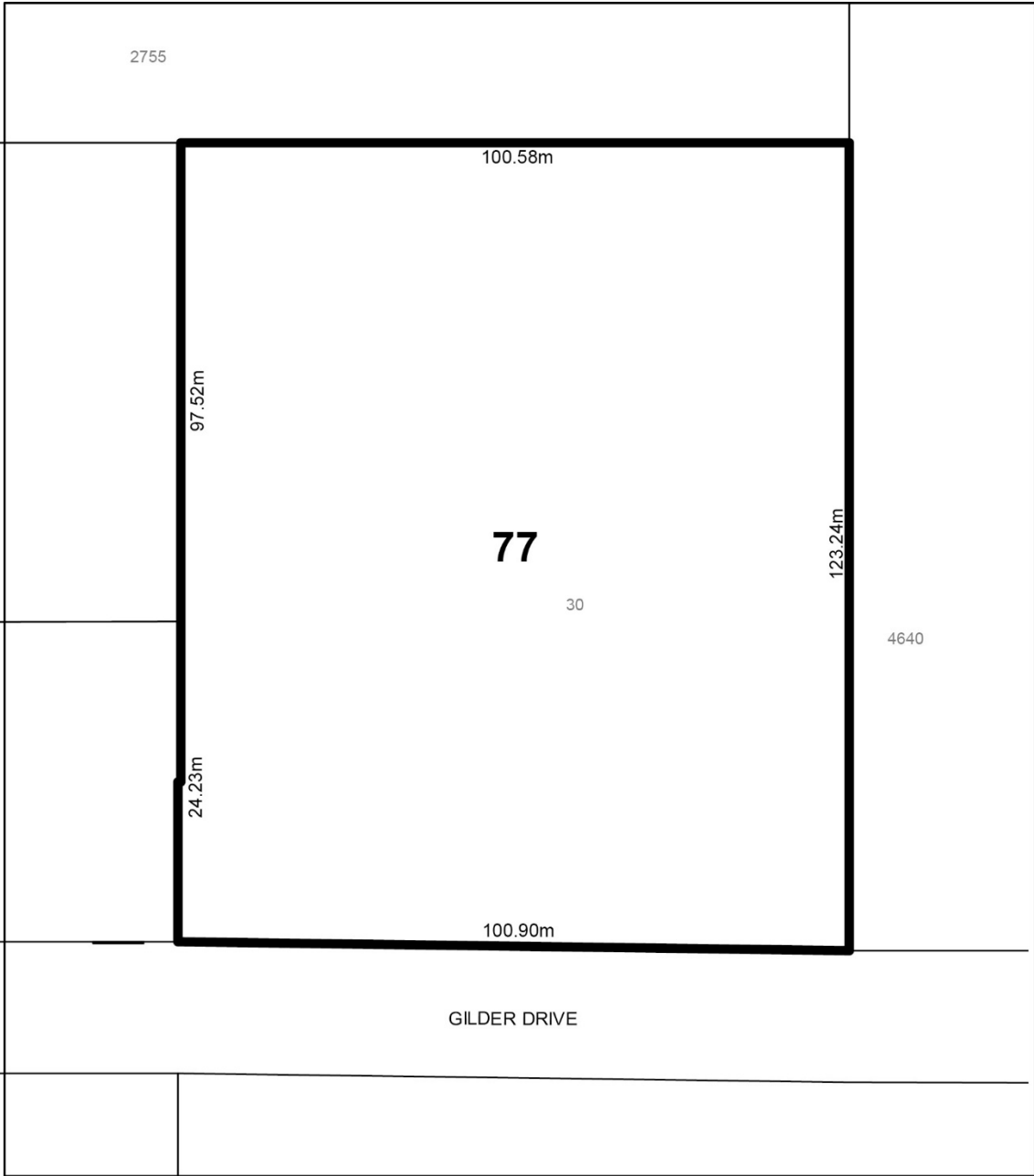
TORONTO
Zoning By-law Amendment
Schedule 3

30 Gilder Drive

File # 21 186964 ESC 21 OZ

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Eglinton Community By-law No.10048
Not to Scale
06/30/2022

Schedule 4



TORONTO
Zoning By-law Amendment
Schedule 4

30 Gilder Drive

File # 21 186964 ESC 21 0Z

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Eglinton Community By-law No.10048
Not to Scale
06/08/2022