

Authority : Southwest Community Council Report No. 2, Clause No. 5, adopted as amended,  
by City of Toronto Council on March 6, 7 and 8, 2001  
Enacted by Council: March 8, 2001

## **CITY OF TORONTO**

### **BY-LAW No. 181-2001**

#### **To amend former City of York By-law No. 1-83 in respect of lands on the northeast corner of Gabian Way and Eglinton Avenue West.**

WHEREAS authority is given to Council by 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;

The Council of the City of Toronto HEREBY ENACTS as follows:

#### **SECTION 6 AMENDED**

1. That Section 6 of Zoning By-law No. 1-83, as amended, of the former City of York, be further amended by adding a new Subsection (67) as follows:

“(67) MAP 24

By changing the area shown on District Map 24, municipally known as Lands - Northeast Corner of Gabian Way and Eglinton Avenue West and more particularly described in Schedule “A” hereto, from a RM2 District and Section 16(317) and from Section 16(317) to a MCR District and Section 16(400) as shown on Schedule “B” hereto and by changing District Map 24 accordingly”.

#### **SECTION 16 AMENDED**

2. That Section 16 of Zoning By-law No. 1-83, as amended, of the former City of York, is hereby further amended as follows:

- (i) by revising the opening paragraph of Section 16(317) so that it reads as follows:

“Notwithstanding the provisions of Paragraph (iv) and Parking Schedule Paragraphs A, D.1, and D.2 contained in Subsection 3.2.1. of Section 3 of this By-law and the provisions of Sections 10.1 and 12 of this By-law, the lands located on the north side of Eglinton Avenue West abutting the CN-Railway located west of Caledonia Road, which lands are municipally known as 2322 to 2400 Eglinton Avenue West, and which lands are more particularly described in Schedule “A” hereto and shown on the plan attached as Schedule “B” hereto, and the plan attached as Schedule “C” hereto, shall only be used for or to erect or use any building or structure for one or more of the following uses, namely”:

- (ii) by deleting in Section 16(317) paragraphs a) to d), both inclusive, paragraphs 1 to 24, both inclusive, and Schedules “C1”, “C3”, “D” and “E” to Subsection 16(317), and adding the following after the opening paragraph:

“(a) Residential Uses

Within Block “B” as shown on Schedule “B” hereto, one apartment house and a maximum of 16 townhouses.

Within Blocks “A” and “C” on Schedule “B” hereto, refer to Section 16(400) of this By-law.

(b) Commercial Uses

Within Blocks “A” and “C” on Schedule “B” hereto, refer to Section 16(400) of this By-law.

1. The buildings erected and used for the purposes permitted by this Subsection shall be located within the area marked as “Buildable Area” on the plan attached as Schedule “C2” and hereto so as to provide the minimum building setbacks shown on the said Schedules.
2. The maximum height of buildings, exclusive of mechanical floors, recreation buildings and parking garages shall be as shown on Schedule “C2”.
3. Off-street parking for residential buildings shall be provided and maintained at a minimum rate of 1.5 parking spaces per dwelling unit of which 1.25 parking spaces shall be for occupant parking and 0.25 parking spaces shall be exclusively devoted for visitor parking.
4. A minimum of 60% of the exterior façade of all residential apartment houses shall be constructed using glass materials. The balance of the exterior façade shall be constructed predominantly of clay brick.
5. Air conditioning shall be provided throughout all buildings but in no case shall exterior window or wall-mounted unit air conditioners be permitted.
6. Each residential apartment unit shall be provided with an enclosed solarium. No open air balconies shall be permitted.

7. In the case of Block “B”, the following restrictions shall apply:
- Maximum Number of Dwelling Units: 232 apartments and 16 townhouses
- Maximum Building Area Coverage: 2,650 square metres
- Maximum Gross Floor Area: 32,300 square metres
- Minimum Indoor Recreational Space per Dwelling Unit: 4.0 square metres
- Minimum Outdoor Recreational Space per Dwelling Unit: 28.0 square metres
8. For the purpose of this Subsection the following shall apply:
- (a) The calculation of Minimum Outdoor Recreational Space shall include:
- (i) in the case of Block “B” that portion of the westerly half of the lands which are conveyed to the City for roads after the enactment of this By-law comprising the landscaped area of the western boulevard excluding curbs, sidewalks and pavement areas.
- (b) The calculation of gross floor area shall exclude floor space occupied by enclosed solariums and stairways within residential buildings.
9. In the case of Block “B”, the following minimum net dwelling unit floor areas shall apply:

**For Apartment Houses:**

<b>Dwelling Unit Type</b>	<b>Minimum Net Dwelling Unit Size</b>
<b>1-Bedroom</b>	<b>72 square metres</b>
<b>2-Bedroom</b>	<b>102 square metres</b>
<b>3-Bedroom</b>	<b>125 square metres</b>

**For Townhouses:**

**A minimum net dwelling unit floor area of 185 square metres shall be provided.**

10. For the purpose of this Subsection the following definitions shall apply:

**“BLOCK”** means the parcels of land shown as Block “B” hereto;

**“BUILDING AREA COVERAGE”** means the amount of lot or Block surface area permitted to be covered by buildings excluding parking garages, recreational structures and canopies;

**“INDOOR RECREATIONAL SPACE”** means indoor areas intended and designated for recreational or social purposes for the use of occupants of the residential building and includes all sports areas, swimming pools, saunas, change rooms, space for meetings, hobbies, parties, games or club activities, lounge and lobby areas, and enclosed solariums;

**“OUTDOOR RECREATIONAL SPACE”** means landscaped on-site open space;

**“THE LANDS”** means the whole of the lands described in Schedule “A” hereto and shown on Schedule “B” hereto;

**“TOWNHOUSE”** means one of three or more attached dwelling units divided vertically above-grade by party walls not less than seventy-five percent (75%) in length common to the adjoining dwelling units; and

11. All other provisions of this By-law shall apply except in cases where the provisions and Schedules of this Subsection are in conflict, in which case the provision and Schedules of this Subsection shall prevail”.

3. That Section 16 of Zoning By-law No. 1-83, as amended, of the former City of York, is hereby further amended by adding the following as a new Subsection (400):

“(400) LANDS – 2322-2400 Eglinton Avenue West

Notwithstanding any provisions of Section 12 and Subsection (317) of Section 16 and any other provisions of this By-law, the lands municipally known as 2322-2400 Eglinton Avenue West, more particularly described in Schedule “A” to this Subsection and shown on the plans attached as Schedule “B” and Schedule “C” hereto, (hereinafter referred to as “the Lands”) may be used for one or more of the following purposes:

- (i) a retail store or stores but not including a flea market; offices, recreational use; theatre; restaurant; restaurant, licensed; take-out eating establishment; and accessory buildings, uses and structures including associated parking, outdoor display and sales and outdoor eating areas.

subject to the following provisions:

- (a) The buildings excluding exits, shall be located within the area shown on the Site Plan attached as Schedule “C” to this By-law. The minimum setbacks shall be those shown on the site plan and the setback shall include any lands conveyed to the City for municipal purposes.
- (b) The maximum height of the commercial uses shall be two storeys, exclusive of mechanical floors, walls or structures to screen mechanical equipment, roof stairwell enclosures, parapet walls less than 1 metre in height, and the basement floor.
- (c) Canopies, awnings and roof overhangs may extend into the front yard and into the minimum setback area of a building a maximum of 3.0 metres but any projecting part of a building shall not:
  - (i) encroach onto lands conveyed to or granted as an easement to the City for municipal purposes; or
  - (ii) interfere with the use of a driveway required for access to a parking or loading area.
- (d) The maximum gross floor area for commercial uses shall be 14 990 square metres.
- (e) The maximum height of any portion of a building shall not be greater than 85% of the horizontal distance of that portion of the building from a R1 or R2 district.
- (f) Off-street parking shall be provided and maintained for commercial uses at a rate of 1 parking space for each 28 square metres of gross floor area.
- (g) Notwithstanding the provisions contained in Sections d) and f), for a one year period during the phased construction of the commercial buildings, a maximum gross floor area for commercial uses shall be 21 124 square metres. During this time period, parking requirements shall be calculated based on occupied gross floor area.
- (h) Off-street parking shall be permitted to encroach 4.4 metres in the front yard. For the purposes of this paragraph, “front yard” shall mean the portion of the area of the lands marked as “Front Yard Area” on Schedule “C” to this By-law.
- (i) Parking spaces shall not be accessed from a driveway which is designated a Fire Route and runs parallel to a front face of building.

- (j) The Chief Building Official for the City or his designate, prior to the issuance of any building permit for the development shall be provided with a completed “Record of Site Condition” pursuant to the Ministry of the Environment “Guideline for Use at Contaminated Sites in Ontario, February 1997”, as amended or updated, marked as having been received by the Ministry of Environment along with a letter from the Ministry of Environment advising that the Record of Site Condition is not subject to an audit review; or, alternatively, a letter from the Ministry of Environment advising that the Record of Site Condition has passed a Ministry audit for compliance with the Guideline; and the suitable use or uses for the lands set out in Part 3 of the “Record of Site Condition” is consistent with the uses for the lands permitted by this Subsection.
- (k) Vehicular access to Eglinton Avenue West shall be restricted to one restricted turning movement access point. Access to Eglinton Avenue West shall be to the satisfaction of the Works and Emergency Services Department.
- (l) Vehicular access shall include a minimum of 1 full turning movement driveway from Gabian Way and 1 full turning movement driveway from Carnarvon Street. Access to Gabian Way and Carnarvon Street shall be to the satisfaction of the Works and Emergency Services Department.
- (m) A “Truck Arrestor” with a minimum height of 2 metres and a maximum height of 2.3 metres to the underside of the bar shall be constructed and maintained to restrict truck access to the site from Carnarvon Street. Improved signage to increase awareness of the arrestor shall be erected and maintained.
- (n) For commercial units abutting the Eglinton Avenue West right-of-way, the following provisions shall apply:
  - (i) the primary entrance shall directly face Eglinton Avenue West; and
  - (ii) a minimum of 50% of the exterior façade of any wall abutting the Eglinton Avenue West right-of-way shall be constructed using glass materials.
- (o) All rooftop mechanical units, flues and vents shall be screened.
- (p) Bicycle parking spaces shall be provided and maintained in accordance with the following:
  - (1) 1 bicycle parking space for every 1 250 square metres of gross leasable commercial floor area and with each building being provided with the required bicycle parking within 30 metres of a primary front entrance to the building;

- (2) a bicycle parking space is an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:
  - (a) where bicycles are parked on a horizontal surface, such space has horizontal dimensions of at least 0.6 metres wide by 1.8 metres long and a vertical dimension of at least 1.9 metres high; and
  - (b) where bicycles are parked in a vertical position, such space has horizontal dimensions of at least 0.6 metres wide by 1.2 metres long and a vertical dimension of at least 1.9 metres high; and
- (3) all bicycle parking spaces shall be provided and maintained a highly visible weather protected area.
- (q) Where a loading space located is within 20 metres of a R1 or R2 district, a solid acoustical screening wall with a minimum height of 2.5 metres from the highest grade measured on either side of the wall shall extend the entire length of the side or end of the loading space abutting the R1 or R2 district.
- (r) All of the front yard area with the exception of permitted parking shall be landscaped on-site open space.
- (s) A public activity centre which has a minimum gross floor area of 140 square metres shall be provided and maintained on the main floor of one of the commercial buildings.
- (t) All uses save and except for accessory uses shall be conducted within a fully enclosed building. There shall be no open outdoor storage or display of goods or merchandise except for storage and display of seasonal plants and related gardening equipment and material shall be stored and displayed in a screened, fenced or walled enclosure attached to a main building.
- (u) Eating areas shall be permitted in the area abutting the façade of the building containing the main entrance to an ice cream parlour; bake shop; restaurant; restaurant, licensed; or take out eating establishment; provided that the area of the outdoor eating area does not exceed fifty percent (50%) of the total floor area devoted to patron use of the associated use and the floor space of the outdoor eating area is included for the purposes of calculating required parking for the use.
- (v) Accessory uses, such as but not limited to a maximum of one propane storage tank and dispensing facility, a windshield repair tent and on-site food vendors shall be permitted.
- (w) All other provisions of this By-law shall continue to apply except in the case where provisions of this Subsection are in conflict in which case the provisions of this Subsection shall prevail.

For the purpose of this Subsection the following definitions shall apply:

**“FLEA MARKET”** means a building or portion thereof where floor space is made available to two or more individual retail operators where such operator is allocated space and where such allocated space is not physically separated from space made available to other operators by floor to ceiling walls;

**“PUBLIC ACTIVITY CENTRE”** means floor space operated by or on behalf of the City for various indoor community functions which may include a senior citizen activity centre.”

4. Subject to the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, this By-law shall come into force and effect on the date of its passing.

ENACTED AND PASSED this 8th day of March, A.D. 2001.

CASE OOTES,  
Deputy Mayor

NOVINA WONG,  
City Clerk

(Corporate Seal)



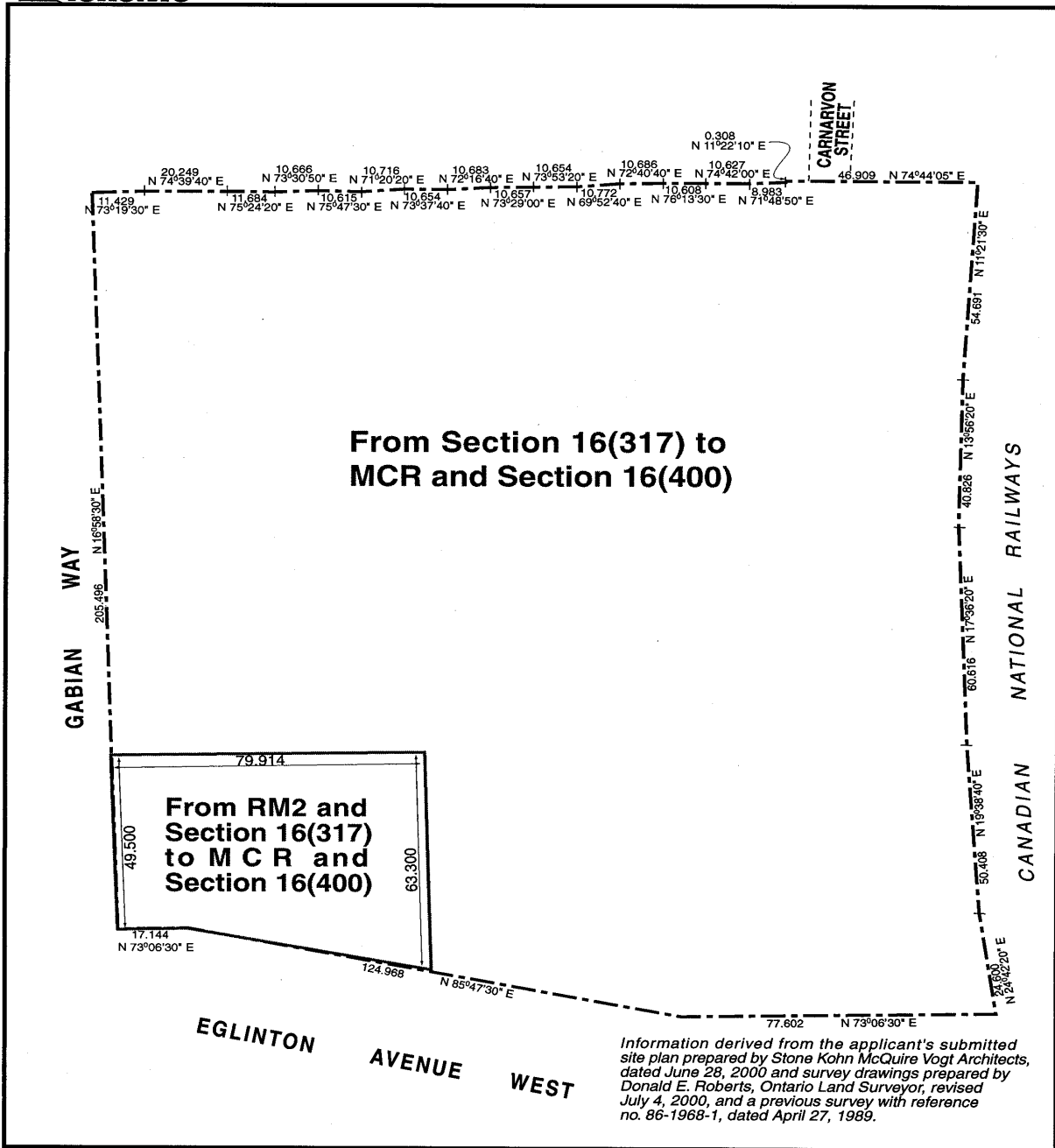
Schedule “A” to By-law No. 181-2001 and to Section 6(67) and Section 16(400) of Zoning By-law No. 1-83.

**SCHEDULE “A”**

Blocks 1, 3 to 8, inclusive on Registered Plan of Subdivision 66M-2270, City of Toronto (former City of York).



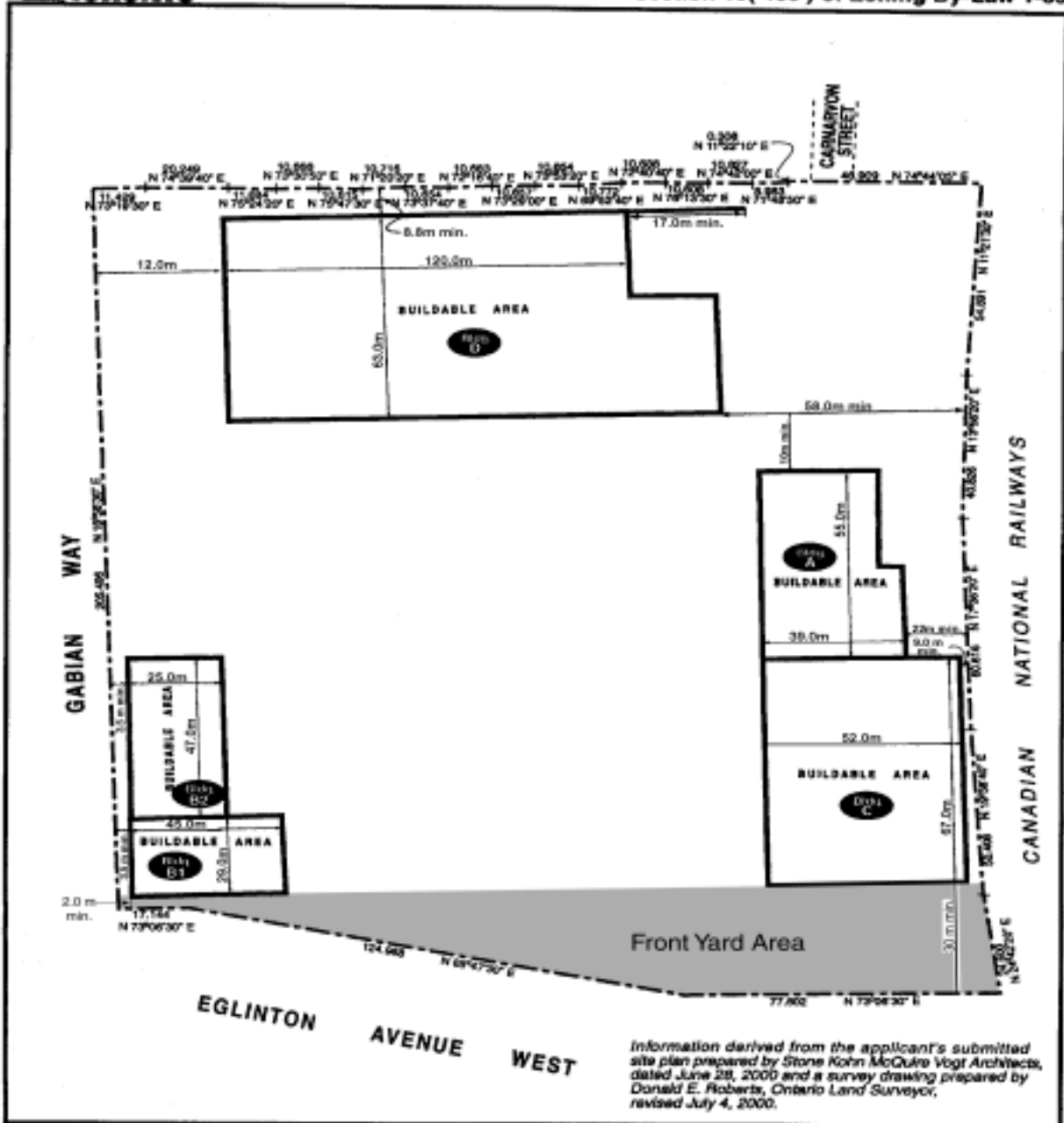
**Schedule 'B' to By-Law Number**  
**Section 6(67) and to Section 16( 400 ) of Zoning By-Law 1-83**



Applicant's Name: <b>WESTSIDE DEVELOPMENTS LTD. ( The Goldman Group )</b>		Not to Scale	
Assessment Map: 24	Zoning Code Map/s Not Applicable		
File No. YCC-SP00-006 0R00-001	Drawing No. 00-08-12a	Date: 08/22/00	



**Schedule 'C' to By-Law Number**  
**Section 16( 400 ) of Zoning By-Law 1-83**



*Information derived from the applicant's submitted site plan prepared by Stone Kohn McQuinn Vogt Architects, dated June 28, 2000 and a survey drawing prepared by Donald E. Roberts, Ontario Land Surveyor, revised July 4, 2000.*

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