

Authority: Toronto and East York Community Council Item 33.5,
as adopted by City of Toronto Council on May 11 and 12, 2010
Enacted by Council: June 9, 2010

CITY OF TORONTO

BY-LAW No. 622-2010

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands municipally known as 79 Dunfield Avenue and 85-117 Eglinton Avenue East.

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*; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law 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 or matters in return for an increase in 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 or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services or matters, as hereinafter set forth; and

WHEREAS the increases in the height and density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. None of provisions of Section 2 with respect to *parking space, height and grade* and Sections 4(2)(a), 4(4)(b), 4(12), 4(13)(c), 6, 8(3) PART I 1, 8(3) PART I 3(a), 12(2) 118(iv), 12(2) 119(ii), and 12(2) 119(iii) A of By-law No. 438-86, being "A By-law and specific amending By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of a *mixed use building* containing residential and non-residential uses including a

below-grade parking garage and uses and structures *accessory* thereto, on the *lot*, provided:

- (1) the *lot* consists of those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- (2) the *mixed use building* contains not more than 571 *dwelling units*;
- (3) the total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 55,000 square metres (including indoor amenity space) of which the *residential gross floor area* on the *lot* shall not exceed 49,000 square metres and the *non residential gross floor area* on the *lot* shall not exceed 5,000 square metres provided that the total *non-residential gross floor area* located on the second floor of the building shall not be less than 2,700 square metres;
- (4) no portion of the *mixed use building* or structures above *grade* is located otherwise than wholly within the area delineated by heavy lines on the attached Map 2, with the exception of the following:
 - (a) cornices, sills, pilasters, parapets, light fixtures, ornamental elements, eaves, guardrails, and balustrades which may project 0.4 metres outside of the heavy lines on the attached Map 2, except for along the Eglinton Avenue *lot* line, Dunfield Avenue *lot* line, Lillian Street *lot* line and south *lot* line where such projections shall not be permitted beyond such *lot* lines;
 - (b) bollards, bicycle racks, underground garage ramps and their associated structures, retaining walls, fencing, decks, railings, planters, decorative screens, freestanding architectural elements and landscape and public art features which may extend beyond the heavy lines on the attached Map 2 of this By-law.
- (5) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on the attached Map 2.
- (6) notwithstanding Section 1(5) of this By-law;
 - (a) the maximum height for parapets, terrace and balcony guards and dividers, planters, railings, decorative screens, window washing equipment, and ornamental architectural features shall be the sum of 1.7 metres and the applicable height limit shown on Map 2; and
 - (b) the maximum height for mechanical and exhaust shafts and elevator mechanical equipment shall be the sum of 5.0 metres and the applicable height limit shown on Map 2.

- (7) *residential amenity space* shall be provided in accordance with the following:
- (a) a minimum of 1,142 square metres of indoor residential amenity space shall be provided; and
 - (b) a minimum of 1,142 square metres of outdoor residential amenity space shall be provided;
- (8) the minimum required number of *parking spaces* shall be provided and maintained on the *lot* to serve the residential component of the project in the *below grade parking garage* in accordance with the following ratio:
- | | |
|-----------------|---------------------|
| bachelor units | 0.3 space per unit |
| 1-bedroom units | 0.7 space per unit |
| 2-bedroom units | 1.0 space per unit |
| 3-bedroom units | 1.2 spaces per unit |
| visitors | 0.12 space per unit |
- (9) the minimum required number of *parking spaces* shall be provided and maintained on the *lot* to serve any grocery store, which may be included within the development, in the *below grade parking garage* in accordance with the following ratio:
- | | |
|---------------|--------------------------------------|
| grocery store | 1 parking space per 28 square metres |
|---------------|--------------------------------------|
- (10) at least 206 *bicycle parking spaces* are provided and maintained on the lot in accordance with the following allocation:
- | | |
|--------------------|------------|
| building occupants | 167 spaces |
| building visitors | 33 spaces |
| retail | 6 spaces |
2. Pursuant to Section 37 of the *Planning Act*, the height and density of the development is permitted to increase beyond that otherwise permitted on the lands by By-law No. 438-86 and in return, the owner shall, at its sole expense, enter into an agreement with the City satisfactory to the Chief Planner and Executive Director, City Planning Division and City Solicitor, and provide the City with the facilities, services and matters set out below, and shall register such agreement on title to the lands as a first charge, and such agreement and registration shall be to the satisfaction of the City Solicitor:
- (1) the amount of \$150,000 to be used for the purchase of new facilities and equipment and the renovation of parts of the existing space for the Central Eglinton Community Centre at 160 Eglinton Avenue East and is due and payable prior to the introduction of the Bill at Council;

- (2) the amount of \$600,000 for the acquisition and construction of the new park on the lands south of the TTC bus barn lands at Yonge Street and Eglinton Avenue West or for the acquisition and construction of other parkland in the vicinity of the site; \$300,000 of which is due and payable to the City prior to the introduction of the Bill at Council and the balance of \$300,000 indexed annually pursuant to the Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, from the date of execution of the agreement under Section 37 of the *Planning Act* until the date the owner pays such sum, is due and payable to the City prior to the issuance of any above-grade building permit;
- (3) develop and implement to the satisfaction of the Director of Community Planning, South District, an appropriate Construction Mitigation Plan and Communication Strategy prior to the issuance of the first building permit, including a demolition and/or excavation permit;
- (4) incorporate, in the construction of the building, exterior materials shown on 1:50 scale drawings, approved by the Chief Planner and Executive Director, for the development's frontages along Eglinton Avenue East, Dunfield Avenue and Lillian Street;
- (5) provide a wind tunnel analysis satisfactory to the Chief Planner and Executive Director and implement any wind mitigation measures required by the wind tunnel analysis, satisfactory to the Chief Planner and Executive Director, to be submitted as part of an application for Site Plan Approval;
- (6) provide and maintain an irrigation system, at the owner's expense, for proposed trees within the public road allowances, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services Division, and requirements to maintain in good order and operation;
- (7) submit a site servicing review satisfactory to the Executive Director, Technical Services prior to the introduction of the Bill at Council;
- (8) provide any necessary improvements to the municipal infrastructure arising out of the site servicing review, if it is determined that upgrades are required to the infrastructure to support this development; and
- (9) enter into a Site Plan Agreement under Section 114 of the *City of Toronto Act* or Section 41(16) of the *Planning Act* before the issuance of any building permit including a foundation permit.

3. Definitions

For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended, except for the following:

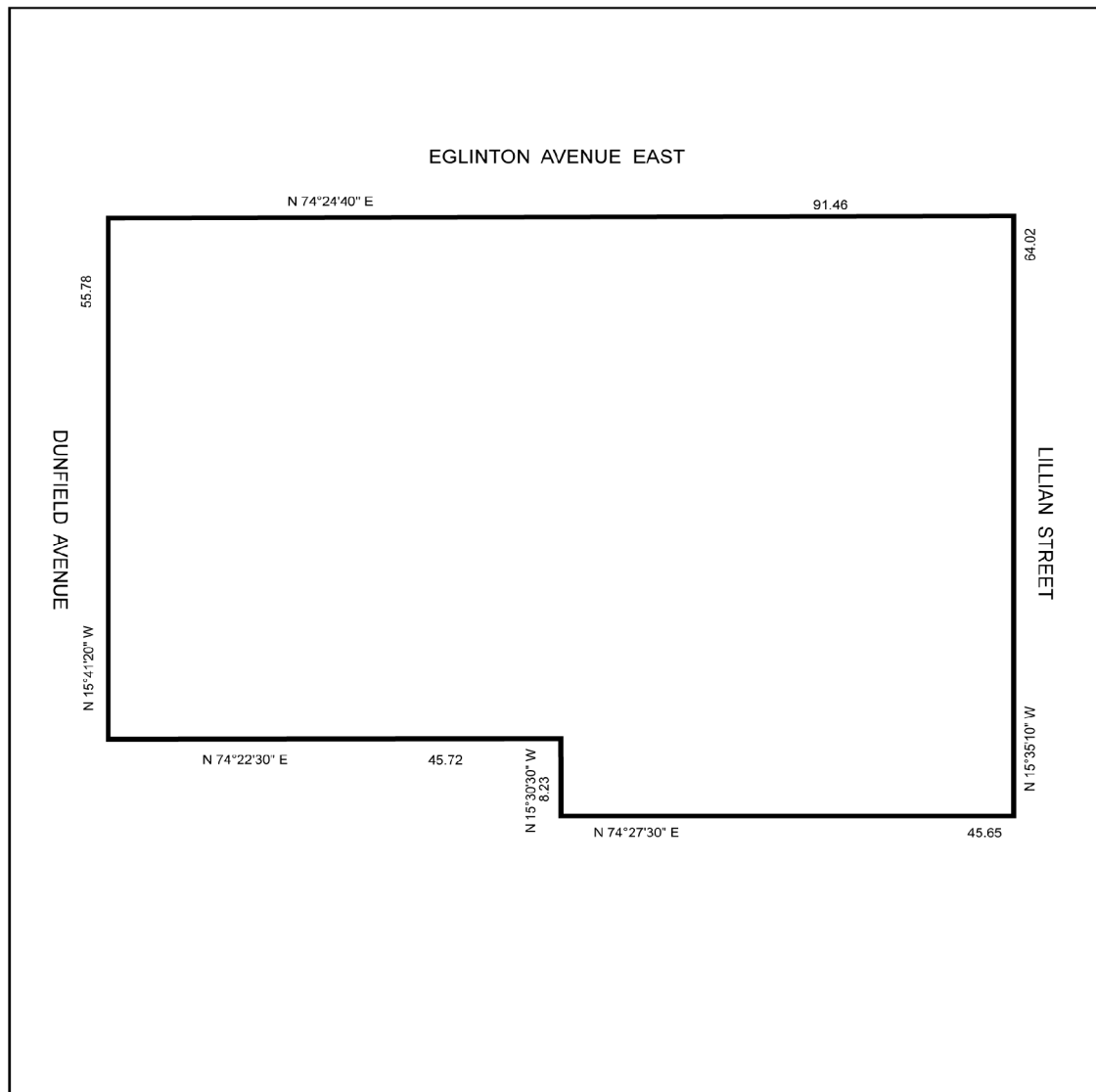
- (1) *"grade"* means 162.75 metres Canadian Geodetic Datum;
 - (2) *"height"* means the highest point of the roof except for those elements prescribed in this By-law; and
 - (3) *"lot"* means those lands outlined in heavy lines on Map 1 attached hereto.
- 4.** None of the provisions of By-law No. 438-86, as amended, or of this By-law shall apply to prevent the erection or use within the *lot* of a temporary sales showroom.
- 5.** By-law No. 859-2007 is repealed.

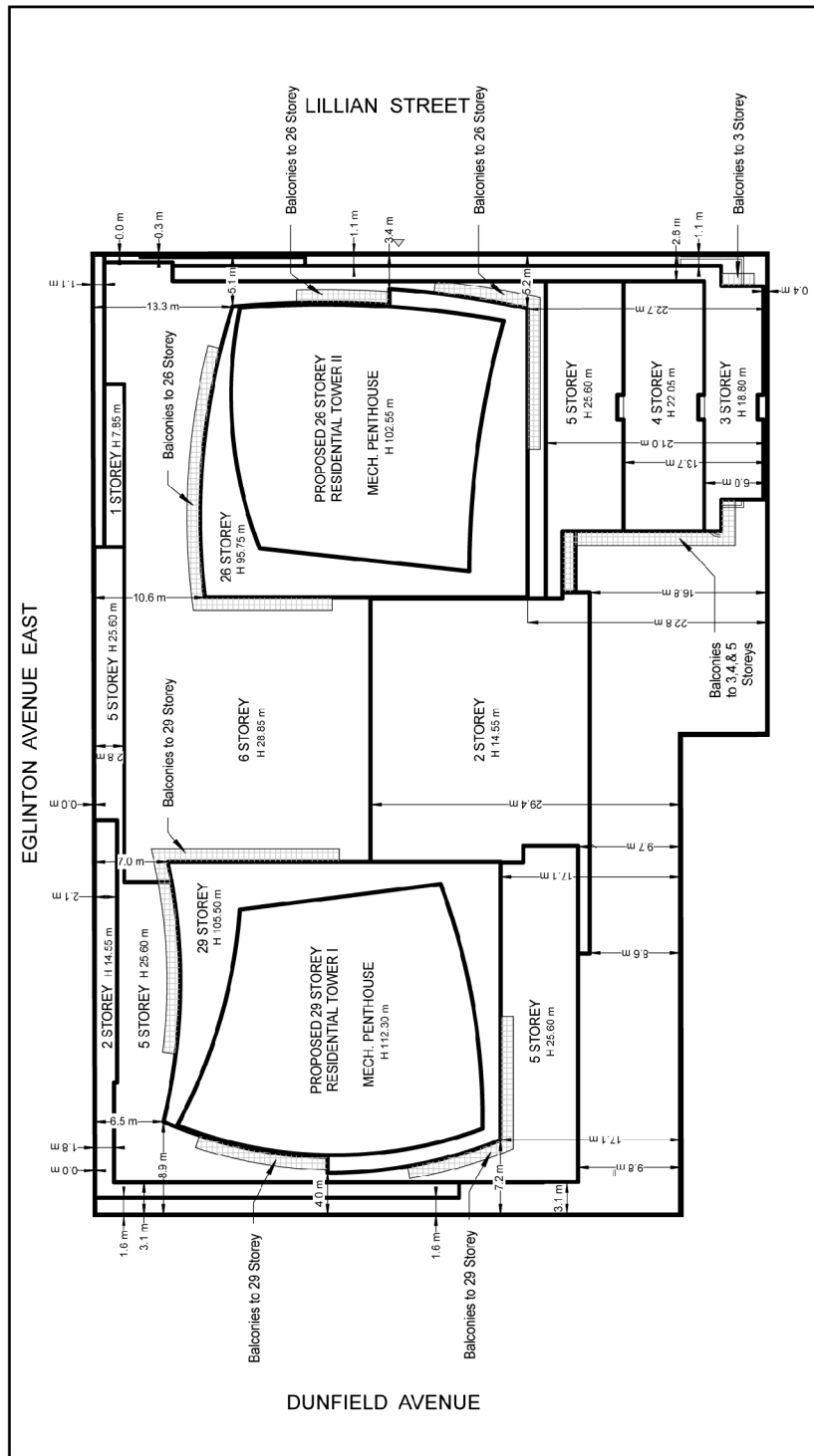
ENACTED AND PASSED this 9th day of June, A.D. 2010.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)





Toronto City Planning
Map 2

85-117 Eglinton Avenue East and 79 Dunfield Avenue

File # 08 217828



Not to Scale
06/07/2010