

Authority: Etobicoke York Community Council Item EY18.6, adopted as amended, by City of Toronto Council on December 13, 14 and 15, 2016

## CITY OF TORONTO

### BY-LAW No. 1254-2016

#### **To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known as 4650 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 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* 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; 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 density and height permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 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 No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning Map in Section 990.10 respecting the lands outlined in heavy black lines to RA(x78), as shown on Diagram 2 attached to this by-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.7.10 Exception Number 78, so that it reads:

**Exception RA 78**

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

Site Specific Provisions:

- (A) On 4650 Eglinton Avenue West, if the requirements of By-law 1254-2016 are complied with, none of the provisions of 15.10.40.10, apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in accordance with (B) to (U) below;
- (B) The permitted maximum **gross floor area** may not exceed 28,000 square metres, not including the area in the **building** used for:
  - (i) parking, loading and bicycle parking below **established grade**;
  - (ii) required **loading spaces** and required **bicycle parking spaces** at or above **established grade**;
  - (iii) storage rooms, washrooms, electrical, utility, mechanical rooms in basement;
  - (iv) shower and change facilities required by the by-law;
  - (v) indoor amenity required by the by-law;
  - (vi) elevator shafts;
  - (vii) garbage shafts;
  - (viii) exit stairwells;
- (C) Despite regulation 15.10.30.40(1)(A), the permitted maximum **lot coverage** is 42.5 percent;
- (D) A **day nursery** must have no less than 344 square metres of **interior floor area**;
- (E) Despite regulation 15.04.50.1(1)(B), a children's play area for a **day nursery**, may abut a **lot line** adjacent to a **street**;
- (F) Despite regulation 15.5.40.10(1), the height of a **building** or **structure** is measured from the Canadian Geodetic elevation of 161.90 metres to the highest point of the building;
- (G) Despite clause 15.10.40.10, the permitted maximum height for a **building** or **structure** may not exceed the height in metres specified by the numbers following the symbol "HT" as shown on Diagram 3 of By-law 1254-2016;
- (H) Despite regulation 15.5.40.10(2), the following **building** elements and **structures** are permitted to extend above the heights shown on Diagram 3 of By-law 1254-2016 as follows:
  - (i) Roof-top parapets a maximum of 1.0 metres above the maximum height;
  - (ii) Railings, Landscaping and elements of green roof a maximum of 2.0 metres above the maximum building height;

- (iii) Peaked gable roof architectural elements on the mechanical penthouse (south, east, west and north facades) a maximum of 5.5 metres above the maximum building height;
  - (iv) Window washing equipment, lightning rods a maximum of 2.0 metres above maximum building height;
- (I) Despite regulation 15.5.40.10(3), equipment and **structures** on the roof of a **building** may exceed the permitted maximum height of that **building** by 6.1 metres;
- (J) Despite regulation 15.10.40.70 (1)-(4) the following **building** elements and **structures** are permitted to encroach into required **building setbacks** shown on Diagram 3 of By-law 1254-2016:
- (i) Canopies on the ground floor south elevation may encroach a maximum of 3.0 metres;
  - (ii) Canopies on the ground floor east elevation may encroach a maximum of 2.0 metres;
  - (iii) Upper balconies on south, east west and north elevations may encroach a maximum of 1.5 metres;
  - (iv) Awnings may encroach to a maximum of 1.0 metre;
  - (v) Mechanical equipment (transformers/generator) may encroach to a maximum of 2.0 metres to the north and east;
- (K) Despite regulation 5.10.40.70(2), no **building setback** is required for an underground garage structure;
- (L) Despite regulation 15.5.50.10(1)(A) and (B), the **lot** must have a minimum of 25 percent of the **lot** area as **landscaping** of which 20 percent must be **soft landscaping**;
- (M) Despite the definition in 800.50(85), a **bed-sitting room** may have limited cooking food preparation facilities but not include a range oven;
- (N) A maximum of 272 units are permitted, of which 112 are **dwelling units**, 66 are bed-sitting rooms and 94 are for living accommodations of a **nursing home**;
- (O) Despite regulation 200.5.10.1, **parking spaces** must be provided on the **lot** for residents, their visitors and employees as follows:
- (i) residents: 80 **parking spaces**
  - (ii) visitors: 72 **parking spaces**
  - (iii) employees: 40 **parking spaces**
  - (iv) **day nursery**: 12 **parking spaces**, of which 10 are for staff and 2 are for drop-off and pick-up;
- (P) All visitor, employee and **day nursery parking spaces** must be clearly identified and marked;

- (Q) Despite regulation 15.5.80.10(2), **parking spaces** must be in a **below-ground parking garage** except for 3 **parking spaces** located at grade which are for visitor parking only;
- (R) Despite regulation 15.5.100.1(1)(B), a **driveway** may have a maximum total width of 8.1 metres;
- (S) Despite regulation 230.5.10.1(1)(2), 15 **bicycle parking spaces** must be provided;
- (T) Despite regulation 220.5.10, a Type 'B' **loading space** and a Type 'G' **loading space** must be provided; and
- (U) A sales centre/trailer and/or construction trailer for this development is permitted without restriction during the development of the **lot**.

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

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the *Planning Act*, 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 on Diagram 1 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* 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 on satisfaction of the same; and
- (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 provisions of Schedule A are satisfied.

Enacted and passed on December 15, 2016.

Frances Nunziata,  
Speaker

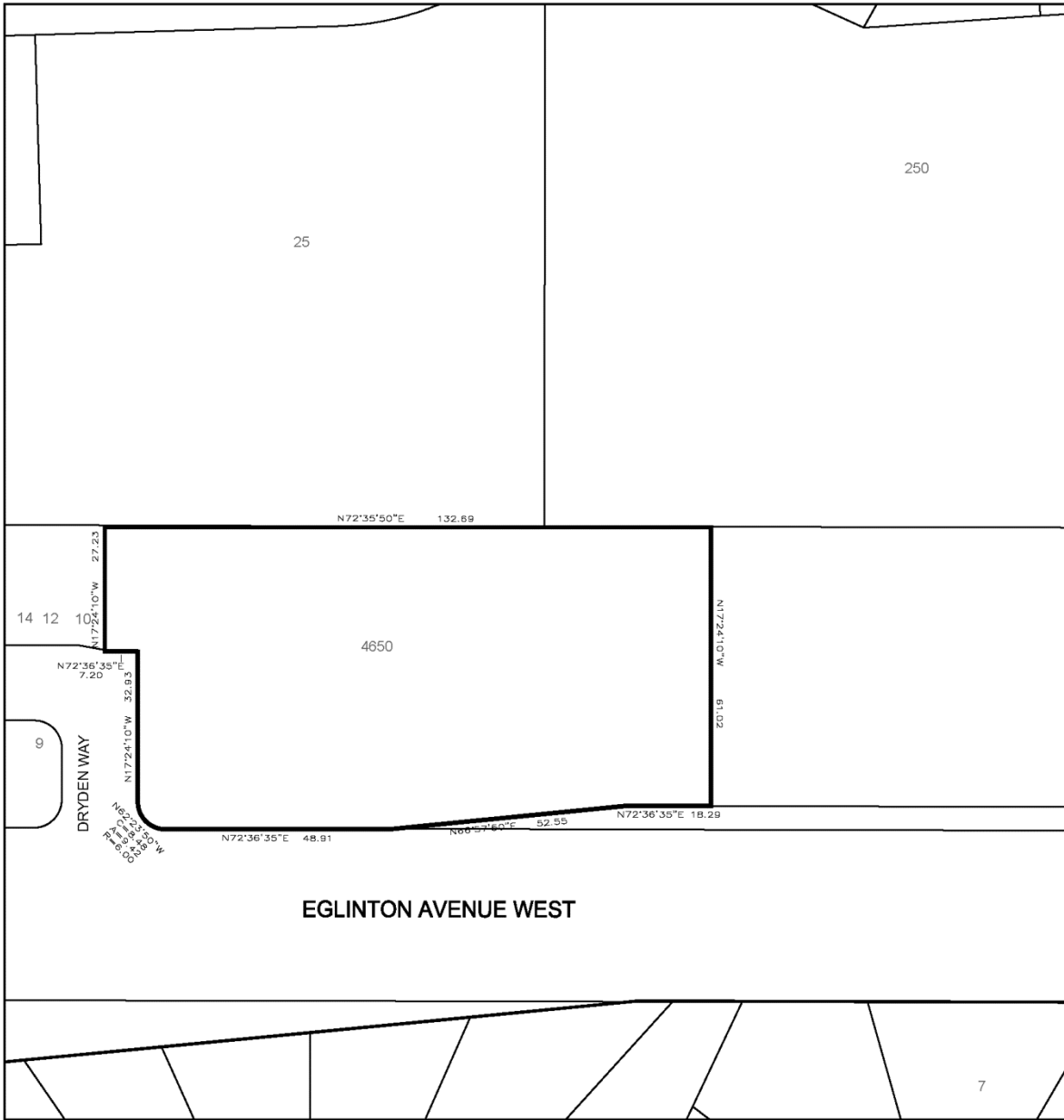
Ulli S. Watkiss,  
City Clerk

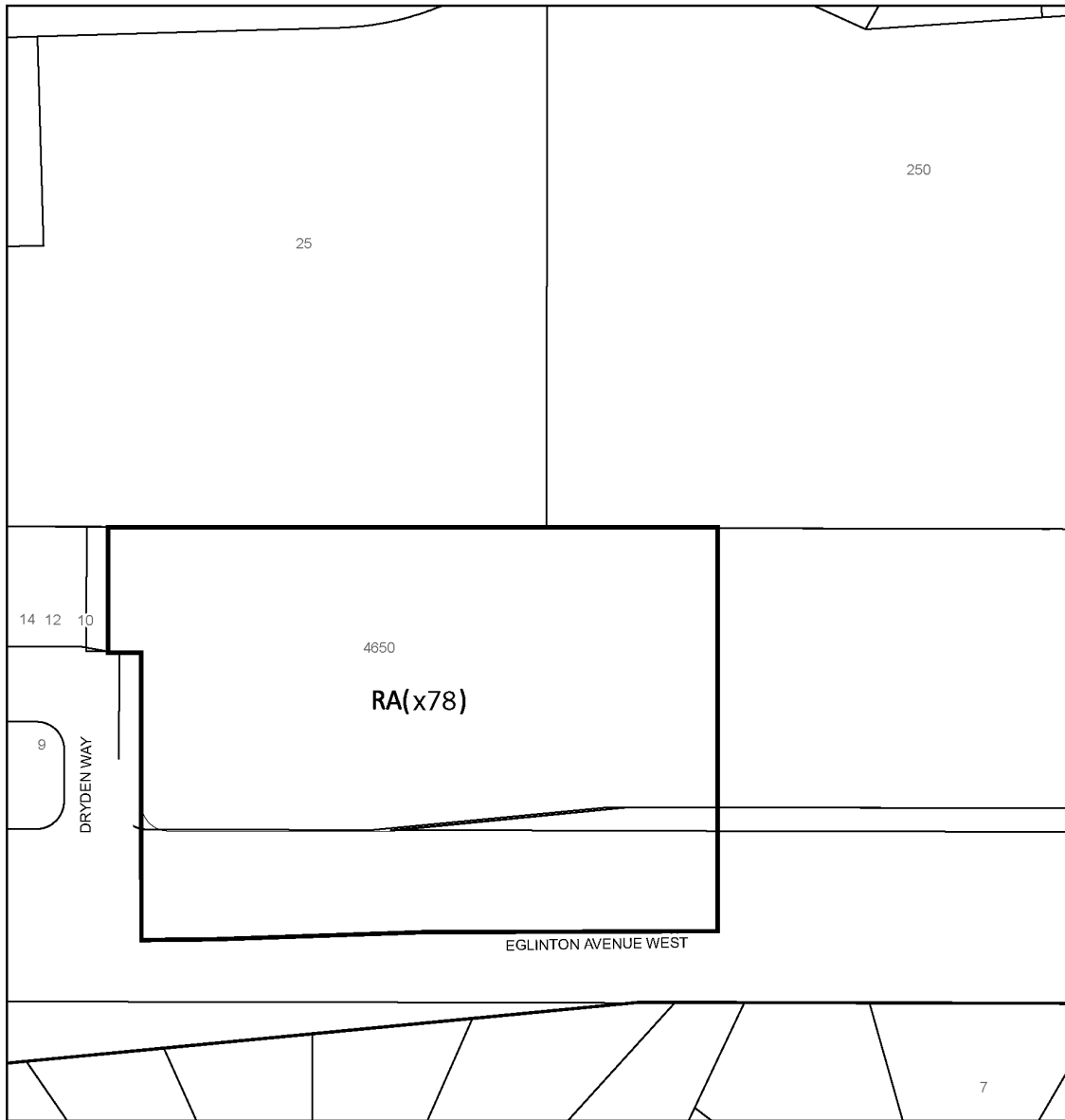
(Seal of the City)

**SCHEDULE A**  
Section 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 as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (1) Prior to issuance of an above grade building permit the owner shall:
  - (a) submit a cash contribution of \$450,000 for parkland and/or park improvements in the vicinity of the site and/or community facilities in Ward 4 with an appropriate geographic relationship to the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
  - (b) In the event the cash contribution identified in (a) above has not been used for the intended purposes within three (3) years of the 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, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- (2) The owner shall provide and maintain a minimum 344 square metres daycare facility to be operated as a private facility for a minimum of 15 years and use their best efforts to continue the use for another 10 years.
- (3) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee and updated in 2013.
- (4) Prior to any residential use on the **lot** the owner shall construct, at no cost to the City, the following transportation facilities and improvements to the satisfaction of the General Manager, Transportation Services, with the specific details to be secured prior to Site Plan approval:
  - (a) Submit a functional pavement marking and signage plan for the full-movement access driveway.
  - (b) Pay for all costs associated with the approved functional pavement marking and signage plan.
  - (c) Undertake any improvements required to any of the impacted signalised intersections within the area, including any signal timing adjustments or the provision of any additional signal hardware to existing traffic control signals, to accommodate the subject development.





**TORONTO** City Planning  
Diagram 2

4650 Eglinton Avenue West

File # 15 154027 WET 04 0Z

City of Toronto By-Law 569-2013  
Not to Scale  
10/6/2016



