

Authority: Toronto and East York Community Council Item TE32.8, as adopted by City of Toronto Council on May 22, 23 and 24, 2018

CITY OF TORONTO

BY-LAW 1216-2018

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 150 Eglinton Avenue East.

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 height and/or density 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 same meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 5.0 (c3.0; r3.0) SS2 (x148), as shown on Diagram 2, attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number148 so that it reads:

Exception CR 148

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 150 Eglinton Avenue East, if the requirements of Section 5 and Schedule A of By-law 1216-2018 are complied with, none of the provisions of regulations 40.10.40.10(2) and 40.10.40.40(1) apply to prevent the use or erection of a **mixed-use building** if it complies with (B) to (T) below;
- (B) Prevailing Sections 12(2)118, 12(2)119 and 12(2)270(a) of former City of Toronto By-law 438-86 do not apply;
- (C) Despite regulations 5.10.40.70(1) and 40.10.40.70(2), the above grade portion of a **building or structure** must be located entirely within the area delineated by heavy lines shown on Diagram 3 of By-law 1216-2018;
- (D) Despite regulations 40.10.40.60 and (C) above, the following elements are permitted to encroach beyond the heavy lines shown on Diagram 3 of By-law 1216-2018 to a maximum of 2.6 metres:
 - (i) balconies, cornices, lighting fixtures, window washing equipment, awnings, canopies, finials, parapets, terraces, terrace guards, platforms ornamental or architectural elements, trellises, eaves, window sills, bay windows, canopies, guardrails, balustrades, railings, wind mitigation screens and features, planters, monuments, arbours, patios, decorative features, stairs, stair enclosures, stair landings, supportive columns, wheel chair ramps, vents, stacks, wind screens and features, acoustic screens and features, underground garage ramps and their associated **structures**, underground garage stair enclosures, retaining walls, fences, screens, weather protection canopies, and landscape and public art features;
- (E) Despite regulation 40.5.40.10(1) the height of the **building or structure** is the distance between Canadian Geodetic Datum elevation of 162.13 metres and the elevation of the highest point of the **building or structure**;
- (F) Despite regulation 40.10.40.10(2), the permitted maximum height of a **building or structure** is the height in metres specified by the numbers following the symbol HT on Diagram 3 of By-law 1216-2018;
- (G) Despite regulation 40.10.40.10(7), the permitted maximum number of **storeys** of a **building or structure** on the **lot** is the numerical value following the letters ST on Diagram 3 of By-law 1216-2018;

- (H) Despite 40.5.40.10(3)-(7) and (F) above, the following elements may project above the heights specified by the numbers following the symbol HT on Diagram 3 of By-law 1216-2018;
- (i) a parapet, roof drainage, thermal insulation or roof ballast, to a maximum of 1.8 metres;
 - (ii) safety railings and fences to a maximum of 1.8 metres, and having a maximum combined vertical dimension with (i) above of 2.75 metres; and
 - (iii) **structures** on the roof of any part of the **building** used for outside or open air recreation, **green roof** elements, wind mitigation elements, landscape features, architectural elements, elevator overruns, public art features, telecommunications equipment and antennae, window washing equipment, stair towers, partitions dividing outdoor recreation areas, trellises or a fence, planters, landscape features, walls or **structures** enclosing such elements, lightning rods and exhaust flues, swimming pools (elevated or otherwise), **structures** housing pool or spa maintenance or operational equipment, to a maximum of 4.0 metres;
- (I) Within the portion of the **building** labelled ST= 7 on Diagram 3 of By-law 1216-2018; one **storey** must be provided exclusively for **bicycle parking spaces**;
- (J) Despite regulation 40.5.40.40(3) any area used for **public parking** may be reduced from the area used for the calculation of **gross floor area** for a **mixed use building**;
- (K) Despite regulation 40.10.40.40(1) the permitted maximum **building gross floor area** is 45,910 square metres;
- (L) A minimum of 8,500 square metres of the **gross floor area** permitted in (K) above, must be for office use;
- (M) A maximum of 429 **dwelling units** are permitted, of which:
- (i) a minimum 30 percent of **dwelling units** must contain at least two-bedrooms; and
 - (ii) a minimum 10 percent of **dwelling units** must contain at least three-bedrooms;
- (N) Despite regulation 40.10.40.50(1) a minimum of 950 square metres of indoor **amenity space** and 970 square metres of outdoor **amenity space** must be provided;
- (O) Despite clause 220.5.10.1, 1 Type "G", 1 Type "B", and 2 Type "C" **loading spaces** must be provided;

- (P) Despite clause 200.5.10.1 the minimum number of required **parking spaces** is:
- (i) A minimum of 130 **parking spaces** for the **dwelling units**;
 - (ii) A minimum of 103 **parking spaces** to be shared by the residential visitors and **non-residential** uses; and
 - (iii) For each **car-share parking space** provided, the minimum number of **parking spaces** required by (i) above shall be reduced by 4 **parking spaces** up to a maximum of 10 **car-share parking spaces**;
- (Q) Despite regulation 40.5.80.1(1) **parking spaces** required in (P)(ii) above may be located within a **public parking** garage and may be available on a first-come-first-serve basis;
- (R) Despite regulation 200.5.1.10(2), a maximum of 10 **parking spaces** may have a minimum width of 2.4 m, a minimum length of 5.4 m, and a minimum height of 1.7 metres with or without obstructions;
- (S) Despite regulation 200.5.1.10(12)(A) the **vehicle** entrance and exit for a two-way **driveway** into and out of the **building** must have a minimum width of 5.0 metres;
- (T) Despite regulation 230.5.1.10(4) the platform of a **stacked bicycle parking space** may have minimum dimensions of 0.5 metres by 1.6 metres, and a minimum vertical clearance for each space of 1.2 metres;
- (U) Regulation 40.10.20.100(8), relating to the access condition for public parking, does not apply;
- (V) Regulation 40.10.50.10(3), relating to landscaping requirement if abutting a **lot** in the Residential or Residential Apartment Zone Category, does not apply;
- (W) Regulation 40.10.90.40(2), relating loading restrictions if adjacent to a **lot** in a Residential Zone Category or Residential Apartment Zone Category, does not apply;
- (X) Regulation 40.10.100.10.(2), relating access to parking areas if adjacent to a Lot in a Residential Zone Category or Residential Apartment Zone Category, does not apply;
- (Y) Regulation 230.5.1.10.(9), relating to the long term location, does not apply; and
- (Z) Despite the provisions of By-law 569-2013, as amended, and By-law 1216-2018 a temporary **sales office** shall be permitted on the **lot**.

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 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 July 27, 2018.

Glenn De Baeremaeker,
Deputy 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 accordance with this By-law and as further specified in one or more agreements pursuant to section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement in return for the increase in height and/or density of the proposed development on the lot, as follows, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division:

1. Prior to issuance of an above grade building permit, the owner shall make a cash contribution to the City in the amount of \$1,000,000 to be allocated at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, toward any one or more of the following:
 - a. public realm improvements in the Yonge-Eglinton Secondary Plan area; and/or
 - b. additional community services and facilities in the Yonge-Eglinton Secondary Plan area in accordance with emerging infrastructure priorities identified in the Yonge-Eglinton Secondary Plan Review.
2. The required cash contribution pursuant to item 1 above is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the day the payment is made.
3. In the event the cash contribution in item 1 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 Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
4. The owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a privately owned publicly-accessible (POPS) courtyard area of not less than 260 square metres, located generally along the Eglinton Avenue East frontage of the site, and shall convey, prior to the registration of the condominium, an easement along the surface of the lands which shall constitute the POPS, for nominal consideration, to the City. The specific location, configuration and design of the POPS shall be determined in the context of site plan approval pursuant to Section 114 of the City of Toronto Act, 2006 and secured in a Site Plan Agreement with the City. The owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of the day and night, 365 days of the year.

5. The owner shall construct, to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway on the east portion of the subject property which shall have a minimum 2.1 metres pedestrian clearway and a minimum height of 4.5 metres and shall provide a direct at-grade connection from Eglinton Avenue East north along the east property line of the subject site. Prior to first occupancy, the owner shall convey to the City, for nominal consideration, an easement along the surface of the lands which shall constitute the pedestrian walkway, to the satisfaction of the City Solicitor. The specific location, configuration and design of the pedestrian walkway shall be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City.
6. The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report, prepared by WSP Canada Group Limited, dated February 2, 2018, to be submitted for review and acceptance by the Chief Engineer & Executive Director, Engineering & Construction Services, should it be determined that improvements to such infrastructure is required to support this development.
7. The owner shall provide on-site dog off-leash amenities with proper disposal facilities for the building residents or dog relief stations within the building.

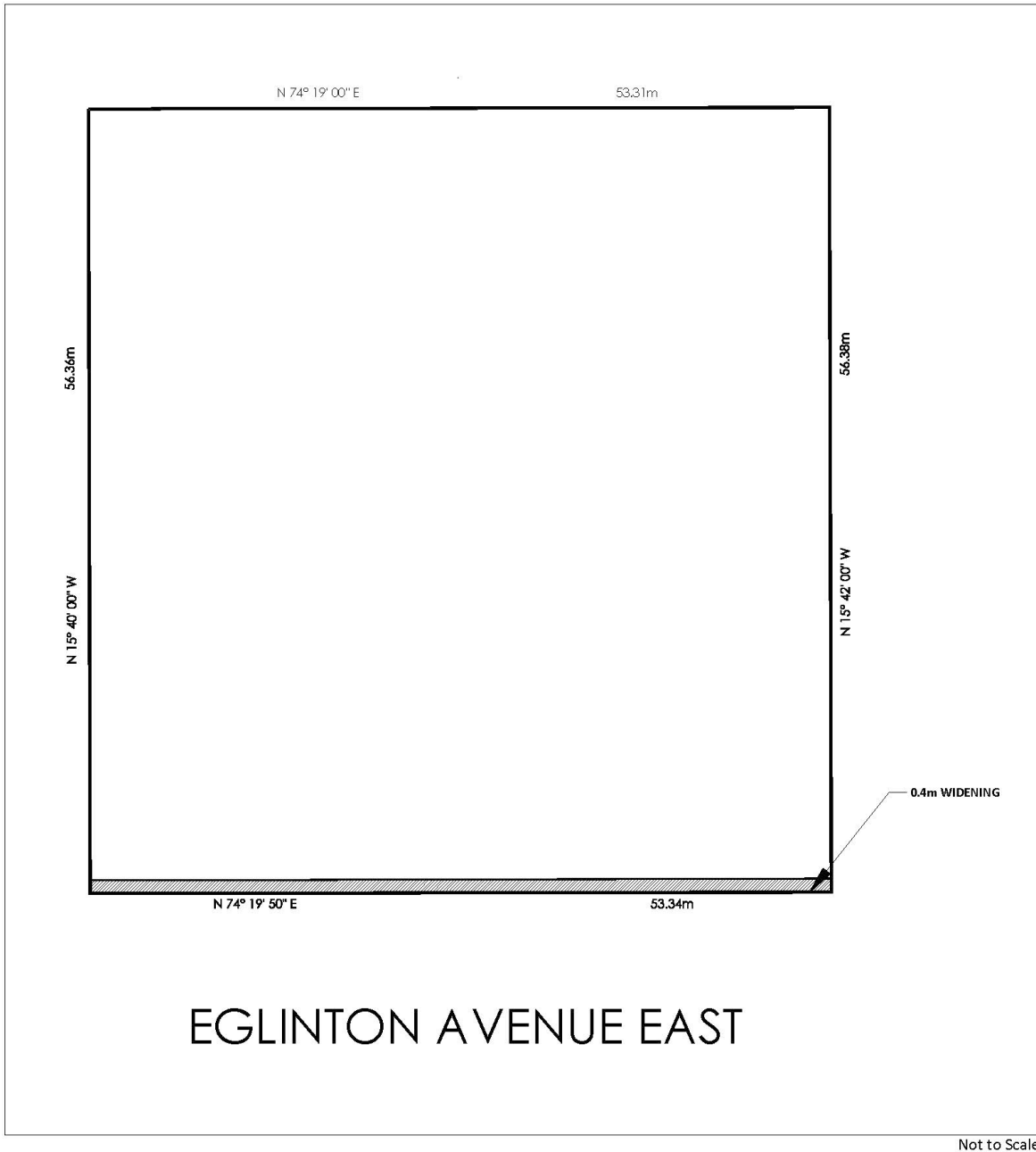


DIAGRAM 1

Zoning By-law Amendment

150 Eglinton Avenue East
City of Toronto

 Area Affected By This Bylaw





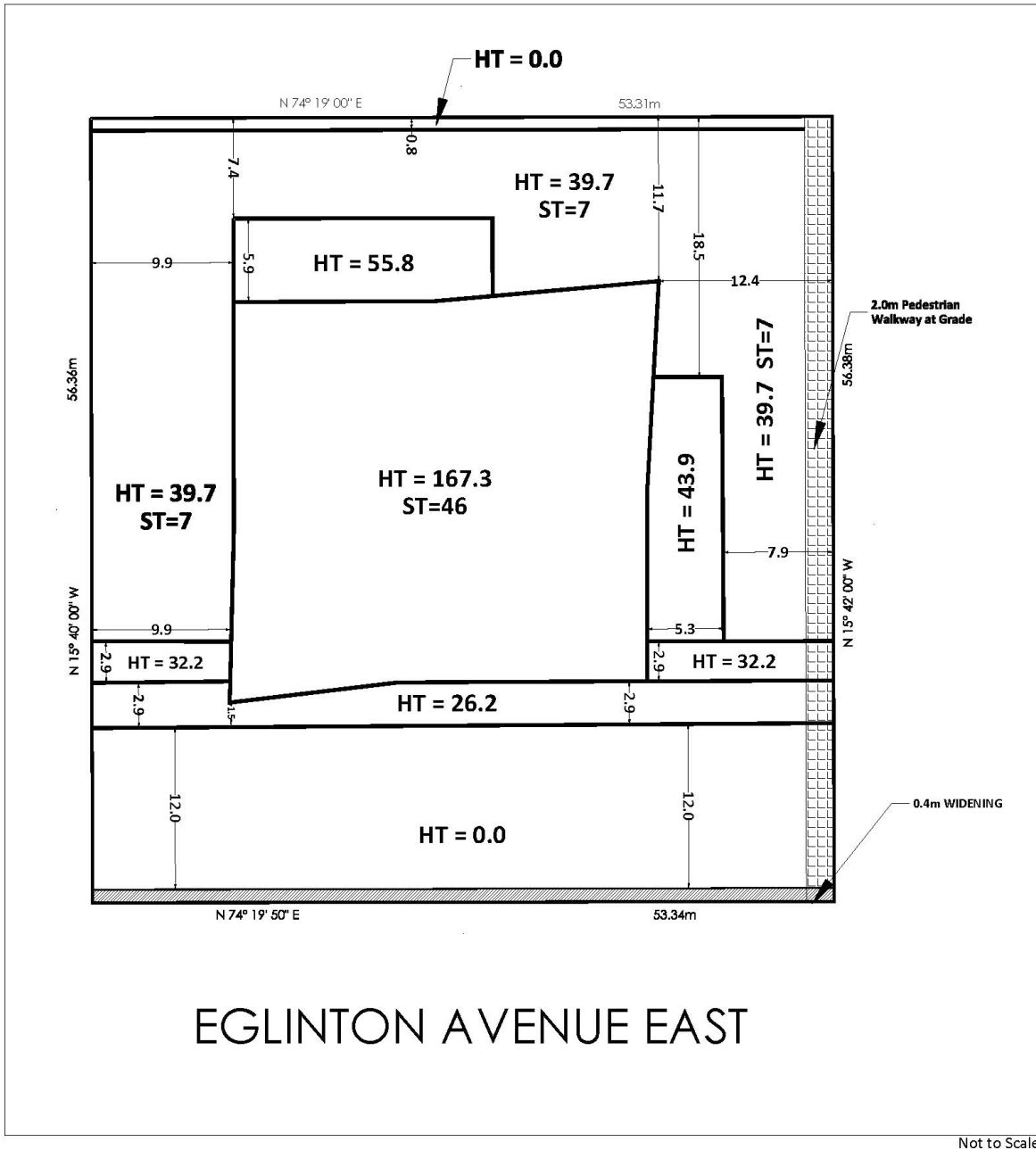
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DIAGRAM 2
Zoning By-law Amendment

150 Eglinton Avenue East
City of Toronto

 Area Affected By This Bylaw







Not to Scale

DIAGRAM 3

Zoning By-law Amendment

150 Eglinton Avenue East
 City of Toronto

 Area Affected By This Bylaw
 Area of 2.0m Pedestrian Connection at Grade

