

Authority: Scarborough Community Council Item SC8.4,
as adopted by City of Toronto Council on
October 2 and 3, 2019

CITY OF TORONTO

BY-LAW 1689-2019

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 2787 and 2791 Eglinton Avenue East.

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, 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 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 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 the black lines to CR0.4 (C0.4, r0.0) SS3 (x199) and O, as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number (199) so that it reads:

Exception CR (199)

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

Site Specific Provisions:

- (A) On 2787 and 2791 Eglinton Avenue East, if the requirements of Schedule A and Section 5 of by-law 1689-2019 are complied with, five (5), **4-storey apartment buildings** may be constructed in compliance with (C) to (Q) below;
- (B) Despite regulation 40.10.20.40(1) **dwelling units** are permitted in an **apartment building**.
- (C) Despite regulation 40.5.40.10(1) and (2), the height of a **building or structure** is the distance between the Canadian Geodetic Datum elevation of 162.36 metres and the highest point of the **building or structure**;
- (D) Despite regulation 40.5.40.10(3), (4) and (5) the following may project above the permitted maximum height:
 - (i) lighting fixtures, cabanas, planters, balustrades, bollards, trellises, parapets, privacy screens, safety railings, guardrails, chimneys, vents, stacks and exhaust stacks, and ornamental or architectural features may exceed the permitted maximum height as shown on Diagram 3 by a maximum of 2.0 metres; and
 - (ii) mechanical equipment such as heating and cooling stacks, air units, and an emergency generator may exceed the permitted maximum height as shown on Diagram 3 by a maximum of 4.0 metres;
- (E) Despite regulation 40.10.30.40(1), the permitted maximum **lot coverage** is 50 percent;
- (F) Despite regulations 40.10.40.10(3) and 40.10.40.10(7), the permitted maximum height of the **buildings** is as shown on Diagram 3 of By-law 1689-2019;
- (G) Regulation 40.10.40.10(5) with respect to the minimum height of the first **storey**, does not apply;

- (H) Despite regulation 40.10.40.40(1) the combined **gross floor area** of the **apartment buildings** must not exceed 16,000 square metres;
- (I) A maximum of 182 **dwelling units** are permitted, of which a minimum of 10 percent must be 3-bedroom **dwelling units**;
- (J) Enclosed roof accesses are not considered a **storey**;
- (K) Despite regulation 40.10.40.50(1), no **amenity space** is required;
- (L) Despite clause 40.10.40.60, the following may encroach into the required minimum **building setbacks** and the minimum separation distance between **main walls** as shown on Diagram 3 of By-law 1689-2019:
- (i) cornices, sills, eaves, canopies, awnings, bay windows, retaining walls, structures and elements related to outdoor patios at grade and ornamental or architectural features may encroach to a maximum of 0.5 metres;
 - (ii) balconies and privacy screens may encroach to a maximum of 1.5 metres;
 - (iii) enclosed stairs and garbage storage areas may encroach to a maximum of 3.0 metres; and
 - (iv) unenclosed stairs may encroach to a maximum of 1.5 metres into the required minimum **building setback** to Danforth Road, a maximum of 2.0 metres into the required minimum **building setback** to Eglinton Avenue East and a maximum of 3.0 metres in all other locations.
- (M) Despite regulations 40.10.40.70 (3) and 40.10.40.80(2), the required minimum **building setbacks** and minimum separation distance between **main walls** are as shown on Diagram 3 of By-law 1689-2019;
- (N) A minimum of 203 **parking spaces** must be provided as follows:
- (i) A minimum of 176 **parking spaces** will be provided for residential uses.
 - (ii) A minimum of 27 **parking spaces** will be provided for visitors.
- (O) Despite regulation 200.5.1.10(5), **tandem parking spaces** are permitted on the **lot** but will not be deemed to satisfy the minimum parking requirements set out in Clause (N) above;
- (P) Despite Regulation 200.15.10(1), no accessible **parking spaces** are required on the **lot**.

- (Q) A minimum of 137 **bicycle parking spaces** must be provided and maintained on the **lot** as follows:
- (i) A minimum of 124 long-term **bicycle parking spaces**; and
 - (ii) A minimum of 13 short-term **bicycle parking spaces**.

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 3 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 must be dependent on satisfaction of the same.
- (C) The owner must 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 November 27, 2019.

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 3 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 the issuance of the first above grade building permit for the lands, the owner shall provide community benefits to the City in the amount of not less than \$500,000. The community benefits may take one or more of the following three forms:
 - (a) A monetary contribution towards capital improvements to Horton Park, with such monetary contribution to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date the Section 37 Agreement is registered on title to the date the payment is made. In the event the monetary contribution 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, City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands;
 - (b) Improvements to Horton Park undertaken by the owner; and/or
 - (c) Above Base Park Improvements to the proposed parkland on the lands at 2787 and 2791 Eglinton Avenue East, in which case the contribution shall be made as outlined in the Memorandum to Community Planning provided by Planning, Design and Development Parks, Forestry and Recreation dated November 19, 2019, to the satisfaction of the General Manager, Parks Forestry and Recreation.
- (2) Prior to the issuance of the first above grade building permit for the lands, no less than 1,170 square metres of unencumbered parkland from the lands shall be conveyed to the City. These lands shall be unencumbered and meet Parks, Forestry and Recreation's environmental requirements and base park conditions, as set out in the Memorandum to Community Planning provided by Planning, Design and Development Parks, Forestry and Recreation dated November 19, 2019, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- (3) Following conveyance of the parkland to the City, should the owner require a Park Occupation Permit (POP) in order to carry out Above Base Park Improvements or an agreement other than a POP for the purpose of construction staging, the POP or other agreement shall not be at the owner's expense.
- (4) 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 of October 26 and 27, 2009 and updated through the adoption of Item PG32.3 of the Planning and Growth Management Committee in 2013.

Diagram 1

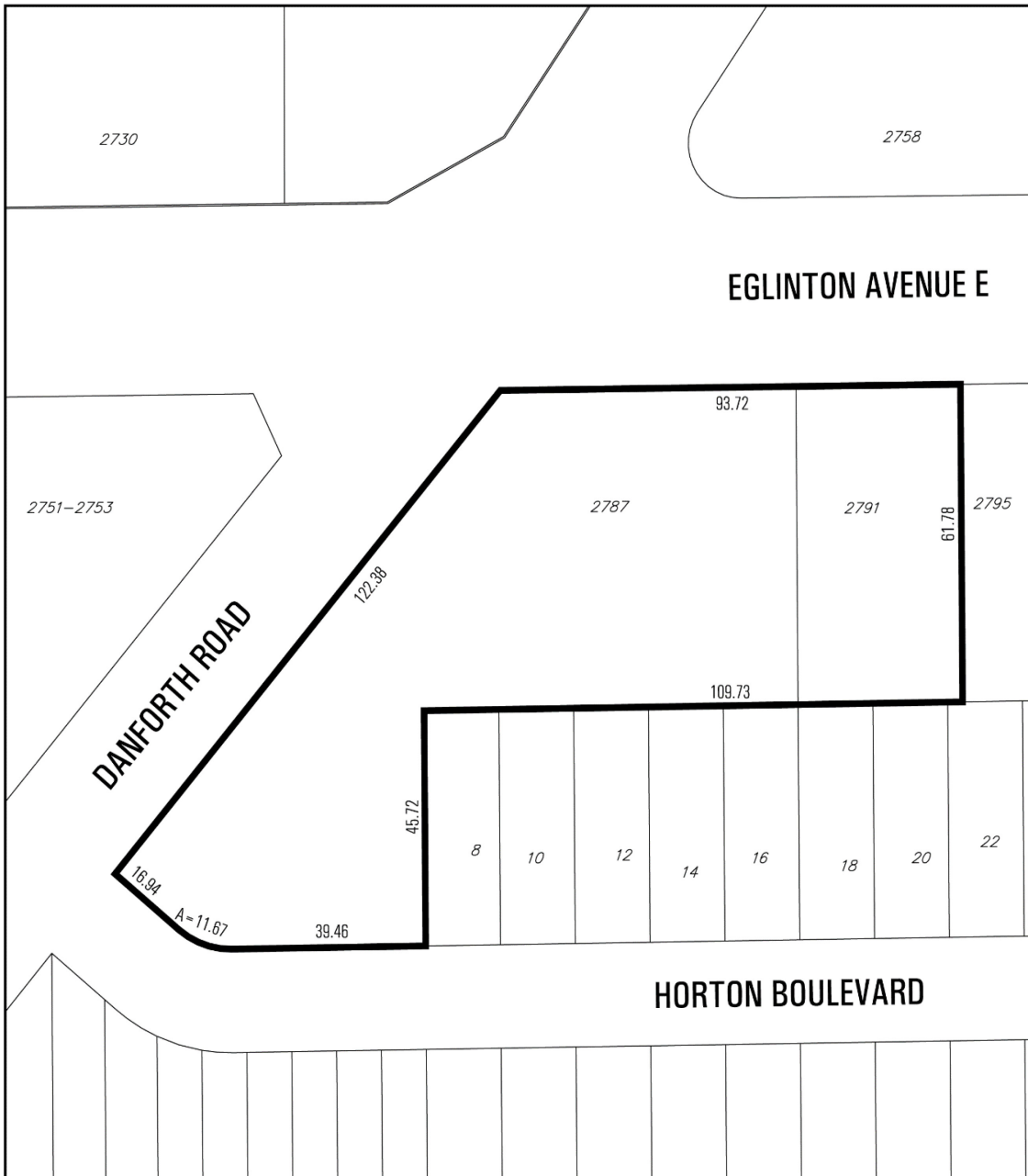


Diagram 2

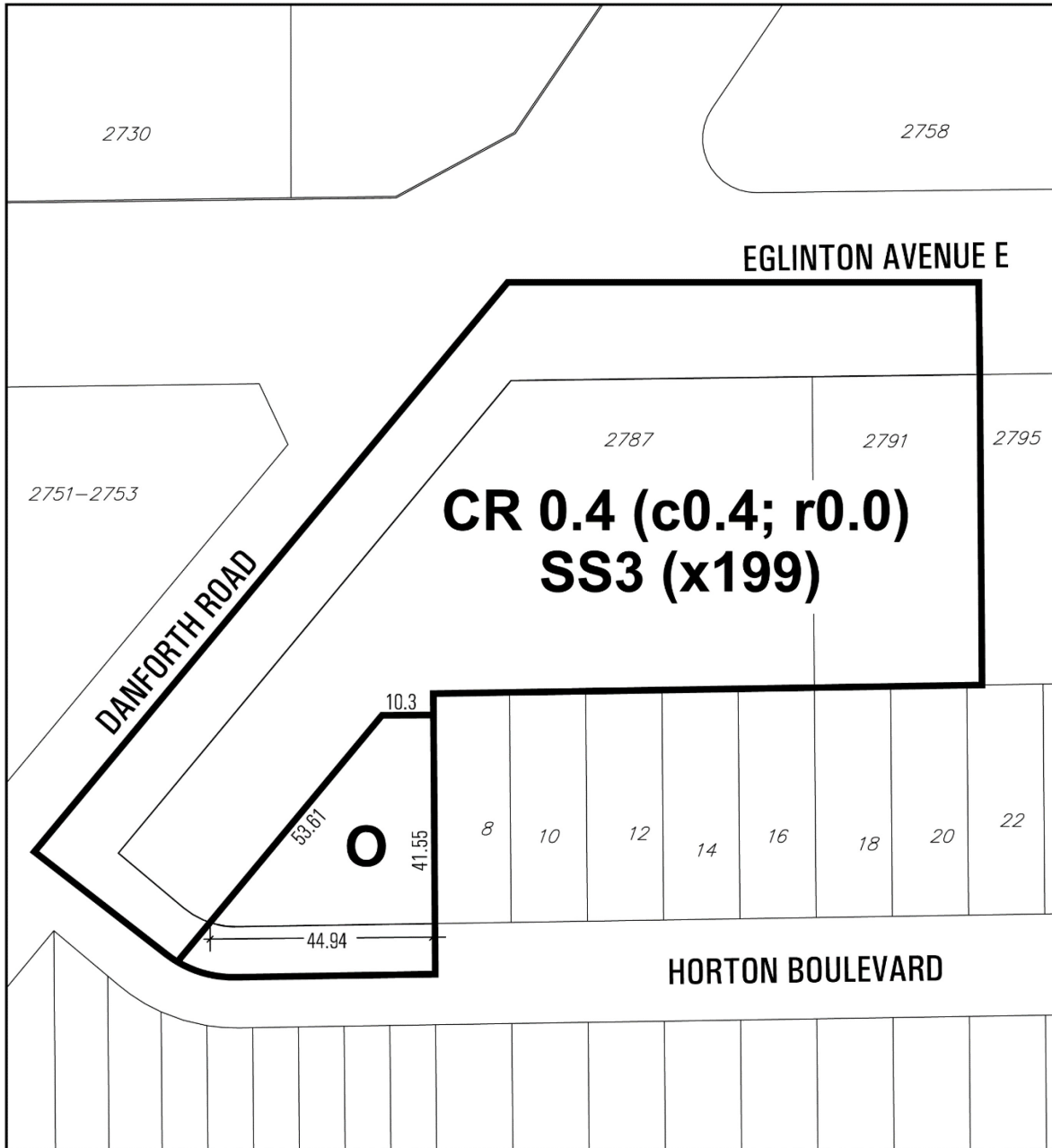


Diagram 3

