

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

## CITY OF TORONTO

Bill No. ~

BY-LAW No. - 2018

**To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2018 as, 150 Eglinton Ave**

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;

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 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 and forming part of this By-law;
2. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.1 respecting the lands outlined by heavy black lines to CR 5.0 (c3.0; r3.0) SS2 (x\_\_\_\_), as shown on Diagram 2, attached hereto and forming part of this By-law;
3. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number \_\_\_\_ so that it reads:

**Exception CR (x )**

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, none of the requirements of Sections, 40.10.20.100(8), 40.10.50.10.(3), 40.10.90.40.(2), 40.10.100.10.(2), 230.5.1.10.(9) and prevailing Sections 12(2) 118, 12(2)119 and 12(2)270(a) of by-law 438-86 shall apply to prevent the use or erection of a **mixed-use building** and **ancillary** uses thereto, including an underground **public parking** garage, on the **lot** in accordance with Sections B. to T. below:
- B. 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 [insert by-law #];
- C. 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 this By-law [insert by-law #];
- D. The permitted maximum number of **storeys** within a **building** or **structure** on the **lot** shall be the numerical value following the letters “ST” on Diagram 3 of this By-law [insert by-law #];
  - (i) Within the portion of the **building** labelled “ST= 7” on Diagram 3 of this By-law, 1-storey shall be exclusively provided for **bicycle parking spaces**;
- 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. Notwithstanding regulation 40.5.40.40(3) any area used for **public parking** shall not be used for the calculation of **gross floor area** for a **mixed use building** in the Commercial Residential Zone category.
- G. Despite regulation 40.10.40.40(1) the permitted maximum **building gross floor area** will be 45,910 square metres;
- H. A minimum of 8,500 square metres of **gross floor area** will be office use;
- I. A maximum of 429 **dwelling units** are permitted;
  - (i) a minimum 30% of **dwelling units** shall contain at least two-bedrooms; and
  - (ii) a minimum 10% of dwelling units shall contain at least three-bedrooms;

- J. Nothing in Section 3(B) shall prevent the following elements from projecting beyond the heavy lines shown on Diagram 3:
- (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, to a maximum of 2.6 metres;
- K. Nothing in Section 3(C) shall prevent the following elements from projecting above the heights specified by the numbers following the symbol HT on Diagram 3:
- (i) A parapet, roof drainage, thermal insulation or roof ballast, located at each of the roof levels of the building, provided the maximum vertical distance of any such structure does not exceed 1.8 metres;
  - (ii) Safety railings and fences at each of the roof levels of the building, provided the maximum vertical dimension of any such structure does not exceed 1.8 metres, and having a maximum combined vertical dimension with (i) above of 2.75 metres above the height of each roof level of the building;
  - (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, provided the maximum vertical distance of such does not exceed 4.0 metres.
- L. Despite regulation 40.10.40.50(1)(A) a minimum of 950 square metres of indoor **amenity space** and 970 square metres of outdoor **amenity space** must be provided;
- M. Despite clause 220.5.10.1 **loading spaces** must be provided as follows: 1 Type "G", 1 Type "B", and 2 Type "C";
- N. Despite clause 200.5.10.1 the minimum number of required **parking spaces** is as follows:
- (i) A minimum of 130 **parking spaces** for residential uses;
  - (ii) A minimum of 103 **parking spaces** for residential visitors and **non-residential** uses;

- (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**; and
- O. Despite regulation 40.5.80.1(1) **parking spaces** required by Section M(ii) above may be located within a **public parking** garage and may be available on a first-come-first-serve basis and available for and marketed to the general public;
- P. Despite regulation 200.5.1.10(2) ten **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 m with or without obstructions;
- Q. **Bicycle parking spaces** may be provided, within or outside of a **stacked bicycle parking space**, and maintained on the lot;
- R. 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;
- S. Despite regulation 230.5.1.10(4) the platform of a **stacked bicycle parking space** may have dimensions of not less than 0.5 metres by 1.6 metres and a minimum vertical clearance for each space of 1.2 metres;
- T. Despite the provisions of By-law 569-2013, as amended, and By-law ### [NTD: **City Clerk to provide By-law #**], a temporary **sales office** shall be permitted on the **lot**;
- U. For the purposes of this By-law, the words highlighted in bold type have the meaning provided in By-law No. 569-2013, Chapter 800 Definitions, as amended, with the exception of the following:
- (i) “**car-share**” means the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such *car-share* motor vehicles to be made available for short term rental, including hourly rental. *Car-share* organizations may require that the *car-share* motor vehicles be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
- (ii) “**car-share parking space**” means a parking space that is reserved and actively used for **car-sharing**.
1. 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.
- (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 month ##, 20##.

Name,  
Speaker

Ulli S. Watkiss,  
City Clerk

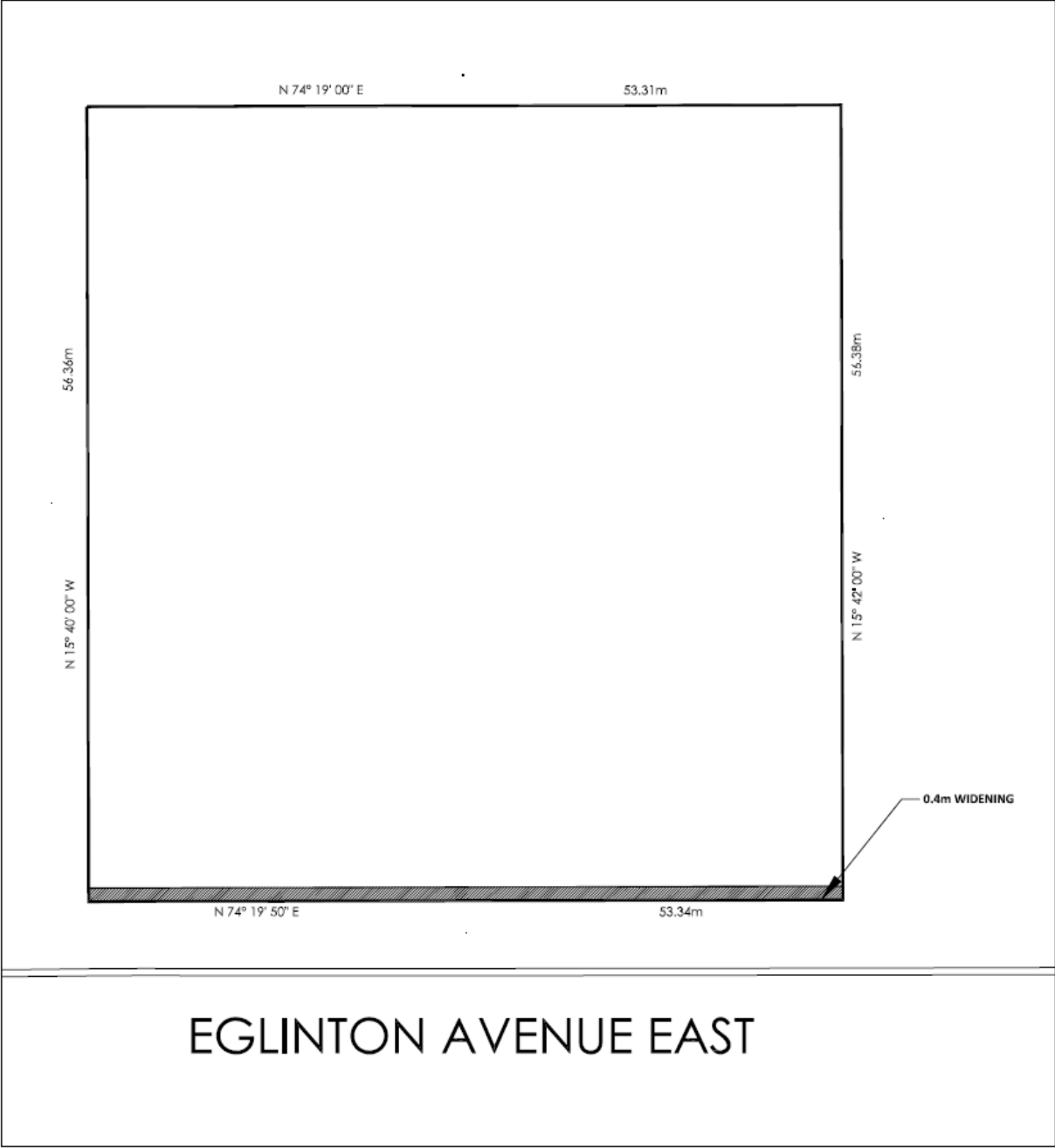
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**SCHEDULE A**  
Section 37 Provisions

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.



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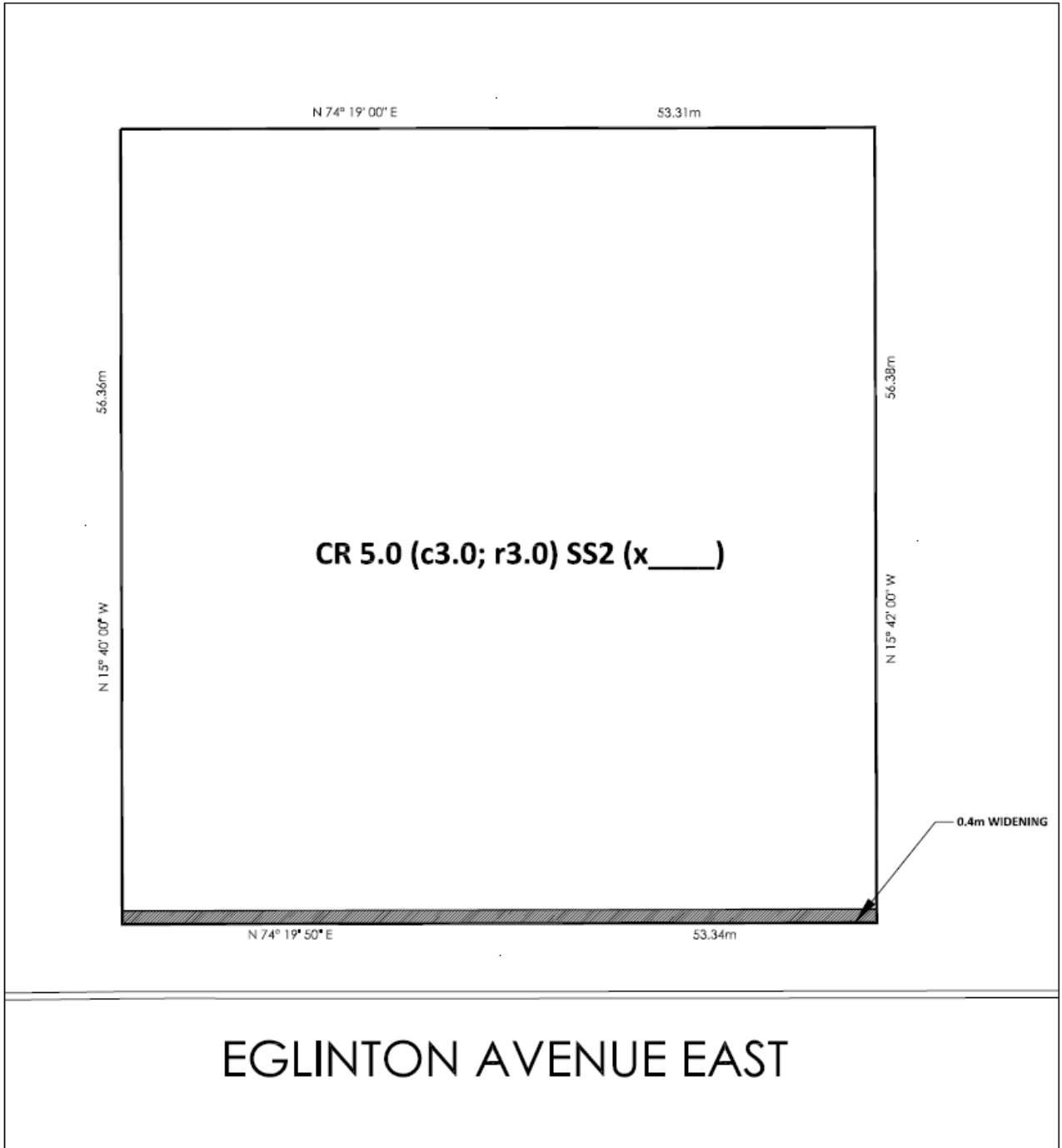
**DIAGRAM 1**  
**Zoning By-law Amendment**

150 Eglinton Avenue East  
City of Toronto

 Area Affected By This Bylaw








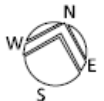
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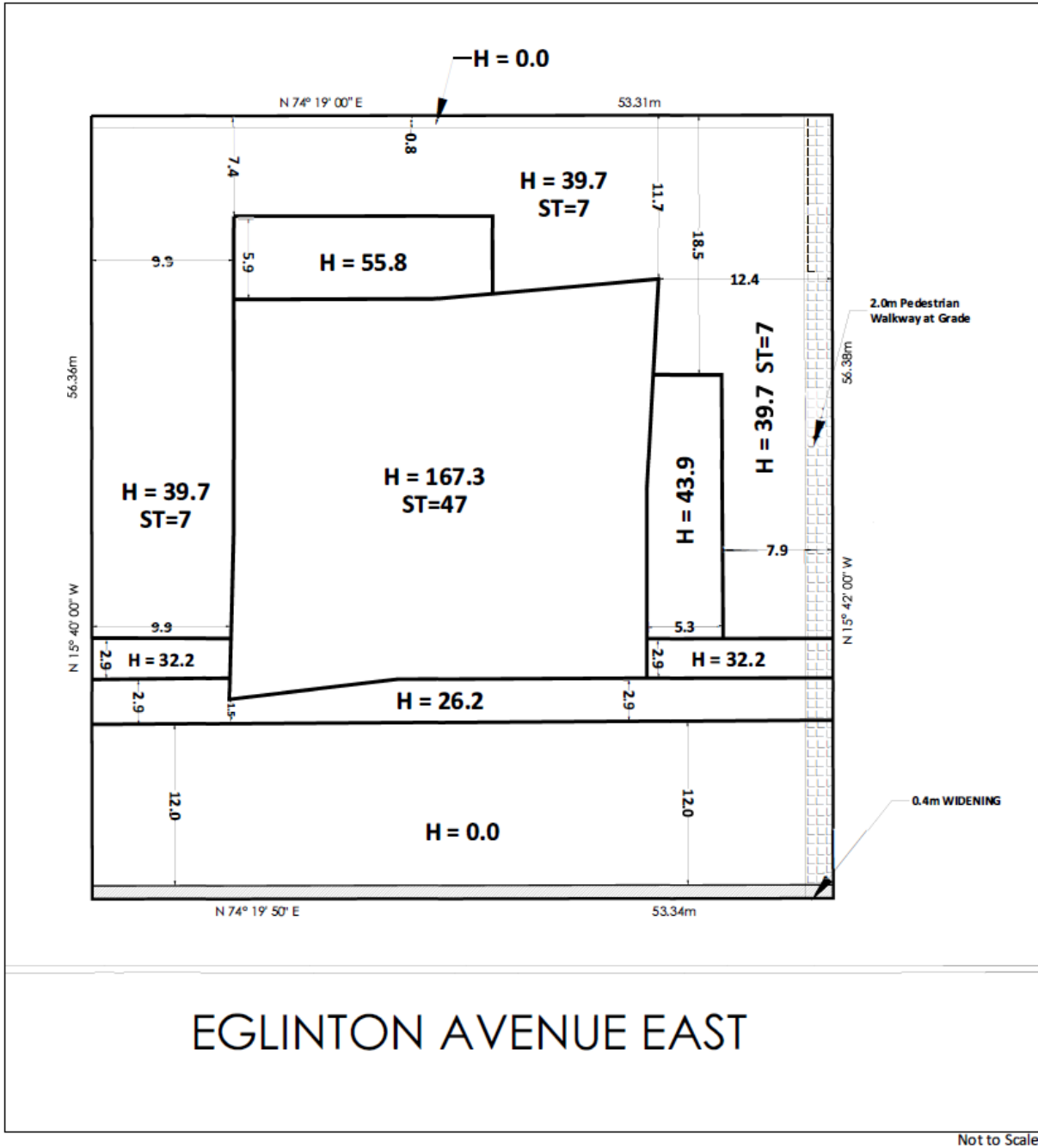
# DIAGRAM 2

## Zoning By-law Amendment



150 Eglinton Avenue East  
City of Toronto

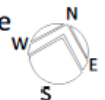
 Area Affected By This Bylaw





**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



Not to Scale