

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

Bill 1235

BY-LAW -2018

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally in the year 2018 as 150 Eglinton Avenue East.

Whereas the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the Planning Act, R.S.O. 1990, c P.13, as amended, with respect to lands known municipally in the year 2018 as 150 Eglinton Avenue East; and

Whereas Council 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 such 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 matter 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, a 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 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 which are 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. Pursuant to Section 37 of the Planning Act, the heights and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the owner of the lot of the following facilities, services and matters set out in Schedule A, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act.
2. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Schedule A, the lot is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility,

service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.

3. The lands subject to this By-law are outlined by heavy lines on Map 1, attached to and forming part of this By-law.
4. None of the provisions of Section 2 with respect to the definitions of *lot*, *grade*, *bicycle parking space-occupant*, *bicycle parking space-visitor*, *temporary sales office*, *residential gross floor area*, *height* and Sections 4(2), 4(4), 4(10)(d), 4(12), 4(13), 4(16), 8(2)(5), 8(2)(7)(b), 8(3) PART 1, 8(3) PART II (2), 8(3) PART XI, 12(1) 166, 12(2)118, 12(2)119 and 12(2)270(a) of By-law 438-86 of the former City of Toronto, being, "A 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, and By-law 403-2009 shall apply to prevent the erection and use of a *mixed use building* and ancillary uses, including a below-grade *commercial parking garage* on the lands municipally known in the year 2018 as 150 Eglinton Avenue East (referred to as the *lot*) provided:
 - a. the total combined *residential gross floor area* and *non-residential gross floor area* of the building does not exceed 45,910 square metres;
 - b. a minimum of 8,500 square metres of *non-residential gross floor area* will be for office uses;
 - c. a maximum of 429 *dwelling units* are permitted of which:
 - i. A minimum 30 percent of *dwelling units* shall contain at least two-bedrooms; and
 - ii. A minimum 10 percent of *dwelling units* shall contain three-bedrooms;
 - d. no part of any building or structure on the *lot* erected or used above *grade* shall exceed the *height* limits shown in metres as indicated by the numbers following the letter H in the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law;
 - e. the permitted maximum number of storeys within a building or structure on the *lot* shall be the numerical value following the letters ST on Map 2 of this By-law **[Clerks to insert by-law #]**;
 - i. Within the portion of building labelled ST=7 on Map 2 of this By-law, 1-storey shall be exclusively provided for *bicycle parking spaces*;
 - f. nothing in Section 2(d) and 2(e) above shall prevent the following elements from projecting above the *height* limits shown on Map 2, as follows:

- 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 railing 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 parapet 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; 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, provided the maximum vertical distance of such does not exceed 4.0 metres;
- g. no portion of any *building*, erected on the *lot* above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines and building envelopes shown on Map 2, except for the following:
 - 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;
- h. a minimum of 950 square metres of indoor *residential amenity space* and 970 square metres of outdoor *residential amenity space* shall be provided on the *lot* with the following requirements:
 - i. At least 40 square metres of outdoor *residential amenity space* is to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*; and
 - ii. At least one multi-purpose or contiguous room provided as *residential amenity space* shall contain a kitchen and a washroom;

- i. *parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
 - i. A minimum of 130 *parking spaces* for residential uses;
 - ii. A minimum of 103 *parking space* for residential visitors and non-residential uses; and
 - iii. For each *car-share parking space* provided on the *lot*, the minimum number of *parking spaces* required by (2i(i)) above shall be reduced by 4 *parking spaces* up to a maximum of 10 *car-share parking spaces*;
- j. *parking spaces* required by this By-law for residential visitor and *non-residential* uses may be located within a *commercial parking garage* and may be available on a first-come-first-serve basis and available for and marketed to the general public;
- k. notwithstanding Section 4(17) of By-law 438-86, a maximum of 10 *parking spaces* may have a minimum width of 2.4 metres, a minimum length of 5.4 metres, and a minimum height of 1.7 metres, with or without obstructions;
- l. despite the definitions of *bicycle parking space – visitor* and *bicycle parking space-occupant* of Section 2(1) of by-law 438-86, the required *bicycle parking spaces* may be provided in a stacked position with a minimum vertical clearance of 1.2 metres or within or outside of a *parking stacker - bicycle* , maintained on the lot;
- m. *loading spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
 - i. One *loading space-type G* shall be provided;
 - ii. One *loading space – type B* shall be provided; and
 - iii. Two *loading spaces- type C* shall be provided;
- n. in the event that the calculation of the number of required *parking spaces* results in a number with a fraction, the number is rounded down to the nearest whole number;
- o. none of the provisions of By-law 438-86, as amended, or this By-law shall apply to prevent a *temporary sales office* on the *lot* as of the date of passing of this By-law; and
- p. none of the provisions of By-law 438-86, as amended, or this By-law shall apply to prevent a *commercial parking garage* on the lot as of the date of passing of this By-law.

5. For the purposes of this by-law: all words, terms and phrases appearing in italics shall have the same meaning as they have for the purpose of the aforesaid By-law 438-86, as amended, except as herein provided:
- a. "*bicycle parking space-occupant*" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
 - i. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.5 metres by 1.8 metres and a vertical dimension of at least 1.9 metres; and
 - ii. Where bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.5 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - b. "*parking stacker - bicycle*" means a mechanical bicycle parking facility with *bicycle parking spaces* which:
 - i. Are positioned above each other;
 - ii. The platform of such *bicycle parking space* may have dimensions of not less than 0.5 metres by 1.6 metres and a height allowance of 1.2 metres; and
 - iii. May not be readily accessible at all times without maneuvering another bicycle or device;
 - c. "*bicycle parking space-visitor*" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles and maybe within a secured room and/or within a *parking stacker-bicycle*, and:
 - i. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.5 metres by 1.8 metres;
 - ii. Where bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.5 metres by 1.2 metres; and
 - iii. May be located indoors or outdoors including within a secured room or enclosure;
 - d. "*car-share*" shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars 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 not be refundable;

- e. *"commercial parking garage"* means a building or a portion of a building used for the temporary parking of motor vehicles;
- f. *"car-share parking space"* shall mean a parking space that is reserved and actively used for car-sharing;
- g. *"grade"* shall mean an elevation of 162.13 metres Canadian Geodetic Datum;
- h. *"height"* shall be measured from *"grade"* to the highest point of the building;
- i. *"non-residential gross floor area"* shall mean the sum of the total areas of each floor level of a building, above grade, measured from the exterior of the main wall of each floor level, reduced by the area of the building used for:
 - i. Parking, loading and bicycle parking below ground;
 - ii. *Commercial Parking Garage*;
 - iii. Required loading spaces at the ground level and required bicycle parking spaces at or above ground;
 - iv. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - v. Shower and change facilities required by this By-law for required bicycle parking spaces;
 - vi. Amenity space required by this By-law;
 - vii. Elevator shafts;
 - viii. Garbage shafts;
 - ix. Mechanical penthouse; and
 - x. Exit stairwells in the building;
- j. *"residential gross floor area"* shall mean the sum of the total areas of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level, reduced by the area of the building used for:
 - i. Parking, loading and bicycle parking below ground;
 - ii. Required loading spaces at the ground level and required bicycle parking spaces at or above ground;
 - iii. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;

- iv. Shower and change facilities required by this By-law for required bicycle parking spaces;
 - v. Amenity space required by this By-law;
 - vi. Elevator shafts;
 - vii. Garbage shafts;
 - viii. Mechanical penthouse; and
 - ix. Exit stairwells in the building; and
- k. "*temporary sales office*" shall mean a building, structure, trailer or facility on the *lot* used exclusively for the sales, marketing, display and promotion of *dwelling units* or the leasing, sale, marketing of *non-residential gross floor area*.
6. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this by-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.

Enacted and passed on July , 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

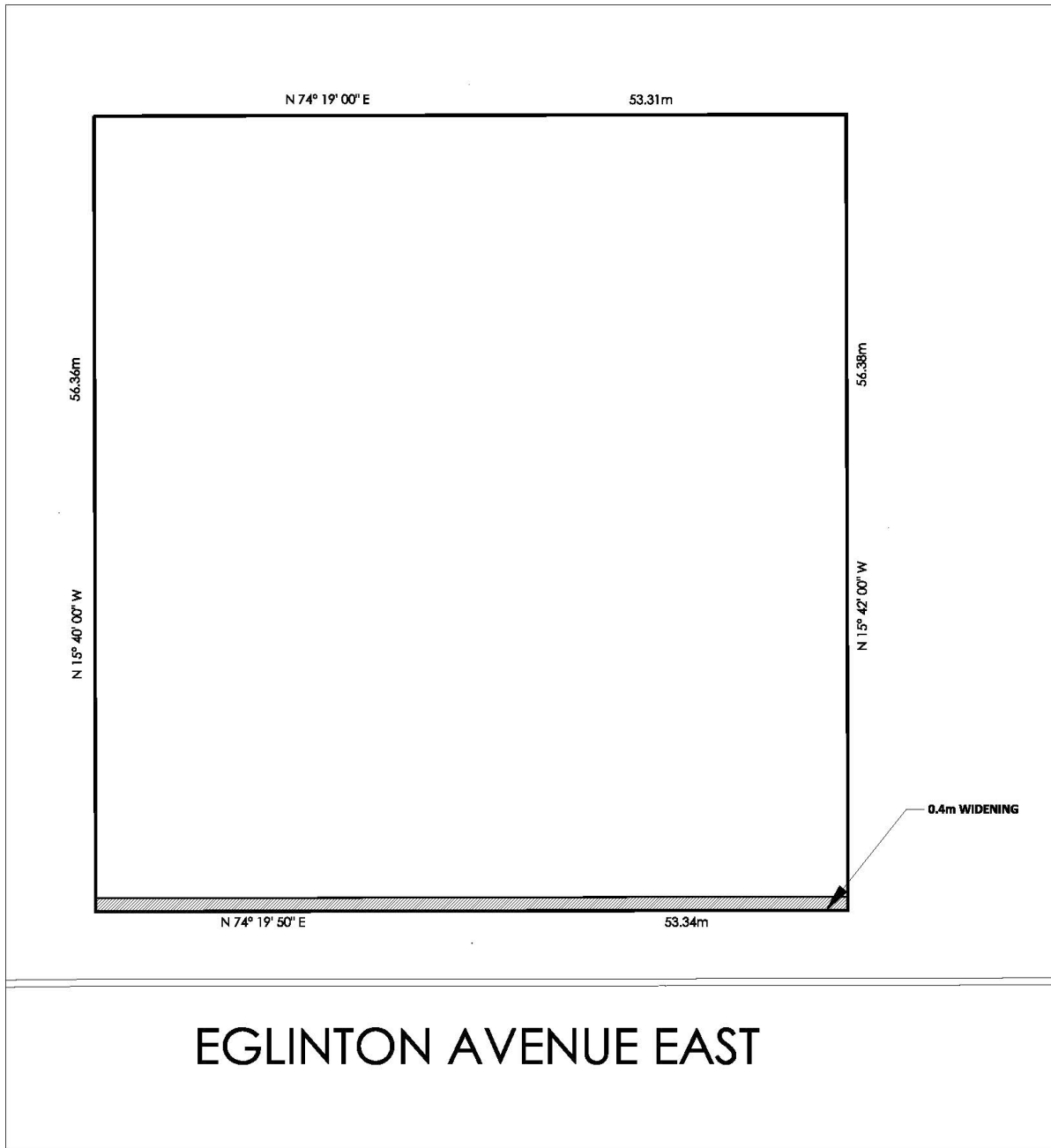
(Seal of the City)

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 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:

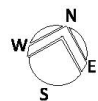
1. Prior to issuance of an above grade building permit, the owner shall make a cash contribution to the City in the amount of \$1,000,000 to be allocated at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, toward any one or more of the 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.

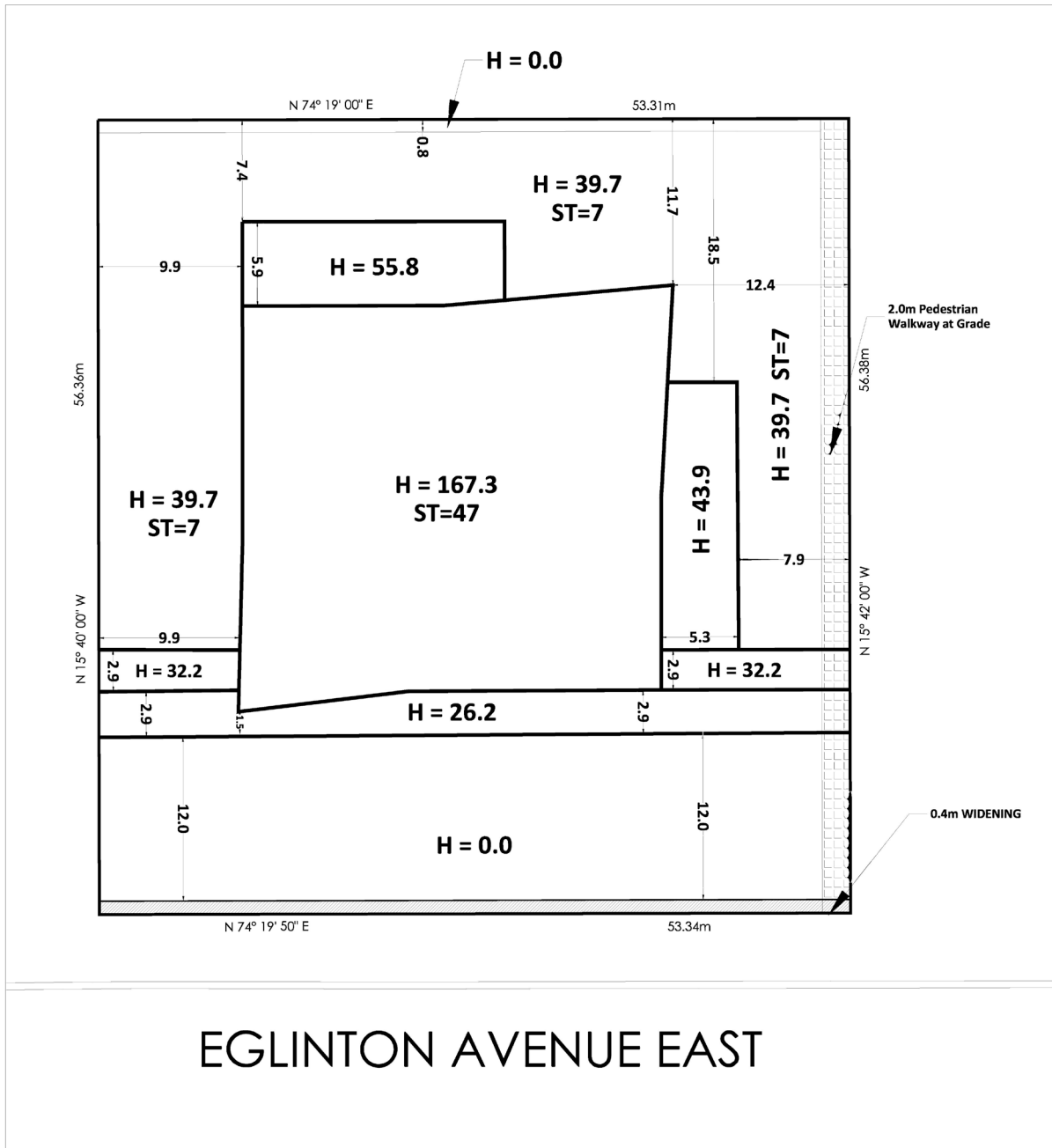
5. The owner shall construct, to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway on the east portion of the subject property which shall have a minimum 2.1 metres pedestrian clearway and a minimum height of 4.5 metres and shall provide 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.



MAP 1
Zoning By-law Amendment
150 Eglinton Avenue East
City of Toronto

 Area Affected By This Bylaw






EGLINTON AVENUE EAST


Not to Scale

MAP 2

Zoning By-law Amendment

150 Eglinton Avenue East
City of Toronto

 Area Affected By This Bylaw

 Area of 2.0m Pedestrian Connection at Grade

