

Authority: North York Community Council Report 4, Clause 31, adopted as amended, by City of Toronto Council on May 23, 24 and 25, 2006, and Motion M44, moved by Councillor Parker, seconded by Councillor Jenkins, as adopted by City of Toronto Council on April 23 and 24, 2007  
Enacted by Council: April 24, 2007

## **CITY OF TORONTO**

### **BY-LAW No. 365-2007**

#### **To amend former City of North York Zoning By-law No. 7625 with respect to lands municipally known as 1250 Eglinton Avenue East.**

WHEREAS authority is given to Council by Sections 34 and 37 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 density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and 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 or matters in return for an increase in the height and 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 owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto; and

WHEREAS the City of Toronto has required the owners of the aforesaid lands to enter into one or more agreements having been executed dealing with certain facilities, services and matters in return for the increase in density in connection with the aforesaid lands as permitted by this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules "B" and "C" of By-law No. 7625 are hereby amended in accordance with Schedule "1" of this By-law.
2. Section 64.34(12) of By-law No. 7625 is hereby deleted.

3. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

**“64.20 –A (163)        RM6(163)**

**DEFINITIONS**

(a)     **Retirement Residence**

For the purposes of this exception **Retirement Residence** shall mean a building or structure that provides living accommodation primarily to retired persons or couples where each living unit has a separate entrance from a common hall and contains sanitary facilities, and where common facilities are provided for the preparation and consumption of meals.

(b)     **Established Grade**

For the purpose of this exception **Established Grade** shall mean the average elevation at the midpoint of the main front wall of the building. For the **Apartment House Dwelling** the main front wall shall be the south wall of the building and the established grade shall be 132.75 metres for the **Retirement Residence** the main front wall shall be the north wall of the building and the established grade shall be 125.25 metres.

(c)     **Gross Floor Area**

For the purpose of this exception, **Gross Floor Area** shall mean the total area of all of the floors in a building, measured between the outside walls of the building at the level of each floor but excluding:

- (i)       all below grade areas, including parking and storage, and any part of a building used for mechanical floor area.

(d)     **Mechanical Floor Area**

For the purpose of this exception, **Mechanical Floor Area** means the floor area within a building that is used exclusively for the accommodation of mechanical equipment necessary to physically operate the building such as heating, ventilation, air conditioning, electrical, telephone, plumbing, fire protection and elevator equipment including shafts.

- (e)     For the purpose of this exception, Buildings “A”, “B” and “C” shall be those buildings shown on Schedule “RM6(163)”.

## **PERMITTED USES**

- (f) As shown on Schedule RM6 (163), the only permitted uses shall be:
  - (i) **Apartment House Dwellings** (Building “A”) and uses accessory thereto, including private recreational amenity areas;
  - (ii) **Retirement Residence** (Building “B”) and accessory uses including common lounges, recreation facilities, retail and personal service shop uses and community centre uses; and
  - (iii) Hotel and uses accessory thereto (Building “C”), including recreational amenity uses and associated commercial uses including a restaurant and gift shop.
- (g) Use Qualifications
  - (i) Outdoor private recreational amenity areas may be located on rooftop terraces.

## **EXCEPTION REGULATIONS**

### **GROSS FLOOR AREA**

- (h) The maximum permitted gross floor areas are as follows:
  - (i) **Apartment House Dwelling** (Building “A”) 31,482 m<sup>2</sup>;
  - (ii) **Retirement Residence** (Building “B”) 10,899 m<sup>2</sup>; and
  - (iii) Hotel (Building “C”) 20,893m<sup>2</sup>.

### **FLOOR SPACE INDEX**

- (i) The total permitted development on this site shall not exceed a floor space index of 2.0.

### **DWELLING UNITS**

- (j) The maximum number of **Apartment House Dwelling** units in Building “A” shall be 328;

### **HOTEL ROOMS**

- (k) The maximum number of rooms provided for renting as dwellings within the Hotel (Building “C”) shall be 353.

## **RETIREMENT RESIDENCE**

- (l) The maximum number of living units shall be 120.

## **LANDSCAPING**

- (m) The provisions of Section 15.8 (a) shall not apply.

## **LOT AREA**

- (n) The provisions of Section 20-A.2.1 regarding lot area shall not apply.

## **LOT COVERAGE**

- (o) The provisions of Section 20-A.2.2 shall not apply.

## **FLOOR AREA**

- (p) The provisions of Section 20-A.2.5 shall not apply.

## **AFFORDABILITY BASED ON UNIT SIZE**

- (q) A minimum of 25 per cent of the total number of dwelling units in Building “A” and a minimum of 25 per cent of the total number of living units in Building “B” shall be subject to the following maximum gross floor area restrictions:
- (i) 70 m<sup>2</sup> for a bachelor unit or a one bedroom unit;
  - (ii) 80 m<sup>2</sup> for a two bedroom unit; and
  - (iii) 120 m<sup>2</sup> for a three bedroom unit.

## **RECREATIONAL AMENITY AREA**

- (r) Indoor recreational amenity space shall be provided in accordance with the following minimum requirements:
- (i) **Apartment House Dwelling** (Building “A”) 506 m<sup>2</sup>;
  - (ii) **Retirement Residence** (Building “B”) 826 m<sup>2</sup>; and
  - (iii) Hotel (Building “C”) 895 m<sup>2</sup>.

## **YARD SETBACKS**

- (s) Notwithstanding s.20-A.2.4, the minimum yard setbacks for all buildings and structures and the minimum building separation distances shall be as set out on Schedule “RM6(163)”.

- (t) Notwithstanding s. 20-A.2.4, the minimum yard setbacks for underground parking structures shall be 0 metres, only for Building “A” along the West lot line and only for Building “B” along the South lot line.

### **PERMITTED PROJECTIONS**

- (u) Notwithstanding Section 6(9), exterior stairways, intake and exhaust vent shafts, architectural elements, including mouldings, trims, cornices and parapets, wheelchair ramps, canopies, balconies, bay windows, and covered porches and decks, shall be permitted to project into the minimum yard setbacks.

### **DISTANCE BETWEEN BUILDINGS**

- (v) Notwithstanding s.20-A.2.4.1, the separation distance between Building “B” and “C” shall be as set out in Schedule “RM6(163)”.

### **HEIGHT**

- (w) The maximum building heights shall not exceed the heights in metres and storeys as shown on Schedule “RM6(163)”, subject to the following exceptions for elements on the roof of Building B:
- (i) parapets or other ornamental elements may exceed the maximum building height on Schedule “RM6(163)” by no more than 2.0 metres.

### **PARKING**

- (x) Notwithstanding Section 6A(2), the following parking rates/requirements shall apply:
- a. A minimum 1.35 parking spaces per Apartment House Dwelling unit of which, 0.25 parking spaces per dwelling unit shall be for the use of visitors for buildings “A”;
  - b. A minimum of 0.5 parking spaces per living unit for the Retirement Residence of which 0.25 parking spaces per living unit shall be for the use of visitors and staff for building “B”;
  - c. 300 parking spaces for the Hotel, Building “C” and associated uses;
  - d. The provisions of Section 6A (8) (b) shall not apply; and
  - e. Parking spaces shall have a minimum width of 2.70 metres and a minimum length of 5.50 metres; and
  - f. Driveways and parking aisles shall have a minimum width of 6.00 metres.

## **LOADING SPACES**

- (y) Notwithstanding Section 6A(16)(a)(iv), a minimum of 1 loading space per building (totaling no fewer than 3 loading spaces) shall be provided.
- (z) Section 6A(16)(c)(i) and Section 6A(16)(d)(iv) shall not apply.

## **DIVISION OF LANDS**

- (aa) Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands.

## **SECTION 37 AGREEMENT**

- (bb) The owner of the lands as shown in Schedule “RM6(163)” shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this by-law applies in the manner and to the extent specified in the agreements. The owner of the subject lands, at the owner’s expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit an increase in density to the maximum gross floor areas and floor space index cited in clauses (h) and (i) of this exception:
  - (i) a cash contribution to the City of Toronto of \$500,000 for use toward the provision of community services and facilities to be spent in the immediate community.

Priority for a period of three years after completion of the development should be given to funding initiatives in the Wynford community, either for parks and open space purposes or community services and facilities. After that time, if no acceptable project is identified, the funds are to be applied to community service improvements in the immediate surrounding communities, such as Don Mills and/or Flemingdon Park.

1. The funds are to be payable prior to the introduction of Bills.
2. Interest accruing from the funds will be added to the value of the contribution and not diverted for other purposes.

- (ii) the use of program space in the proposed Retirement Residence for use by a City Division or a community based not-for-profit organization acceptable to the Chief Planner and based upon the following minimum requirements
    - 1. The space be provided to the satisfaction of the Chief Planner, including:
      - (a) The space will be the multi-purpose room in the proposed Retirement Residence (room to have a minimum gross floor area of 232.25 square metres (2,500.00 square feet));
      - (b) Program space to include directly accessible washroom facilities; storage and a kitchenette;
      - (c) Space to be located at grade and to be fully accessible to the disabled;
      - (d) Access to the program space is to be direct to limit intrusion to the private space of the Retirement Residence;
      - (e) A set schedule shall be developed outlining the times and hours (a minimum of ten hours per week) that the space would be made available for external program purposes; and
      - (f) There shall be no costs associated with the use of the space by the future programming agency or the City.
    - 2. Caretaking services to be the responsibility of the owner.
    - 3. Requirements for damage deposits are to be waived.
    - 4. Appropriate parking be made available at no cost.
    - 5. The program space shall be provided until the earlier of ten years from the date of first occupancy of the Retirement Residence or until such program space is replaced by a public facility within the Wynford Community.
    - 6. The space can be used by either a City Division or a community based not for profit organization (such organization to be acceptable to the owner) which provides programming for seniors.”
4. Section 64.20-A of By-law No. 7625 is amended by adding Schedule “RM6(163)” attached to this by-law.

5. Section 64.37 of By-law No. 7625 is amended by adding the following subsection:

**“64.37(36) O1(36)**

**PERMITTED USES**

- (a) No Buildings or structures shall be permitted. Landscaped open space shall be the only permitted use.”

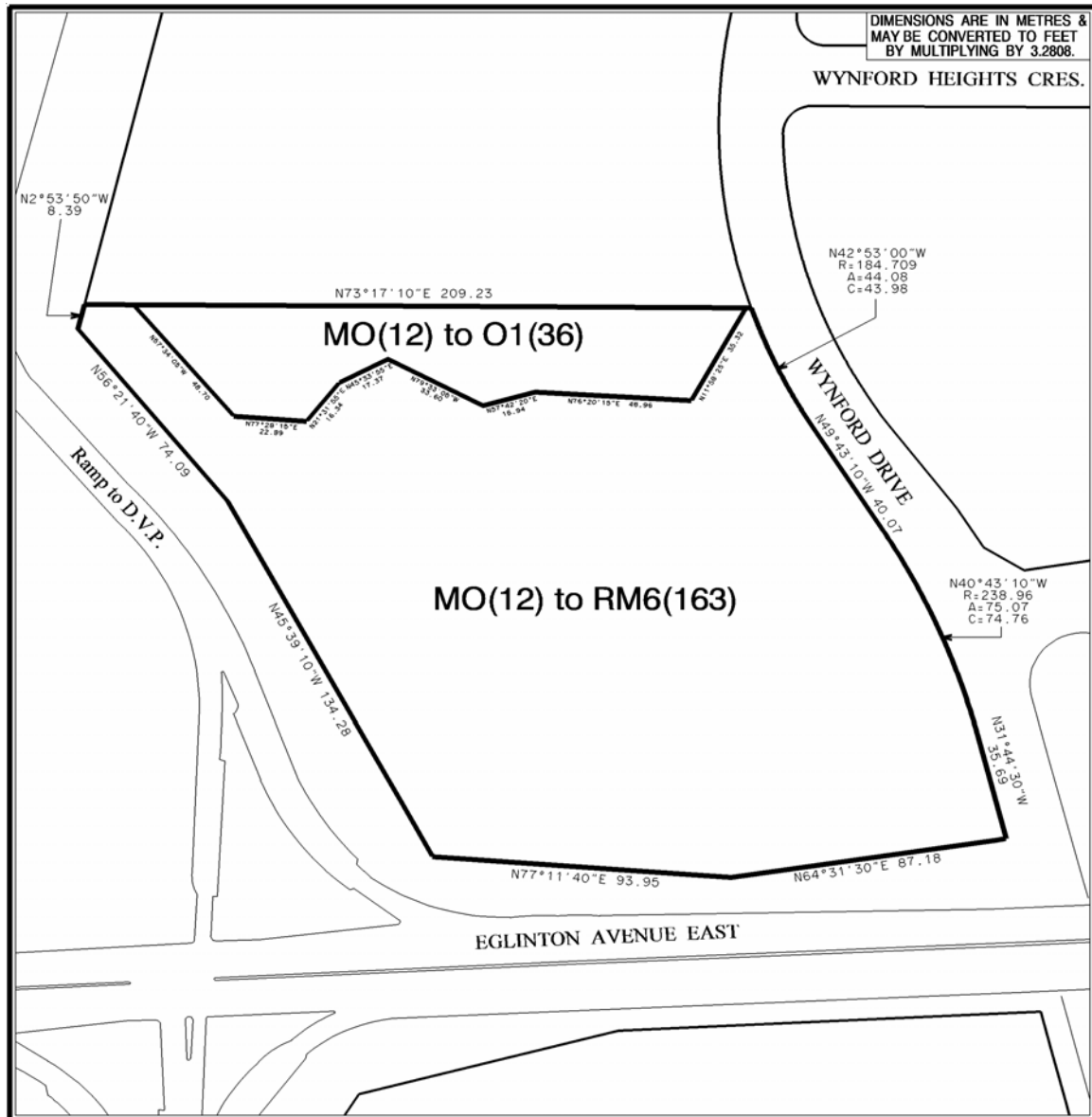
ENACTED AND PASSED this 24th day of April, A.D. 2007.

GLORIA LINDSAY LUBY,  
Deputy Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)



**SCHEDULE "1"**

This is Schedule " 1 " to By-Law \_\_\_\_\_  
 passed the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

(Sgd.)

CLERK

(Sgd.)

MAYOR



Location: Block B Registered Plan M-1158, City of Toronto

File: 04\_129307

Prepared by: A.K.

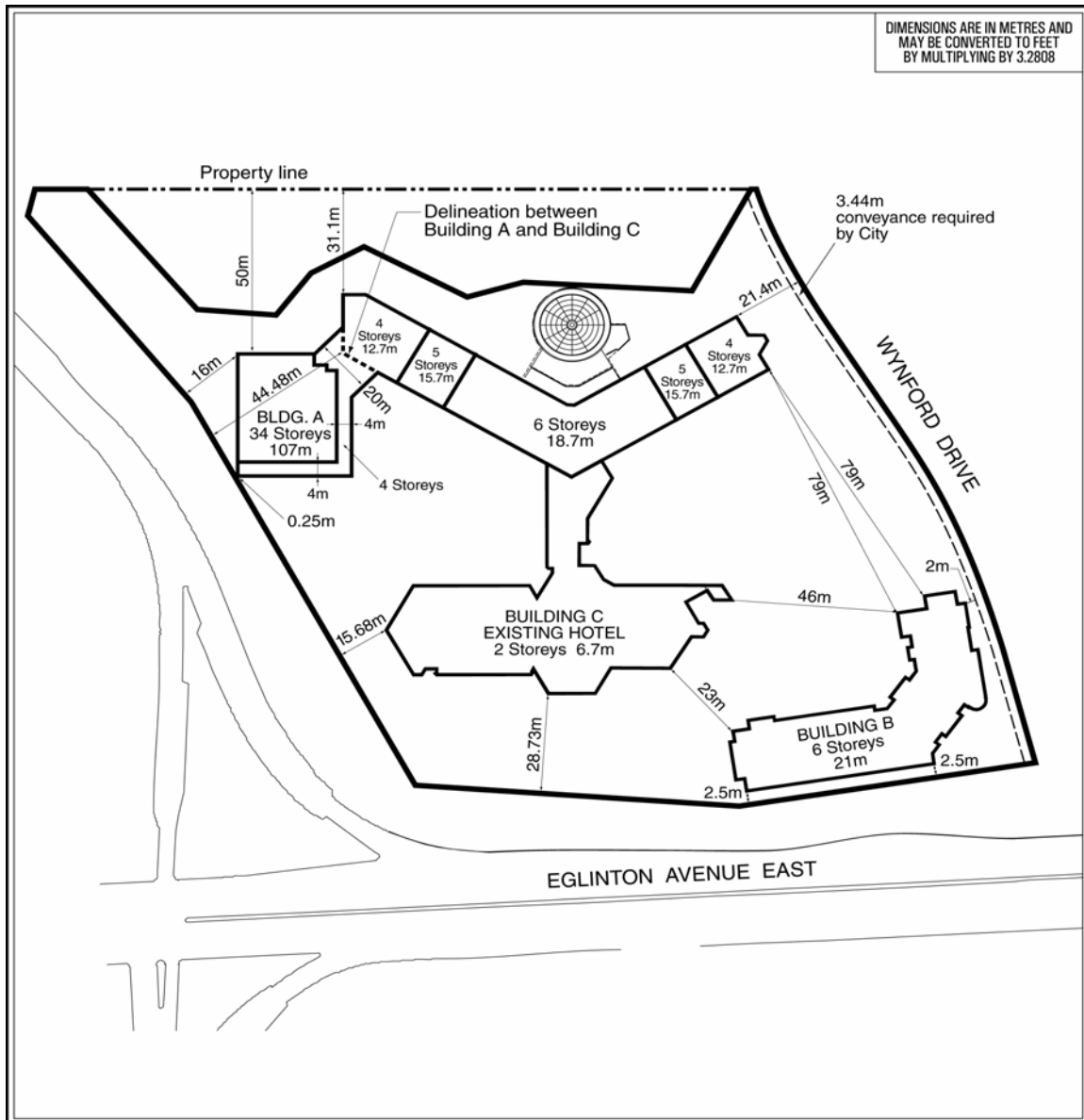
Approved by: D.N.

Date: April 6, 2006

Filename: RM6(163)\_1.dgn

Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.  
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.

**SCHEDULE "RM6(163)"**



This is Schedule "RM6(163)" to Bylaw \_\_\_\_\_  
passed the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

(Sgd.) \_\_\_\_\_ (Sgd.) \_\_\_\_\_  
CLERK MAYOR

**TORONTO**  
Urban Development Services  
Community Planning North

   
Subject Lands Not to Scale

Location: Block B, Registered Plan M-1158, City of Toronto

File No: 04\_129307

Drawn by: A.K.

Approved by: D.N.

Date: March 2, 2007

Filename: RM6(163).ai