

Authority: Toronto and East York Community Council Item 6.3,
as adopted by City of Toronto Council on June 19, 20 and 22, 2007
Enacted by Council: July 19, 2007

CITY OF TORONTO

BY-LAW No. 859-2007

To amend the General Zoning By-law No. 438-86 for the former City of Toronto with respect to lands municipally known as 85 and 97 Eglinton Avenue East and 79 Dunfield Avenue.

WHEREAS authority is given to Council by 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 pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law 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 or matters in return for an increase in 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 or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 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 and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. None of provisions of Section 2 with respect to *parking space, height and grade* and Sections 4(2)(a), 4(6)(b), 4(12), 4(13)(a)&(c), 6(3) PART I 1, 6(3) PART III 1(a), 8(3) PART I 1, 8(3) PART I 3(a), 8(3) PART XI 1, 12(2) 118(iv) and 12(2) 119(iii) A of By-law No. 438-86, being "A By-law and specific amending 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, shall apply to prevent the erection and use of a *mixed use building* containing residential

and non-residential uses including a below-grade parking garage and uses and structures *accessory* thereto, on the *lot*, provided:

- (1) the *lot* consists of those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- (2) the *residential gross floor area* of the *apartment building* on the *lot* shall not exceed 19,700 square metres;
- (3) the *mixed use building* contains not more than 231 *dwelling units*;
- (4) the total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 20,300 square metres of which the *residential gross floor area* on the *lot* shall not exceed 19,700 square metres and the *non residential gross floor area* on the *lot* shall not exceed 600 square metres;
- (5) no portion of the *mixed use building* or structures above *grade* are located otherwise than wholly within the area delineated by heavy lines on the attached Map 2, with the exception of the following:
 - (i) cornices, sills, pilasters, parapets, light fixtures, ornamental elements, eaves, guardrails, and balustrades which may project 0.4 metres outside of the heavy lines on the attached Map 2, except for along the Eglinton Ave *lot* line, Dunfield Avenue *lot* line, south *lot* line and west *lot* line where such projections shall not be permitted beyond such *lot* lines;
 - (ii) bollards, bicycle racks, underground garage ramps and their associated structures, retaining walls, fencing, decks, railings, planters, decorative screens, freestanding architectural elements and landscape and public art features which may extend beyond the heavy lines on the attached Map 2 of this By-law.
- (6) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on the attached Map 2.
- (7) notwithstanding Section 1(5) of this By-law;
 - (a) the maximum height for parapets, terrace and balcony guards and dividers, planters, railings, decorative screens, window washing equipment, and ornamental architectural features shall be the sum of 1.7 metres and the applicable height limit shown on Map 2; and
 - (b) the maximum height for chimney stacks and elevator mechanical equipment shall be the sum of 3.0 metres and the applicable height limit shown on Map 2.

- (8) *residential amenity space* shall be provided in accordance with the following:
- (i) a minimum of 360 square metres of indoor residential amenity space shall be provided; and
 - (ii) a minimum of 115 square metres of outdoor residential amenity space shall be provided;
- (9) *parking spaces* shall have a minimum width of 2.6 metres and minimum length of 5.7 metres;
- (10) a minimum of 29 *visitor parking spaces* shall be provided on the *lot*;
- (11) driveways shall have a minimum width of 3.5 metres for one-way operation and a minimum of 6.0 metres for two-way operation;
- (12) at least 152 *bicycle parking spaces* are provided and maintained on the *lot*; and
- (13) the owner of the *lot* is required to enter into one or more agreements pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor and that such agreement(s) be registered against the title to the *lot* as outlined in heavy lines on Map 1 to secure the following facilities, services or matters:
- (i) a payment in the amount of \$300,000 secure funds in the amount of \$300,000.00, half payable upon the implementing zoning by-law coming into full force and effect, and the remaining half payable prior to the issuance of any building permit, that may be used as a contribution towards the construction of a new public swimming pool at the North Toronto Collegiate redevelopment site or towards other community facilities or services in the area as may be determined by the Chief Planner and Executive Director, City Planning Division in consultation with the local Ward Councillor if the new pool has not become a bona fide City development project within 3 years (subject to extension) of the date of execution of this agreement; and
 - (ii) the cash amount secured in (i) above shall increase in accordance with the increase in the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.

2. Definitions

- (i) For the purposes of this By-law, the terms set forth in italics, subject to Section 2.(i) & (ii) of this By-law, have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended; and

(ii) the following definitions shall apply:

“*grade*” means 162.75 metres Canadian Geodetic Datum;

“*height*” means the highest point of the roof except for those elements prescribed in this By-law;

“*parking space*” means an unobstructed area, at least 5.7 metres in length and 2.6 metres in width and at least 2.0 metres in height that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle; and

“*lot*” means those lands outlined in heavy lines on Map 1 attached hereto.

3. None of the provisions of By-law No. 438-86, as amended, or of this By-law shall apply to prevent the erection or use within the lot of a temporary sales showroom.
4. By-law No. 1997-0570 being “A By-law to amend By-law No. 438-86 respecting use of the land and the erection, height, residential and non-residential gross floor area, the number of permitted residential units and other matters relating to buildings and structures on the *lot* at Nos. 85 and 97 Eglinton Avenue East and No. 79 Dunfield Avenue” is repealed.

ENACTED AND PASSED this 19th day of July, A.D. 2007.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)



