

Authority: Planning and Growth Management Committee Item 23.1,
adopted as amended, by City of Toronto Council on February 23, 24 and 25, 2009
Enacted by Council: February 25, 2009

CITY OF TORONTO

BY-LAW No. 236-2009

To amend By-law No. 438-86 of the former City of Toronto with respect to the lands bounded by Eglinton Avenue to the north, Berwick Avenue to the south, Yonge Street to the east, and Duplex Avenue to the west.

WHEREAS this by-law is passed in implementation of the Yonge-Eglinton Secondary Plan, as amended (OPA No. 63), for the lands bounded by Eglinton Avenue to the north, Berwick Avenue to the south, Yonge Street to the east, and Duplex Avenue to the west; and

WHEREAS authority is given to Council by Section 34 and 36 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*;

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;

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

1. District Map No. 50K-323 contained in Appendix "A" of By-law No. 438-86, 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, is further amended by:
 - (1) redesignating to "CR T7.0 C5.5 R5.5 (H)" the lands identified as "CR T7.0 C5.5 R5.5 (H)" and as outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - (2) redesignating to "R2 Z4.0 (H)" the lands identified as "R2 Z4.0 (H)" and as outlined by heavy lines on Map 1 attached to and forming part of this By-law;
2. None of the provisions of Section 2(1) with respect to the definition of the words *grade* and *height* and none of the provisions of Section 4(2), 4(4)(b), 4(11), 4(16), 8(3), 12(2) 118, and 12(2) 119 of By-law No. 438.86, as amended, shall apply to prevent the uses or the erection or use of any buildings or structures for any purpose permitted in Section 8(1) of By-law No. 438-86, as amended, on *Blocks A and B*, shown on Map 3 attached hereto, as well as for any purpose permitted in Section 6(1) of By-law No. 438-86, as amended, on *Block C*, also shown on Map 3 attached hereto, provided that:
 - (1) The *lands* consist of lands delineated by heavy lines on the attached Map 1 attached to and forming part of this By-law;

- (2) The total combined *non-residential gross floor area* and *residential gross floor area* on *Block A* shall not exceed 136,900 square metres of which the *residential gross floor area* on *Block A* shall not exceed 74,000 square metres and the *non-residential gross floor area* on *Block A* shall not exceed 107,000 square metres,
- (3) The total combined *non-residential gross floor area* and *residential gross floor area* on *Block B* shall not exceed 112,800 square metres of which the *residential gross floor area* on *Block B* shall not exceed 52,000 square metres and the *non-residential gross floor area* on *Block B* shall not exceed 88,000 square metres.
- (4) The total *residential gross floor area* on *Block C* shall not exceed 19,000 square metres.
- (5) no part of any building or structure erected or used above finished ground level within any *Block* is located otherwise than wholly within the areas delineated by the heavy lines on Map 2;
- (6) except where a heavy line shown on Map 2 is contiguous with the boundary of a *lot*, nothing in Section 2(5) hereof shall prevent the following elements from projecting beyond the heavy lines shown on Map 2 respecting buildings on *Blocks A, B and C*, provided the restrictions set out are complied with:
 - (i) eaves, cornices, lighting fixtures, fences and safety railings, trellises, balustrades, chimneys, vents, wheelchair ramps, retaining walls, landscape features, ornamental structures, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, stair landings, decks, planters, and public art features;
 - (ii) balconies to a maximum horizontal projection of not more than 1.5 metres;
 - (iii) canopies to a maximum horizontal projection of not more than 2.5 metres;
 - (iv) bay windows to a maximum horizontal projection of not more than 0.75 metres.
- (7) no part of any building or structure to be erected on the *lands* shall exceed the *height* limits in metres specified by the numbers following the symbol “H” as shown on Map 2;
- (8) nothing in Section 2(6) of this By-law shall prevent the erection or use of the building elements or structures identified in Section 4(2)(a)(i) of By-law No. 438-86, as amended, subject to the limitations contained therein.

- (9) the minimum required number of *parking spaces* shall be provided and maintained on the lot in accordance with the following:

CONDOMINIUMS

Bachelor dwelling unit-0.3 spaces per unit;
 One bedroom *dwelling unit*-0.5 spaces per unit;
 Two bedroom *dwelling unit*-0.80 spaces per unit;
 Three bedroom *dwelling unit*-1.0 spaces per unit;
 Visitor Parking (minimum and maximum)-0.10 spaces per unit;

RENTAL

Bachelor dwelling unit-0.2 spaces per unit;
 One bedroom *dwelling unit*-0.4 spaces per unit;
 Two bedroom *dwelling unit*-0.60 spaces per unit;
 Three bedroom *dwelling unit*-0.8 spaces per unit;
 Visitor Parking (minimum and maximum)-0.10 spaces per unit;

Non-residential uses - 1.0 spaces per 300 square metres.

- (10) No person shall erect or use a building or structure on the *lands*, where a portion of the building or structure:
- A. projects beyond a 45 degree angular plane constructed over the *lands* from a line 10 metres from the *lot* line facing Duplex Avenue commencing at the intersection of Duplex Avenue with the projection of the centre line of Duplex Crescent, and continuing southerly to the intersection of Duplex Avenue with the north street line of Berwick Avenue;
 - B. projects beyond a 60 degree angular plane constructed over the *lands* from a line 10 metres from the *lot* line facing Duplex Avenue and commencing at the intersection of Duplex Avenue with the projection of the centre line of Duplex Crescent with the south street line of Eglinton Avenue West;
- (11) Minimum first storey floor-to-ceiling height at the first floor at or above *grade* shall be 4.5 metres facing Eglinton Avenue and Duplex Avenue for *Block A*.
3. None of the provisions of By-law No. 438-86, as amended, or this By-law shall apply to prohibit the erection or use of a building or structure on the *lands* having a greater *non-residential gross floor area* than that permitted by those regulations in a *non-residential building* or in a *mixed-use building* in the zone in which the *lands* are located provided the additional *non-residential gross floor area* is used for the purposes of:
- (1) one or more pedestrian walkways that:

- (i) provide direct access between *streets*, parks, public buildings, and/or public spaces or between such space and a similar walkway in an adjacent building, a *common outdoor space* or a Toronto Transit Commission Public Transit Facility;
 - (ii) are no narrower than three metres at any point;
 - (iii) are not used for commercial purposes, including *hotel* lobbies, retail areas, commercial display areas or other rentable space; and/or
- (2) one or more washrooms or sitting areas that have access to those walkways; and/or
 - (3) Public Transit Facilities, including uses ancillary thereto; and/or
 - (4) Public Community and Recreation Centres.
4. None of the provisions of By-law No. 438-86, as amended, or this By-law shall apply to prevent:
- (1) erection and use of a temporary sales office for the sale of residential *dwelling units* contemplated by this By-law on each of *Block A*, *Block B* or *Block C*, without parking or building setback restrictions for the purpose of selling residential units on the *Blocks*;
5. While the “(H)” holding symbol is in place, no person shall, within any part of the *lands* zoned “CR T7.0 C5.5.0 R5.5.0 (H)” and “R2 Z4.0 (H)”, on Map 1 attached hereto, use any lot or erect, alter or use any building or structure erected prior to passage of this By-law for any purpose except as permitted under the following zoning:

<i>Blocks A and B:</i>	CR T4.0 C3.0 R3.0 H61.0
<i>Block C:</i>	R2 Z0.6 H9.0

Upon removal of the “(H)” holding symbol, pursuant to Section 36 of the *Planning Act*, permitted uses shall be as set out pursuant to By-law No. 438-86, as amended, and this By-law.

6. *Blocks* zoned with the “(H)” symbol shall not be used for any purpose permitted by this By-law, other than as provided for in Section 5, until the “(H)” symbol has been removed in whole or in part by amending by-law upon submission of a Site Plan Control application to the satisfaction of the City, in accordance with the Yonge-Eglinton Secondary Plan policies and the Yonge-Eglinton Centre Urban Design Guidelines, and when Council is satisfied as to:
- (i) the availability or provision of all transportation improvements, infrastructure and servicing, including public transit, stormwater management, the provision of community facilities and accommodations for pedestrians and cyclists, necessary to accommodate and support any proposed development;

- (ii) all appropriate requirements or clearances for the proposed development pertaining to site environmental conditions;
- (iii) the provision of appropriate public benefits to the City in accordance with Section 6(iv) below and execution and registration of a Section 37 agreement satisfactory to the Chief Planner and Executive Director pursuant to section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended;
- (iv) pursuant to Section 37 of the *Planning Act*, the heights and density of development contemplated herein are permitted subject to the provision by the Owner of the land, at its expense, the following facilities, services and matters to the City and in accordance with and subject to the agreement(s) referred to in Section 6(iii) above:
 - (a) community facilities including non-profit licensed day care and flexible multi-purpose community space; and/or
 - (b) public parkland and park improvements; and/or
 - (c) off-site public realm, pedestrian connections, and streetscape improvements; and/or
 - (d) public art.
- (v) arrangements and/or necessary agreements satisfactory to the Chief Planner and Executive Director and the General Manager of Parks, Recreation and Forestry in consultation with the Chief Corporate Officer, are made respecting land dedications and/or funding for the future *Yonge-Eglinton public park*, or portion thereof; and
- (vi) arrangements and/or necessary agreements satisfactory to the Chief Planner and Executive Director and the Director of Technical Services in consultation with the Chief Corporate Officer, are made respecting land dedications and/or funding for the future *north/south public road*, or portion thereof.

7. For the purposes of this by-law:

- (1) “*Block*” means any one of the *Blocks* as defined;
- (2) “*Blocks*” means any or all of the *Blocks* defined in Section 7(3) below, as the case may be;
- (3) “*Block A*”, “*Block B*”, and “*Block C*” means those lands respectively delineated and identified as *Block A*, *Block B*, *Block C* on Map 3 attached to and forming part of this by-law;
- (4) “*grade*” shall mean the following for each of the following *Blocks*:
 - (i) *Block A* – 160 metres Canadian Geodetic Datum;

- (ii) *Block B* – 156 metres Canadian Geodetic Datum;
 - (iii) *Block C* – 155 metres Canadian Geodetic Datum.
- (5) “*height*” means the vertical distance between *grade* and;
- (i) in the case of a pitched roof building, the mean height level between the eaves and the ridge of the roof;
 - (ii) in the case of another kind of roof, the highest point of the roof; and
 - (iii) where there is no roof, the highest point of the structure.
- (6) “*lands*” shall mean those lands outlined by heavy lines on Map 1 attached hereto and forming part of this By-law being those lands bounded by Eglinton Avenue, Berwick Avenue, Yonge Street, and Duplex Avenue;
- (7) “*Yonge-Eglinton public park*” shall mean a *public park* along Duplex Avenue with an approximate land area of 2500 square metres.
- (8) “*north-south public road*” shall mean a public right-of-way designed to result in an ultimate right-of-way width of at least 18 metres extending from Duplex Avenue to Berwick Avenue.
- (9) each other word or expression which is italicized in this By-law shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended.
- 8.** Despite any existing or future severance, partition, or division of any *Block*, the provisions of this By-law shall apply to the whole of each of the *Blocks* as if no severance, partition or division occurred.

ENACTED AND PASSED this 25th day of February, A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)





