

CITY OF TORONTO

BY-LAW No. 998-2011(OMB)

To amend the former City of York Zoning By-law No. 1-83, as amended, with respect to lands municipally known as 1603 Eglinton Avenue West.

WHEREAS the Ontario Municipal Board by Decision/Orders issued on November 30, 2010, December 23, 2010 and July 6, 2011, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, determined to amend the former City of York Zoning By-law No. 1-83 with respect to lands municipally known, in the year 2010, as 1603 Eglinton Avenue West; and

WHEREAS pursuant to Section 37 of the *Planning Act*, a By-law passed under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond that otherwise permitted by the by-law 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 or 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 lands known at the date of enactment of this By-law as 1603 Eglinton Avenue West (the "Lands") has elected to provide the facilities, services or matters as are set out in this By-law; and

WHEREAS the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by By-law No. 1-83, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the Lands and the City of Toronto;

The Ontario Municipal Board orders as follows:

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 the conditions set out in this By-law including the provision by the owner of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the owner's sole expense and in accordance with and subject to the agreement with the City referred to in this By-law.
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 or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law.
3. Except as otherwise provided herein, the provisions of the By-law No. 1-83, as amended, shall continue to apply to the *lot*.

4. None of the provisions of Subsection 2(2a), (4), (54), (56), (59), (64) and (86d), Subsection 3.2.1(v) and (a)(i) with respect to parking space size and requirements for a den, Subsection 3.3.1(a) and (b), Subsection 3.3.2, Subsections 3.4.7(a)(1) and (5), Subsection 3.4.15, Sections 5, 6, and 12.3 of By-law No. 1-83 of the former City of York, 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 former City of York, as amended, shall apply to prevent the erection and use of an *apartment-house* and *street townhouse* on the *lot*, which is zoned MCR provided:
- (1) the *lot* consists of at least the lands delineated by heavy lines on the attached Map 1;
 - (2) a temporary new home sales and marketing office is permitted on the *lot accessory* to the *apartment-house* permitted herein provided it does not exceed a *gross floor area* of 300 square metres and a *height of building* of one full storey and shall not be permitted once an *apartment-house* is erected or used on the *lot* shown on Map 2 attached hereto;
 - (3) not more than 172 *dwelling units* and 12 *street townhouse units* are erected and used on the *lot*;
 - (4) non-residential permitted uses shall include the following:
 - (i) - *retail store*,
 - *office*,
 - *restaurant, restaurant licensed, take-out establishment, bake-shop, commercial school*,
 - any *accessory* to any of the foregoing uses;
 - (ii) maximum non-residential *gross floor area* shall not exceed 1,425 square metres;
 - (5) the *gross floor area* erected on the *lot* shall not exceed 16,575 square metres, which is exclusive of amenity space erected and used in the *building* for the exclusive use of residents of the *building*, mechanical/electrical and telecommunications purposes, loading facilities, storage and parking of motor vehicles and bicycles, below *established grade* storage lockers, moving rooms, garbage/recycling rooms, elevator lobbies, vestibules, corridors and exit stairs;
 - (6) no portion of the *building* or structure erected on the *lot* or used above *established grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 subject to the following:
 - (i) canopies, awnings and *building* cornices are permitted outside the heavy line shown on Map 2;

- (ii) lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on the attached Map 2;
 - (iii) balconies, which may extend to a maximum horizontal projection from an exterior *building* wall of 2.0 metres beyond the heavy lines shown on Map 2, provided that such balcony does not project beyond the boundary of the *lot*;
- (7) no person shall erect or use a *building* or structure above *established grade* on the *lot* having a greater *height of building* in metres than the *height of building* in metres specified by the numbers following the symbol H on Map 2 attached hereto;
- (8) in addition to the *height of building* restrictions in subsection (6) herein, the maximum *height of building* of the *apartment-house* shall be 14 storeys, exclusive of parking levels, mechanical rooms, and any retail mezzanine level;
- (9) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- (i) Resident Parking: a minimum of 98 *parking spaces*
Non-residential and
resident visitor parking: a minimum of 20 *parking spaces*
 - (ii) Required parking for non-residential uses may be shared with visitor parking for the *apartment house*.
- (10) loading space shall be provided and maintained on the *lot* in accordance with the following:
- (i) 1 type "G" loading space
- (11) amenity space shall be provided and maintained on the *lot* within the building and as shown on Map 2 attached hereto for the exclusive use of all residents of the building with equal access to such space provided to all residents of the building, in accordance with the following standards:
- (i) a minimum of 2.0 square metres of *indoor residential amenity space* for each *dwelling unit* erected; and
 - (ii) a minimum of 2.0 square metres of *outdoor residential amenity space* for each *dwelling unit*;

- (12) bicycle parking spaces shall be provided and maintained on the *lot* in the *building* as shown on Map 2 attached hereto for use without charge by the residents and visitors to the *building* in accordance with the following standards:
- (i) a maximum of 103 *bicycle parking space-occupant*; and
 - (ii) a minimum of 0.15 *bicycle parking spaces – visitor*.

5. Definitions:

- (1) For the purposes of this By-law, the terms set forth in italics, subject to Section 5(2) of this By-law, have the same meaning as such terms have for the purposes of By-law No. 1-83, as amended:
- (2) The following definitions shall apply:
- (a) "*apartment-house*" shall mean a *building*, other than an *apartment-hotel*, erected for the purpose of providing *dwelling units*, together with required *indoor residential amenity space*, underground *parking spaces* to serve the residents and visitors of such *building*;
 - (b) "*bicycle parking space-occupant*" means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles for residents, and
 - a. where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres, and
 - b. where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (c) "*bicycle parking space – visitor*" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles and may be located outdoors or indoors but not within a secured room, enclosure or bicycle locker;
 - (d) "*established grade*" shall mean 167.46 metres Canadian Geodetic Datum;
 - (e) "*indoor residential amenity space*" shall mean an enclosed common area or areas within the building, at least one of which contains a kitchen and a washroom, which are provided for the exclusive use of residents of a building on the *lot* for recreational or social purposes;
 - (f) "*loading space – type G*" shall mean a loading space with a length of at least 13 metres, a width of at least 4 metres and a vertical clearance of at

least 6.1 metres;

- (g) "*lot*" shall mean the lands delineated by heavy lines on the attached Map 1 to this By-law; and
- (h) "*outdoor residential amenity space*" shall mean an unenclosed common area or areas on the lot which are provided for the exclusive use of residents of a building on the lot for recreational or social purposes.

- 6. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall continue to apply to the whole of the *lot* as if no severance, partition, or division occurred included, but not limited to the future 3.44 metre widening on Eglinton Avenue West.
- 7. Building permit issuance with respect to the lands to which this By-law applies shall be dependent upon satisfaction of the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

PURSUANT TO THE DECISION/ORDERS OF THE ONTARIO MUNICIPAL BOARD ISSUED ON NOVEMBER 30, 2010, DECEMBER 23, 2010 AND JULY 6, 2011 IN BOARD FILE NO. PL100535.

Appendix "1"

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the owner of the *lot* at its expense to the City in accordance with an agreement or 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, indemnity, insurance, HST, termination and unwinding and registration and priority of agreement:

1. Cash Contribution

Capital Contributions

- 1.1 The Owner agrees that it shall make a cash contribution to the City of Two thousand dollars (\$2,000) per unit, which amount shall be payable on the issuance of the First Above-Grade Building Permit.

Monthly Transit Pass

- 1.2 The Owner agrees to provide a monthly transit pass at no cost to the tenant for each residential tenancy for a period of 12 months, such transit pass to run with the unit for that period, irrespective of who may be occupying that unit.

2. Public Art

- 2.1 The Owner agrees that it shall pay $\frac{1}{2}\%$ of Gross Construction Cost of the development, all inclusive, as per the Percent for Public Art Program Guidelines, such monies to be payable prior to the issuance of the First Above-Grade Building Permit for the development.

EXPLANATORY NOTE FOR A ZONING BY-LAW AMENDMENT RESPECTING THE
PROPERTY MUNICIPALLY KNOWN AS 1603 EGLINTON AVENUE WEST

This is an application to amend the former City of York Zoning By-law No. 1-83, as amended, with respect to the lands municipally known as 1603 Eglinton Avenue West which is located on the south side of Eglinton Avenue West and west of Oakwood Avenue in the former City of York ("The Subject Site" see Maps 1 and 2 attached).

The Subject Site is currently zoned "Main Street Commercial/Residential Zone (MCR)" pursuant to the former City of York Zoning By-law (By-law No. 1-83), as amended (the "By-law"). The lands would remain zoned MCR and would be subject to a site-specific exception.

The proposed site-specific exception to the MCR zone would permit a mixed use building at a maximum height of 14 storeys (49.2 metres) and at a maximum gross floor area of 16,575 m² containing 172 dwelling units and 12 street townhouse units fronting onto Lanark Avenue. Ground Floor retail and service commercial uses are to be located on the ground floor of the mixed use building.



