

Authority: Toronto and East York Community Council Item 19.1,
as adopted by City of Toronto Council on October 30, 31 and November 1, 2012
Enacted by Council: November 1, 2012

CITY OF TORONTO

BY-LAW No. 1433-2012

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally as 161 and 173 - 175 Eglinton Avenue East.

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 has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

WHEREAS an increase in height and density has been requested; and

WHEREAS the Official Plan for the City of Toronto contains such provisions relating to the authorization of increase in height and density of development; 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 aforesaid land has elected to provide the facilities, services and matters, as set out in this By-law; and

WHEREAS the increases in the density and height permitted hereunder, beyond those otherwise permitted on 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 by the owner of the aforesaid lands and the City of Toronto; 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 the provisions of Section 2(1) with respect to the definitions of '*bicycle parking space – occupant*', '*bicycle parking space – visitor*', '*height*', '*grade*', and '*parking space*' and Sections 4(2)(a), 4(4)(b), 4(10), 4(13)(a) and (d), 4(16), 4(17)(a), (b) and (c), 6(3) Part I 1, 6(3) Part II, 6(3) PART III, 6(3) Part IV, 6(3) Part VII, 8(3) Part I 1, 2 and 3,

8(3) Part II, 8(3) Part III, 8(3) Part XI, 12(2) 118, 12(2) 119 and 12(2) 270 of Zoning By-law No. 438- 86, as amended, 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", shall apply to prevent the erection or use of any mixed use building on the *lot* which may contain dwelling units, non-residential uses, and a commercial parking garage, including uses accessory thereto, provided that:

Lot Description

- (a) the *lot* consists of those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;

Units and Gross Floor Area

- (b) the total *residential gross floor area* erected or used on the *lot* does not exceed 28,200 square metres;
- (c) the maximum number of *dwelling units* does not exceed 341 units;
- (d) the *non-residential gross floor area* erected or used on the *lot* does not exceed 1,912 square metres;
- (e) the total combined *non-residential gross floor area* and *residential gross floor area* erected or used on the *lot* does not exceed 29,602.0 square metres;

Setbacks

- (f) no part of any building or structure on the *lot* erected or used above finished ground level is located other than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law;

Height

- (g) no part of any building or structure on the *lot* erected or used above finished ground level shall exceed the *height* limits shown in metres and specified by the numbers following the letter "H" in the areas delineated by heavy lines on Map 2;

Projections

- (h) nothing in Sections 1(f) and 1(g) of this By-law shall prevent the following elements from projecting within the *lot* beyond the heavy lines and above *height* limits shown on Map 2:
 - (i) eaves, balustrades, railings, parapets, balconies, cornices, window sills, window washing equipment, lighting fixtures, ornamental elements, stair towers, trellises, planters, partitions dividing outdoor recreational areas,

guard rails, stairs, stair enclosures, wheelchair ramps, chimneys, vents, stacks, fences, screens, platforms, transformer vaults, architectural features, exhaust flues, elevator overruns, and other elements or structures on the roof of the building used for outside air exchange, green roof, safety or wind protection purposes which are located above the *height* of each of the roof levels of the building;

- (ii) *balconies* may extend for a maximum horizontal projection of up to 2.0 metres beyond the heavy lines shown on Map 2; and
- (iii) canopies may extend to a maximum horizontal projection of not more than 2.5 metres beyond the heavy lines shown on Map 2;

Residential Amenity Space

- (i) *residential amenity space* for the *dwelling units* shall be provided and maintained on the *lot* in accordance with Section 4(12) of By-law No. 438-86, as amended, with the exception that a minimum of 290 square metres of outdoor *residential amenity space* shall be provided;

Parking - Residential

- (j) *parking spaces* are to be provided and maintained on the *lot*, for that part of the *mixed-use building* that contains *residential gross floor area* in accordance with the following minimum requirements:
 - (i) 0.5 parking space(s) for each one bedroom or bachelor dwelling unit;
 - (ii) 0.85 parking spaces for each two bedroom dwelling unit; and
 - (iii) 1.0 parking spaces for each three or more bedroom dwelling units;
- (k) despite the definition of *parking space*, a maximum of 6 *tandem parking spaces* may be provided and calculated as part of the resident parking requirements to a maximum of 12 *parking spaces*;
- (l) no *parking spaces* shall be required for residential visitors to the *lot*;
- (m) for each on-site *car-share parking space* provided on the *lot*, the resident parking requirement shall be reduced by 4 *parking spaces*;
- (n) the maximum number of *car-share parking spaces* shall be 5;

Parking - Non-residential

- (o) no *parking spaces* shall be required for any portion of the *mixed-use building* that contains *non-residential gross floor area*;

- (p) a minimum of 40 *parking spaces* shall be provided in a *commercial parking garage*;

Parking - General

- (q) a maximum of 4 parallel *parking spaces* which are obstructed on one side may have a minimum width of 2.6 metres;
- (r) drive aisles in the *parking garage* shall have a minimum width of 6.0 metres, except that a maximum of 4 two-way drive aisles may have a minimum width of 5.8 metres;

Bicycles

- (s) *bicycle parking spaces* are to be provided and maintained on the *lot*, in accordance with the following minimum requirements:
 - (i) 0.75 parking spaces for each *dwelling unit* or a fraction thereof equal to or greater than 0.5;
- (t) *bicycle parking spaces* required in subsection 1(s) above shall be provided in the following proportion; 80 percent as *bicycle parking space – occupant* and 20 percent as *bicycle parking spaces – visitor*; and
- (u) notwithstanding Section 4(17)(e) of By-law No. 438-86, as amended, bicycle racks are not considered fixed objects which obstruct a *parking space*.

2. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the increase in *height* and *density* of development on the *lot* beyond that which is otherwise permitted in the By-law No. 438-86, as amended, is permitted in return for the provision by the *owner* of the *lot* to the City of the following facilities, services and matters at the *owner's* sole expense:

- (1) Prior to issuance of the first above grade building permit for the proposed development on the *lot*, the *owner* shall:
 - (a) provide the City with a cash payment by way of certified cheque payable to the Treasurer, City of Toronto, in the amount of \$1,400,000.00 to be applied at the discretion of the City as determined by the Chief Planner and Executive Director, in consultation with the Ward Councillor in accordance with the following or, towards other local area park or streetscape improvements, as deemed appropriate:
 - i. \$1,000,000.00 for public realm and streetscape capital improvements to Eglinton Avenue East (which are within Ward 22 in proximity to the site) and as are set out in the final recommendations of the Eglinton Planning Study being undertaken

in conjunction with the construction of the Eglinton Scarborough Crosstown LRT;

- ii. \$300,000.00 for landscaping improvements on the perimeter of and on the grounds of Eglinton Public School which are located in areas that are accessible to the public and which may include but are not limited to: street furniture on Eglinton Avenue East and Mt. Pleasant Road, street trees and bike racks on Brownlow Avenue, an outdoor drinking fountain, public art, and upgrades to the existing sports field; and
- iii. \$100,000.00 for streetscape improvements on Mt. Pleasant Road as may be identified in consultation with the Ward Councillor and the Mt. Pleasant Business Improvement Area;

such total amount is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment; and

- (2) The *owner* shall enter into and comply with one or more agreements with the City pursuant to Section 37 of the Planning Act which are registered on title to the *lot* to the satisfaction of the City Solicitor to secure:
 - (a) the matters provided for in Section 2 (1) (a) above;
 - (b) the provision by the *owner* of the following to facilitate the development:
 - (i) construction and payment for any improvements to the municipal infrastructure, as applicable, in connection with the Functional Servicing Report submitted for the proposed development and as accepted by the Executive Director of Technical Services should it be determined that improvements to such infrastructure are required; and
 - (ii) where *parking spaces* are being unitized within the development through a plan of condominium or otherwise, any *tandem parking spaces* provided shall each be created as one unit.
- 3. 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.
- 4. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the lot as well as the buildings and structures on the lot.
- 5. None of the provisions of By-law No. 438-86, as amended, shall apply to prevent a temporary *sales centre* on the *lot* as of the date of passing of this By-law.

6. The uses permitted in a Commercial Residential (CR) District pursuant to Section 8(1) of By-law No. 438-86, as amended, shall be permitted on the entire *lot* as shown on Map 1.
7. For the purposes of this By-law, each word or expression that is italicized shall have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended, except for the following:
- (a) "*bicycle parking space – occupant*" means an area that is equipped with a bicycle rack, stacker 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 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) notwithstanding paragraphs (a)(i) and (a)(ii) above, where the bicycles are to be parked in a stacker, being a device that allows bicycles to be positioned above or below one another with the aid of an elevating mechanism, space within the stacker shall have a length of at least 1.6 metres, a width of at least 0.4 metres, and the stacker may be located in an area with a vertical dimension of at least 2.5 metres;
 - (b) "*bicycle parking space – visitor*" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:
 - (i) where the bicycles are to be parked on a horizontal surface, "*the bicycle parking space – visitor*" has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, the "*bicycle parking space – visitor*" has horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (iii) notwithstanding paragraphs (b)(i) and (b)(ii) above, where the bicycles are to be parked in a stacker, being a device that allows bicycles to be positioned above or below one another with the aid of an elevating mechanism, space within the stacker shall have a length of at least 1.6 metres, a width of at least 0.4 metres, and the stacker may be located in an area with a vertical dimension of at least 2.5 metres; and
 - (iv) a *bicycle parking space - visitor* may be located within a secured room, enclosure or bicycle locker;
 - (c) "*grade*" means 161.03 metres Canadian Geodetic Datum;

- (d) "*car-share*" shall mean the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such *car-share* motor vehicles to be made available for short term rental, including hourly rental. *Car-share* organizations may require that the *car-share* motor vehicles 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 may not be refundable;
 - (e) "*car-share parking space*" shall mean a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes and such *car-share* is for the use of at least the occupants of the building;
 - (f) "*height*" means the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise expressly permitted pursuant to this By-law;
 - (g) "*parking space*" means an unimpeded area having minimum dimensions of 5.6 metres in length, 2.6 metres in width and 2.0 metres in vertical clearance and which is readily accessible at all times for parking and removal of a motor vehicle without the necessity of moving another vehicle;
 - (h) "*sales centre*" shall mean an office provided for the marketing or selling of *dwelling units* located or to be located on the *lot*;
 - (i) "*tandem parking space*" means an area that includes two *parking spaces*, one of which is not readily accessible for parking and removal of a motor vehicle without the necessity of moving another vehicle.
- 8.** Within the lands delineated by heavy lines on Map 1 attached, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this 1st day of November, A.D. 2012.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



