

Authority: Etobicoke York Community Council Item EY18.6, adopted as amended, by City of Toronto Council on December 13, 14 and 15, 2016

CITY OF TORONTO

BY-LAW No. 1255-2016

To amend Chapters 304, 320 and 324 of the Etobicoke Zoning Code with respect to lands municipally known as 4650 Eglinton Avenue West.

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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and 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 and matters in return for an increase in the height or 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 owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out;

The Council of the City of Toronto enacts:

1. That the zoning map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law 11,737, be and the same is amended by changing the classification of the **Lands** located in the former Township of Etobicoke as described in Schedule A annexed hereto from Fourth Density Residential (R4) and CPL to Fourth Density Residential (R4).
2. Notwithstanding the provisions of 320-6.2, 320-18, 320-43, 320-44, 320-65, 320-66, 320-67 and 320-68 the following development standards shall apply to the (R4) **Lands** described in Schedule A attached.
3. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
4. Definitions

The provisions of Section 304-3 Definitions of the Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law the following definitions shall apply:

"Building Envelope" means the building area permitted within the setbacks established in this By-law, as shown generally on Schedule B attached.

"Day Nursery" means an establishment providing temporary care or guidance for more than five children, from a continuous period not exceeding 24 hours and regulated under the *Day Nurseries Act*.

"Established Grade" is defined as 161.90 metres Canadian Geodetic Datum.

"Gross Floor Area" means, the total area of all floors in a building between the outside faces of exterior walls, except for storage rooms, laundry and recreations rooms where the floor level is at least 0.6 metres below grade, or parking areas for motor vehicles, *Mechanical Floor Area*, *Indoor Amenity Areas* up to 2 square metres per unit; below established grade, grade-related and above-grade areas devoted to required loading and bicycle parking; garbage shafts; and exit stairwells.

"Height" means, with respect to each section of the building erected within the **Building Envelope**, the vertical distance between the **Established Grade** of the **Lands**, to the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, architectural elements, roof planters and other landscape features, stairs and stair enclosures located on the roof.

"Indoor Amenity Area" means an indoor common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes.

"Lands" shall mean the lands described in Schedule A attached.

"Landscaped Open Space" means a yard or court on the **Lands** located at grade, above an underground parking area, above an aboveground parking structure, or roof top, which is suitable for landscaping. It shall include any part of the **Lands** occupied by accessory recreational buildings, surfaced walks, patios or similar areas, sports or recreational areas and ornamental or swimming pools, but shall exclude driveways, drive aisles, ramps or motor vehicle parking areas.

"Long Term Care Facility" means a residence, which may be located within a **Senior Citizens Retirement Home Facility**, designed primarily for seniors, which is occupied by three (3) or more persons, exclusive of staff, who by reason of their emotional, mental, physical or social condition or legal status are cared for on a temporary or permanent basis in a supervised group setting.

"Mechanical Floor Area" means a room or enclosed area, including its enclosing walls, within a building or structure above or below grade, that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators), elevator shafts, or telecommunications equipment that serves only such building.

"Minor Projections" means minor building elements which project from the main wall of the building beyond the **Building Envelope**, including roof eaves, window sills,

railings, cornices, guard rails, balustrades, porches, balconies and bay windows, to a maximum projection of 2.0 metres.

"Outdoor Amenity Area" means an outdoor common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes and for a **Day Nursery**.

"Senior Citizens' Apartment Units" means a building or structure containing self-contained separate dwelling units designed primarily for senior's occupancy. Each dwelling shall contain within it a kitchen and sanitary facilities but shall have access to common dining and lounge areas and each dwelling units shall have a separate entrance from a common hall.

"Senior Citizens Retirement Home Facility" means a building or structure or part thereof containing units designed primarily for seniors, which may include bedrooms, sitting rooms and areas and ensuite washrooms, and may include limited culinary facilities in units but shall not include an oven and where common facilities are provided for the preparation and consumption of food.

5. Permitted Uses

No building or structures shall be erected or used on the **Lands**, except for the following uses:

- (a) Apartment Building;
- (b) **Senior Citizens Apartment Units**;
- (c) **Senior Citizens' Retirement Home Facility**;
- (d) **Long-Term Care Facility**;
- (e) **Day Nursery**; and
- (f) Nothing in this By-law shall prevent the use of the **Lands** for a temporary sales office or temporary sales structure for the purpose of marketing and sales related to the uses permitted on the property, within a building on the same **Lands**. There shall be no development standards for the temporary sales office or structure.

6. Gross Floor Area

- (a) The maximum permitted **Gross Floor Area** shall be 28,000 square metres;
- (b) The minimum permitted **Gross Floor Area** of a **Day Nursery** shall be 344 square metres.

7. Maximum Density

The maximum Floor Space Index (FSI) permitted on the **Lands** shall be 3.36.

8. Number of Units

The maximum number of units permitted on the **Lands** shall be 272, of which 112 shall be for **Senior Citizen Apartment Units**.

9. Maximum Coverage

The maximum coverage on the **Lands** permitted shall be 42.5 percent.

10. Maximum Height

- (a) The maximum building **Height** permitted on the **Lands** designated (R4) and identified on Schedule A attached, shall be as shown on Schedule B attached;
- (b) A mechanical penthouse may project 6.1 metres beyond the maximum building **height**.

11. Setbacks/Building Envelope

- (a) No building or structure within the **Lands** shall be located other than within the Building Envelope shown on Schedule B;
- (b) In addition to the foregoing clause, the following provisions shall apply:
 - (i) Any portion of any building or structure which is located below **Established Grade** immediately adjoining such building or structure, maybe located outside of the **Building Envelope** for that building or structure but maintained within the **Lands** as shown on Schedule A;
 - (ii) **Minor projections** shall be permitted to project outside the **Building Envelope**; and
 - (iii) Permitted accessory structures, canopies, wheelchair and covered ramps, exterior stairs and associated covering, parapets and railings related to underground parking structures, vents, transformers, generators, playground equipment, temporary sales offices, fences, safety railings and other landscape features, shall be permitted outside the **Building Envelope**.

12. Parking, Loading and Bicycle Requirements

- (a) A minimum of 204 parking spaces shall be provided on the **Lands**, of which 72 will be marked for visitors and 40 shall be marked for employees and 12 shall be marked for daycare;
- (b) Parking spaces shall have minimum length of 5.6 metres, minimum width of 2.6 metres and a minimum vertical clearance of 2.1 metres;
- (c) A minimum of 15 bicycle parking spaces shall be provided on the **Lands**;

- (d) A bicycle parking space shall have a minimum length of 1.8 metres, a minimum width of 0.6 metres and a minimum vertical clearance from the ground of 1.9 metres;
- (e) Two loading spaces shall be required having a minimum length of 13 metres, a minimum width of 4.0 metres and a minimum vertical clearance of 6.1 metres.

13. Area Requirements

The following area requirements shall apply to the **Lands**:

- (a) **Landscaped Open Space:** a minimum 25 percent of the lot area shall be landscaped, of which 20 percent must be soft landscaping;
- (b) **Indoor Amenity Area:** a minimum of 2.0 square metres per unit shall be provided;
- (c) **Outdoor Amenity Area:** a minimum of 2.0 square metres per unit shall be provided.

14. Section 37

- (a) The density and height of development permitted by this By-law is subject to the Owner of the land, at its expense, providing the following capital facilities and/or cash contributions toward specific capital facilities pursuant to Section 37 of the *Planning Act* as follows:
 - (1) Prior to issuance of an above grade building permit the owner shall:
 - a) Submit a cash contribution of \$450,000 for parkland and/or park improvements in the vicinity of the site and/or community facilities in Ward 4 with an appropriate geographic relationship to the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made;
 - b) In the event the cash contribution identified in 14(a)(1)a) above has not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

- (2) The owner shall provide and maintain a minimum 344 square metres daycare facility to be operated as a private facility for a minimum of 15 years and use their best efforts to continue the use for another 10 years.
- (3) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee and updated in 2013.
- (4) Prior to any residential use on the **Lands** the owner shall construct, at no cost to the City, the following transportation facilities and improvements to the satisfaction of the General Manager, Transportation Services, with the specific details to be secured prior to Site Plan approval:
 - a) Submit a functional pavement marking and signage plan for the full-movement access driveway;
 - b) Pay for all costs associated with the approved functional pavement marking and signage plan;
 - c) Undertake any improvements required to any of the impacted signalised intersections within the area, including any signal timing adjustments or the provision of any additional signal hardware to existing traffic control signals, to accommodate the subject development.
- (b) Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in density of development on the **Lands** contemplated herein is permitted in return for the provision by the owner, at the owners expense, of the following facilities, services and matters which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the **Lands**, to the satisfaction of the City Solicitor.
- (c) Where this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (d) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Section 14(a) are satisfied.
- (e) Prior to the issuance of any building permit for all or any portion of the Lands, the owner of the Lands is required to enter into and register on title to the Lands one or more agreements with the City pursuant to Section 37 of the *Planning Act*, as a method to secure the facilities, services, and matters set forth in Section A(i), to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

15. Chapter 324, Site Specifics, of the Zoning Code is amended to include reference to this By-law.
16. Nothing in this By-law shall apply to prevent the phased construction of the development, provided that the requirements of the By-law are complied with upon the completion of each phase.
17. Notwithstanding any severance, partition or division of the **Lands**, the provisions of this Bylaw shall apply to the whole of the **Lands** as if no severance, partition or division occurred.
18. In addition to the uses permitted under this By-law, a sales centre/trailer and/or construction trailer is permitted without restriction during the development of the **Lands**.
19. Chapter 324, Site Specific, of the Zoning Code is amended to include reference to this By-law.

| BY-LAW NUMBER AND ADOPTION DATE | DESCRIPTION OF PROPERTY | PURPOSE OF BY-LAW |
|--|--|---|
| 1255-2016 December 15, 2016 | Lands municipally known as 4650 Eglinton Avenue West | To amend the former Etobicoke Code from R4 and CPL to R4 to permit the development of a Seniors Apartment Building and Retirement Home with site specific standards |

Enacted and passed on December 15, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



