

Authority: Toronto and East York Community Council Item TE27.4, as adopted by City of Toronto Council on November 7, 8 and 9, 2017 and Item CC44.11, as adopted by City of Toronto Council on July 23, 24, 25, 26, 27 and 30, 2018

CITY OF TORONTO

BY-LAW 1257-2018

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands known municipally in 2017 as 1 Eglinton Avenue East.

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 authority is given to Council by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to impose the holding symbol (h) and to remove the holding symbol (h) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (h) symbol with conditions in the zoning by-law; 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; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the Planning Act, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the facilities, services and matters set out in Appendix 1, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act.

2. Upon execution and registration of an agreement or agreements with the *owner* pursuant to Section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Appendix 1, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirement.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Holding Provisions:

The lands zoned with the h symbol delineated by heavy lines on Map 1 attached to and forming part of this By-law shall not be used for any purpose other than those uses and buildings as existing on the site as of July 1, 2017 until the h symbol has been removed. An amending by-law to remove the h symbol shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of Council:
 - a. the Owner has entered into an appropriate financially secured agreement to pay for and construct any improvements to the municipal infrastructure to the satisfaction of Chief Engineer and Executive Director, Engineering and Construction Services, including but not limited to the extension of the storm sewer along Cowbell Lane indicated in the Functional Servicing Report dated September 2017 and prepared by Schaeffers Consulting Engineers;
 - b. the Owner has confirmed that the connection of the second 200 millimetre fire service to the new watermain along Eglinton Avenue East can be made and permitted by Metrolinx where required, as indicated in the Functional Servicing Report mentioned in the preceding paragraph, and that it has the capacity to service the proposed development, to the satisfaction of Chief Engineer and Executive Director, Engineering & Construction Services; and
 - c. the Owner has submitted a revised Geotechnical Report reflecting the change in proposed building structure to the satisfaction of the General Manager, Toronto Water.
5. Except as otherwise provided herein, the provisions of By-law 438-86 shall continue to apply to the *lot*.
6. The lands subject to this By-law are those lands outlined by a heavy black line and identified as "1 Eglinton Avenue East" on the date of adoption of this By-law as shown on Map 1 attached.

7. None of the provisions of Sections 2(1) with respect to the definition of "grade", "height" "lot", and "residential amenity space"; 4(2) ; 4(4); 4(12); 4(14); 4(17)(a); 8(3)(Parts I, II, and III); 12(2) 118(iv); 12(2) 119(iii); 12(2) 269; and 12(2) 270 of By-law 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of, parking, 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 and use of a *mixed-use building* with underground parking on the *lot*, provided that all of the provisions of this By-law are complied with:
- a. the *height* of any building or structure on the *lot* shall not exceed the height in metres specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law provided that stepbacks at various levels of the building are complied with in accordance with Map 3a and Map 3b attached to and forming part of this By-law with the following exceptions:
 - i. The maximum height for elevator overruns, mechanical equipment, and stair enclosures shall be the sum of 6 metres and the applicable height limit shown on Map 2;
 - ii. The maximum height for terraces and balcony guards, elements of a green roof and insulation and roof surface materials, planters, railings, parapets, ornamental architectural features, chimney stacks and structures used for safety or wind protection purposes shall be the sum of 3 metres and the applicable height limit shown on Map 2;
 - iii. The maximum height for window washing equipment shall be the sum of 8 metres and the applicable height limit shown on Map 2; and
 - iv. The maximum height for a ladder for maintenance purposes shall not exceed the sum of 1.2 metre and the applicable height limit shown on Map 2;
 - b. the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 58,000 square metres;
 - c. the total *residential gross floor area* erected or used on the *lot* shall not exceed 46,500 square metres;
 - d. the total *non-residential gross floor area* erected on the *lot* shall not exceed 12,000 square metres;
 - e. the minimum office portion of the total *non-residential gross floor area* shall be 10,800 square metres;
 - f. a minimum of 10 percent of *dwelling units* provided on the lot shall have three bedrooms;

- g. no portion of any building or structure is located otherwise than wholly within the areas delineated by heavy lines shown on Map 1;
- h. notwithstanding (g) above, the minimum yard setbacks for parking structures and structures associated thereto below grade shall be 0.0 metres from the limits of the *lot*;
- i. notwithstanding (a) and (g) above, balconies and canopies may extend up to 3.0 metres beyond the walls to which they are attached and up to a maximum of 5 metres on the south elevation beyond the walls to which they are attached of the building on floors 10 through 14, provided they are in accordance with the shaded area on Maps 3a and 3b of By-law 1257-2018;
- j. a minimum of 2,400 square metres combined of indoor and outdoor *residential amenity space* shall be provided on the *lot*;
- k. parking spaces shall be provided and maintained on the *lot* in accordance to the following:
 - i. Non-residential – 0.41 *parking spaces* per 100 square metres of *non-residential floor area*;
 - ii. Residential – a minimum of 0.35 *parking spaces* per *dwelling unit*;
 - iii. Visitor – a minimum of 0.06 *parking spaces* per *dwelling unit*;
 - iv. The parking requirements listed in k(i) and k(ii) above may be reduced by four *parking spaces* for each *car-share parking space* provided. The maximum reduction is calculated using the following formula: 4 x (Total No. of Residential Units/60), rounded down to the nearest whole number;
 - v. Residential visitor *parking spaces* may be shared with the non-residential *parking spaces*;
 - vi. The *parking space* dimensions of Provision 4(17)(a) shall apply except that 61 *parking spaces* on the *lot* may have a length of 5.2 metres; and
 - vii. Accessible *parking spaces* shall be provided and are to be located closest to a pedestrian access to the building in an underground parking garage on the *lot*; and
- l. for the purpose of this By-law, the following expressions shall have the following meaning:
 - i. "*Height*" means the vertical distance between *grade* and the highest point of the building or structure;

- ii. "*Lot*" means those lands as of the day of passing of this By-law delineated by heavy lines on Map 1;
- iii. "*Car-share*" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers drive, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
- iv. "*Car-share parking space*" means a *parking space* that is reserved and actively used for car-sharing by occupants of a building on the *lot*, accessory to the residential use of the *lot*;
- v. "*Grade*" means the Canadian Geodetic Datum elevation of 161.9 metres; and
- vi. "*Residential amenity space*" means indoor or outdoor space on a *lot* that is communal and available for use by the occupants of a building on the *lot* for recreational or social activities.

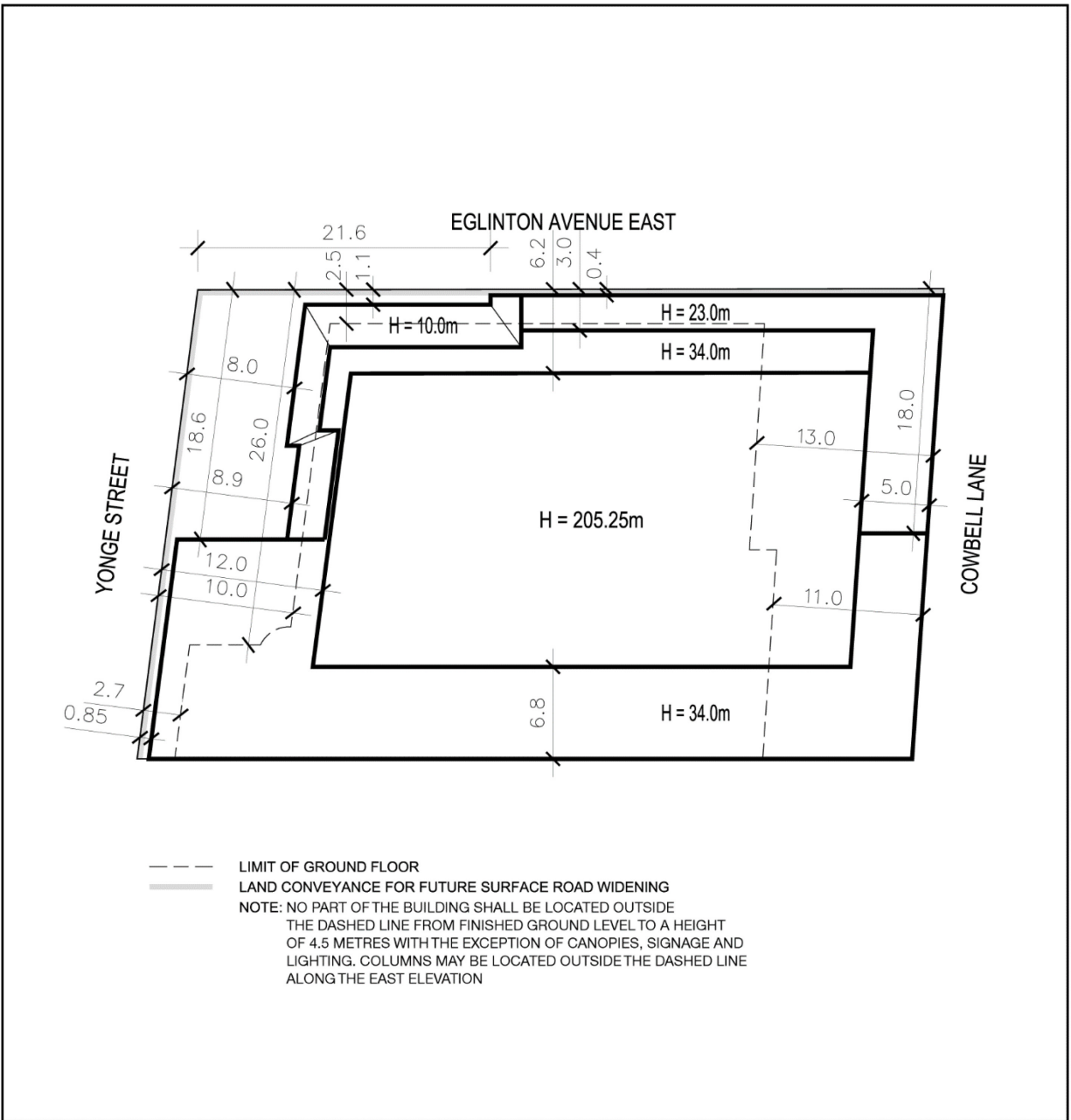
Enacted and passed on July 27, 2018.

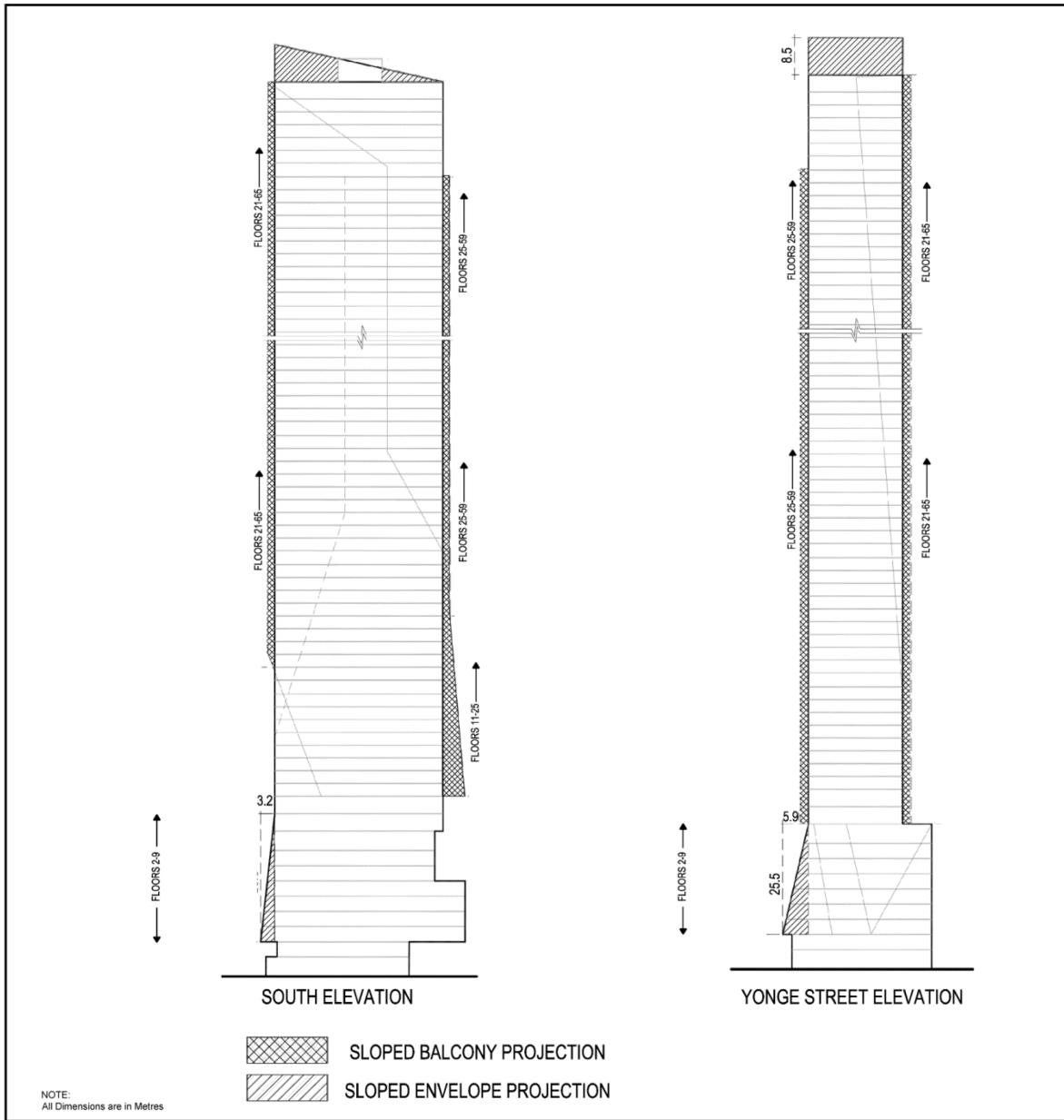
Glenn De Baeremaeker,
Deputy Speaker

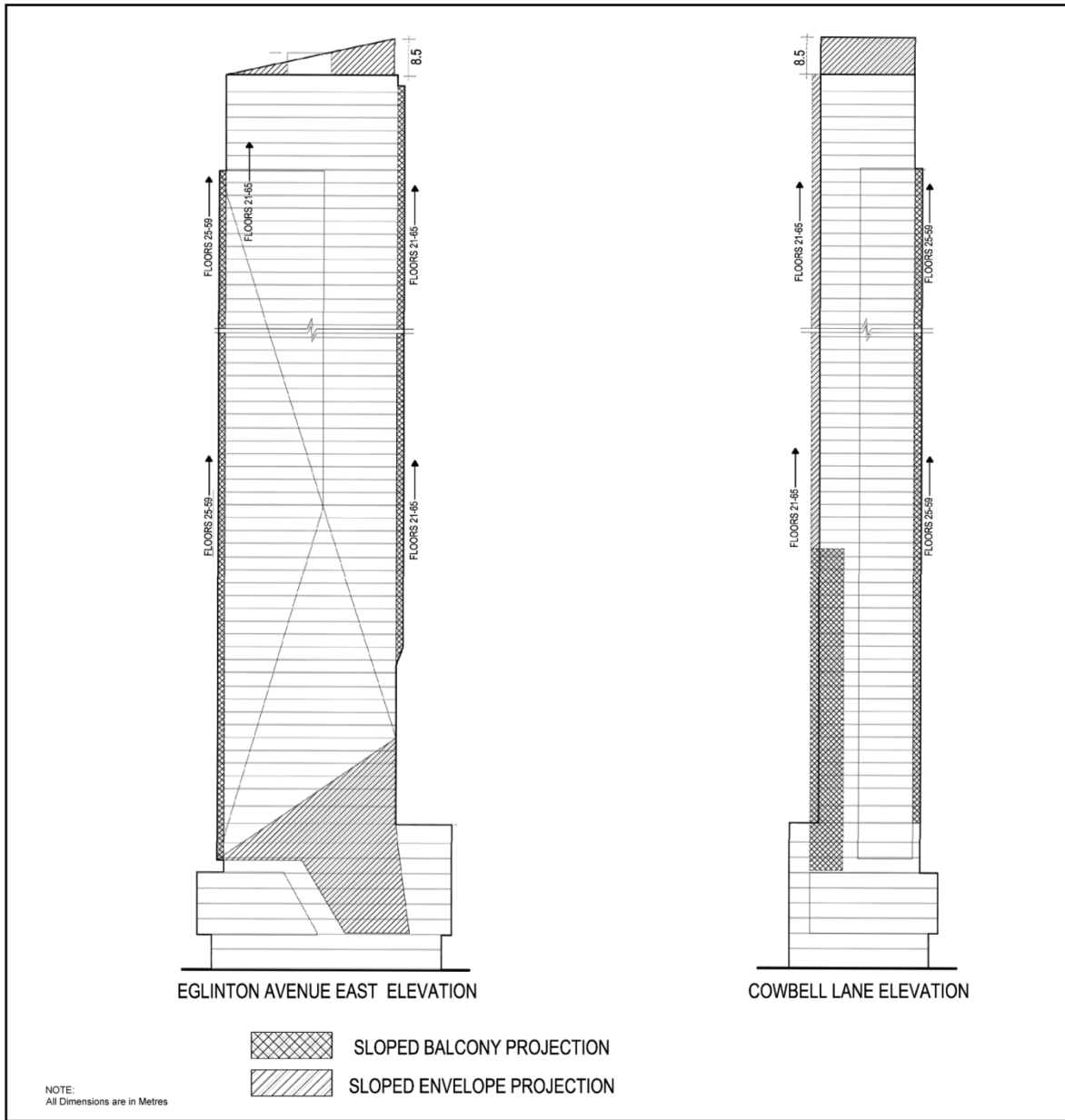
Ulli S. Watkiss,
City Clerk

(Seal of the City)









Appendix 1

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Map 1 of this By-law and secured in an agreement or agreements under 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, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement, whereby the owner agrees as follows:

1. Upon this zoning by-law coming into force and effect, and prior to the issuance of a foundation permit the owner shall:
 - a. provide a cash contribution of \$1,000,000.00 to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the day the payment is made, to be provided to the City for upgrades to the Davisville Community Centre recreational facilities; in the event the cash contribution has not been used for the intended purpose within three (3) years of the by-law coming into full force and effect, it may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lands.
2. The owner shall provide and maintain the following:
 - a. upgrades to the Privately Owned Publicly-Accessible Space (POPS), generally as detailed in accordance with the Landscape Plan and cost estimates prepared by Terraplan Landscape Architects, estimated to have a value of \$885,760.00;
 - b. upgrades to Cowbell Lane from Eglinton Avenue East to Soudan Avenue, exact details to be determined in the context of a site plan approval, estimated to have a value of \$418,348.00; and
 - c. a connection to the existing pedestrian tunnel under Yonge Street as detailed in architectural plans prepared by Hariri Pontarini Architects, estimated at \$1,918,000 as detailed in the report prepared by Altus Group Limited dated January 22, 2016; any additional cost of providing this connection will be absorbed by the Owner; but this does not include providing barrier free access beyond the property line of the subject lands; the Owner shall also enter into any required agreements with the TTC and/or the City of Toronto, pay any fees, and prepare any documents necessary for this entrance at the owner's sole cost.

3. The owner shall provide the following to support the development of the lands:
- a. the Owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a privately owned publicly accessible (POPS) courtyard area of not less than 280 square metres, located generally along the Yonge Street frontage of the site, and shall convey, prior to the registration of the Condominium, an easement along the surface of the lands which shall constitute the POPS, for nominal consideration, to the City. The specific location, configuration and design of the POPS shall be determined in the context of site plan approval pursuant to Section 114 of the City of Toronto Act, 2006 and secured in a Site Plan Agreement with the City. The Owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of the day and night, 365 days of the year;
 - b. the Owner shall construct, to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway on the east portion of the subject property adjacent to Cowbell Lane which shall have a minimum width of 1.5 metres and a minimum height of 4.5 metres and shall provide a direct at-grade connection from Eglinton Avenue East south along the east property line of the subject site. Prior to the registration of the Condominium, the Owner shall convey to the City, for nominal consideration, an easement along the surface of the lands which shall constitute the pedestrian walkway, to the satisfaction of the City Solicitor. The specific location, configuration and design of the pedestrian walkway shall be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;
 - c. the Owner shall construct, to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway on the west portion of the subject property adjacent to Yonge Street which shall be of a width required to achieve a minimum 3.7 metres pedestrian clearway and a minimum height of 4.5 metres on the subject site. Prior to the registration of the Condominium, the Owner shall convey to the City, for nominal consideration, an easement along the surface of the lands which shall constitute the pedestrian walkway, to the satisfaction of the City Solicitor. The specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006 and secured in a Site Plan Agreement with the City;
 - d. the Owner shall construct, to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway on the north portion of the subject property adjacent to Eglinton Avenue East which shall be of a width required to achieve a minimum 3.0 metres pedestrian clearway and a minimum height of 4.5 metres on the subject site. Prior to the registration of the Condominium, the Owner shall convey to the City, for nominal consideration, an easement along the surface of the lands which shall constitute the pedestrian walkway, to the satisfaction of the City Solicitor. The specific location,

configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City; and

- e. the Owner shall, at its sole expense, design and construct an entrance connection, which shall be fully integrated into any proposed development on the subject site, linking the development to the Eglinton Subway Station. The entrance to the connection shall be designed to meet TTC standards and to be open and in operation all hours that the subway is in operation. The developer shall also enter into any required agreements, with the TTC and/or the City of Toronto, pay any fees, and prepare any documents necessary for this entrance at the Owner's sole cost.