

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 1258-2018

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in 2017 as 1 Eglinton Avenue East.

Whereas Council of the City of Toronto has the authority pursuant to 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 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 569-2013, 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. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

2. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to (h)CR 5.0 (c4.0; r3.0) SS2 (x127) as shown on Diagram 2 attached to this By-law.
3. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 127 so that it reads:

Exception CR (127)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 1 Eglinton Avenue East, if the requirements in Section 4, Section 5 and Schedule A of By-law 1258-2018 are complied with, none of the provisions of 40.10.40.10(2) and 40.10.40.40(1) will prevent the erection or use of a **building** or **structure** permitted in compliance with (B) to (O) below;
- (B) Despite regulation 40.10.40.1(1) with respect to the location of commercial uses in a **mixed use building**, does not apply;
- (C) Despite regulation 40.10.20.100 (2), a **Nightclub** is not a permitted use;
- (D) Despite regulation 40.10.40.10(2), the height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 161.9 metres (CGVD2013);
- (E) Despite regulation 40.5.40.10(1) and 40.10.40.10(2), the height of any **building** or **structure** must not exceed the maximum height specified by the numbers following the symbol HT as shown on Diagram 3 of By-law 1258-2018 provided that setbacks at various levels of the building are complied with in accordance with Diagrams 4a and 4b of By-law 1258-2018;
- (F) Despite (E) above, and regulation 40.5.40.10(4):
 - (i) elevator overruns, mechanical equipment, and stair enclosures may project to a maximum of 6.0 metres above the applicable height limit shown on Diagram 3 of By-law 1258-2018;
 - (ii) terraces and balcony guards, elements of a **green roof** and insulation and roof surface materials, planters, railings, parapets, and ornamental architectural features, may project to a maximum of 3.0 metres above the applicable height limit shown on Diagram 3 of By-law 1258-2018;
 - (iii) window washing equipment may project to a maximum of 8.0 metres above the applicable height limit shown on Diagram 3 of By-law 1258-2018 and

- (iv) a ladder for maintenance purposes may project to a maximum of 1.2 metres above the applicable height limit shown on Diagram 3 of By-law 1258-2018
- (G) Despite regulations 40.10.40.70(2) and 40.10.40.80(2), no portion of any **building** or **structure** may be located otherwise than wholly within the areas delineated by heavy lines shown on Diagram 3 of By-law 1258-2018;
- (H) Despite regulations 40.10.40.60 and (G) above, balconies and canopies may project into a required **building setback** up to 3.0 metres beyond the areas delineated by heavy lines on Diagram 3 of By-law 1258-2018 and not more than 5.0 metres on the southeast elevation of the building on floors 10 through 14 provided they are in accordance with the shaded area of Diagrams 4a and 4b of By-law 1258-2018;
- (I) Despite regulations 40.10.40.40(1), the total **gross floor area** erected or used on the **lot** must not exceed 55,000 square metres, of which:
 - (i) the maximum residential **gross floor area** is 45,000 square metres; and
 - (ii) the maximum non-residential **gross floor area** is 11,500 square metres;
- (J) A minimum of 10,550 square metres of the **gross floor area** permitted in (I)(ii) above, must be used for office;
- (K) A minimum of 10 percent of the **dwelling units** must have three bedrooms;
- (L) Despite Table 200.10.5.1 **Parking spaces** must be provided and maintained on the **lot** in accordance to the following:
 - (i) non residential – a minimum of 0.41 **parking spaces** for each 100 square metres of non-residential floor area;
 - (ii) residential – a minimum of 0.35 **parking spaces** for each **dwelling unit**;
 - (iii) visitor – a minimum of 0.06 **parking spaces** for each **dwelling unit**;
 - (iv) the parking requirements listed in L(i and ii) may be reduced by four **parking spaces** for each **car share parking space** provided. The maximum reduction is calculated using the following formula: $4 \times (\text{Total No. of Residential Units} / 60)$ rounded down to the nearest whole number; and
 - (v) residential visitor **parking spaces** may be shared with the non-residential **parking spaces**;
- (M) Despite Clause 200.5.10(2) a maximum of 61 required **parking spaces** on the **lot**, which are not accessible **parking spaces**, may have a length of 5.2 metres;

- (N) Despite Clause 200.15.1(5) accessible **parking spaces** may be provided in an underground parking garage on the **lot**, if they are located closest to a pedestrian access to the **building**; and
- (O) Despite Clause 220.5.10.1 **loading spaces** for all uses must be provided and maintained on the **lot** in accordance to the following:
 - (i) one "Type B" **loading space**;
 - (ii) two "Type C" **loading spaces**; and
 - (iii) one "Type G" **loading space**.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(2) 270(a) of former City of Toronto By-law 438-86.

4. Holding Provisions:

The lands delineated by heavy lines on Diagram 1 attached to and forming part of this By-law, and zoned with an h symbol pursuant to Diagram 2, 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 condition(s) has 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 the 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 as accepted by the Chief Engineer and Executive Director of Engineering & Construction Services;
- (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 Chief Engineer and Executive Director, Engineering and 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. Section 37 Provisions:

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A and 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;
- (B) Where Schedule A of 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; and
- (C) 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 Schedule A are satisfied.

Enacted and passed on July 27, 2018.

Glenn De Baeremaeker,
Deputy Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
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 Diagram 1 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act 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 the City for upgrades to the Davisville Community Centre recreational facilities, 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.

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. 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;

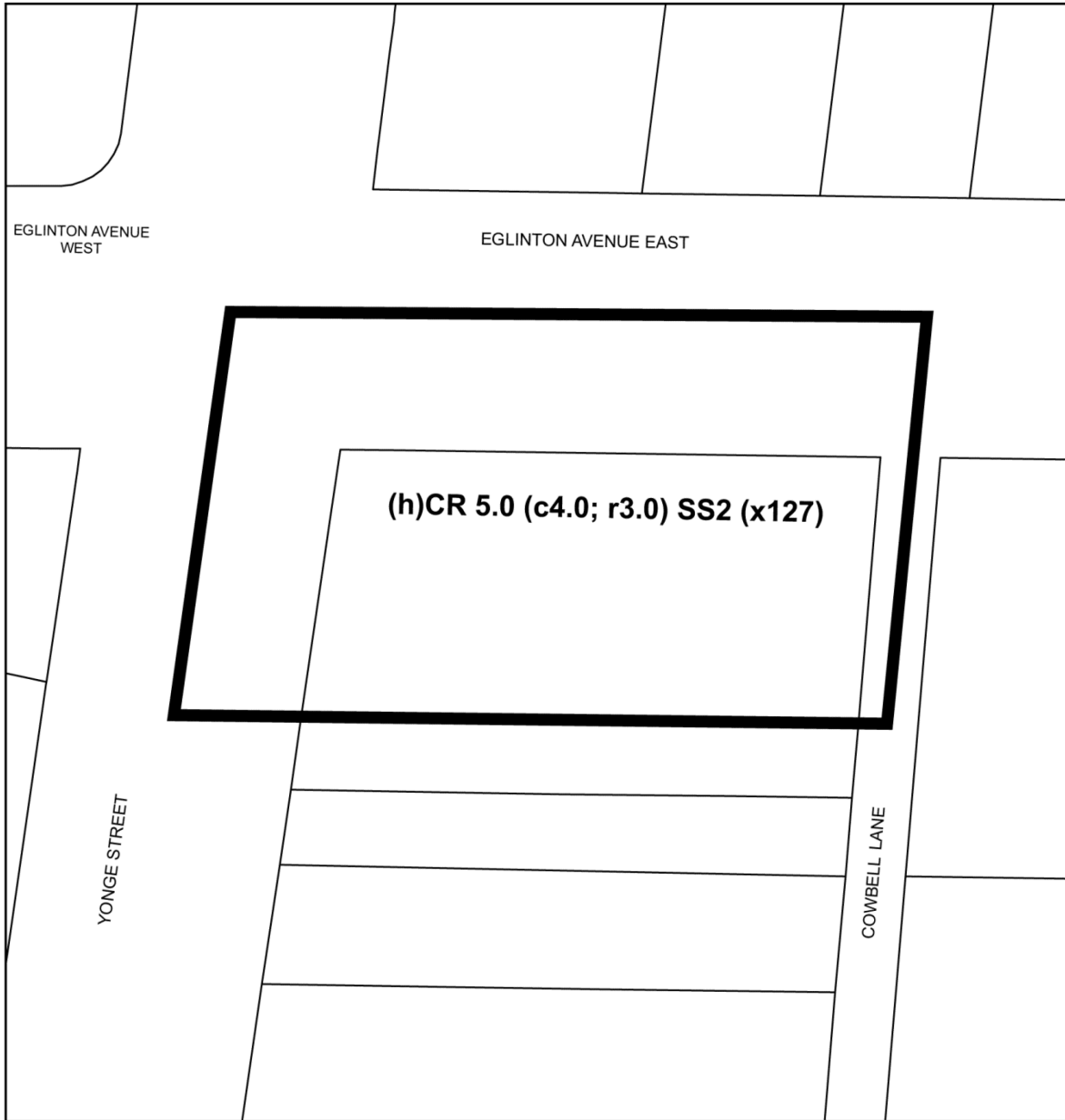
- b. an accessible public pedestrian walkway on the east portion of the subject property adjacent to Cowbell Lane which shall have a minimum width of 1.5 metres and a minimum height of 4.5 metres and shall provide a direct at-grade connection from Eglinton Avenue East south along the east property line 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. 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. 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. 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.
4. In the event the cash contribution referred to in Section (1) has not been used for the intended purpose within three (3) years of this 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 of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



 **TORONTO**
Diagram 1

1 Eglinton Avenue East

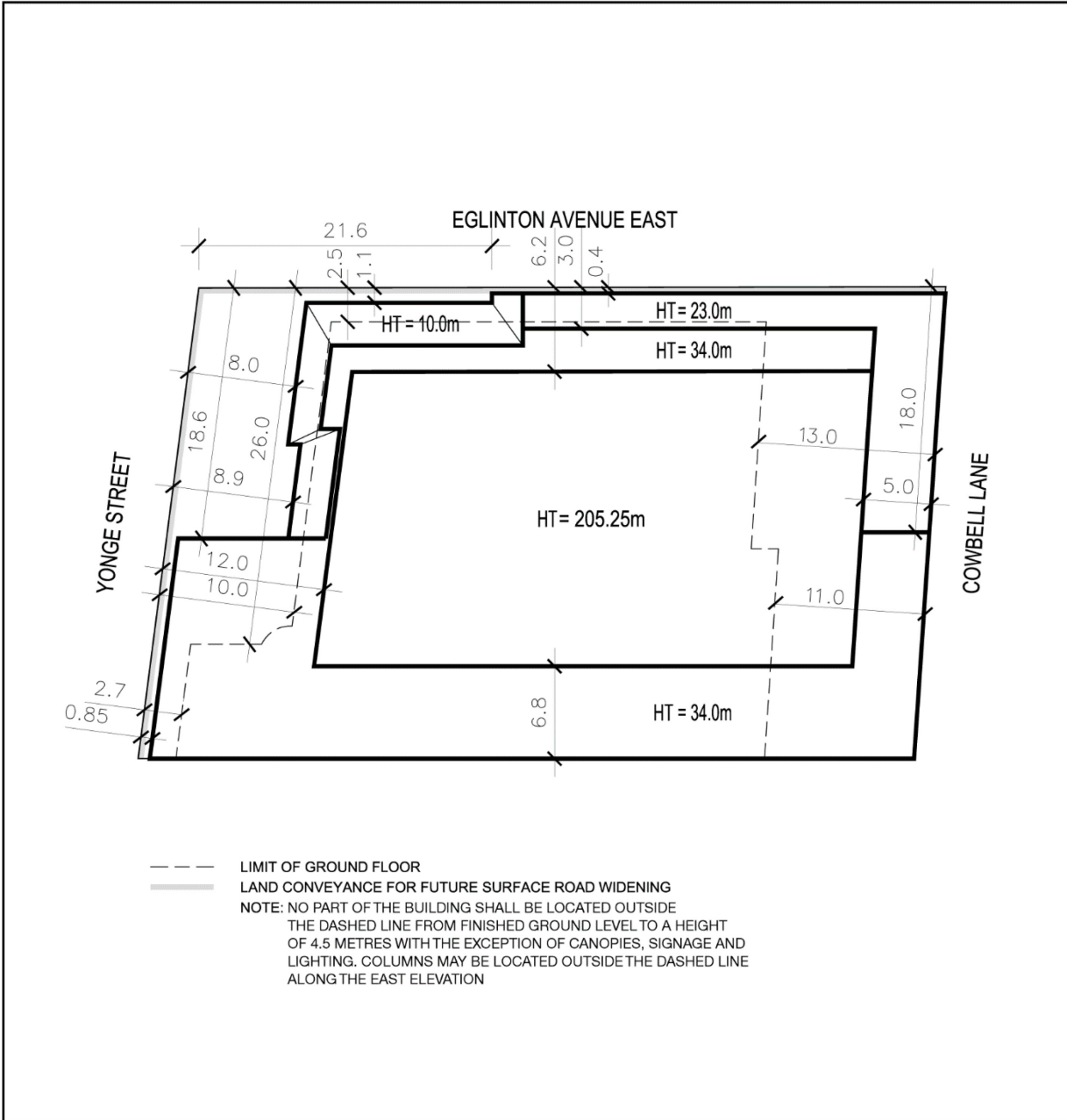
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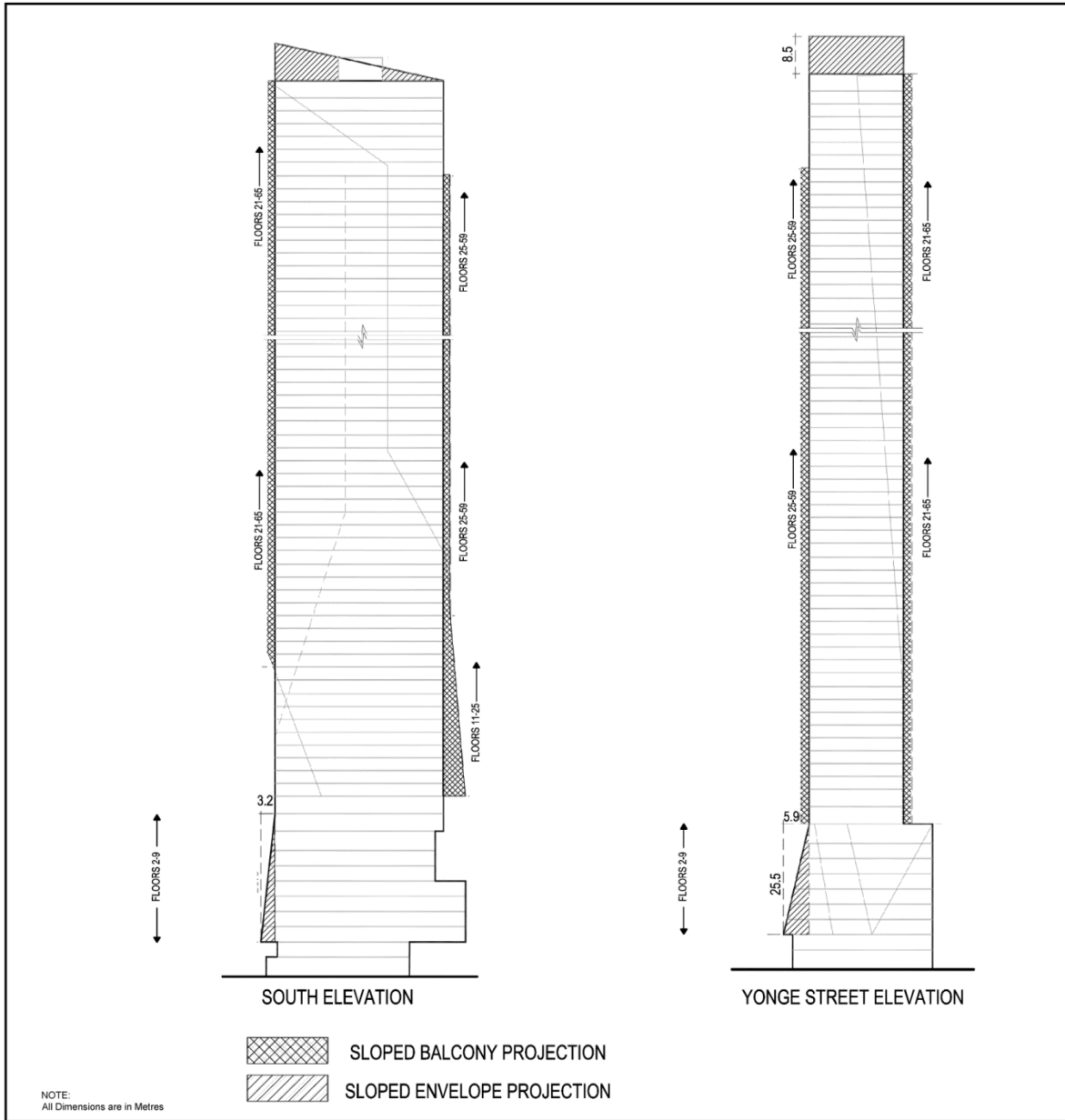


 **TORONTO**
Diagram 2

1 Eglinton Avenue East

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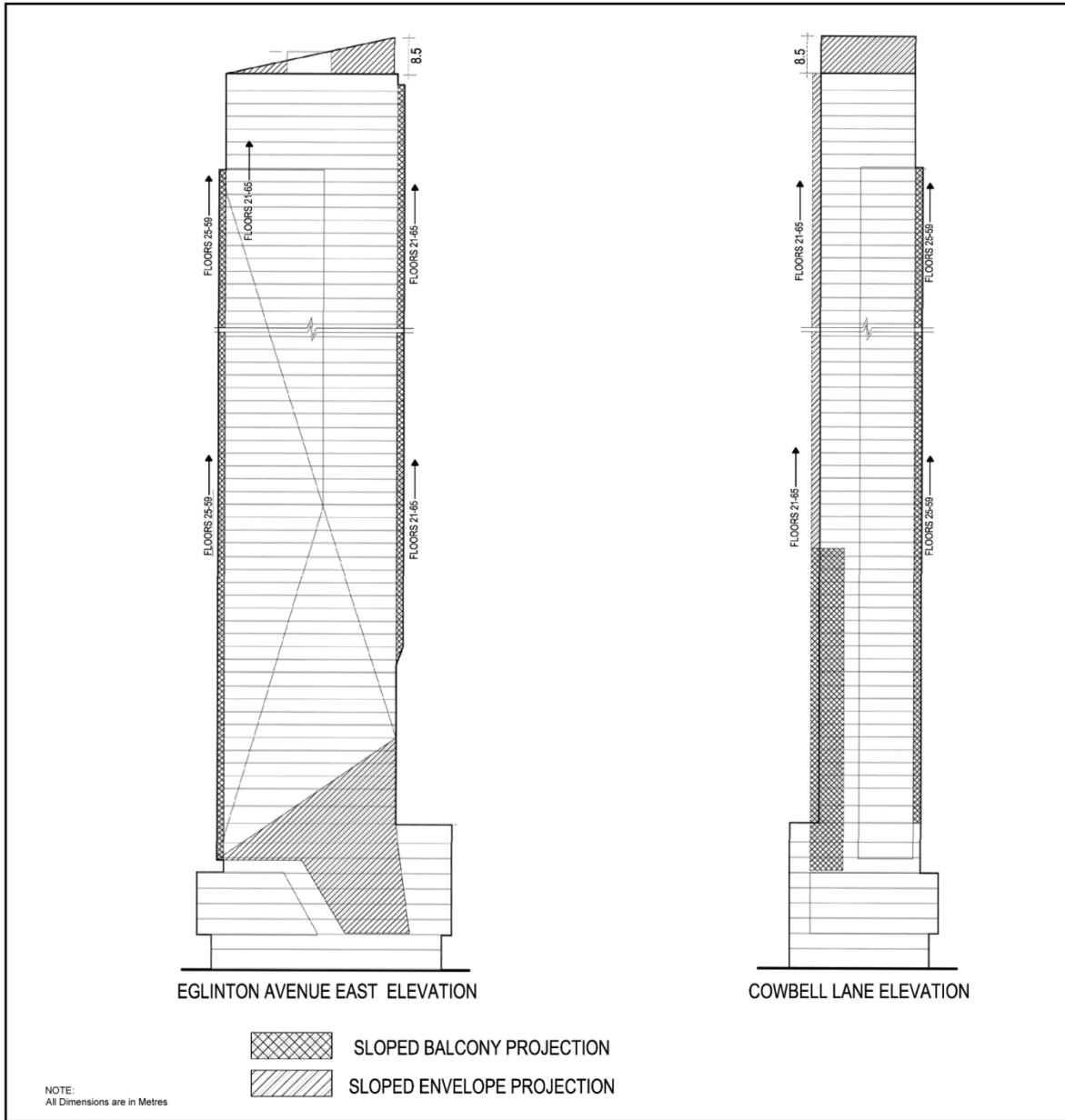


 **TORONTO**
Diagram 4a

1 Eglinton Avenue East

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City of Toronto By-Law 569-2013
Not to Scale
07/20/2018



TORONTO
Diagram 4b

1 Eglinton Avenue East

File # 14 266776 STE 22 OZ

City of Toronto By-Law 569-2013
Not to Scale
07/20/2018