

Authority: Local Planning Appeal Tribunal Orders issued on May 24, 2019 and October 28, 2020 in Tribunal Case PL170275

CITY OF TORONTO

BY-LAW 958-2020(LPAT)

To amend the former Borough of East York Zoning By-law 6752, as amended, with respect to the lands municipally known as, 2, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48 and 50 Secord Avenue and 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108 and 110 Eastdale Avenue.

Whereas the Local Planning Appeal Tribunal, formerly the Ontario Municipal Board, by its Order issued May 24, 2019 and October 28, 2020 in File PL170275, approved amendments to amend the former Borough of East York Zoning By-law 6752, as amended, with respect to the lands known municipally in the year 2019 as 2, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48 and 50 Secord Avenue and 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108 and 110 Eastdale Avenue; and

Whereas the Local Planning Appeal Tribunal has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to approve this 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 set out in Appendix A to this By-law; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by Zoning By-law 6752, 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 Local Planning Appeal Tribunal Orders:

1. The lands subject to By-law 958-2020(LPAT) are those lands outlined by a heavy black line as shown on Map 1 attached hereto.
2. Zoning By-law 6752, as amended, as it applies to the lands identified as Block B on Map 1 of By-law 958-2020(LPAT), is further amended by changing the zoning category for the lands outlined in a heavy black line on Map 1 from G (Parks) to Residential R3A – Site Specific (R3A.6) Zone.
3. Zoning By-law 6752, as amended, as it applies to the lands identified as Block E on Map 1 of By-law 958-2020(LPAT), is further amended by changing the zoning category for the lands outlined in a heavy black line on Map 1 from Residential R3A – Site Specific (R3A.13) Zone to G (Parks).
4. Zoning By-law 6752, as amended, is hereby further amended by deleting Section 7.7.5.6 and Section 7.7.5.13 of Zoning By-law 6752 and replacing them with the following new Section 7.7.5.6 and Section 7.7.5.13:

"7.7.5.6 **48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108 and 110 Eastdale Avenue (R3A.6 Zone)**

7.7.5.6.1 **Area Restricted**

The provisions of Section 7.7.5.6 shall only apply to lands shown as Blocks A, B and C on Map 1 of By-law 958-2020(LPAT).

7.7.5.6.2 **General Provisions**

On those lands referred to in Section 7.7.5.6.1 of this By-law, no person shall use, occupy, erect, alter, cause to be used, occupied, erected or altered, any Building, Structure, or land or part thereof, except in accordance with the following provisions:

(1) **Definitions**

For the purpose of Section 7.7.5.6, each word or expression that is capitalized shall have the same meaning as such terms have for the purpose of By-law 6752, as amended, except for the following, which shall have the following meanings:

(a) **ACCESSIBLE PARKING SPACE:**

Means a Parking Space with the following minimum dimensions: 5.6 metres in length, 3.4 metres in width and a vertical clearance of 2.1 metres. An Accessible Parking

Space shall also be adjacent to a 1.5 metres wide accessible barrier free aisle or path.

(b) **BICYCLE PARKING SPACE:**

Means an area for the parking and storing of a bicycle.

(c) **CAR-SHARE:**

Means 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. To use a Car-Share vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.

Vehicles are generally reserved in advance and fees for use are normally based on time and/or charge fees based on kilometres driven.

(d) **CAR-SHARE PARKING SPACE:**

Means a Parking Space exclusively reserved and used only for Car-Share purposes whereby the vehicle is accessible to at least the occupants of the Buildings on the Lot.

For each Car-Share Parking Space provided, the minimum number of required residential Parking Spaces may be reduced by 4 Parking Spaces, to a maximum of 4 Car-Share Parking Spaces.

The dimensions of a Car-Share Parking Space shall conform to the standards for a Parking Space.

(e) **COMMERCIAL LEASING OFFICE:**

Means a space within a Building to be used as a temporary or permanent leasing office associated with the marketing and leasing of Dwelling Units in Buildings on the Lot.

(f) **GRADE:**

Means the geodetic elevation above sea level for each of the following Blocks as shown on Map 1 of By-law 958-2020(LPAT):

- (i) 127.75 metres for Block A shown on Map 1 of By-law 958-2020(LPAT).

- (ii) 127.30 metres for Block B shown on Map 1 of By-law 958-2020(LPAT); and
- (iii) 127.40 metres for Blocks C shown on Map 1 of By-law 958-2020(LPAT).

(g) **GROSS FLOOR AREA:**

Means the sum of the total area of each floor level of a Building, above and below the ground, measured from the exterior of the main wall of each floor level, reduced by the area in the Building used for:

- (a) Parking Spaces, Loading Spaces and Bicycle Parking Spaces below-ground;
- (b) Loading Spaces and Bicycle Parking Spaces at ground level;
- (c) storage rooms, washrooms, electrical utility, mechanical and ventilation rooms below ground;
- (d) shower and change facilities in association with Bicycle Parking Spaces;
- (e) Residential Amenity Space - Indoor;
- (f) elevator shafts;
- (g) garbage shafts;
- (h) mechanical penthouse; and
- (i) exit stairwells in the Building.

(h) **LOADING SPACE:**

Means an area used for the loading or unloading of goods or commodities from a vehicle with the following minimum dimensions: 13.0 metres in length, 4.0 metres in width and a vertical clearance of 6.1 metres.

(i) **LONG-TERM BICYCLE PARKING SPACE:**

Means the Bicycle Parking Spaces for use by the occupants or tenants of a Building on the Lot.

(j) **LOT:**

Means the lands outlined by a heavy black line as identified on Map 1 By-law 958-2020(LPAT).

(k) **PARKING SPACE:**

Means an area for the parking and storing of a motor vehicle.

(l) **PRIVATELY-OWNED PUBLICLY ACCESSIBLE OPEN SPACE:**

Means a space on the lands situated at ground level, within the shaded area identified on Map 1 of By-law 958-2020(LPAT), that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plazas, and ornamental structures, and is used principally for the purposes of sitting, standing and other recreational uses.

(m) **RESIDENTIAL AMENITY SPACE - INDOOR:**

Means an indoor common area or areas on the Lot, which are provided for the exclusive use of residents of the Buildings on the Lot for recreational or social purposes.

(n) **RESIDENTIAL AMENITY SPACE - OUTDOOR:**

Means an outdoor common area or areas on the Lot, which are provided for the exclusive use of residents of the Buildings on the Lot for recreational or social purposes.

(o) **SHORT-TERM BICYCLE PARKING SPACE:**

Means the Bicycle Parking Spaces for use by visitors to a Building on the Lot.

(p) **STACKED BICYCLE PARKING SPACE:**

Means a horizontal Bicycle Parking Space that is positioned above or below another Bicycle Parking Space and equipped with a mechanical device providing floor level access to both Bicycle Parking Spaces.

(2) Block A(a) Permitted Uses, Buildings, Structures

The permitted uses of the lands shown as Block A on Map 2 of By-law 958-2020(LPAT) shall be for residential use and for development with an apartment Building and a townhouse project consisting of multiple attached Dwelling Units.

(b) Development Requirements

The development of Block A shall be in accordance with Map 2 of By-law 958-2020(LPAT) and subject to the following regulations:

- (i) The maximum number of Storeys is 24.
- (ii) The apartment Building shall contain a maximum of 383 Dwelling Units.
- (iii) There shall be a maximum of 22 multiple attached Dwelling Units.
- (iv) No part of any Building, either above or below Grade, shall be located closer than 3 metres to the street line of Eastdale Avenue.
- (v) The minimum amount of Residential Amenity Space - Indoor shall be 70 square metres.

(3) Block B(a) Permitted Uses, Buildings, Structures

The permitted use of the lands shown as Block B on Map 3, of By-law 958-2020(LPAT) is for an apartment Building.

(b) Development Requirements

The development of Block B shall be subject to the following regulations:

- (i) No part of any Building erected or used above Grade shall be located otherwise than wholly within the areas delineated by the heavy lines on Map 3 of By-law 958-2020(LPAT), subject to the exceptions contained within Section 7.7.5.6.2(7) below.

- (ii) The Height of any part of the Building, as measured from Grade, shall not exceed the Height in metres specified by the numbers following the symbol H on Map 3 of By-law 958-2020(LPAT), subject to the exceptions contained within Section 7.7.5.6.2(6) below.
- (iii) The maximum number of Storeys is 35.
- (iv) The maximum number of Dwelling Units is 404.
- (v) The Gross Floor Area of the Building shall not exceed 29,000 square metres.
- (vi) The minimum number of Loading Spaces shall be one.

(4) Block C

(a) Permitted Uses, Buildings, Structures

The permitted use of the lands shown as Block C on Map 4 of By-law 958-2020(LPAT) is for an apartment Building.

(b) Development Requirements

The development of Block C shall be subject to the following regulations:

- (i) No part of any Building erected or used above Grade shall be located otherwise than wholly within the areas delineated by the heavy lines on Map 4 of By-law 958-2020(LPAT), subject to the exceptions contained within Section 7.7.5.6.2(7) below.
- (ii) The Height of any part of the Building, as measured from Grade does not exceed the Height in metres specified by the numbers following the symbol H on Map 4 of By-law 958-2020(LPAT), subject to the exceptions contained within Section 7.7.5.6.2(6) below.
- (iii) The maximum number of Storeys is 7.
- (iv) The maximum number of Dwelling Units is 80.
- (v) The Gross Floor Area of the Building shall not exceed 8,500 square metres.

(5) Blocks A, B and C: Commercial Leasing Office

Notwithstanding Sections 7.7.5.6.2(2)(a), 7.7.5.6.2(3)(a) and 7.7.5.6.2(4)(a) above, a Commercial Leasing Office with a maximum area of 200 square metres is permitted on the lands shown as Blocks A, B and C on Map 1 of By-law 958-2020(LPAT).

(6) Height

No portion of the Buildings on Blocks B and C as shown on Map 1 of By-law 958-2020(LPAT) shall have a greater Height in metres than the height limit specified by the numbers following the symbol "H" shown on Maps 3 and 4 of By-law 958-2020(LPAT), with the exception of the following:

- (a) Parapet, vents, towers, antennas, maintenance equipment, window washing equipment, elements of a green roof, lighting fixtures and building elements used for outside open air recreation, safety or wind protection purposes may project a maximum of 3 metres above the heights shown on Maps 3 and 4 of By-law 958-2020(LPAT);
- (b) Equipment or Structures that are used for the functional operation of the Building, storage and water supply facilities, enclosed stairwells, elevator overruns and mechanical penthouses may project a maximum of 6.0 metres above the heights shown on Maps 3 and 4 of By-law 958-2020(LPAT); and
- (c) Notwithstanding Section 7.7.5.6.2(6)(a) and Section 7.7.5.6.2(6)(b) above, nothing shall prevent the elements listed in Section 7.7.5.6.2(6)(a) from projecting above the elements listed in Section 7.7.5.6.2(6)(b) up to a maximum height of 3.0 metres.

(7) Setbacks

No part of any Building or Structure on Blocks B and C, as shown on Map 1 of By-law 958-2020(LPAT), erected or used above Grade shall be located other than wholly within the areas delineated by heavy lines shown on Maps 3 and 4 of By-law 958-2020(LPAT), with the exception of the following:

- (a) Cornices, awnings, canopies, balconies, ornamental elements, trellises, window sills, balustrades, stairways and railings, stair enclosures, wheelchair ramps, underground and above grade garage ramps, and retaining walls may

project to a maximum of 3 metres beyond the heavy lines shown on Maps 3 and 4 of By-law 958-2020(LPAT).

(8) Parking

- (a) The minimum number of total Parking Spaces for the Buildings located on Blocks A, B and C, as shown on Map 1 of By-law 958-2020(LPAT), shall be calculated on a rate of:
 - (i) A minimum of 0.42 Parking Spaces shall be provided for residents for each Dwelling Unit;
 - (ii) A minimum of 0.1 Parking Spaces shall be provided for visitors for each Dwelling Unit; and
 - (iii) A minimum of 13 Parking Spaces provided for the Buildings located on Blocks A, B and C shall be Accessible Parking Spaces.
- (b) No Parking Spaces shall be required for a Commercial Leasing Office referred to in Section 7.7.5.6.2(5).
- (c) Notwithstanding Section 7.7.5.6.2(8)(a) above, Parking Spaces provided for residential visitors on Blocks A, B and C may be used for the Commercial Leasing Office.
- (d) Of the total Parking Spaces, a maximum of 4 Car-Share Parking Spaces may be provided for the Buildings located on Blocks A, B, and C shown on Map 1 of By-law 958-2020(LPAT).
- (e) Notwithstanding any provision of By-law 6752, as amended by By-law 498-2007, to the contrary, for the Buildings located on Blocks A, B and C shown on Map 1 of By-law 958-2020(LPAT), Parking Spaces required for residential visitors may be provided with or without a fee.
- (f) Notwithstanding any provision of By-law 6752, as amended by By-law 498-2007 and By-law 958-2020(LPAT), to the contrary, Parking Spaces, drive aisles, driveways and ramps existing on Blocks A and B shown on Map 1 of By-law 958-2020(LPAT), as of August 1, 2015 may be maintained and are deemed to comply with the requirements of By-law 6752, as amended.

(9) Bicycle Parking

- (a) The minimum number of total Bicycle Parking Spaces for the Buildings located on Blocks B and C shown on Map 1 of By-law 958-2020(LPAT), shall be calculated on a rate of:
 - (i) A minimum of 0.9 Long-Term Bicycle Parking Spaces shall be provided for each Dwelling Unit; and
 - (ii) A minimum of 0.1 Short-Term Bicycle Parking Spaces shall be provided for each Dwelling Unit.
- (b) Bicycle Parking Spaces for the Buildings located on Blocks A, B and C shown on Map 1 of By-law 958-2020(LPAT), may be provided in a Stacked Bicycle Parking Space and are permitted at ground level or within the first level below ground level.
- (c) The dimensions of a Bicycle Parking Space for the Buildings located on Blocks A, B and C shown on Map 1 of By-law 958-2020(LPAT), shall be in accordance with the following standards:
 - (i) A minimum length of 1.8 metres;
 - (ii) A minimum width of 0.6 metres; and
 - (iii) A minimum vertical clearance from the ground of 1.9 metres.
- (d) Notwithstanding 7.7.5.6.2(9)(c) above, a Bicycle Parking Space on Blocks A, B and C shown on Map 1 of By-law 958-2020(LPAT), that is placed in a vertical position on a wall, structure or mechanical device shall have the following dimensions:
 - (i) A minimum length of 1.9 metres;
 - (ii) A minimum width of 0.6 metres; and
 - (iii) A minimum vertical clearance from the ground of 1.2 metres.
- (e) The dimensions of a Stacked Bicycle Parking Space shall be in accordance with the following standards:

- (i) A minimum length of 2.0 metres;
- (ii) A minimum width of 0.4 metres; and
- (iii) A minimum vertical clearance from the ground of 1.2 metres per Stacked Bicycle Parking Space.

(10) Residential Amenity Space

- (a) A minimum total of 920 square metres of Residential Amenity Space - Indoor shall be provided on Blocks A, B and/or C, which may be located above or below Grade on Blocks A, B and/or C shown on Maps 2, 3 and 4 of By-law 958-2020(LPAT).
- (b) A minimum total of 920 square metres of Residential Amenity Space - Outdoor shall be provided on Blocks A, B and/or C shown on Maps 2, 3 and 4 of By-law 958-2020(LPAT).

(11) Privately-Owned Publicly Accessible Open Space

A Privately-Owned Publicly Accessible Open Space with a minimum area of 600 square metres shall be provided within the shaded areas on Blocks B and C shown on Map 1 of By-law 958-2020(LPAT).

7.7.5.6.3 Section 37 Requirements

- (1) Pursuant to Section 37 of the Planning Act, and subject to compliance with Section 7.7.5.6 and Section 7.7.5.13, the increase in height and density of the development is permitted beyond that otherwise permitted on the Lot in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix A to By-law 958-2020(LPAT) 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.
- (2) Where Appendix A to By-law 958-2020(LPAT) 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.
- (3) The owner shall not use, or permit the use of, a Building or Structure erected with an increase in height and density pursuant to Section 7.7.5.6 and Section 7.7.5.13 unless all provisions of Appendix A to By-law 958-2020(LPAT) are satisfied.

7.7.5.13 **2, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48 and 50 Secord Avenue (R3A.13 Zone)**

7.7.5.13.1 Area Restricted

The provisions of Section 7.7.5.13 shall only apply to the lands on the northerly side of Secord Avenue between Barrington Avenue and Eastdale Avenue, shown as Block D on Map 5 of By-law 958-2020(LPAT).

7.7.5.13.2 General Provisions

On those lands referred to in Section 7.7.5.13.1 of this By-law, no person shall use, occupy, erect, alter, cause to be used, occupied, erected or altered, any Building, Structure, or land or part thereof, except in accordance with the following provisions:

(1) Definitions

For the purpose of Section 7.7.5.13, each word or expression that is capitalized shall have the same meaning as such terms have for the purpose of By-law 6752, as amended, except for the following, which shall have the following meanings:

(a) **COMMERCIAL LEASING OFFICE:**

Means a space within a Building to be used as a temporary or permanent leasing office associated with the marketing and leasing of Dwelling Units in Buildings on the Lot.

(b) **GRADE:**

Means the geodetic elevation above sea level for Block D shown on Map 1 of By-law 958-2020(LPAT):

- (i) 127.40 metres for Block D shown on Map 1 of By-law 958-2020(LPAT).

(c) **LOT:**

Means the lands outlined by a heavy black line as identified on Map 1 By-law 958-2020(LPAT).

(d) **PARKING SPACE:**

Means an area for the parking and storing of a motor vehicle.

(e) **PRIVATELY-OWNED PUBLICLY ACCESSIBLE OPEN SPACE:**

Means a space on the lands situated at ground level, within the shaded area identified on Map 1 of By-law 958-2020(LPAT) that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plazas, and ornamental structures, and is used principally for the purposes of sitting, standing and other recreational uses.

(f) **RESIDENTIAL AMENITY SPACE – INDOOR:**

Means an indoor common area or areas on the Lot, which are provided for the exclusive use of residents of the Buildings on the Lot for recreational or social purposes.

(2) **Block D**

(a) **Permitted Uses, Buildings, Structures**

The permitted use of the lands on the northerly side of Secord Avenue between Barrington Avenue and Eastdale Avenue, shown as Block D on Map 5 of By-law 958-2020(LPAT), shall be for residential uses and for the development with an apartment Building, a townhouse project consisting of multiple attached Dwelling Units, a public park and Privately-Owned Publicly Accessible Open Space.

(b) **Development Requirements**

The development of Block D shall be in accordance with Map 5 of By-law 958-2020(LPAT) and subject to the following regulations:

- (i) The apartment Building shall contain a maximum of 22 Storeys.
- (ii) The apartment Building shall contain a maximum of 305 Dwelling Units.
- (iii) There shall be a maximum of 10 multiple attached Dwelling Units.

- (iv) No part of any Building, either above or below Grade, shall be located closer than 3 metres to any street line.
- (v) The minimum amount of Residential Amenity Space - Indoor shall be the greater of 75 square metres and the amount of Residential Amenity Space - Indoor that existed at the time of issuance of the final Order of the Local Planning Appeal Tribunal in Case PL170275.
- (vi) A Privately-Owned Publicly Accessible Open Space with a minimum area of 790 square metres shall be provided within the shaded area on Block D shown on Map 1 of By-law 958-2020(LPAT).

(3) Parking

- (a) The minimum number of total Parking Spaces for the Buildings located on Block D shown on Map 5 of By-law 958-2020(LPAT) shall be provided in accordance with the following standards:
 - (i) A minimum of 0.42 Parking Spaces shall be provided for residents for each Dwelling Unit; and
 - (ii) A minimum of 19 Parking Spaces shall be provided for visitors.
- (b) Notwithstanding any provision of By-law 6752, as amended by By-law 498-2007, to the contrary, for the Buildings located on Block D shown on Map 5 of By-law 958-2020(LPAT), Parking Spaces required for visitors may be provided with or without a fee.
- (c) Notwithstanding any provision of By-law 6752, as amended by By-law 498-2007, to the contrary, Parking Spaces, drive aisles, driveways and ramps existing on Block D as of August 1, 2015 may be maintained and are deemed to comply with the requirements of By-law 6752, as amended by By-law 498-2007.

(4) Block D: Commercial Leasing Office

Notwithstanding Section 7.7.5.13.2(2)(a) above, a Commercial Leasing Office with a maximum area of 100 square metres is permitted.

7.7.5.13.3 Section 37 Requirements

- (1) Pursuant to Section 37 of the Planning Act, and subject to compliance with Section 7.7.5.6 and Section 7.7.5.13, the increase in height and density of the development is permitted beyond that otherwise permitted on the Lot in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix A to By-law 958-2020(LPAT) 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.
- (2) Where Appendix A to By-law 958-2020(LPAT) 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.
- (3) The owner shall not use, or permit the use of, a Building or Structure erected with an increase in height and density pursuant to Section 7.7.5.6 and Section 7.7.5.13 unless all provisions of Appendix A to By-law 958-2020(LPAT) are satisfied.

5. Other Provisions:

- (1) Notwithstanding any existing or future severance, partition, or division of part of the Lot, the provisions of By-law 958-2020(LPAT) shall continue to apply to the Lot.
- (2) Subject to the amendments contained in By-law 958-2020(LPAT), all other provisions of former Borough of East York Zoning By-law 6752, as amended, shall continue to apply to the Lot.
- (3) Notwithstanding the provisions of By-law 958-2020(LPAT), any multiple attached dwellings that existed on the date this by-law came into effect shall be permitted on the Lot.

Local Planning Appeal Tribunal Orders issued on May 24, 2019 and October 28, 2020 in Tribunal Case PL170275.

Appendix A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the owner of the Lot, at the owner's sole cost and expense, to the City, in accordance with one or more 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, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1. A total financial contribution of \$1,000,000.00 payable to the City prior to issuance of the first above-grade building permit and indexed upwardly in accordance with Statistics Canada Non-Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table 18-10-0135-02, or its successor, calculated from the date of the Section 37 Agreement to the date of payment, with the funds to be allocated as follows:
 - a. a financial contribution of \$300,000.00 to be directed toward parks, public realm improvements and/or community services and facilities in the local area of the lands subject to this by-law, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, in accordance with the terms and conditions of the Section 37 Agreement;
 - b. a financial contribution of \$700,000.00 to be directed either toward the above base park improvements to the lands of the new public park and/or toward parks, public realm improvements and/or community services and facilities in the local area of the Lot, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, in accordance with the terms and conditions of the Section 37 Agreement; and
 - c. design and construction of above base park improvements to the new public park, satisfactory to the General Manager, Parks, Forestry and Recreation, in exchange for a development charge credit against the parks and recreation component of development charges applicable to the development, in accordance with the terms and conditions of the Section 37 Agreement.
2. Prior to issuance of the first above-grade building permit, the owner shall submit:
 - a. a design and cost estimate for above base park improvements to the lands of the new park, to be approved by the General Manager, Parks, Forestry and Recreation, and
 - b. deliver financial security satisfactory to the General Manager, Parks, Forestry and Recreation in an amount equivalent to one hundred and twenty percent (120 percent) of the monetary value the parks and recreation component of the development charges payable for the development, all in accordance with the terms and conditions of the Section 37 Agreement.

3. The following matters are secured in the Section 37 Agreement as matters required to support the development of the Lot:

a. Prior to the occurrence of the earlier of:

- (i) July 30, 2021, or such other date as the owner the City mutually agree to in writing; and
- (ii) issuance of the first above-grade building permit.

the owner shall convey a 1,654.5 square metre parcel of land at the northwest corner of Eastdale Avenue and Secord Avenue to the City in exchange for the conveyance by the City to the owner of the lands of the Eastdale Parkette, all in accordance with the terms and conditions of the Section 37 Agreement.

b. On or before the occurrence of the earlier of:

- (i) July 30, 2021, or such other date as the owner the City mutually agree to in writing; and
- (ii) issuance of the first above-grade building permit.

the owner shall provide letters of credit to the Executive Director, Corporate Real Estate Management of the City in the total amount of \$1,132,355.80 as security for the owner's obligations under the Section 37 Agreement for the following obligations, all in accordance with the Section 37 Agreement:

- (i) tenant relocation: \$79,013.00
- (ii) demolition: \$231,456.00
- (iii) park remediation work: \$821,886.80

c. Prior to issuance of the first above-grade building permit, the owner shall convey to the City an onsite parkland dedication of a minimum of 445 square metres immediately adjacent to the 1,654.5 square metre parcel of land referenced in paragraph 3.a. above, which together will constitute the lands of the new park, generally located at the northwest corner of Secord Avenue and Eastdale Avenue.

d. Prior to the occurrence of the earlier of

- (i) July 30, 2021, or such other date as the owner the City mutually agree to in writing; and
- (ii) issuance of the first above-grade building permit.

the owner shall enter into a lease agreement with the City with respect to the lands of the new park, with the City as landlord and the owner as tenant, all in accordance with the Section 37 Agreement.

- e. Prior to issuance of the first above-grade building permit, the owner shall:
 - (i) submit a design and cost estimate for base park improvements to the lands of the new park, to be approved by the General Manager, Parks, Forestry and Recreation, and
 - (ii) deliver to the City financial security satisfactory to the General Manager, Parks, Forestry and Recreation in an amount equivalent to one hundred and twenty percent (120 percent) of the monetary value of base park improvements to the lands of the new public park, in accordance with the terms and conditions of the Section 37 Agreement.

- f. The owner shall provide privately owned publicly-accessible open spaces, in accordance with the terms and conditions of the Section 37 Agreement, as follows:
 - (i) prior to the termination of the lease agreement, referenced in paragraph 3.d. above, a publicly-accessible open space of not less than 796 square metres fronting onto Secord Avenue, designed to connect to and function seamlessly with the new public park as a continuous, publicly-accessible open space, and
 - (ii) no later than ten (10) months after the first occupancy of the new 35-storey apartment building, a publicly-accessible open space of not less than 612 square metres fronting onto Lumsden Avenue.

The owner shall design, construct, operate, maintain and repair the open spaces and install and maintain signs, at its own expense, stating that members of the public shall be entitled to use the open spaces at all times of the day and night, 365 days of the year, with the specific location, configuration and design of the Secord Avenue open space to be determined in accordance with the timelines set out in the Section 37 Agreement, and the specific location, configuration and design of the Lumsden Avenue open space 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, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

- g. Prior to the occurrence of the earlier of:
 - (i) July 30, 2021, or such other date as the owner the City mutually agree to in writing; and
 - (ii) issuance of the first above-grade building permit.

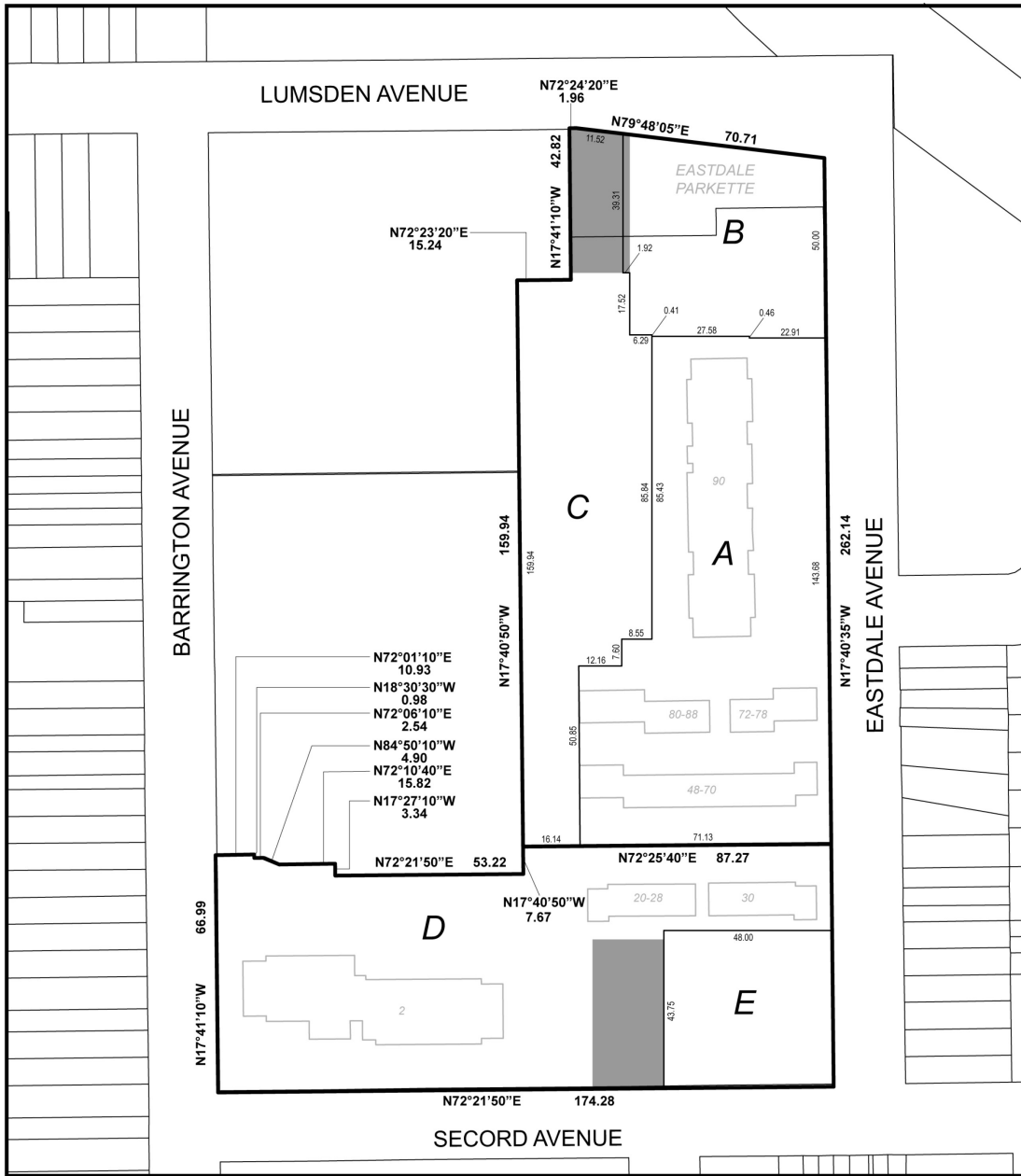
The owner shall design, construct, and subsequently operate, maintain and repair a temporary privately owned publicly-accessible open space, which will function as an interim park until the new public park has been constructed, all in accordance with the terms and conditions of the Section 37 Agreement.

- h. Prior to issuance of the first building permit, including a conditional building permit, the owner shall provide a construction management plan to the satisfaction of the Chief Engineer and Executive Director, City Engineering and Construction Services, in accordance with the terms and conditions of the Section 37 Agreement.
- i. Prior to issuance of the first building permit, including a conditional building permit, the owner shall provide a tenant communication strategy to the satisfaction of the Chief Planner and Executive Director, City Planning, in accordance with the terms and conditions of the Section 37 Agreement.
- j. The owner shall ensure that 718 retained rental units are maintained on the Lot as rental housing, comprised of the unit mix set out in the Section 37 Agreement and in accordance with its terms and conditions.
- k. The owner shall construct and maintain the development on the Lot in accordance with Tier 1 performance measures of the Toronto Green Standard, and the owner is encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate through the Site Plan Approval process.
- l. The owner shall design, construct, operate, maintain and repair site improvements, to be determined and approved through the Site Plan Approval process pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City, or such other process as may be provided in the Section 37 Agreement, and completed no later than six (6) months after issuance of the first residential demolition permit for the demolition of the townhouses located at 8-18 and 40-50 Secord Avenue, unless an earlier timeline is specifically identified in the Section 37 Agreement, all to the satisfaction of the Chief Planner and Executive Director, City Planning and in accordance with the terms and conditions of the Section 37 Agreement, as follows:
 - (i) improvements to the triangular piece of land in the City road allowance at the intersection of Eastdale Avenue and Lumsden Avenue with soft landscaping features;
 - (ii) provision of and improvements to hard and soft landscaping features throughout the site and the lands of the Eastdale Parkette, including but not limited to private streets, driveways, ramps, servicing areas, lighting for internal streets, driveways, walkways and amenity areas, landscaping (including the provision of private and public trees), walkways, and outdoor amenity space;

-
- (iii) construction and landscaping of all new private streets to the applicable City standards;
 - (iv) provision of way-finding signage throughout the site and the lands of the Eastdale Parkette relating to replacement rental units and other aspects of the site and the lands of the Eastdale Parkette;
 - (v) re-grading of the site and of the lands of the Eastdale Parkette in accordance with approved grading plans, including the regrading of the area to the north of the 2 Secord Avenue pool;
 - (vi) extension of the backyards of the townhouse retained rental units at 48-68 and 70-88 Eastdale Avenue and elimination of the existing walkway, while maintaining service access to the backyards, and, no later than six (6) months after completing demolition of all the 22 rental units to be demolished as part of the development on the Lot, landscaping of the extended backyards, with landscaping to include, at a minimum, grading work, planting of vegetation, installation of hard surface walkways, improvements to lighting, and the construction of privacy fencing;
 - (vii) a buffer between the new public park and the adjacent townhouse retained rental units by constructing a low fence along the lot-line and plantings;
 - (viii) allotment gardens, to the south of the new 7-storey residential building and west of the townhouse retained rental units. The allotment gardens area shall be a fenced-in, secure area accessible to all tenants of the apartment rental dwelling units on the site and on the lands of the Eastdale Parkette. The owner shall provide a minimum of twenty-four (24) individual plots in raised planting beds, and a garden shed for storage of equipment, with each individual plot to be offered for rent to all tenants of the apartment rental dwelling units, and based on the expression of interest in response to the offer, to be rented to interested tenants on the basis of first priority being given to returning tenants in order of seniority, and secondly, based on seniority of tenure;
 - (ix) system of snow removal and storage for the site and the lands of the Eastdale Parkette, to be undertaken in accordance with a snow storage plan, and the snow stored in each of the snow storage areas to be removed from the site and the lands of the Eastdale Parkette when the volume of snow stored in each snow storage area exceeds each area's storage capacity;
 - (x) improvements to the retained rental apartment building at 90 Eastdale Avenue as follows:
 - 1. provision of new patios for the ground floor units with said patios to also function as an access to enter the ground floor units. The patios will consist of new hard surface areas with decorative

- fencing to delineate the patio areas, and soft landscaping in planters;
 - 2. construction of a multipurpose room located on the ground floor, to be made available to the tenant association for 90 Eastdale Avenue and the townhouse retained rental units on a monthly basis;
 - 3. a storage locker in the basement for the use of the tenant association for 90 Eastdale Avenue; and
 - 4. 50 new storage lockers for the use of the tenants of 90 Eastdale Avenue;
- (xi) improvements to the retained rental apartment building at 2 Secord Avenue as follows:
- 1. landscaped and furnished private outdoor amenity space to the west of the 2 Secord Avenue pool. The outdoor amenity space shall include, at a minimum, a decorative metal fence and seating;
 - 2. two benches within the waiting area in front of the retained rental building at 2 Secord Avenue;
 - 3. 50 storage lockers in the basement level(s) for the use of the tenants of 2 Secord Avenue; and
 - 4. roofs over the outdoor stairwells accessing the underground parking lot at 2 Secord Avenue.
- (xii) improvements to the existing outdoor swimming pool at 2 Secord Avenue, with such improvements to include, at a minimum, the repair and repainting of existing retaining walls, the repair and repainting of pool surfaces, the repair of existing shower facilities, the construction of a wide staircase with handrail into the swimming pool, the improvement of security measures by adding a key fob lock at the pool entrance for the purpose of reducing trespassing and vandalism, the improvement of access to the swimming pool, including making improvements to the outdoor stairwell by constructing an alternative access from the parking garage to the swimming pool, and the installation of a 1.8 metre high wood acoustic fence along the eastern edge of the swimming pool to mitigate noise impact from the pool, for the benefit of the tenants of nearby dwelling units;
- (xiii) at least 86 new bicycle parking spaces at 90 Eastdale Avenue and at least 44 new bicycle parking spaces at 2 Secord Avenue by installing racks and facilities at grade and/or underground;

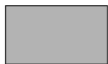
- (xiv) a secure room for scooter parking in the underground level of 2 Secord Avenue, available for monthly rental to tenants of 2 Secord Avenue on a first-come first-served basis; and
- (xv) improved waste and recycling collection program for the townhouse retained rental units at 48-88 Eastdale Avenue.





Map 1

**2-48 and 50 Secord Avenue and
48-108 and 110 Eastdale Avenue**

File #15 209995 STE 31 OZ



Publicly Accessible Open Space subject to the provisions of this zoning by-law.


Former East York By-law 6752
Not to Scale
04/15/2020

