

Authority: Etobicoke York Community Council
Item EY17.3, as adopted by City of Toronto Council
on September 30, October 1 and 2, 2020

CITY OF TORONTO

BY-LAW 186-2021

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 15 Martha Eaton Way.

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 the Official Plan for the City of Toronto contains such 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 or 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 matter 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, a 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 lands known in the year 2020 as 15 Martha Eaton Way lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increases in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are 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 delineated by heavy black lines on Diagram 1, attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. 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 delineated by heavy black lines to RAC (f 30.0; a1375)(x179), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.8.10 Exception Number (x179) so that it reads:

Exception RAC (x179)

The lands delineated by heavy black lines on Diagram 1 are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 15 Martha Eaton Way, if the requirements of Section 6 and Schedule A are complied with, **buildings** or **structures** are permitted in accordance with (B) to (Q) below:
- (B) The **buildings** identified as Building A and Building B are as shown on Diagrams 3 and 3A attached to By-law 186-2021;
- (C) Building A is the **building** existing on the site known as 15 Martha Eaton Way as of March 10, 2021 and labelled as Building A on Diagrams 3 and 3A of By-law 186-2021;
- (D) For the purpose of this exception, **established grade** is 120.75 metres Canadian Geodetic Datum;
- (E) The total **gross floor area** of Building B must not exceed 14,000 square metres;
- (F) The total **gross floor area** of Building A, or any replacement thereof, must not exceed the greater of the **gross floor area** existing on March 10, 2021 or 39,500 square metres;
- (G) Despite Clauses 5.10.40.40, 5.10.40.70, and 15.20.40.70, and Regulation(1), 15.20.40.80(2), the required minimum **building setbacks** for Building B, and the required minimum separation distance between the **main walls** of Building A and Building B are as shown in metres on Diagram 3 and 3A of By-law 186-2021;
- (H) Despite Clause 15.5.40.60, and (G) above, the following are permitted to encroach into the required minimum **building setbacks** and minimum separation distance between **main walls** shown on Diagram 3 and 3A of By-law 186-2021 to a maximum of 2.0 metres:
 - (i) Cornices, sills, eaves, window-washing equipment, railings, balustrades, awnings, canopies inclusive of supporting **structures**, balconies, privacy screens, planters, stairs, enclosed stairs, ramps to underground parking areas and associated enclosures, fencing, lighting, bollards, safety railings, trellises, guards, guardrails, retaining walls, access hatches, accessibility ramps, bicycle parking facilities, ornamental or architectural elements, landscape features, art installations.

- (I) Despite Regulation 15.20.40.10(1), the permitted maximum height of Building B above **established grade** is the numerical value, in metres following the symbol HT as shown on Diagrams 3 and 3A to By-law 186-2021;
- (J) Despite Regulations 15.5.40.10(2), and (I) above, for Building B the following **building** elements may exceed the permitted maximum height as indicated:
 - (i) Architectural elements, awnings, balconies, bollards, canopies, cornices, eaves, fences, **green roof**, guardrails, landscape and public art features, lighting fixtures, ornamental elements, parapets, planters, platforms, railings, retaining walls, screens, terraces, trellises, underground garage ramps and their associated **structures**, vents, walkways, wheel chair ramps, wind protection, window sills, and window washing equipment to a maximum projection of 5.0 metres; and
 - (ii) Elevator enclosures and associated **structures** to a maximum projection of 6.5 metres.
- (K) The height of Building A, or any replacement thereof, must not exceed the greater of 23-**storeys** above **established grade**, or the height existing as of March 10, 2021; excluding:
 - (i) The **building** elements permitted in (J)(i) above, provided they do not exceed the permitted maximum projections in (J)(i) except to the extent that they existed as of March 10, 2021.
- (L) Despite Regulation 15.20.40.50(1), **amenity space** on the lands must be provided and maintained in accordance with the following:
 - (i) A minimum of 2.0 square metres per **dwelling unit** in Building B must be provided as indoor **amenity space** in Building B,
 - (ii) A minimum of 2.0 square metres per **dwelling unit** in Building B must be provided as outdoor **amenity space** of which a minimum of 40 square metres must be provided in a location directly accessible from an area containing indoor **amenity space**; and
 - (iii) No **amenity space** is required for Building A.
- (M) Despite Regulations 200.5.10.1(1), 200.15.10(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained on the lands for both Building A and Building B, in accordance with the following:
 - (i) 0.86 **parking spaces** per **dwelling unit** for resident use, including a minimum of 12 accessible **parking spaces**;
 - (ii) 0.1 **parking spaces** per **dwelling unit** for visitor use; and

- (iii) The minimum number of **parking spaces** required in (M)(i) above may be reduced by 4 **parking spaces** for each car-share space provided on the lands; up to a maximum of 8 car-share spaces.
- (N) Accessible **parking spaces** existing as of March 10, 2021 will not be subject to Regulation 200.15.1(4);
- (O) Despite Regulation 230.5.10.1 (5)(A), **bicycle parking spaces** must be provided and maintained on the lands for Building B in accordance with the following:
 - i) a minimum of 0.9 long-term **bicycle parking spaces per dwelling unit** in Building B; and
 - ii) a minimum of 0.1 short-term **bicycle parking spaces per dwelling unit** in Building B.
- (P) No bicycle parking is required for **dwelling units** in Building A.
- (Q) **Parking spaces, loading spaces, drive aisles, driveways** and ramps existing as of March 10, 2021 may be maintained.

Prevailing By-laws and Prevailing Sections: (None Apply)

- 5. Despite any existing or future consent, severance, partition or division of the lands outlined in heavy lines on Diagram 1, the provisions of this By-law apply to the whole of these lands, as if no consent, severance, partition or division had occurred.
- 6. Section 37
 - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in heights and/or density of the development is permitted beyond that otherwise permitted on the lands shown in 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 of this By-law 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 for the construction of the New Building, 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 or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on March 10, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
Interim City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

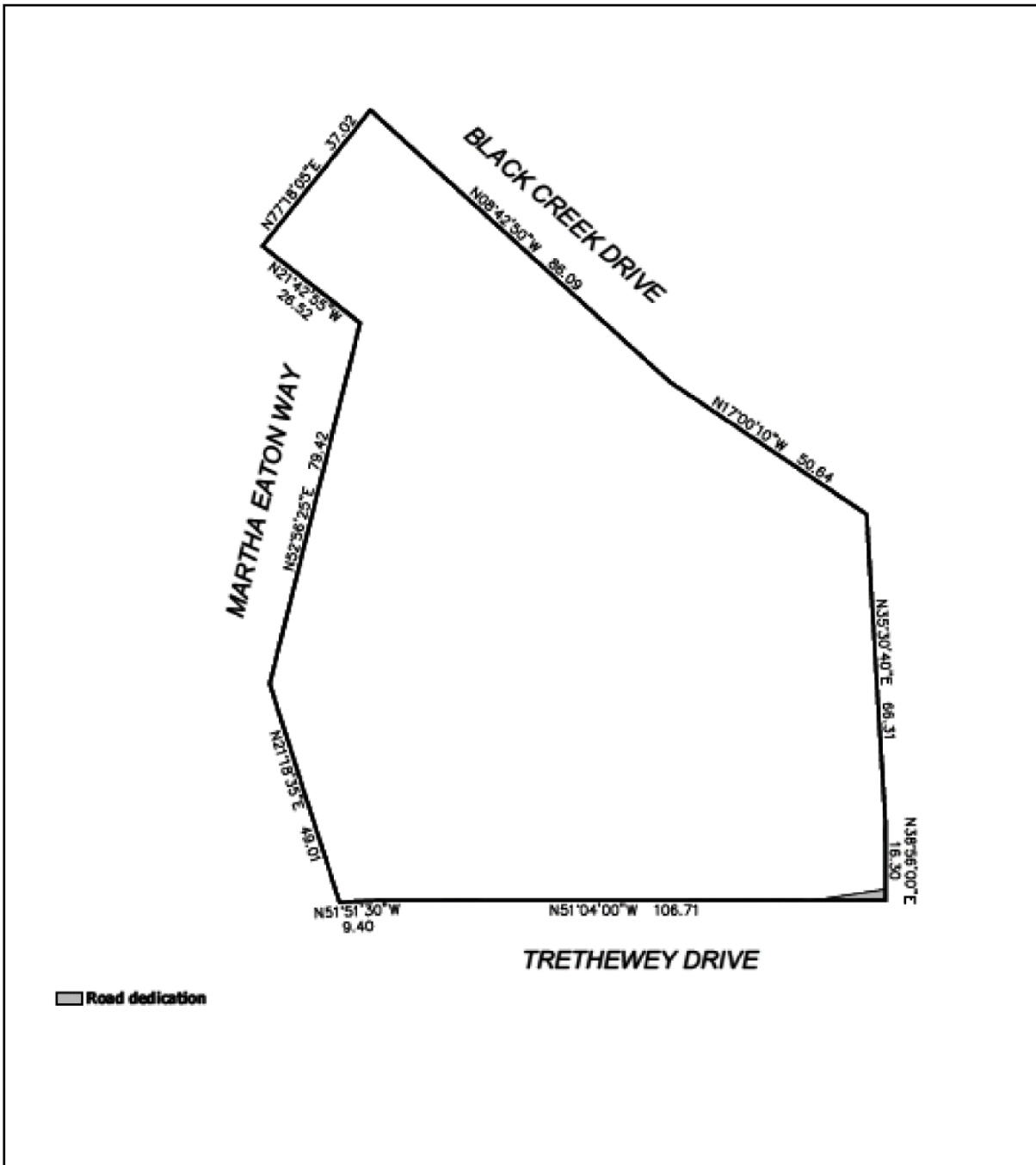
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in [height and/or density] of the proposed development on the lands as shown in Diagram 2 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

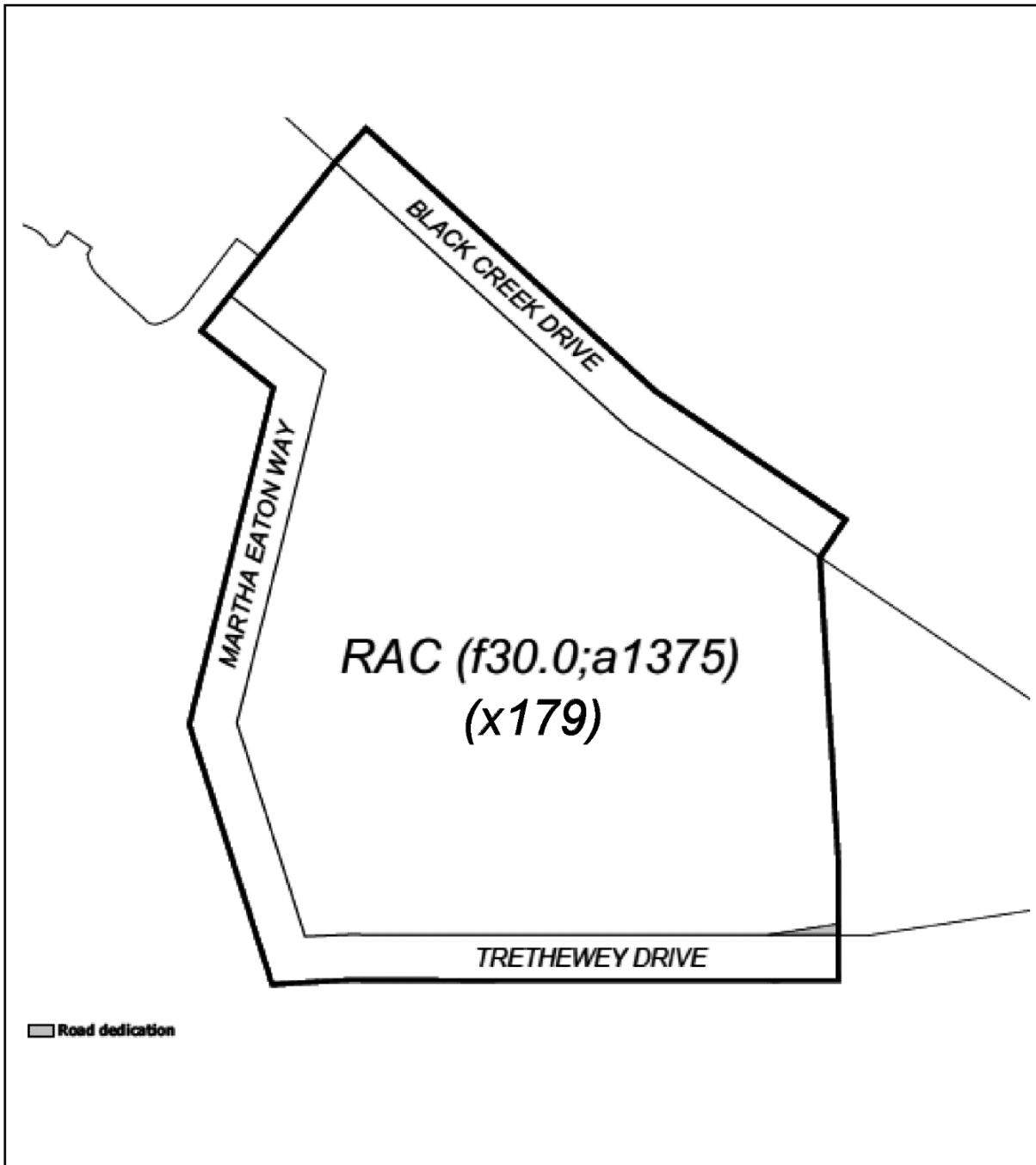
- (1) Prior to issuance of an above grade building permit for the new residential building the owner shall pay to the City the sum of three hundred and fifty thousand dollars (\$350,000.00) for the purpose of the following community benefits:
 - (a) Two hundred and twenty thousand dollars (\$220,000.00) for improvements to North Park, located in Ward 5, including but not limited to a playground as well as improved park lighting and landscaping;
 - (b) One hundred thousand dollars (\$100,000.00) for bicycle share stations;
 - (c) Thirty thousand dollars (\$30,000.00) towards capital improvements including a commercial/teaching kitchen to the Community Action Resource Centre (municipally known as 1652 Keele Street).

with such amount to be indexed upwardly in accordance with the applicable Building Construction Price Index, 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) the owner shall continue to provide and maintain the existing 364 rental dwelling units at 15 Martha Eaton Way as rental housing, together with the new and retained associated facilities and amenities of the residential rental property, for a period of at least 20 years commencing from the date the Zoning By-law Amendments come into force and effect, with no applications for demolition or conversion from residential rental use during such 20-year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - (b) the owner shall provide tenants of the existing rental dwelling units on the lands with access to all indoor and outdoor amenities, within and adjacent to both the existing and proposed residential rental buildings, at no extra charge and with no pass-through of costs to the tenants, including by way of an application to the Landlord Tenant Board or any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario for the purpose of obtaining an increase in residential rent above the applicable guideline; access to, and use of, these amenities shall be on the same terms and conditions as any other resident on the subject lands;

- (c) the owner shall provide, repair, operate and/or maintain, at its sole expense, improvements to the existing rental housing on the lands at 15 Martha Eaton Way, taking into account feedback obtained through the tenant survey, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (3) Prior to issuance of an above grade building permit for the new residential building, the owner shall make the following improvements:
- (a) improvements to laundry facilities in the basement level of the existing residential rental building in accordance with the laundry room concept plans issued by Fay Soultanis Design Inc. on March 30, 2020; any changes to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (b) improvements to security in the existing residential rental building and on the surrounding residential rental property, including:
 - i. installation of 66 new security cameras within the stairwells of the existing residential rental building, as illustrated on the architectural plans edited by Justin Hawkings on July 6, 2020; any changes to the number and/or location of the new security cameras shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - ii. installation of 42 new outdoor LED lamps in the existing parking lot and along the existing walkway surrounding the existing residential rental building, as illustrated in the outdoor lighting layout plans issued by All Professional Trades Inc. on August 23, 2019; any changes to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - iii. improvements to the lobby area of the existing rental apartment building, including new lighting fixtures, new tile flooring and a new television monitor;
- (4) Prior to the residential use of any new residential units, the owner shall provide the following:
- (a) a new programmed outdoor amenity area with new outdoor barbeque/cooking facilities and new outdoor seating, as illustrated in the landscape plans issued by STUDIO TLA Landscape Architects on July 5, 2019; any changes to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (b) an active outdoor recreational playground and aquatic splash pad, as illustrated in the landscape plans issued by STUDIO TLA Landscape Architects on July 5, 2019; any changes to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.





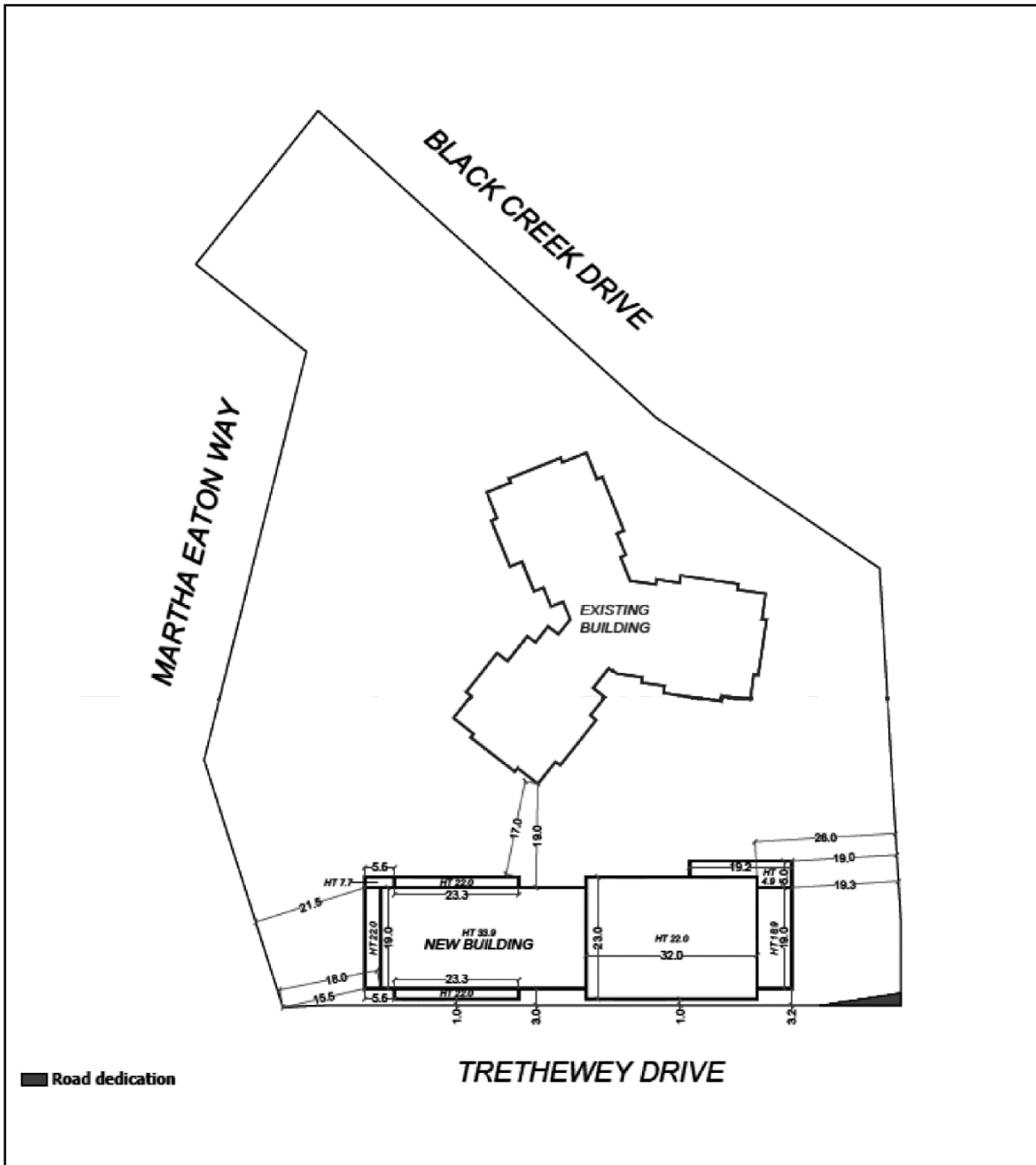



Diagram 3

15 Martha Eaton Way

File # 17 278888 WET 12 0Z

