

Authority: Etobicoke York Community Council
Item 17.3, as adopted by City of Toronto Council on
September 30, October 1 and 2, 2020

CITY OF TORONTO

BY-LAW 187-2021

To amend former City of North York Zoning By-law 7625, as amended, with respect to lands municipally known as 15 Martha Eaton Way.

Whereas authority is given to the Council of a municipality by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass Zoning By-laws; 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 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 7625, 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. Schedules "B" and "C" of By-law 7625 of the former City of North York, as amended, are amended in accordance with Schedule 1 attached to this By-law, attached to and forming part of this By-law.
2. None of the provisions of By-law 7625, as amended, shall apply to prevent the erection of a building containing apartment house dwellings on the lands subject to this By-law, provided that the following provisions are complied with.

3. Within the lands shown in heavy outline on Schedule 1 attached to this By-law, no person shall use any land or erect or use and building or structure unless the following provisions are complied with.
4. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding the following subsection:

"64.20-A (265) RM6(265) 1

APPLICATION

None of the provisions of By-law 7625, as amended, shall apply to prevent the erection of a building containing apartment house dwellings on the lands subject to this exception, provided that the following provisions are complied with.

DEFINITIONS

- a. For the purpose of this exception, "Building A" means the building existing on the site known as 15 Martha Eaton Way as of March 10, 2021 and labelled as "Building A" on Schedule RM6(265) 1 and RM6(265) 2.
- b. For the purpose of this exception "Building B" shall mean the building above established grade labelled as "Building B" on Schedule RM6(265) 1 and RM6(265) 2.
- c. For the purpose of this exception, "established grade" shall mean 120.75 metres Canadian Geodetic Datum.
- d. For the purpose of this exception, "amenity space" means the indoor or outdoor space that is communal and available for use by the occupants of the "Building A" and the "Building B" for recreational or social activities.
- e. For the purpose of this exception "basement" shall mean means the portion of a building between the first floor and any floor below the level of the first floor.
- f. For the purpose of this exception, "gross floor area" shall mean 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 the following:
 - (i) parking, loading and bicycle parking below established grade;
 - (ii) required loading spaces and required bicycle parking spaces at or above established grade;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;

- (iv) indoor amenity space;
 - (v) elevator shafts;
 - (vi) garbage shafts;
 - (vii) mechanical penthouse; and
 - (viii) exit stairwells in the building.
- g. For the purposes of this exception, "tandem parking" means the configuration of parking spaces where it is intended that one motor vehicle may be parked behind one another and the only access for one parking space is through another parking space.
- h. For the purposes of this exception "Temporary Sales Office" means a building, structure, facility or trailer on the Lands used for the purpose of the sale of dwelling units to be erected on the Lands.
- i. For the purpose of this exception, "bicycle room" shall mean an indoor space that is designed and equipped for the purpose of parking and securing bicycles.
- j. For the purpose of this exception, "bicycle parking space" shall mean:
- (i) A bicycle parking space with a minimum vertical clearance of 1.9 metres and minimum horizontal dimensions of 0.6 metres by 1.8 metres for bicycles parking in a horizontal position or 0.6 metres by 1.2 metres for bicycles parking in vertical position; and/or
 - (ii) A stacked bicycle parking space that is a horizontal bicycle parking space position above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces with a minimum vertical dimension of at least 1.2 metres and minimum horizontal dimensions of at least 0.45 metres width and 1.8 metres length; and
 - (iii) "Bicycle parking space" does not include an area located within a dwelling unit, balcony or commercial suite.

PERMITTED USES

- a. On the lands identified on Schedule RM6(265) 1 and RM6(265) 2, the only permitted uses shall be:

RESIDENTIAL:

Ancillary Uses
Converted Dwelling

Day Nursery
 Double Duplex Dwelling
 Duplex Dwelling
 Dwelling, Apartment House
 Hospital
 Multiple Attached Dwelling
 Nursing Home
 Single Family Dwellings
 Religious Institution
 Sanitarium
 Semi-detached Dwelling
 Temporary Sales Office

Any other use permitted in the R4 zone

ADDITIONAL UNDEFINED USES (As per 569-2013 RAC Zone – no conditions)

Ambulance Depot
 Apartment Building
 Fire Hall
 Municipal Shelter
 *Park (defined in 7625)
 Police Station

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- b. The provisions of Section 20-A.2.5 shall not apply.
- c. The total gross floor area of the Building B may not exceed 14,000 square metres.
- d. The total gross floor area of the Building A, or any replacement thereof, must not exceed the greater of the gross floor area existing on the date of the passing of this by-law or 39,500 square metres.

LOT COVERAGE

- e. The proposed lot coverage for Building A and Building B is 20.98 percent of the lot area.

BUILDING HEIGHT

- f. The provisions of Section and 20-A.2.6 shall not apply.
- g. The height of the Building B shall be measured from established grade to the highest point of the Building B, and must not exceed the height in metres as

specified by the number following the symbol "H" as shown on Schedule RM6(265) 1 and RM6(265) 2, with the exception of the following which are permitted to a maximum projection 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 2 metres;
 - (ii) Structures and equipment for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, chimneys, vents, and water supply facilities, and structures that enclose these elements to a maximum projection of 5 metres; and
 - (iii) Enclosures housing mechanical elements and ducts, elevators, elevator enclosures and associated structures to a maximum projection of 6.5 metres.
- h. The height of the Building A, or replacement structure, must not exceed the greater of 23-storeys above grade, or the height existing as of the date of the passing of this by-law; exclusive of the items referenced in g(i), (ii) and (iii) above which may not exceed the height limitations referenced in g(i), (ii) and (ii) except to the extent that they do so as of the date of the passing of this by-law.

SETBACKS

- i. Despite the provisions of Sections 6(9), 20-A.2.4, and 20-A2.4.1, no portion of the Building B above established grade shall be located other than within the area outlined by heavy lines as shown on Schedule RM6(265) 1 and RM6(265) 2, with the exception of the following, each of which are permitted to a maximum projection beyond the heavy lines 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 features, landscape features, art installations;
- j. The Building A and any other existing structures, or any replacement thereof, shall be maintained as they existed on the date of the passing of this by-law; with the exception of the following:

- (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 features, landscape features, art installations are permitted to a maximum projection of 2.0 metres; and

VEHICULAR PARKING

- k. The provisions of Section 6A(1) and 6A(2) shall not apply.
- l. Parking spaces must be provided and maintained on the lands for both the 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 l(i) may be reduced by 4 parking spaces for each car-share space provided on the lands; up to a maximum reduction of 8 car-share spaces.
- m. The provisions of Section 6A(3), with respect to the minimum dimensions of parking spaces shall apply, except that:
 - (i) parking spaces may have the following minimum dimensions, notwithstanding that such parking spaces are obstructed or partially obstructed on one or two sides in accordance with Section 6A(3) (a)(iii):
 - A. Length – 5.6 metres;
 - B. Width – 2.6 metres; and
 - C. Height – 2.0 metres;
 - (ii) Parking spaces may be provided in the form of tandem parking.
- n. Bicycle parking spaces shall be provided and maintained on the lands subject to this exception for the Building B in accordance with the following:
 - (i) a minimum of 0.9 bicycle parking spaces per dwelling unit in the Building B for resident use; and
 - (ii) a minimum of 0.1 bicycle parking spaces per dwelling unit in the Building B for visitors use.

- o. No bicycle parking is required for units in the Building A.

LOADING

- p. The provisions of Section 6A(16) shall not apply.
- q. Loading shall be provided as follows:
 - (i) a minimum of one (1) loading space shall be provided to serve the Building B, and shall have the following minimum dimensions:
 - A. Length – 13 metres;
 - B. Width – 4.0 metres; and
 - C. Height clearance – 6.1 metres.
- r. Notwithstanding any provision of this Exception or By-law 7625, as amended, parking spaces, loading spaces, drive aisles, driveway and ramps existing on the lands subject to this exception as of the date of the passing of this by-law may be maintained.

DIVISION OF LANDS

- s. Notwithstanding any future severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands subject to this exception as if no consent, severance, partition or division occurred.

SECTION 37 AGREEMENT

- (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 Schedule RM6(265) in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof 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.
- (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 March 10, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
Interim City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

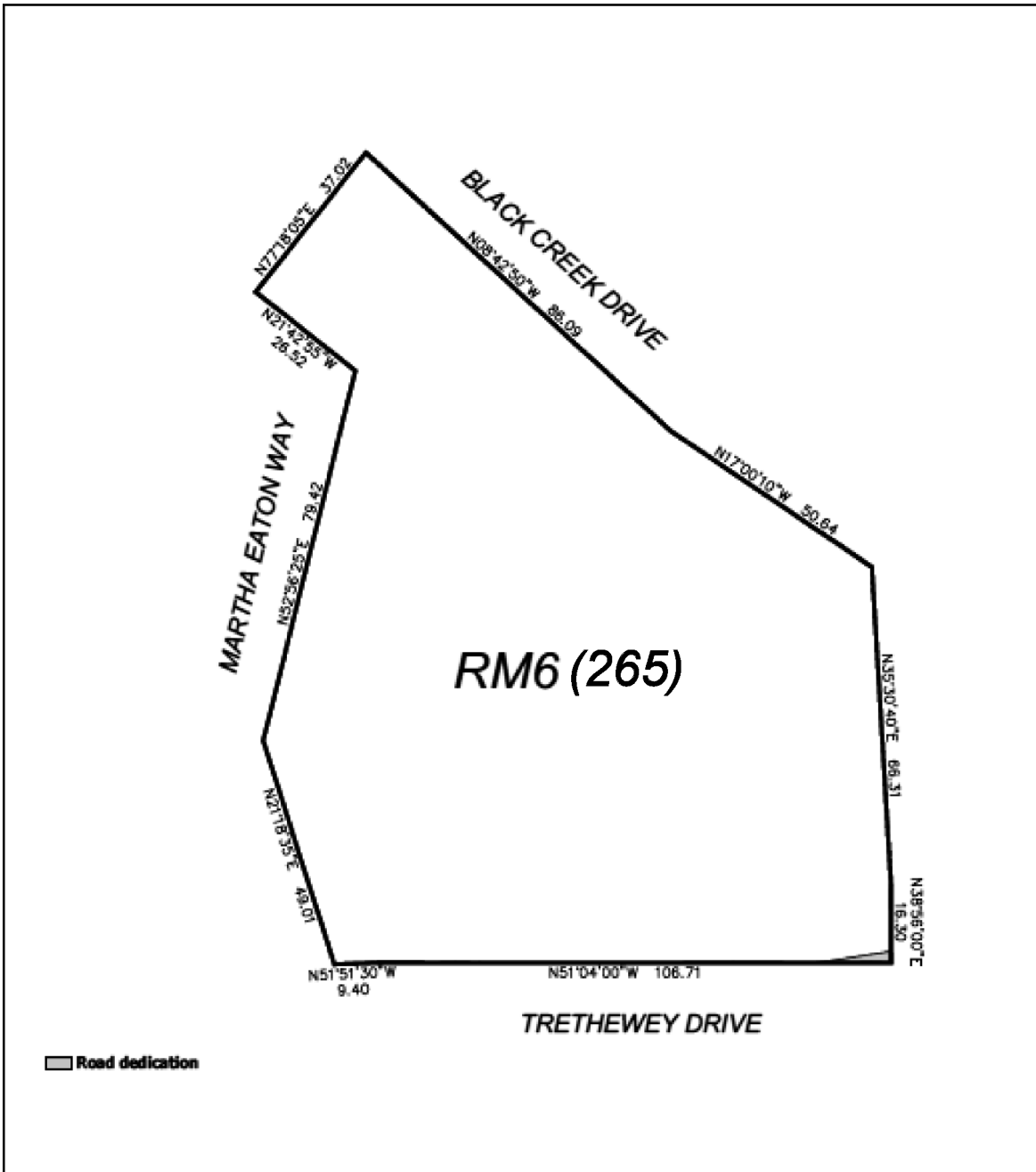
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in [height and/or density] of the proposed development on the lands as shown in Schedule RM6(265) in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

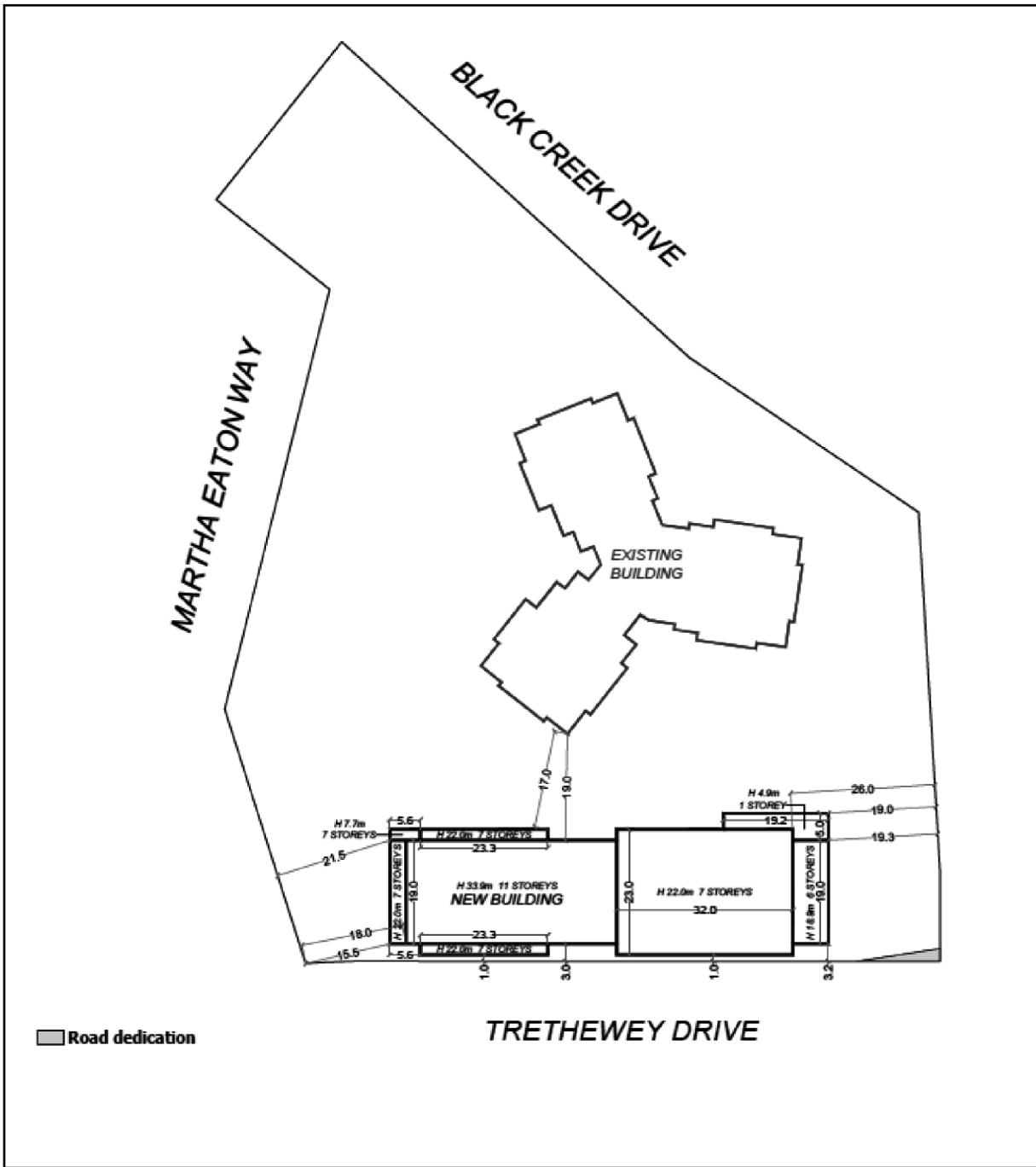
- (1) Prior to issuance of an above grade building permit for the new residential building the owner shall pay to the City the sum of three hundred and fifty thousand dollars (\$350,000.00) for the purpose of the following community benefits:
 - (a) Two hundred and twenty thousand dollars (\$220,000.00) 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 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) 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;



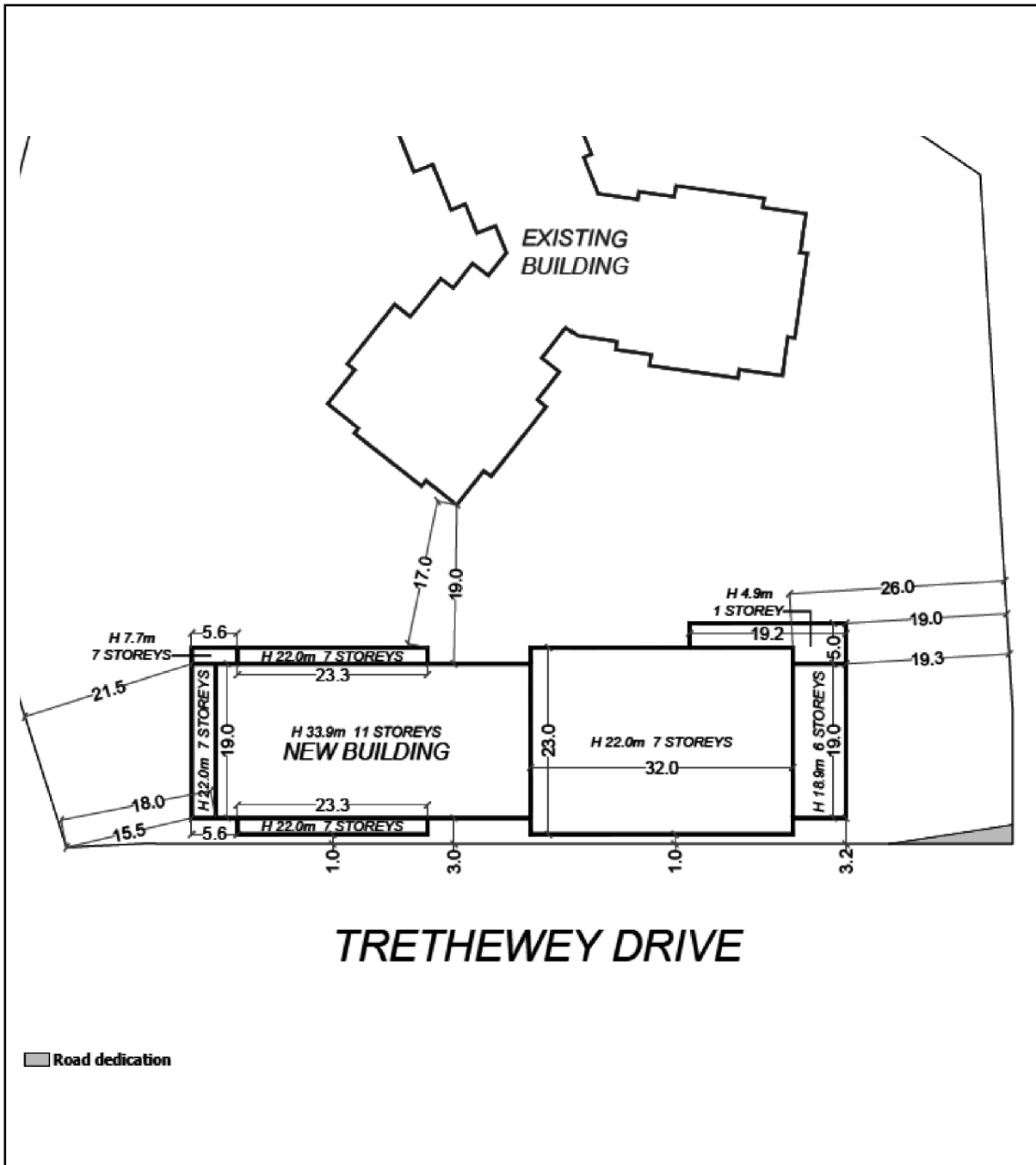


 **TORONTO**
Schedule RM6 (265) 1

15 Martha Eaton Way

File # 17 278888 WET 12 0Z


Former City of North York By-law 7625
Not to Scale
07/29/2020



 **TORONTO**
Schedule RM6 (265) 2

15 Martha Eaton Way

File # 17 278888 WET 12 0Z


Former City of North York By-law 7625
Not to Scale
07/29/2020