

Authority: Local Planning Appeal Tribunal Decision
issued on March 4, 2020 and Ontario Land Tribunal Order
issued on July 28, 2022 in Tribunal File PL171057

CITY OF TORONTO
BY-LAW 1115-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 815-845 Eglinton Avenue East.

Whereas the Local Planning Appeal Tribunal Decision issued on March 4, 2020 and Ontario Land Tribunal Order issued on July 28, 2022 in relation to File PL171057 following an appeal pursuant to Section 34(11) of the Planning Act R.S.O. 1990, c. P.13, as amended, determined to amend City of Toronto Zoning By-law 569-2013, as amended with respect to the lands known municipally as 815-845 Eglinton Avenue East; and

Whereas the Official Plan for the former 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, as it read the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, 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, as it read the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, 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 Zoning 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;

Therefore Zoning By-law 569-2013, as amended, is further amended by the Local Planning Appeal Tribunal as follows:

1. The lands subject to this By-law are outlined 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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10 and applying the following zone label to these lands: CR SS2 (x611), EO (x31) and O, as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA3, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height label to these lands: HT18.5, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law, to the Rooming House Overlay Map in Section 995.40.1, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, as shown on Diagram 6 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 611 so that it reads:

(611) Exception CR 611

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 lands known municipally as 815-845 Eglinton Avenue East, if the requirements of this By-law 1115-2022(OLT) are complied with, the erection or use of a **building, structure**, addition or enlargement is permitted in compliance with Regulations (B) through (II) below;
- B. In addition to the uses permitted in Regulation 40.10.20.10(1), **public parking** is permitted below ground;
- C. Despite Regulation 40.10.40.1(1), residential use portions of the **building** may also be located on the same level or below non-residential use portions;
- D. Despite Regulation 40.10.20.40(1), **dwelling units** are permitted in **apartment buildings, mixed-use buildings** and **townhouses**;
- E. Despite Regulations 40.10.20.100(1) and 40.10.20.100(33) and Clauses 150.100.20.1 and 150.100.30.1 there is no maximum **interior floor area** for an

Eating Establishment, Entertainment Place of Assembly, Place of Assembly, Recreations Use and Take-Out Eating Establishment;

- F. Despite Regulation 40.10.20.100 (5), the maximum **interior floor area** for a **retail store** with **beverage manufacturing** use for beer, cider or wine is 2,500 square metres;
- G. Despite Regulation 40.10.20.100(16), there is no maximum **interior floor area** for a **custom workshop**;
- H. Despite Regulation 40.10.20.20(1)(A), an **outdoor patio** is not subject to Regulation 40.10.20.100 (21);
- I. For the purposes of this exception, an **outdoor patio** may include an outdoor patron area that is a non-residential use that is not **ancillary** to a non-residential use;
- J. Outdoor open air markets may provide retail sales, food sales and other uses from kiosks, tents, vehicles and such facilities are not **buildings** or **structures**;
- K. Despite Regulation 40.10.20.20(1)(A), the outdoor sale or display of goods or commodities is not subject to Regulation 40.10.20.100(20)(A) and 40.10.20.100(20)(C);
- L. Despite Regulation 40.10.40.1(1)(B)(i), the permitted **dwelling units** may have direct access to a **street** or private right of way which is not a major street on the Policy Area Overlay Map;
- M. Regulation 40.10.40.10(5) does not apply to **dwelling units** on the ground floor;
- N. Despite Regulation 40.5.40.10(1) and (2), the **height** of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 131.8 metres, and the highest point of the **building** or **structure**;
- O. Despite Regulation 40.10.40.10(1) and (2), the permitted maximum **height** of a **building** or **structure** is the numerical value in metres following the letters "HT" as shown on Diagram 7 of By-law 1115-2022(OLT);
- P. Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the numerical value following the letters "ST" as shown on Diagram 7 of By-law 1115-2022(OLT) excluding mechanical penthouses, mezzanines, generators, stair enclosures and elevator overruns;
- Q. For the purpose of this exception, **dwelling units** on the ground floor having two levels will be considered to be one **storey** for the purpose of calculating the number of **storeys** permitted in accordance with Diagram 7 of By-law 1115-2022(OLT) and (P) above;

- R. Despite Regulations 40.5.40.10(3)-(8) and (O) above, the following elements may exceed the permitted maximum **building** height as follows:
- i. a roof **structure** which is used to house stairwells for roof access and/or the mechanical, window washing, electrical or ventilation systems for the **building** by a maximum of 8.0 metres;
 - ii. architectural features and design elements including skylights, parapets, cornices, mouldings, flashings, and landscape elements by a maximum of 3.0 metres;
 - iii. elevator overruns, structural supports, railings, roof drainage, thermal insulation and roof ballast terraces, terrace or balcony guards and dividers, planters, stairs, stair enclosures, wall or **structure** elements and railings, lighting fixtures, vents, flues, ventilation shafts, pipes, access roof hatch, outdoor furniture, fence, pergolas, trellises, skylights, pools, **structures** used for wind protection purposes, signage, window washing equipment, lighting fixtures, lightning rods by a maximum of 5.0 metres;
 - iv. generators by a maximum of 8.0 metres;
 - v. outdoor amenity areas including fireplaces, and **structures** located on the roof used for outside or open air recreation, or safety by a maximum of 4.0 metres; and
 - vi. **green roof** elements and/or **structures** by a maximum of 2.0 metres.
- S. Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are shown in metres on Diagram 7 of By-law 1115-2022(OLT);
- T. Despite Regulation 40.10.40.80(2), the required minimum above-ground distance between **main walls** are shown in metres on Diagram 7 of By-law 1115-2022(OLT);
- U. The required minimum **building** setbacks are shown on Diagram 7 of By-law 1115-2022(OLT);
- V. Despite Regulation 5.10.40.70(1), Clause 40.5.40.60, Clause 40.10.40.60 and (S), (T) and (U) above, the following may encroach into a required **building setback**, setback, or minimum above-ground distance between **main walls**, as shown on Diagram 7 of By-law 1115-2022(OLT):
- i. balconies that project a maximum of 1.8 metres in depth provided such projecting balconies are not located:
 - (i) on **main walls** which are 15.0 metres or less from other **main walls**;

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- (ii) on **main walls** of the 4th, 5th, and 6th **storeys** of all portions of the **building** over 17-**storeys** in height;
 - (iii) on **main walls** within 3.0 metres of the corners at the 4th **storey** and above of all portions of the **building** over 17 **storeys** in height; and
 - (iv) on the **main walls** of the first 6 **storeys** of **buildings** facing Eglinton Avenue East, Laird Drive, the Privately-Owned Publicly Accessible Spaces (POPS) and the public **park**;
- ii. at-grade terraces by a maximum of 5.0 metres;
 - iii. canopies and awnings by a maximum of 2.0 metres;
 - iv. window sills by a maximum of 2.0 metres; and
 - v. architectural features and design elements including entry portals, eaves, guardrails, landscape elements, ornamental elements, retaining walls, window washing equipment, vents, parapets, cornices, mouldings, flashings, railings, pergolas, trellises, lighting fixtures, **structures** used for wind protection purposes, signage, exterior stairways and railings, structural supports, wheelchair ramps and decks and ramps by a maximum of 2.0 metres;
- W. Despite Clauses 40.5.40.40 and 40.10.40.40 the total **gross floor area** of all **building** and **structures** on the land must be provided in accordance with Section 11 of By-law 1115-2022(OLT);
- X. Regulation 40.10.30.40(1) related to **lot coverage**, does not apply;
- Y. Despite Clause 40.10.40.50, **amenity space** must be provided on the lands in accordance with the following:
- i. a minimum of 2 square metres of indoor **amenity space** per **dwelling unit**;
 - ii. a minimum of 2 square metres of outdoor **amenity space** per **dwelling unit**;
 - iii. at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
 - iv. indoor **amenity space** may include up to a maximum of 8 guest suites where such suites may contain either a kitchen or a bathroom.
- Z. Regulation 40.10.40.50(1)(C) related to the outdoor component of **amenity space**, does not apply;

- AA. Despite Regulations 200.5.10.1(1), (4) and (6), Table 200.5.10.1 and 200.5.1.10(2) **parking spaces** must be provided in accordance with Section 12 of By-law 1115-2022(OLT);
- BB. Despite Clause 40.5.80.10 the **parking spaces** required by (AA) above:
- i. may be provided on a non-exclusive basis and may be provided within a below ground **public parking** facility on the lands;
 - ii. may be shared between the uses on the lands zoned CR SS2(x611) and EO(x31) shown on Diagram 2 of By-law 1115-2022(OLT); and
 - iii. may be located on any lands zoned CR SS2(x611) and/or EO(x31) shown on Diagram 2 of By-law 1115-2022(OLT).
- CC. Despite Regulation 40.10.100.10(A) and (C) **vehicle** access to the lands may be provided over lands zoned CR SS2(x611) and/or EO(x31) shown on Diagram 2 of By-law 1115-2022(OLT), there may be more than one **vehicle** access permitted and **vehicle** access is not required to be from an abutting **lane**;
- DD. Despite Clause 220.5.10.1 **loading spaces** must be provided in accordance with Section 13 of By-law 1115-2022(OLT);
- EE. In addition to Regulation 40.10.90.10(1) the **loading spaces** required by (CC) above:
- i. may be shared between the uses on the lands zoned CR SS2(x611) and EO(x31) shown on Diagram 2 of By-law 1115-2022(OLT); and
 - ii. may be located on any of the lands zoned CR SS2(x611) and/or EO(x31) shown on Diagram 2 of By-law 1115-2022(OLT).
- FF. Despite Regulation 40.10.90.40(1) or (3) access to **loading spaces** used for the lands may be provided over lands zoned CR SS2(x611) and/or EO(x31) shown on Diagram 2 of By-law 1115-2022(OLT) and **vehicle** access to a **loading space** is not required to be from an abutting **lane**;
- GG. Despite Article 230.5.1, **bicycle parking spaces** must be provided in accordance with Section 14 of By-law 1115-2022(OLT);
- HH. The **bicycle parking spaces** required by (GG) above:
- i. may be shared between the uses on the lands zoned CR SS2(x611) and EO(x31) shown on Diagram 2 of By-law 1115-2022(OLT); and
 - ii. may be located on any lands zoned CR SS2(x611) and/or EO(x31) shown on Diagram 2 of By-law 1115-2022(OLT).

- II. Despite any Regulation to the contrary, a portion of a **building** on the lands may be used for **parking spaces, bicycle parking spaces, loading spaces**, service, access and/or mechanical equipment that serve the uses of the lands shown as EO(x31) on Diagram 2 of By-law 1115-2022(OLT).

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

9. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.24.10 Exception Number 31 so that it reads:

(31) Exception EO 31

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

Site Specific Provisions

- A. On lands known municipally as 815-845 Eglinton Avenue East if the requirements of this By-law 1115-2022(OLT) are complied with, the erection or use of a **building, structure**, addition or enlargement is permitted in compliance with Regulations (B) through (U) below.
- B. In addition to the uses permitted in Regulation 60.40.20.10(1), **public parking** is permitted below ground, and a recreation use is permitted provided that it is a fitness centre only.
- C. Despite Regulation 60.5.40.10(1) and (2), the **height** of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 131.8 metres, and the highest point of the **building** or **structure**.
- D. Despite Regulation 60.40.40.10(1), the permitted maximum **height** of a **building** or **structure** is the numerical value in metres following the letters "HT" as shown on Diagram 7 of By-law 1115-2022(OLT).
- E. The permitted maximum number of **storeys** in a **building** is the numerical value following the letters "ST" as shown on Diagram 7 of By-law 1115-2022(OLT) excluding mechanical penthouses, mezzanines, generators, stair enclosures and elevator overruns.
- F. Despite Regulations 60.5.40.10(3)-(6), 60.40.40.10(2) and (D) above the following elements may exceed the permitted maximum **building** height as follows:
- i. a roof **structure** which is used to house stairwells for roof access and/or the mechanical, window washing, electrical or ventilation systems for the **building** by a maximum of 8.0 metres;

- ii. architectural features and design elements including skylights, parapets, cornices, mouldings, flashings, and landscape elements by a maximum of 3.0 metres;
 - iii. elevator overruns, structural supports, railings, roof drainage, thermal insulation and roof ballast terraces, terrace or balcony guards and dividers, planters, stairs, stair enclosures, wall or **structure** elements and railings, lighting fixtures, vents, flues, ventilation shafts, pipes, access roof hatch, outdoor furniture, fence, pergolas, trellises, skylights, pools, **structures** used for wind protection purposes, signage, window washing equipment, lighting fixtures, lightning rods by a maximum of 5.0 metres;
 - iv. generators by a maximum of 8.0 metres;
 - v. outdoor amenity areas including fireplaces, and **structures** located on the roof used for outside or open air recreation, or safety by a maximum of 4.0 metres;
 - vi. a roof **structure** used to house an elevator for roof access and/or related elevator overrun and mechanicals and washrooms to service outdoor amenity areas by a maximum of 8.0 metres; and
 - vii. **green roof** elements and/or **structures** by a maximum of 2.0 metres.
- G. Despite Clause 60.40.40.70, the required minimum **building setbacks** are shown in metres on Diagram 7 of By-law 1115-2022(OLT);
- H. Despite Clause 60.5.40.70, the required minimum **building** setbacks are shown on Diagram 7 of By-law 1115-2022(OLT);
- I. Despite Regulation 5.10.40.70(1), Clause 60.5.40.60, Clause 60.5.40.70, Clause 60.40.40.70 and Regulations (G) and (H) above, the following may encroach into a required **building setback**, setback, or minimum above-ground distance between **main walls**, as shown on Diagram 7 of By-law 1115-2022(OLT):
- i. at-grade terraces by a maximum of 5.0 metres;
 - ii. canopies and awnings by a maximum of 2.0 metres;
 - iii. window sills by a maximum of 2.0 metres; and
 - iv. architectural features and design elements including entry portals, eaves, guardrails, landscape elements, ornamental elements, retaining walls, window washing equipment, vents, parapets, cornices, mouldings, flashings, railings, pergolas, trellises, lighting fixtures, **structures** used for wind protection purposes, signage, exterior stairways and railings, structural supports, wheelchair ramps and decks and ramps by a maximum of 2.0 metres.

- J. Despite Regulation 60.5.40.40(2) the total **gross floor area** of all **building and structures** on the land must be provided in accordance with Section 11 of By-law 1115-2022(OLT);
- K. For the purposes of this exception Clause 60.40.50.10 does not apply;
- L. Despite Regulations 200.5.10.1(1),(3),(4) and (6) and 200.5.1.10(2) **parking spaces** must be provided in accordance with Section 12 of By-law 1115-2022(OLT);
- M. Despite Regulations 60.5.80.1(2), 60.5.80.10(1) and (2) and Clause 60.5.80.10, the **parking spaces** required by (L) above:
- i. may be shared between the uses on the lands zoned CR SS2(x61) and EO(x31) shown on Diagram 2 of the By-law 1115-2022(OLT);
 - ii. may be located on any lands zoned CR SS2(x611) and/or EO(x31) shown on Diagram 2 of the By-law 1115-2022(OLT); and
 - iii. may be provided on a non-exclusive basis and may be provided within a below ground **public parking** facility on the lands.
- N. Despite Regulation 60.5.80.20, 60.5.100.10(2) and (3) **vehicle** access to the uses on lands may be provided over lands zoned CR SS2(x611) and/or EO(x31) shown on Diagram 2 of the By-law 1115-2022(OLT);
- O. Despite Chapter 220, **loading spaces** must be provided in accordance with Section 13 of By-law 1115-2022(OLT);
- P. The **loading spaces** required by (O) above:
- i. may be shared between the uses on the lands zoned CR SS2(x611) and EO(x31) shown on Diagram 2 of By-law 1115-2022(OLT); and
 - ii. may be located on any of the lands zoned CR SS2(x611) and EO(x31) shown on Diagram 2 of By-law 1115-2022(OLT).
- Q. Despite Regulation 60.40.90.40 (1) and (2) loading access to the uses on lands may be provided over lands zoned CR SS2(x611) and EO(x31) shown on Diagram 2 of By-law 1115-2022(OLT) and **vehicle** access to a **loading space** is not required to be from an abutting **lane**.
- R. Despite Article 230.5.1, **bicycle parking spaces** must be provided in accordance with Section 14 of By-law 1115-2022(OLT);
- S. The **bicycle parking spaces** required by (R) above:

- i. may be shared between the uses on the lands zoned CR SS2(x611) and EO(x31) shown on Diagram 2 of By-law 1115-2022(OLT); and
 - ii. may be located on any lands zoned CR SS2(x611) and/or EO(x31) shown on Diagram 2 of By-law 1115-2022(OLT).
- T. Despite any Regulation to the contrary, a portion of a **building** on the lands may be used for **parking spaces, bicycle parking spaces, loading spaces**, service, access and/or mechanical equipment that serve the uses of the lands zoned CR SS2(x611) shown on Diagram 2 of By-law 1115-2022(OLT).

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

10. For the purpose of this By-law:

- i. bicycle room means an indoor space that is designed and equipped for the purpose of parking and securing bicycles;
- ii. car share means the practice where a number of people share the use of one or more motor vehicles. Such car-share motor vehicles, shall be made available for short term rental, including hourly rental. Car-share operators may require that car-share motor vehicles be reserved in advance, charge fees based on time and/or kilometres driven and set membership requirements of the car-sharing operator, including payment of a membership fee that may or may not be refundable;
- iii. a car-share Parking Space means a **parking space** that is reserved and used for the car share purpose;
- iv. lot is the lands delineated by heavy lines on Diagram 1 of this By-law.

11. Regulations applying to **gross floor area** for lands zoned CR SS2(x611) and EO(x31) shown on Diagram 2 of this By-law are as follows:

- A. The maximum total **gross floor area** on the **lot** must not exceed 138,000 square metres;
 - i. the **gross floor area** of all **building** and **structures** occupied by residential uses must not exceed 118,600 square metres;
 - ii. the **gross floor area** of all **buildings** and **structures** occupied by non-residential uses must not exceed 19,850 square metres of which at least 12,000 square metres must be used for permitted non-residential uses in the EO(x31) zone shown on Diagram 2 of this By-law excluding the area occupied by a **parking garage** or **public parking**;

- iii. the **gross floor area** of all **buildings** and **structures** occupied by non-residential uses may be shared between the uses on the lands zoned CR SS2(x611) and EO(x31) shown on Diagram 2 of this By-law; and
 - iv. no **building** or **structures** on the lands zoned EO(x31) shown on Diagram 2 of this By-law may be occupied by residential uses.
- B. In addition to the permitted exclusions of Regulation 40.5.40.40(3) and Clause 60.5.40.40 the following areas of all **building** and **structures** are not included in the calculation of **gross floor area**:
- i. storage rooms, washrooms, electrical, utility, service corridors, mechanical and ventilation rooms, moving rooms, mail room, residential garbage rooms, bicycle rooms, firefighter central alarm control facilities (CACF), at or above- ground;
 - ii. garbage shafts;
 - iii. portions of a **building** used as a **community centre**; and
 - iv. portions of a **building** associated with the Metrolinx Light Rail Transit station, at, below, and above ground, including access corridors, exit stairwells, service corridors, vestibules, elevator shafts, electrical and utility rooms, and mechanical and ventilation rooms and shafts.
12. Regulations applying to **parking spaces** for lands zoned CR SS2(x611) and EO(x31) shown on Diagram 2 of this By-law are as follows:
- A. Despite Regulations 200.5.10.1(1), (4) and (6) and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following:
- i. Residential – a minimum of 0.45 **parking spaces** per **dwelling unit**;
 - ii. Residential Visitors – a minimum of 0.1 **parking spaces** for each **dwelling unit**, with no maximum;
 - iii. **Community Centre** – a minimum of 0.5 **parking spaces** for each 100 square metres of **gross floor area** to a maximum of 1.3 **parking spaces**;
 - iv. **Day Nursery** – a minimum of 0.4 **parking space** for each 100 square metres of **gross floor area** to a maximum of 0.8 **parking spaces** for each 100 square metres of **gross floor area**;
 - v. Office Uses – a minimum of 1.0 **parking space** for each 100 square metres of **gross floor area** to a maximum of 2.0 **parking spaces**; and

- vi. All other Non-residential Uses – a minimum of 1.0 **parking space** for each 100 square metres of **gross floor area** to a maximum of 4.0 **parking spaces**.
- B. Despite Regulations 200.5.10.1(1), (4) and (6) and Table 200.5.10.1, the **parking spaces** required by (A) (ii) – (vi) above may be shared on the following basis:
- i. AM occupancy:
 - a. Residential Visitor - 10 percent;
 - b. **Community Centre** - 25 percent;
 - c. **Day Nursery** - 100 percent;
 - d. Office Uses - 100 percent; and
 - e. All other Non-Residential Uses - 20 percent.
 - ii. PM occupancy:
 - a. Residential Visitor - 35 percent;
 - b. **Community Centre** - 100 percent;
 - c. **Day Nursery** - 100 percent;
 - d. Office Uses - 60 percent; and
 - e. All other Non-Residential Uses - 100 percent.
 - iii. EVE occupancy:
 - a. Residential Visitor - 100 percent;
 - b. **Community Centre** - 100 percent;
 - c. **Day Nursery** - 50 percent;
 - d. Office Uses - 0 percent; and
 - e. All other Non-Residential Uses - 100 percent.
- C. The minimum number of **parking spaces** as required in (B) above is determined as follows:
- i. for each of the morning, afternoon and evening parking periods identified in (B) above, the minimum number of **parking spaces** required for each

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- use, is calculated using the respective **parking space** rate and occupancy rate;
- ii. the minimum number of **parking spaces** required for each parking period is the total of the **parking spaces** required for all uses during that parking period; and
 - iii. the minimum number of **parking spaces** required is equal to the largest number of **parking spaces** required for any parking period;
- D. Residential visitor **parking spaces** and non-residential **parking spaces** may be provided on a non-exclusive basis and may be shared and may be provided as **public parking** in a **parking garage** below ground;
 - E. For each on-site **car-share parking space** provided on the **lot**, the minimum residential parking required may be reduced by four **parking spaces**, up to a maximum reduction as calculated by the following formula: $4 \times$ (the total number of **dwelling units** on the lands divided by 60), rounded down to the nearest whole number;
 - F. The required **parking spaces** may be shared between the uses on the lands zoned CR SS2(x611) and EO(x31) shown on Diagram 2 of this By-law;
 - G. The required **parking spaces** may be located on any lands zoned CR SS2(x611) and EO(x31) shown on Diagram 2 of this By-law;
 - H. Despite Regulation 200.5.1.10(2) a maximum of 10 percent of the total number of **parking spaces** provided may have the following minimum dimensions, despite that such **parking spaces** may be obstructed on one or two sides:
 - (a) Length – 5.6 metres;
 - (b) Width – 2.6 metres; and
 - (c) Height – 2.0 metres;
 - I. Despite clause 200.5.1.10, vehicle **parking spaces** may be provided within a parking stacker, except that for the purpose of By-law 1115-2022(OLT), the parking stacker may have dimensions of not less than 2.4 metres in width by 5.3 metres. The parking stacker may be located in a garage with a minimum clear height of 3.65 metres.
13. Regulations applying to **Loading Spaces** for lands zoned CR SS2(x611) and EO(x31) shown on Diagram 2 of this By-law are as follows:
- A. Despite Regulation 40.10.90.1, 40.10.90.10(1)(C) and 220.5.10.1 a minimum of two Type "G" **loading spaces** and five Type "B" **loading spaces** and four type "C" **loading spaces** must be provided and maintained on the lands and:

- i. the required **loading spaces** may be shared between the uses on the lands zoned CR SS2(x611) and EO(x31) shown on Diagram 2 of this By-law; and
 - ii. the required **loading spaces** may be located on any lands zoned CR SS2(x611) and EO(x31) shown on Diagram 2 of this By-law.
 - B. Despite Regulation 220.5.20.1(2), the maximum permitted slope of a ramp or **driveway** leading to a **loading space** is 12 percent, except the maximum permitted slope of the portion of a ramp or **driveway** within 6 metres of the limit of a **street** is 5 percent; and
 - C. All loading and related servicing uses must be located underground.
- 14. Regulations applying to Bicycle Parking for lands zoned CR SS2(x611) and EO(x31) shown on Diagram 2 of this By-law are as follows:
 - A. Despite Articles 230.5.1, 230.50.1 and 230.60.1 **bicycle parking spaces** must be provided and maintained in accordance with the following:
 - i. Residential:
 - i. Long-term **bicycle parking spaces** (Resident) – 0.9 spaces per **dwelling unit**;
 - ii. Short-term **bicycle parking spaces** (Visitors) – 0.1 spaces per **dwelling unit**;
 - ii. Non-residential:
 - i. For office uses the minimum number of short-term **bicycle parking spaces** to be provided is 3 plus 0.2 for each 100 square metres of **interior floor area**;
 - ii. For office uses the minimum number of long-term **bicycle parking spaces** to be provided is 0.2 for each 100 square metres of **interior floor area**;
 - iii. For all other non-residential uses the minimum number of short-term **bicycle parking spaces** to be provided is 3 plus 0.3 **bicycle parking spaces** for each 100 square metres of **interior floor area**;
 - iv. For all other non-residential uses the minimum number of long-term **bicycle parking spaces** to be provided is 0.2 **bicycle parking spaces** for each 100 square metres of **interior floor area**;

- v. **bicycle parking spaces** may be shared between the uses on the lands zoned CR(x611) and EO(x31) shown on Diagram 2 of By-law 1115-2022(OLT);
 - vi. **bicycle parking spaces** may be located on any lands zoned CR SS2(x611) and/or EO(x31) shown on Diagram 2 of By-law 1115-2022(OLT);
 - vii. Long-term **bicycle parking spaces** must be located in a **building**;
 - viii. A long-term **bicycle parking space** may be located in a **stacked bicycle parking space**; and
 - ix. A minimum of 50 percent of all bicycles will be placed in a horizontal position and the balance may be placed in a vertical or stacked horizontal position.
- iii. **Bicycle Parking Space Dimensions**
- i. A **bicycle parking space** must have a minimum length of 1.8 metres, minimum width of 0.6 metres, and minimum vertical clearance from the ground of 1.9 metres;
 - ii. A **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device must have a minimum length or vertical clearance of 1.9 metres, minimum width of 0.6 metres, and minimum horizontal clearance from the wall of 1.2 metres;
 - iii. If a **stacked bicycle parking space** is provided, the minimum vertical clearance for each **bicycle parking space** is 1.2 metres; and
 - iv. An area used to provide **bicycle parking spaces** must have a minimum vertical clearance of 2.4 metres if it is a **stacked bicycle parking space**; and 1.9 metres in all other cases.
- v. **Change and Shower Facilities**
- i. If a **building** has uses, other than **dwelling units**, for which a long-term **bicycle parking space** is required, shower and change facilities must be provided for each gender at the following rate:
 - 1. none if less than 13 required long-term **bicycle parking spaces**;
 - 2. 1 for 13 to 60 required for long-term **bicycle parking spaces**;

3. 2 for 61 to 120 required long-term **bicycle parking spaces**;
 4. 3 for 121 to 189 required for long-term **bicycle parking spaces**; and
 5. 4 for more than 180 required long-term **bicycle parking spaces**.
15. None of the provisions of By-law 569-2013, as amended, apply to prevent a temporary sales office on the lands subject to this By-law, which means a **building, structure**, facility, trailer, or portion thereof used exclusively for the purpose of the sale, leasing or rental of **dwelling units** or non-residential units to be erected on the same lands. No **vehicle** parking or **vehicle** access is permitted in connection with a temporary sales office on the portion of the lands zoned O on Diagram 2 attached to this By-law.
16. None of the provisions of By-law 569-2013, as amended, apply to prevent a temporary construction management office on the lands subject to this By-law, which means a **building, structure**, facility, trailer, or portion thereof used exclusively for the purpose of the construction management for the development of the lands to be erected on the same lands. No **vehicle** parking or **vehicle** access is permitted in connection with a construction management office on the portion of the lands zoned O on Diagram 2 attached to this By-law.
17. Despite any existing or future severance, partition, or division of the lands, the provisions of this By-law will apply to the whole of the lands outlined in heavy black lines on Diagram 1 attached to this By-law as if no severance, partition or division had occurred.

Section 37 Provisions

18. Pursuant to Section 37 of the Planning Act, as it read the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, 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 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.
19. Where Schedule A of this By-law requires that 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.
20. 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 applicable provisions of Schedule A are satisfied.

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 zoned CR SS2(x611) and EO (x31) as shown in Diagram 2 of By-law 1115-2022(OLT) (the "Lands") and secured in an agreement or agreements under Section 37(3) of the Planning Act, as it read the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, whereby the owner agrees as follows:

Cash Contribution

1. Prior to the issuance of the first Above-Grade Building Permit for the Development on any portion of the Lands, the Owner shall make a cash contribution to the City in the amount of Eleven Million Three Hundred Thousand Dollars (\$11,300,000.00) (the "Cash Contribution") to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor to be used by the City, for community services and facilities in the Ward.
2. The Cash Contribution set out in Clause 1 shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the Cash Contribution by the owner to the City.

Functional Servicing and Stormwater Management

3. Prior to the issuance of any Building Permit for all or any part of the Lands, including any conditional building permit, the Owner shall at no cost to the City:
 - a. obtain all necessary permits to haul private water offsite with no discharge to any sewer until all required internal infrastructure and external upgrades to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Hydrogeological Report and Stormwater Management Report, for the Development are completed to the satisfaction of the General Manager, Toronto Water and the Chief Engineer; or
 - b. obtain all necessary permits to discharge private water to the storm sewer, pay all applicable fees, comply with all permit conditions, to the satisfaction of the General Manager, Toronto Water and the Chief Engineer until all required internal infrastructure and external upgrades to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Hydrogeological Report and Stormwater Management Report, are completed to the satisfaction of the General Manager, Toronto Water and the Chief Engineer;
or

- c. obtain all necessary permits and design, financially secure, construct, and make operational, all required internal infrastructure and external upgrades to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Hydrogeological Report and Stormwater Management Report, to support the Development, all to the satisfaction of the Chief Engineer, the General Manager, Toronto Water, and the City Solicitor.
 - d. Regardless of which option set out in s.3 a, b, or c above is selected, the Owner shall:
 - i. submit all environmental site assessment reports describing the current site conditions and the proposed remedial action plans in accordance with the City's Environmental Peer Review Policy and obtain concurrence from the third party peer reviewer to the satisfaction of the Chief Engineer; and
 - ii. provide space within the Development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with Section 681-10 of City of Toronto Municipal Code Chapter 681, Sewers.
4. Prior to the issuance of any Above-Grade Building Permit for all or any part of the Lands, including for clarity, any conditional Above-Grade Building Permit, the Owner shall at no cost to the City design, financially secure, construct, and make operational, all required internal infrastructure and external upgrades to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Hydrogeological Report and Stormwater Management Report, to support the development, all to the satisfaction of the Chief Engineer, the General Manager, Toronto Water, and the City Solicitor.
5. Prior to the issuance of any Above-Grade Building Permit for all or any part of the Lands, including for clarity, any conditional Above-Grade Building Permit, the Owner shall at no cost to the City conduct any remediation work for lands to be conveyed to the City identified through the Peer Review to the satisfaction of the Peer Reviewer of the Environmental Site Assessments and the Chief Engineer and Executive Director, Engineering and Construction Services.

Child Care Centre

6. Prior to or concurrent with the earlier of first residential occupancy of Building C as shown on Diagram 7 or registration of a condominium under the Condominium Act, 1998 for Building C as shown on Diagram 7, and in any event within 12 months of the first residential occupancy within the Lands, unless otherwise agreed by the Chief Planner in writing, the Owner, at its sole expense, shall design, construct, finish, furnish, fully equip, commission and provide to the City a non-profit licensable child care centre, that can accommodate a 62 child care spaces (generally comprising interior and adjacent exterior areas, including all appliances (major and minor), play-based toys (interior and exterior) and administrative furnishing and equipment, including the associated outdoor

play area, all situated within the ground floor or ground floor and second floor of a component of the development, including a cash contribution of \$300,000.00 towards start-up costs for the child care centre.

Affordable Rental Housing

7. The Owner shall provide 40 affordable rental housing units onsite, to be secured as affordable for 15 years and as rental for 25 years all in accordance with the draft Affordable Rental Housing terms attached as Appendix 1 to this Schedule A.
8. The following matters will be provided by the owner to support the development:

Privately Owned Publicly Accessible Spaces

- a. The Owner shall, at its sole cost and expense, provide, construct, provide an easement for public access over and thereafter repair and maintain:
 - i. an approximate area of no less than 1,200 square metres of Privately Owned Publicly Accessible Space ("POPS") on the lands located generally at the corner of Eglinton Avenue East and Laird Drive; and
 - ii. an approximate area of no less than 1,600 square metres of POPS on the lands located internally to the development,

(collectively the "POPS Areas"), with the final location, dimensions, configuration, and design of the POPS Areas to be to the satisfaction of the Chief Planner pursuant to the development review process.
- b. The POPS Areas shall be completed and open to the public to the satisfaction of the Chief Planner in consultation with the City Solicitor prior to or concurrent with the earlier of the first residential occupancy of the Building C as shown on Diagram 7 or five (5) years from the issuance of the first Above Grade Building Permit for the construction of any component of the development including residential uses unless otherwise agreed to by the Chief Planner or designate in writing.

Pedestrian Walkways

- c. The Owner shall, at its sole cost and expense, construct, provide an easement for public access over and thereafter repair and maintain the following pedestrian walkways on and adjacent to the Lands:
 - i. a publicly accessible pedestrian mews connecting to Eglinton Avenue East (the "Eglinton Access Walkway"),
 - ii. a publicly accessible pedestrian pathway varying in width from 5.0 metres to 2.5 metres to the north of the public park (the "Park Walkway"),

(collectively the "Pedestrian Walkways "), with the final length, width, location, configuration and design of the Pedestrian Walkways to be to the satisfaction of the Chief Planner pursuant to the development review process.

- d. The Pedestrian Walkways shall be completed and open to the general public prior to or concurrent with the earlier of the first residential occupancy of Building C as shown on Diagram 7 or five (5) years from the issuance of the first Above Grade Permit for the construction of any component of the development of the Lands including residential uses, unless otherwise agreed to by the Chief Planner or designate in writing.

Private Street

- e. The Owner shall provide, at its sole expense, and thereafter maintain a public easement for pedestrian and vehicular access over the lands having a minimum width of 8.5 metres (the "Private Street"), with the final location, dimensions, configuration, and design of the Private Street to be in accordance with this zoning by-law and to the satisfaction of the Chief Planner pursuant to the development review process.
- f. The Private Street shall be completed and open to the public to the satisfaction of the General Manager, Transportation Services and the Chief Planner in consultation with the City Solicitor prior to or concurrent with the first Residential Occupancy of Building D as shown on Diagram 7, unless otherwise agreed to by the Chief Planner or designate in writing.

Pedestrian Level Wind Study

- g. Prior to the earlier of site plan approval or the issuance of any foundation permit, the Owner shall provide a detailed pedestrian level wind study, including wind tunnel analysis report, to the satisfaction of the Chief Planner.
- h. The Owner shall implement and maintain all recommended wind impact mitigation measures for the development to the satisfaction of the Chief Planner.

Environment Noise and Vibration Assessment

- i. As part of the site plan approval process for the development, the Owner shall secure and implement the appropriate recommendations addressing noise and vibration as recommended in Section 16 of the Environmental Noise and Vibration Assessment RioCan 815-845 Eglinton Avenue East Redevelopment Toronto ON, prepared by SLR Consulting (Canada) Ltd., dated February 19, 2020.
- j. The Owner shall implement, construct and thereafter maintain all recommended noise and vibration impact mitigation measures for the Development to the satisfaction of the Chief Planner.

Toronto Green Standard

- k. The Owner shall construct and maintain the development in accordance with Tier 1, Toronto Green Standard and is encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate.

Minimum Family Sized Units

- l. The Owner shall provide and maintain a minimum of 10 percent three-bedroom units in the development, to the satisfaction of the Chief Planner.

Transportation Demand Management Measures

- m. The Owner shall provide and maintain within the development transportation demand management measures to the satisfaction of the General Manager of Transportation Services and the Chief Planner in accordance with the Transportation Demand Measures attached as Appendix 2 to this Schedule A.

Underground Loading and Servicing

- n. The Owner shall provide, conduct and maintain all loading and servicing activities for the development below grade, to the satisfaction of the General Manager of Transportation Services and the Chief Planner, to be reviewed and secured through the development review process.

Timing of Office Development

- o. No Above-Grade Building Permit, including a conditional permit, will be issued for any above grade component of any building containing residential units on the Lands prior to the issuance of the first Above-Grade Permit, including a conditional permit, for an above grade component of the office building proposed on the Lands.

Building Permit Requirements and Development Timing

- p. The Owner shall make application for one (1) Excavation and Shoring Permit, including a conditional permit, for the development of the Lands to the satisfaction of the Chief Building Official.
- q. The Owner shall make application for one (1) Above Grade Permit, including a condition permit, for the entirety of the above grade construction of Building A, Building B, and Building C as shown on Diagram 7 to the satisfaction of the Chief Building Official.
- r. The Owner shall complete the Development as set out in the applicable Site Plan Agreement(s) entered into between the Owner and the City within five (5) years from the issuance of the first Above Grade Permit for the construction of any

component of the Development including residential uses, unless otherwise agreed to by the Chief Planner or designate in writing.

Appendix 1
Affordable Rental Housing

1. The owner shall provide 40 affordable rental dwelling units.
2. The final unit mix by number of bedrooms will approximate the overall mix that is proposed for the New Buildings. This will include:
 - a. No more than twenty-three (23) one-bedroom units with a minimum average unit size of 51.1 square meters (550 square feet).
 - b. At least fourteen (14) two-bedroom units with a minimum average unit size of 69.7 square meters (750 square feet).
 - c. At least three (3) three-bedroom units with a minimum average size of 83.6 square meters (900 square feet).
 - d. The 40 units shall comprise at least 2,402 square meters (25,850 square feet) of gross livable area.
 - e. Changes to the unit mix and/or gross livable area shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. The units shall be secured as rental housing for 25 years from the date of first occupancy thereof, and the owner shall not apply to convert them to any other use in this time period.
4. The units shall be provided in groups of at least 6 contiguous units unless the entire building is secured as rental tenure for at least 25 years, in which case the units can be distributed throughout the building with no requirements for contiguous groupings.
5. Maximum rents will be set at affordable rents, as defined in the Official Plan of the City of Toronto as rents where the total monthly shelter cost (including heat, hydro and hot water, excluding parking and internet/cable charges) is at or below one times the Average Market Rent for the City of Toronto, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation in the Fall Market Report, for any first or new tenant for a 15-year period.
6. During the 15-year affordability period, annual rent increases for sitting tenants will be limited to the same percentage for annual rent increases as the Guideline increase permitted under the Residential Tenancies Act or equivalent provincial legislation.
 - a. In the event that no Guideline is announced by the Province of Ontario, the applicable percentage shall be the Consumer Price Index for the City of Toronto as of the month prior to the date that the notice of rent increase is served.

Appendix 2
Transportation Demand Measures

1. *Car-Share Spaces*

The Owner shall provide and maintain a minimum of three (3) publicly accessible car-share sharing spaces as defined in this by-law in locations within the development.

2. *Car Pool/ Ride Sharing Spaces*

The Owner shall provide and maintain five percent (5 percent) of the non-resident parking supply for the development as car-pool/ride-sharing parking spaces in locations within the development.

3. *Bicycle Share Facilities*

Prior to the issuance of the first Above-Grade Building Permit for the development on any portion of the Lands, the Owner shall pay to the City, the sum of Two Hundred Thousand Dollars (\$200,000.00), indexed upwardly, for the future implementation of bike-share facilities in Ward 15.

4. *Bicycle Parking Supply and Facilities*

The Owner shall provide a financial contribution to the City for installation of additional City's standard bicycle post-and-ring stands within the City right-of-way in proximity of the Eglinton-Crosstown Laird Station.

The Owner shall provide and maintain one (1) bicycle repair station for each of the five (5) proposed development blocks in the development.

5. *Transit Use Incentives*

The Owner shall provide one (1) unloaded Presto card to the first occupant of each residential unit within the development upon initial occupancy.

The Owner shall provide one (1) loaded Presto card to the first occupant of each affordable rental housing unit within the development upon initial occupancy for a term of six (6) months.

6. *Transportation/Transit Screens*

The Owner will provide and maintain one (1) real-time transit/transportation information screen within the residential building lobby of each of the five (5) proposed development blocks with the development.

7. *Vanderhoof Avenue Multi-Use Path*

The Owner shall design a Multi-Use Path along the site frontage of the Development on the north side of Vanderhoof Avenue in accordance Section 3.1.D of the Laird in Focus Urban Design Guidelines July 2020 and the Laird in Focus Functional Plans.

Provided that Vanderhoof Avenue has been modified generally in accordance with Section 3.1.D of the Laird in Focus Urban Design Guidelines July 2020 and the Laird in Focus Functional Plans to both the east and the south of the Development at the time that the Owner makes application for Site Plan Approval for any portion of the development fronting on Vanderhoof Avenue, the Owner will be required to construct the Multi-Use Path along the site frontage of the development on the north side of Vanderhoof Avenue.

In the event that that Vanderhoof Avenue has not been modified generally in accordance with Section 3.1.D of the Laird in Focus Urban Design Guidelines July 2020 and the Laird in Focus Functional Plan to both the east and the south of the development at the time that the Owner makes application for Site Plan Approval for any portion of the development fronting on Vanderhoof Avenue, the Owner will be required to construct the interim Vanderhoof Avenue condition along the site frontage of the development on the north side of Vanderhoof Avenue.

8. *Laird Station Connection*

The Owner shall provide and maintain a below-grade direct connection to Laird LRT Station from the development or shall construct knock out panels below grade in the development to allow for a below grade direct connection to Laird LRT Station.

Provided that Metrolinx agrees to allow a below grade direct connection to Laird LRT Station at the Site Plan Approval stage, the Owner agrees that the direct connection to Laird LRT Station shall be publicly accessible and shall be operational at all hours that the LRT is in operation.

Provided that Metrolinx agrees to permit a below grade direct connection to Laird LRT Station at the Site Plan Approval stage, the Owner agrees to enter into any agreements, including an entrance connection agreement, with Metrolinx, including the payment of the usual fees that may reasonably required, which provide for the provision of easements to secure public access, and to prepare such documents as may be required for any below grade direct connection to Laird LRT Station to be open and in operation, all at the Owner's sole cost, prior to Site Plan approval for the Building A as shown on Diagram 7.

9. *Laird Drive Cycle Track*

The Owner shall design a Cycle Track along the site frontage of the development on the east side of Laird Avenue generally in accordance with Section 3.1.B of the Laird in Focus Urban Design Guidelines July 2020 and the Laird in Focus Functional Plans.

Provided that Laird Drive has been modified generally in accordance with Section 3.1.B of the Laird in Focus Urban Design Guidelines July 2020 and the Laird in Focus

Functional Plans with a Cycle Track to the west of the development at the time that the Owner makes application for Site Plan Approval for any portion of the development fronting on Laird Drive, the Owner will be required to construct the Cycle Track along the site frontage of the development on the north side of Vanderhoof Avenue.

In the event that that Laird Drive has not been modified generally in accordance with Section 3.1.D of the Laird in Focus Urban Design Guidelines July 2020 and the Laird in Focus Functional Plans with a Cycle Track to the west of the development at the time that the Owner makes application for Site Plan Approval for any portion of the development fronting on Laird Drive, the Owner will be required to construct the interim Laird Drive condition along the site frontage of the development on the east side of Laird Drive.

Diagram 1

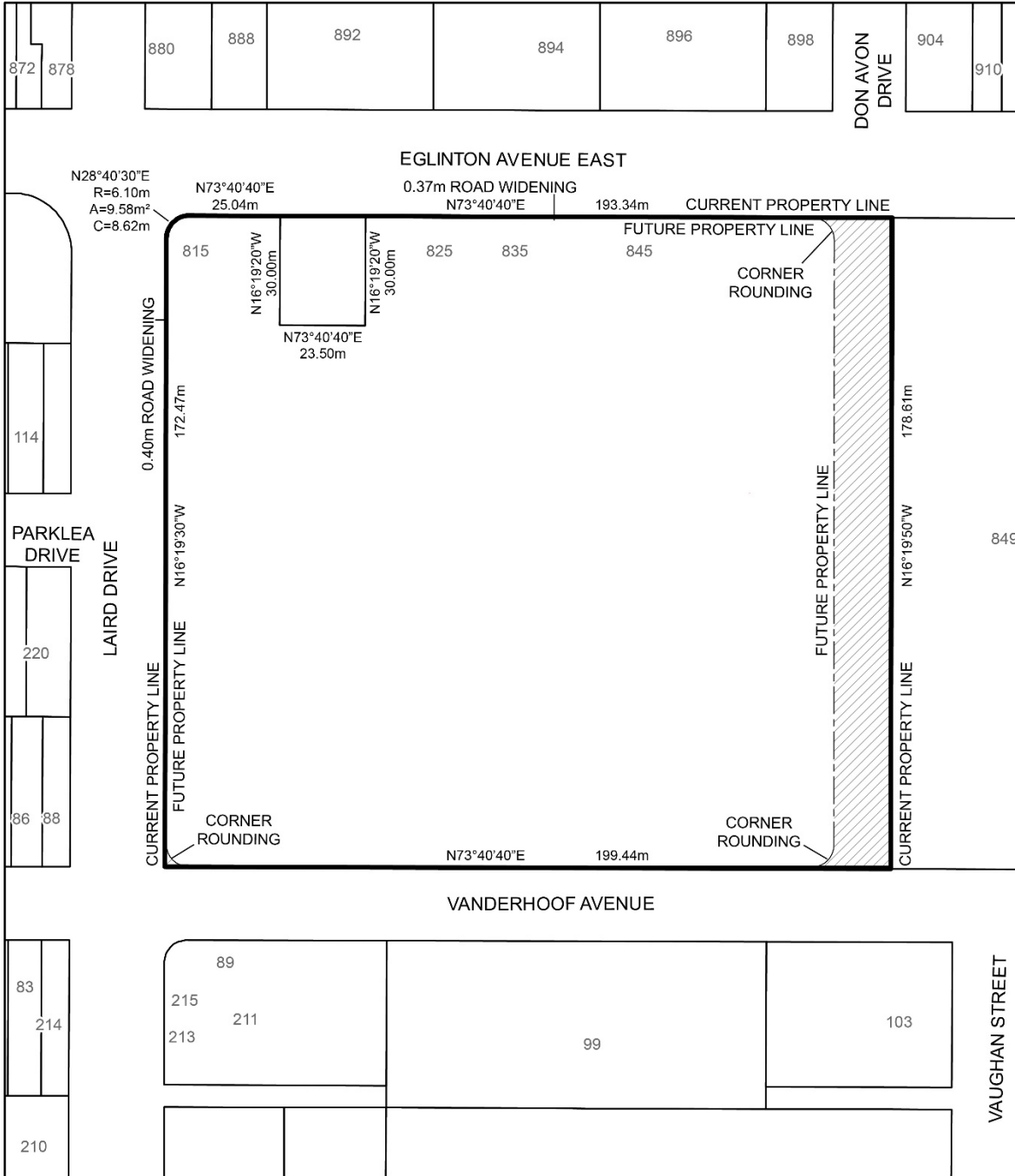


Diagram 2

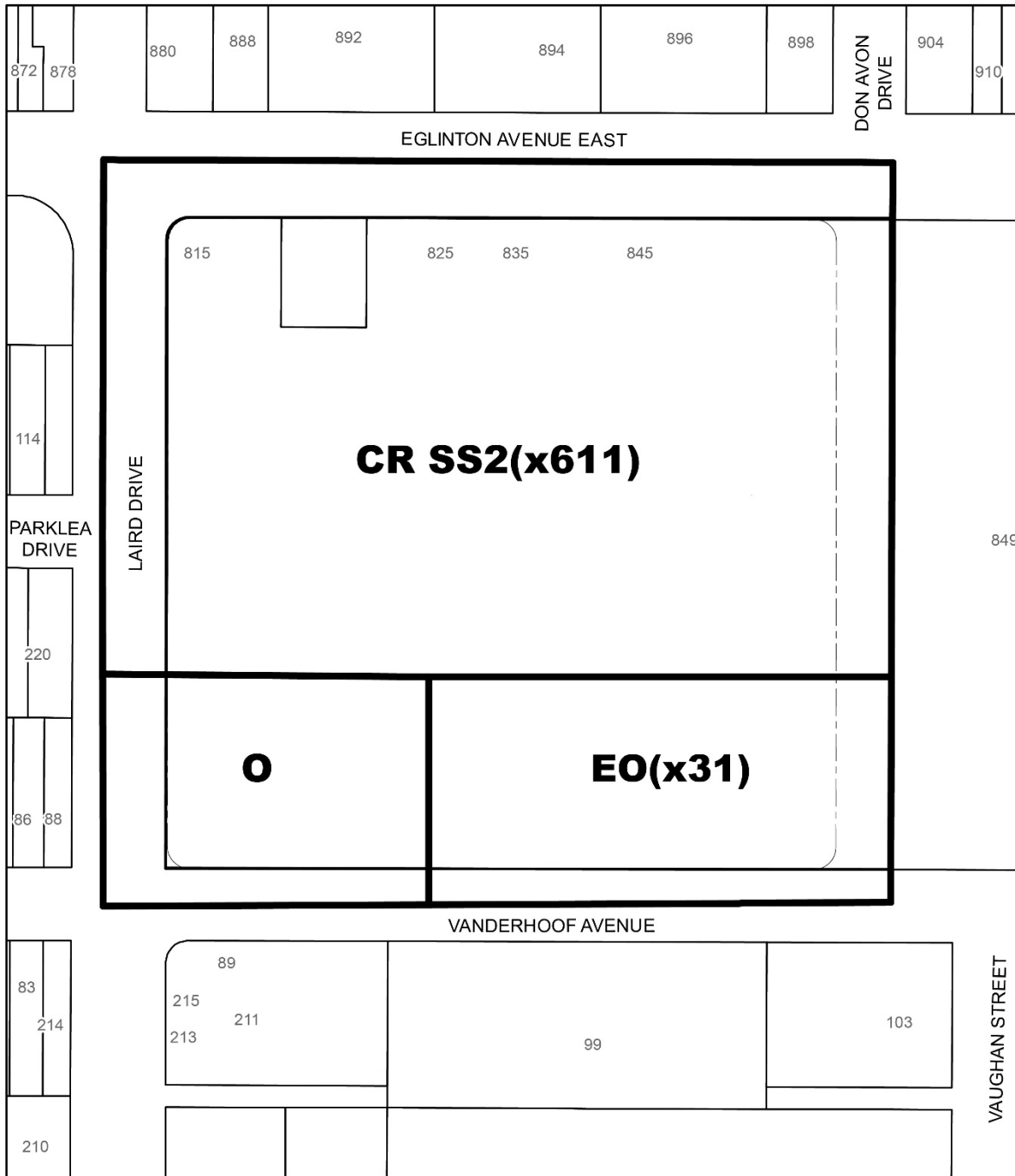


Diagram 3

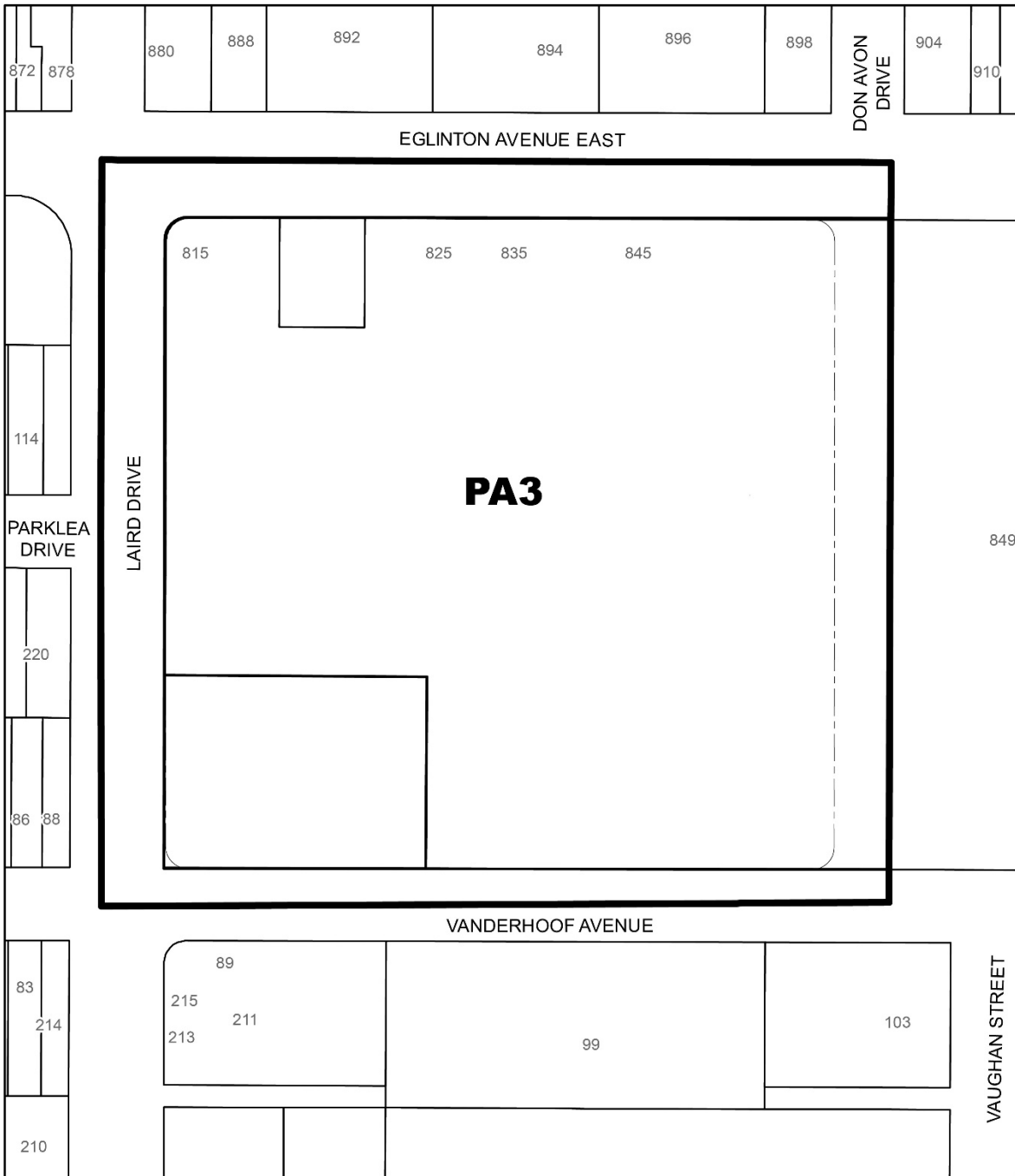


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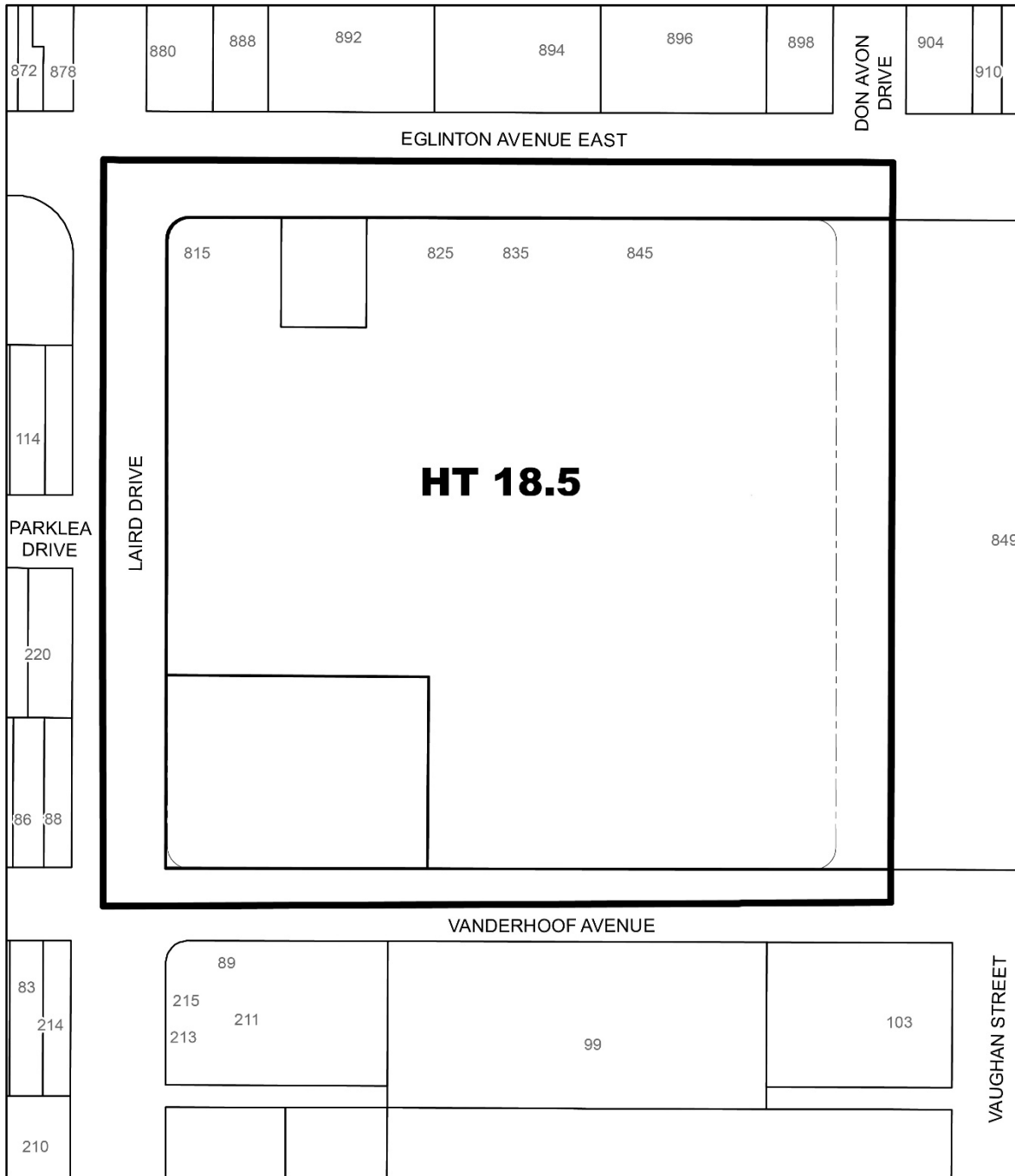


Diagram 5

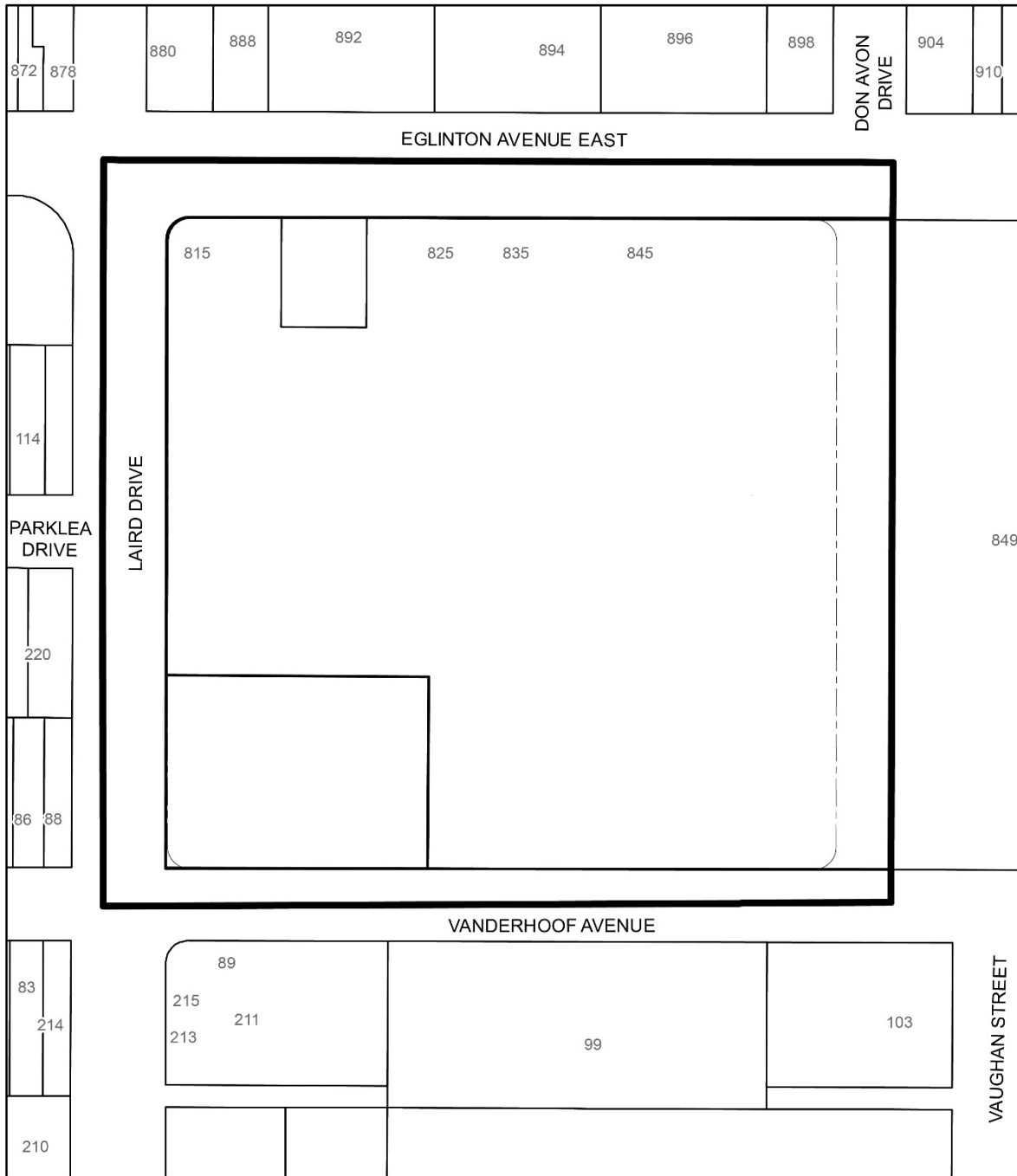


Diagram 6

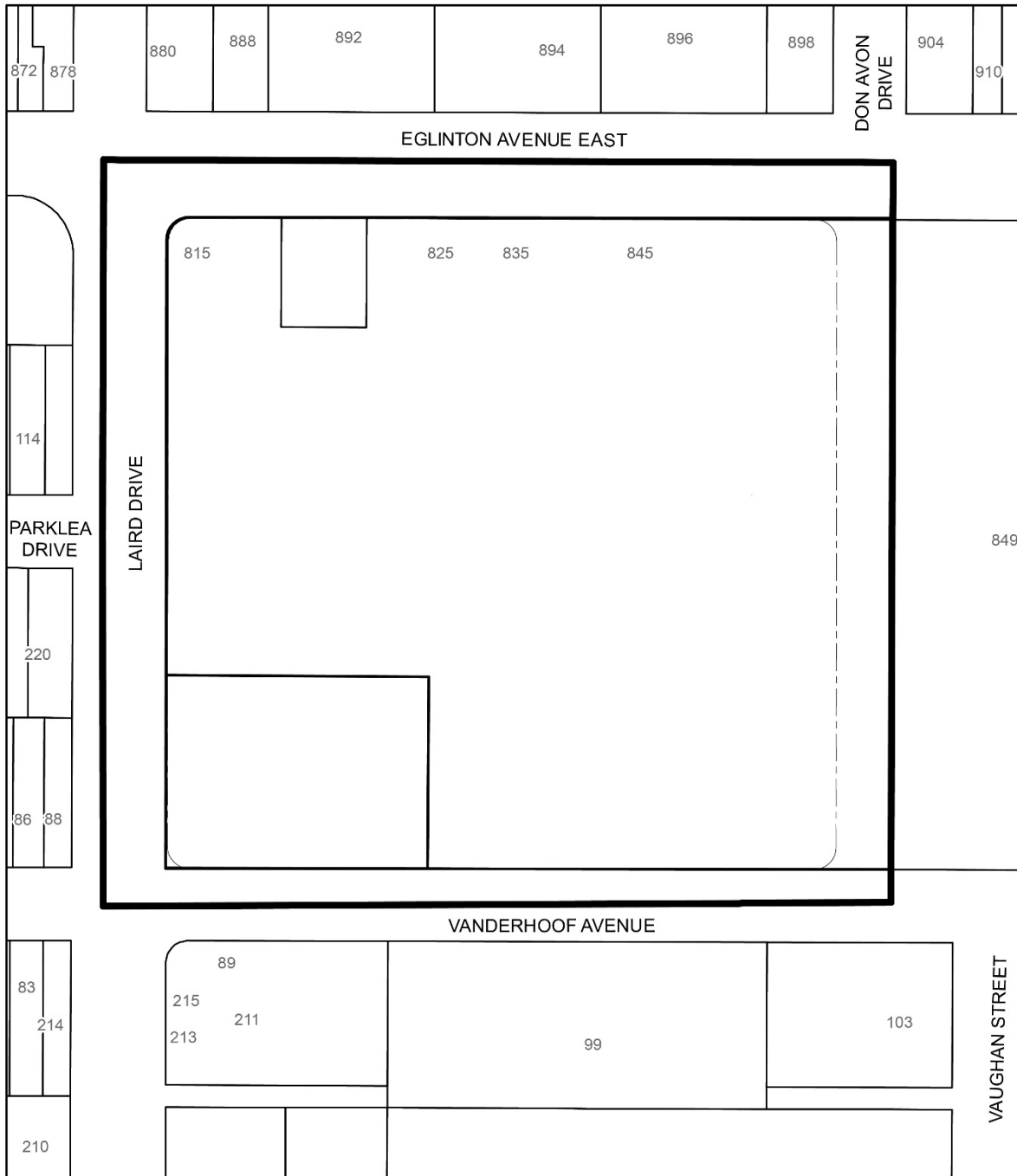
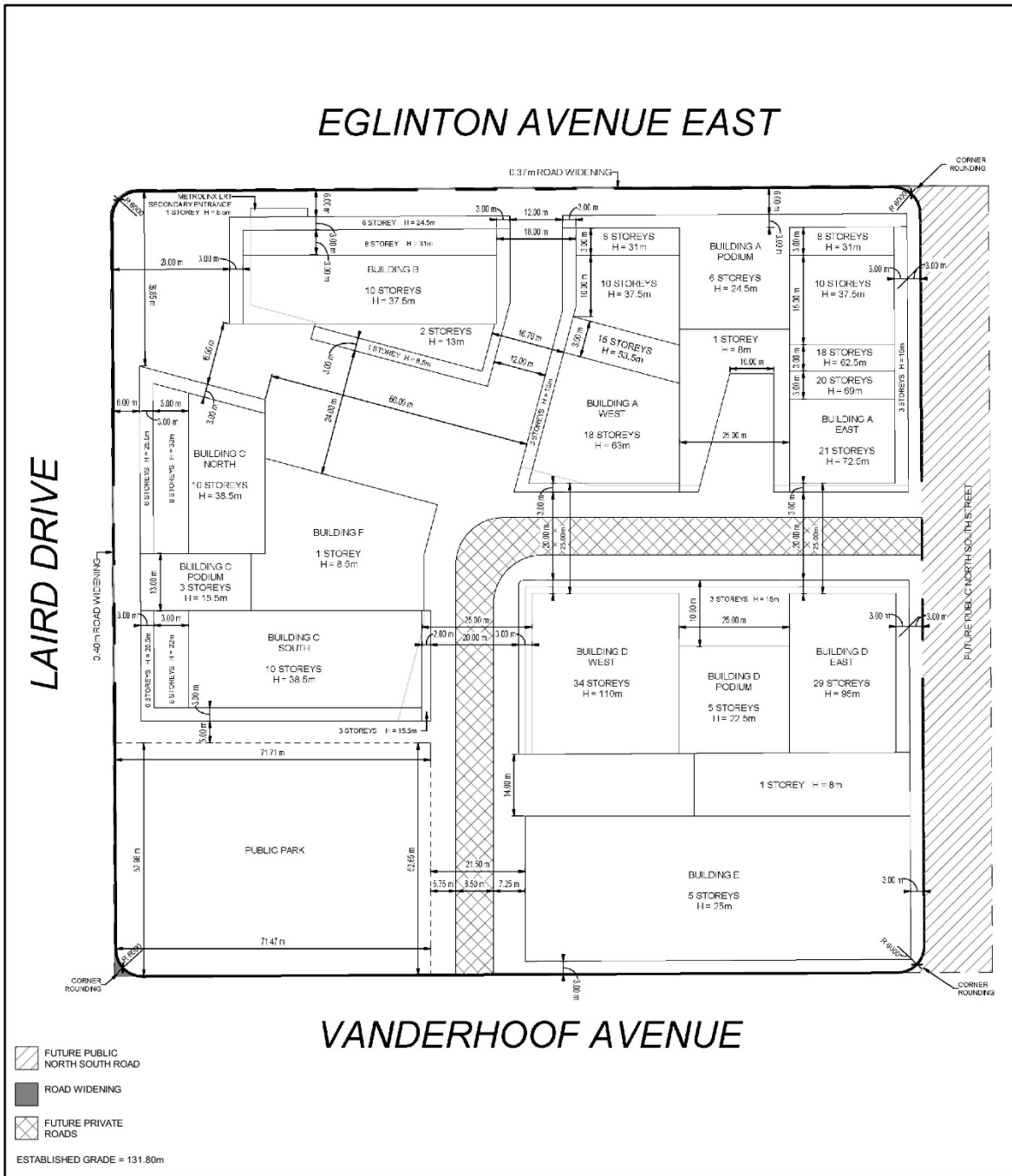


Diagram 7



815-845 Eglinton Avenue East

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