

Authority: Local Planning Appeal Tribunal Decisions issued November 15, 2018, May 28, 2019 and August 26, 2019 and Ontario Land Tribunal Order issued on August 4, 2022 in Board File PL180391

CITY OF TORONTO

BY-LAW 223-2023(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 368 and 386 Eglinton Avenue East.

Whereas the Local Planning Tribunal Orders issued November 15, 2018, May 28, 2019 and August 26, 2019 in Board File PL180391, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 569-2013, as amended, with respect to lands municipally known as 368 and 386 Eglinton Avenue East; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Ontario Land Tribunal orders:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to and forming part of this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy

black lines from a zone label of R (f9.0; d2.0) (x942) to R (f9.0; d2.0) (x88) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 88, so that it reads.

(88) Exception R 88

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 368 and 386 Eglinton Avenue East, if the requirements of Section 8 and Schedule A of By-law 223-2023(OLT) are complied with, a **building, structure** or addition may be constructed or used in compliance with regulations (B) to (W) below;
- (B) For the purposes of this exception, "existing building" is the existing **apartment building** municipally known as 368 Eglinton Avenue East, including the underground **parking garage** and enclosed garage entry ramp located on the **lot** in the year 2019 as shown on Diagram 3 of By-law 223-2023(OLT);
- (C) Despite regulation 10.10.40.40(1), the permitted maximum **gross floor area** of both the "existing building" and the addition to the "existing building" is 16,800 square metres;
- (D) A maximum of 149 **dwelling units** are permitted in the "existing building";
- (E) A maximum of 76 **dwelling units** are permitted in the addition to the "existing building";
- (F) Despite clauses 10.5.40.70 and 10.10.40.70, the required minimum **building setbacks** in metres for the "existing building" and the addition to the "existing building" are shown on Diagram 3 of By-law 223-2023(OLT);
- (G) Despite regulation (F) above and regulations 10.5.40.50(2), 10.5.40.60(1), (2), (3), (5)(A), (7)(B), and (8), the following may encroach into the required minimum **building setbacks** as shown on Diagram 3 attached of By-law 223-2023(OLT):
- (i) pilaster, decorative column, cornice, sill, belt course, eaves, lighting fixtures, vents and parapets may encroach a maximum distance of 0.5 metres;
- (ii) vents, pipes, or utility equipment may encroach a maximum distance of 0.6 metres;

- (iii) antenna, or a pole used to hold an antenna and satellite dishes may encroach a maximum distance of 0.9 metres; and,
 - (iv) balconies, canopies, awnings, wind mitigation features, trellises, guardrails, balustrades, railings, stairs, wheel chair ramps, underground garage ramps, landscape and **green roof** elements, and public art features may encroach a maximum distance of 2.2 metres.
- (H) Despite Regulation 10.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 160.14 metres and elevation of the highest point of the **building** or **structure**;
- (I) Despite regulation 10.10.40.10(1), the permitted maximum height of any **building** or **structure** or portion thereof, is the height in metres specified by the numbers following "HT" as shown on Diagram 3 of By-law 223-2023(OLT);
- (J) Despite regulation 10.10.40.10(3), the permitted maximum number of **storeys** in a **building** or portion thereof is the number following the symbol "ST" as shown on Diagram 3 of By-law 223-2023(OLT);
- (K) Despite (I) and (J) above and regulations 10.5.40.10(2), (3) and (4), the following equipment and **structures** may project above the permitted maximum height as shown on Diagram 3 of By-law 223-2023(OLT):
- (i) Skylights, guardrails, elements of a **green roof**, parapets, elements of a photovoltaic **solar energy** device or a thermal **solar energy** device, wheelchair ramps, and roof assemblies may project above the permitted maximum height to a maximum of 2.0 metres;
 - (ii) **Structures** or parts of the **building** used for the functional operation of the **building**, such as enclosed stairwells, roof access or hatches, maintenance equipment storage, elevator shafts, elevator overrun, stacks, chimneys, vents, and water supply facilities may project above the permitted maximum height to a maximum of 2.5 metres;
 - (iii) Unenclosed **structures** providing safety or wind protection, acoustical barriers, privacy screens, and planters may project above the permitted maximum height to a maximum of 3.0 metres;
 - (iv) Lightning rods, antennae, flag poles, satellite dishes, fencing, decorative screens, lighting features, may project above the permitted maximum height to a maximum of 5.0 metres;
 - (v) Equipment used for the functional operation of the **building**, such as electrical, utility, heating/cooling towers, mechanical and ventilation equipment may project above the permitted maximum height by no more than 2.5 metres; and

- (vi) **Structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) through (v) may project above the permitted maximum height by no more than 2.0 metres.
- (L) Despite regulation 220.5.10.1(2), a minimum of one Type "G" **loading space** must be provided and maintained on the **lot** for the "existing building" and the addition to the "existing building";
- (M) Despite regulation 200.5.10.1(1), a total of 163 **parking spaces** must be provided and maintained on the **lot** for use by the residents of the "existing building" and the addition to the "existing building" and maintained in accordance with the following minimum requirements:
- (i) 128 **parking spaces** must be residential occupant **parking spaces**; and
- (ii) 35 **parking spaces** must be residential visitor **parking spaces**.
- (N) Notwithstanding (M) above, a maximum of "4 car-share **parking spaces**" are permitted, and for the purposes of this exception:
- (i) "Car-share" means the practice whereby a number of people share the use of one or more motor vehicles and such car-share motor vehicles are made available to at least the occupants of the building for short-term rental, including hourly rental; and
- (ii) A "car-share parking space" means a parking space exclusively reserved and signed for a car used only for car-share purposes.
- (O) Despite Chapter 200 – Parking Space Regulations, any existing **parking spaces** and **drive aisles** existing on the **lot** in the year 2019 are deemed to comply;
- (P) Despite regulation 10.5.100.1(5), the requirement for a **vehicle** being able to enter and leave the **lot** in one continuous movement does not apply;
- (Q) Despite regulation 10.10.40.80(1), the minimum required separation between **main walls** is as shown on Diagram 3 of By-law 223-2023(OLT);
- (R) Despite regulation 200.15.10(1)(C), a minimum of two accessible **parking spaces** must be provided;
- (S) Despite regulation 230.5.10.1(5), **bicycle parking spaces** for the "existing building" and the addition to the "existing building" must be provided and maintained on the lands in accordance with the following:
- (i) A minimum of 0.9 long-term **bicycle parking spaces** per **dwelling unit** in the addition to the "existing building"; and

- (ii) A minimum of 0.1 short-term **bicycle parking spaces** per **dwelling unit** in the addition to the "existing building".
- (T) Despite regulation 10.10.40.50(1), residential **amenity space** must be provided and maintained on the lands in accordance with the following:
 - (i) A minimum of 145 square metres of indoor **amenity space** located in the addition to the "existing building" for use by the residents of the **dwelling units** in the "existing building" and residents of the addition to the "existing building"; and
 - (ii) A minimum of 160 square metres of outdoor **amenity space** located in the addition to the "existing building" for use by the residents of the **dwelling units** in the "existing building" and residents of the addition to the "existing building".
- (U) Despite clause 10.5.50.10, a minimum of 1,250 square metres of **soft landscaping** must be provided and maintained on the **lot**;
- (V) Clause 10.10.40.30, with respect to **building depth**, does not apply; and
- (W) Regulation 10.5.80.1(2) with respect to Ancillary Outdoor Area for Parking do not apply.

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

5. Despite any existing or future consent, severance, partition or division of the **lot**, the provisions of By-law 223-2023(OLT) shall apply to the lands, as identified on Diagram 1, as one lot if no consent, severance, partition or division occurred.
6. Section 37 Provisions
 - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height 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.
 - (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.

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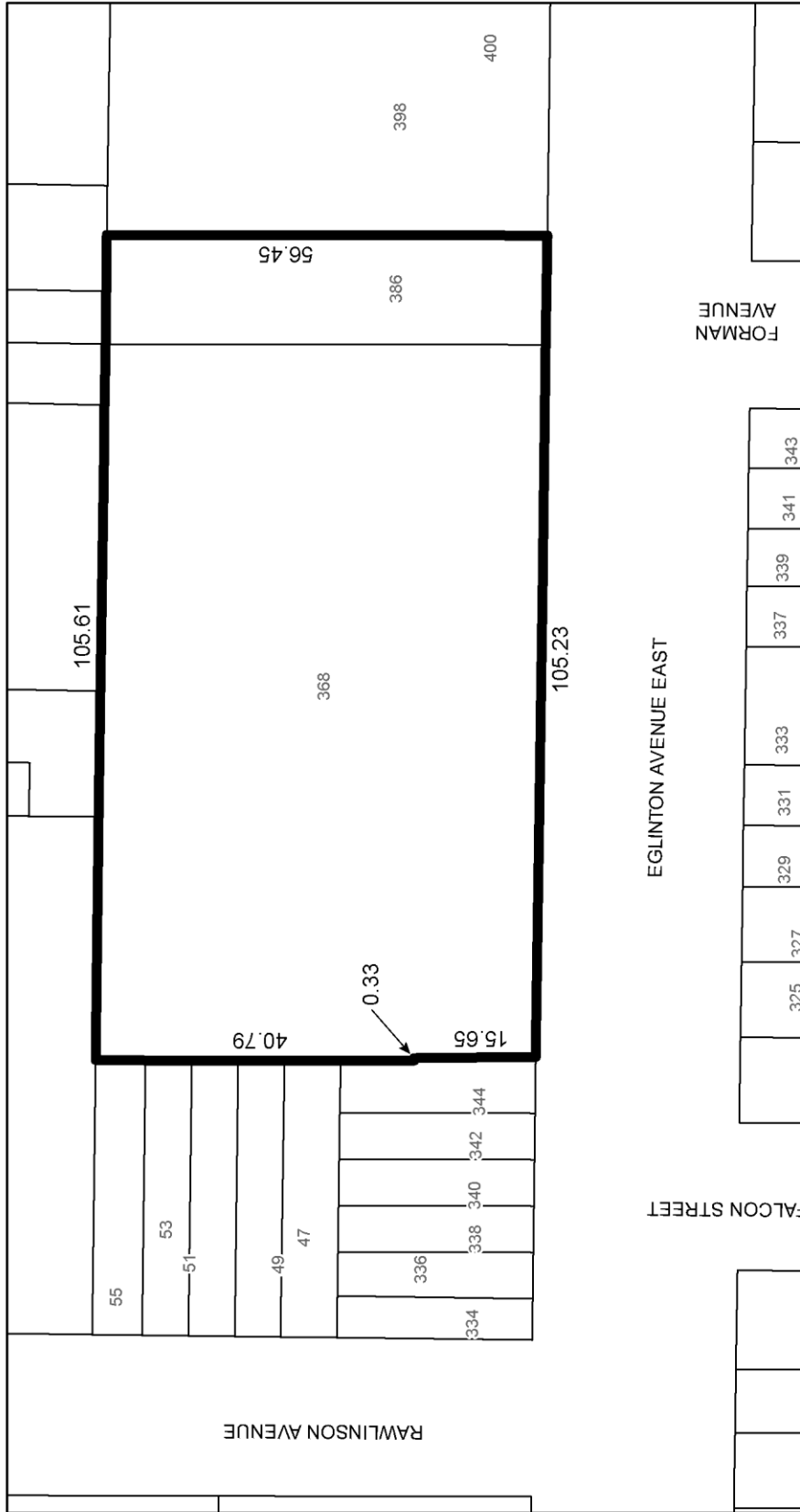
SCHEDULE A**Section 37 Provisions**

The facilities, services and matters set out herein are required to be provided by the owner of the lot at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of all financial contributions from the passage of the zoning by-law, no credit for development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement whereby the owner shall agree as follows:

- (1) The owner covenants and agrees to maintain and secure the rental tenure of the 149 rental dwelling units, inclusive of the 11 reconfigured and renovated rental dwelling units in (2), to be retained in the existing rental apartment building municipally known as 368-386 Eglinton Avenue for a period of at least 20 years commencing from the date that the Zoning By-law Amendment comes into full force and effect. None of the rental dwelling units to be retained in the existing rental apartment building municipally known as 368-386 Eglinton Avenue shall be registered as a condominium, no application may be submitted for condominium approval or for any such conversion to non-rental housing purposes, or for demolition without providing for replacement rental dwelling units during the 20 year period;
- (2) The owner covenants and agrees to maintain and secure the rental tenure of the 11 rental dwelling units to be reconfigured and renovated in the existing rental apartment building municipally known as 368-386 Eglinton Avenue for a period of at least 20 years commencing from the date that each such unit is re-occupied by a returning tenant or new tenant. None of the rental dwelling units to be reconfigured and renovated in the existing rental apartment building municipally known as 368-386 Eglinton Avenue shall be registered as a condominium, no application may be submitted for condominium approval or for any such conversion to non-rental housing purposes, or for demolition without providing for replacement rental dwelling units during the 20 year period. The 11 rental dwelling units to be reconfigured and renovated shall be provided in accordance with the Architectural Plans dated October 26, 2018 and any revisions to such plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (3) The owner shall undertake the following needed building improvements and renovations to existing rental building at no extra cost to the tenants. These building improvements and renovations shall include, but not be limited to, at least the following:
 - (i) Within six (6) months of issuance of the first above grade permit for the east addition, the owner shall provide a programmed outdoor amenity area on the two existing roof-top amenity areas on the existing building and renovate the existing washroom located adjacent to the existing eastern roof-top outdoor amenity area, as illustrated on the Landscape Plans dated December 20, 2019. All revisions to these Plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning. The proposed new programmed amenity area shall include outdoor furniture, weather protection, and barbeques;

- (ii) Within six (6) months of issuance of the first above grade permit for the east addition, the owner shall establish a new indoor amenity area within the basement of the existing building of at least 80 square metres, currently occupied by a mechanical/service area, as illustrated on the Floor Plans dated December 20, 2019. All revisions to these Plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (iii) Prior to occupancy of the east addition, the owner shall locate all garbage, recycling, and composting storage for the new and existing building and locate a hand-delivered refuse drop-off area within the existing building;
 - (iv) Prior to occupancy of the east addition, the owner shall introduce secure long-term bike storage within the underground parking garage for residents of the existing and new buildings; and
 - (v) Prior to occupancy of the east addition, the owner shall introduce short-term visitor bike parking racks located at the front entrance of the existing building;
- (4) Prior to the issuance of the shoring and excavation permit for the east addition, the owner shall develop, in consultation with tenants of 368-386 Eglinton Avenue East, a Tenant Communication Plan and Construction Mitigation Strategy to lessen adverse impacts on tenants due to the redevelopment proposal, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (5) The owner covenants and agrees to provide Tenant Relocation and Assistance to all eligible tenants residing in the existing rental dwelling units to be reconfigured and renovated, including the right to return, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- (6) Prior to occupancy of the east addition, the owner shall reduce the number of vehicular driveways to and from the site from 4 to 1 and relocate the ramp to the underground parking garage to the rear of the site.

Diagram 1



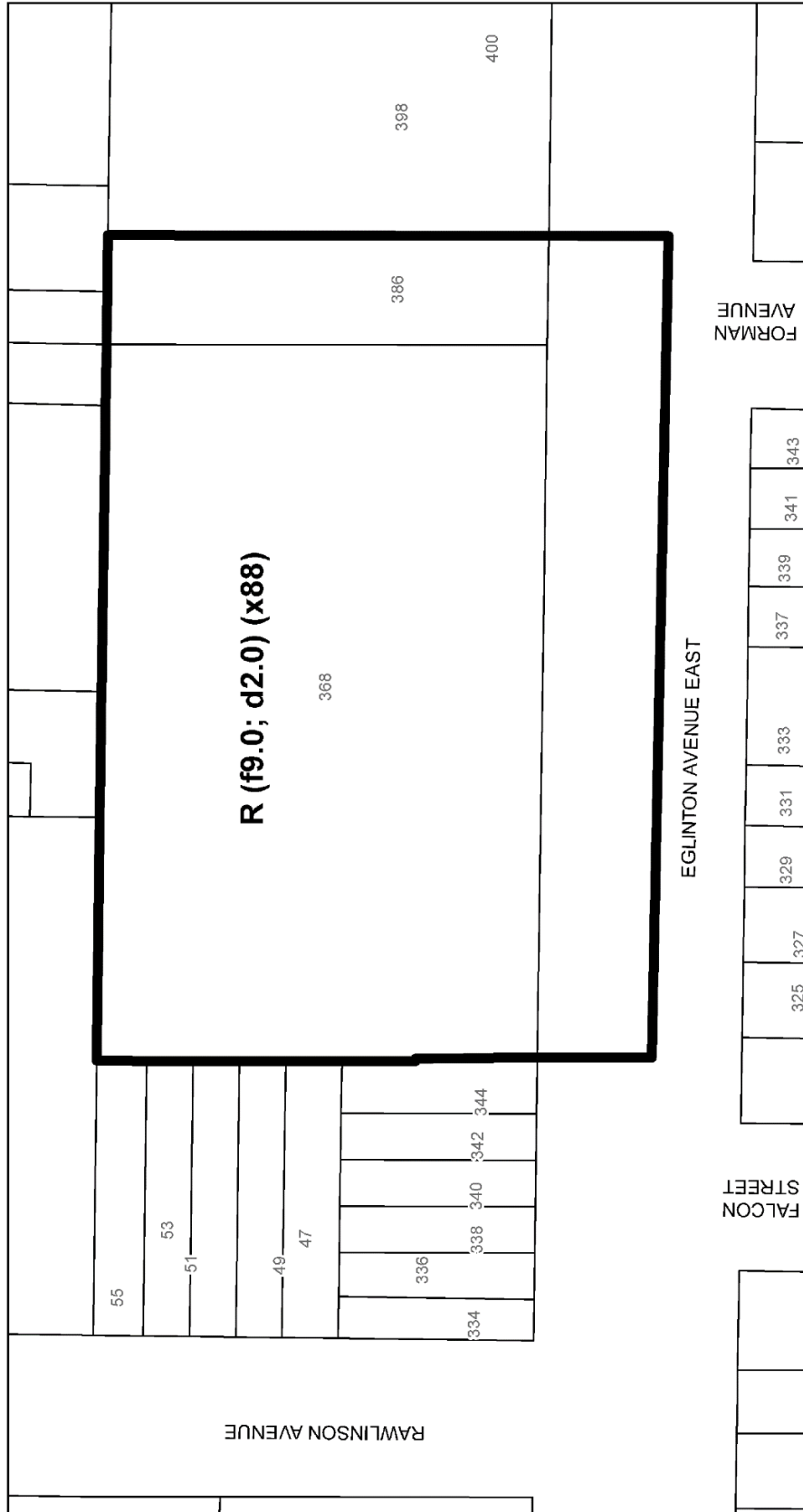
368 and 386 Eglinton Avenue East

File # 17 188558 STE 22 0Z



City of Toronto By-law 569-2013
Not to Scale
01/28/2020

Diagram 2



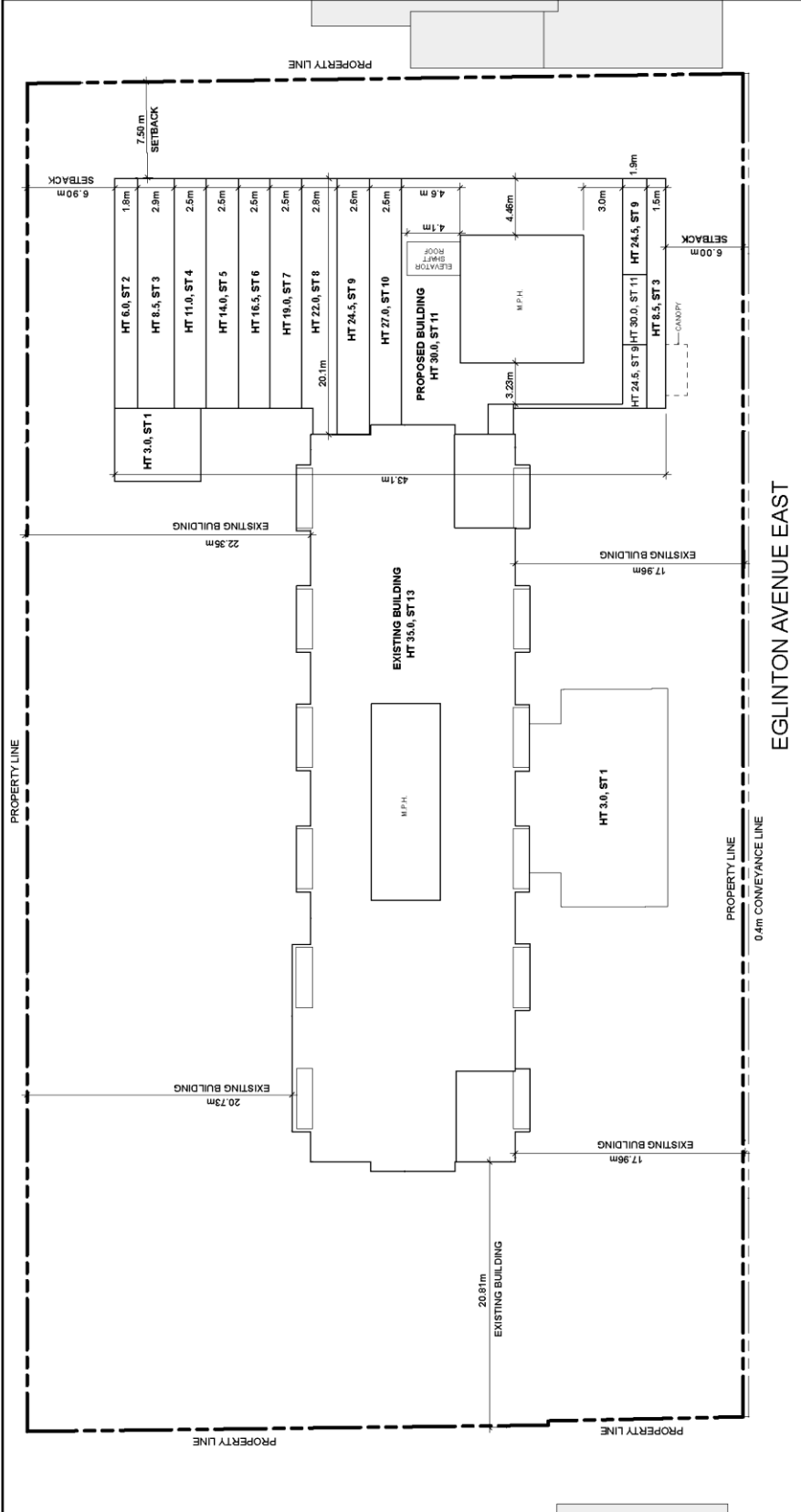
368 and 386 Eglinton Avenue East

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City of Toronto By-law 569-2013
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Diagram 3



368 and 386 Eglinton Avenue East

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City of Toronto By-law 569-2013
Not to Scale
01/28/2020