

**4650 Eglinton Avenue West – Zoning By-law
Amendment Application- Supplementary Report**

Date:	December 7, 2016
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 4 – Etobicoke Centre
Reference Number:	P:\2016\Cluster B\PLN\City Council\CC16153

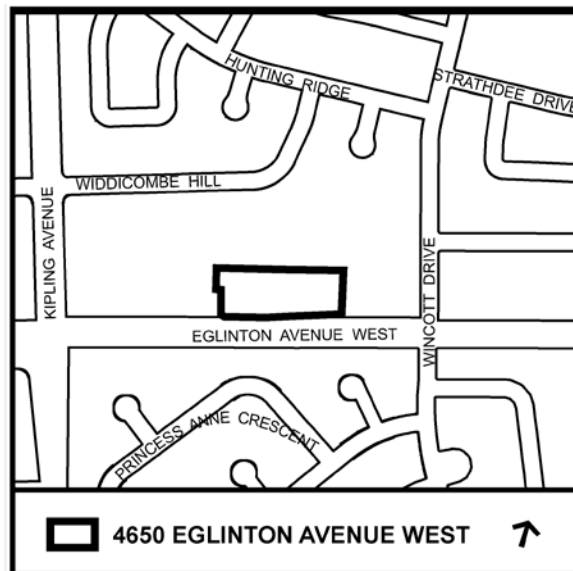
SUMMARY

On November 15, 2016, Etobicoke York Community Council considered a staff report entitled "Final Report – 4650 Eglinton Avenue West - Zoning By-law Amendment Application". The Community Council decision and report can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY18.6>

The Final Report on the Zoning By-law Amendment application for 4650 Eglinton Avenue West dated October 27, 2016 from the Director of Community Planning, Etobicoke York District, recommends approval of amendments to City of Toronto Zoning By-law 569-2013 and the former City of Etobicoke Zoning Code to permit a 9-storey residential development consisting of two 9-storey buildings linked by a central podium containing 272 rental units.

This report recommends that the two Draft Zoning By-law Amendments included in the October 27, 2016 Final Report be replaced with the revised Draft Zoning By-law Amendments contained in Attachments 1 and 2 to this report. The changes include the re-wording and formatting of clauses in



order to be more consistent with the formatting of City of Toronto Zoning By-law 569-2013 and the former City of Etobicoke Zoning Code. The proposed changes are minor in nature. The changes also include adding provisions to the S. 37 sections to assist in clarifying the requirements needed to secure matters of legal convenience in the Section 37 Agreement.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council delete Recommendation No. 1 and replace with the following:

City Council amend the City of Toronto Zoning By-law No. 569-2013 for the lands at 4650 Eglinton Avenue West substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 1.

2. City Council delete Recommendation No. 2 and replace with the following:

City Council amend the Etobicoke Zoning Code for the lands at 4650 Eglinton Avenue West substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 2.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Final Report on the Zoning By-law Amendment application for 4650 Eglinton Avenue West was considered at the November 15, 2016 meeting of the Etobicoke York Community Council. The recommendations to approve the application were adopted by Community Council, with one amendment regarding the provision of a full movement vehicular access to the site.

COMMENTS

Proposed Revisions to Zoning By-Amendments

The Final Report dated October 27, 2016 from the Director of Community Planning, Etobicoke York District includes proposed Zoning By-law Amendments in Attachments 8 and 9. These amendments contain detailed land use permissions and regulations to construct a residential building consisting of two 9-storey buildings linked by a central podium. The amendments set out appropriate zoning provisions related to permitted uses, building setbacks and parking, among other matters.

On further review of these proposed Draft Zoning By-law Amendments, staff noted certain by-law provisions needed to be revised to provide additional clarity and certainty as to the intent of the By-laws. Staff were also informed that a number of clauses needed

to be re-worded and reformatted to be more consistent with the formatting of City of Toronto Zoning By-law 569-2013 and the former City of Etobicoke Zoning Code.

In addition to re-wording of clauses, the numerical value of the requirements in two clauses were also amended. The lot coverage was amended from 42% to 42.5% and the addition of a soft landscaping requirement of 20% was added to further clarify the overall requirement for landscaping on the lot. These changes were made to more accurately reflect the development and to ensure specific requirements are addressed. Additional information was also added to the Section 37 sections of the Zoning By-laws to further clarify the requirements that are to be included as legal conveniences in the Section 37 Agreement. These legal conveniences were noted in the Recommendations and Comments sections of the Final Report and remain unchanged.

This report contains two revised Draft Zoning By-law Amendments which are to replace the two Draft Zoning By-law Amendments contained in the October 27, 2016 report. The revised By-laws reflect changes which are minor in nature and do not alter the intent of the draft By-laws attached to the final report of October 27, 2016.

Conclusion

The proposed changes to the Draft Zoning By-law Amendments add further clarity to the provisions of the By-laws and provide further information with regards to the securing of certain matters of legal convenience in the Section 37 Agreement.

CONTACT

Luisa Galli, Manager
Tel. No: 416-394-8216
E-mail: lgalli@toronto.ca

Ellen Standret, Planner
Tel. No.: 416-394-8223
E-mail: estandre@toronto.ca

SIGNATURE

Jennifer Keesmaat, M.E.S., MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Revised Draft Zoning By-law Amendment (City of Toronto Zoning By-law 569-2013)
Attachment 2: Revised Draft Zoning By-law Amendment (Former City of Etobicoke Zoning Code)

**Attachment1: Revised Draft Zoning By-law Amendment
(City of Toronto Zoning By-law No. 569-2013)**

Authority: Etobicoke York Community Council Item –, 2016 as adopted by City of Toronto Council on –, 2016

**CITY OF TORONTO
BY-LAW No. ____-2016**

**To amend Zoning By-law No. 569-2013, as amended, with respect to the
lands municipally known as 4650 Eglinton Avenue West**

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

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

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 density and height 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 Council of the City of Toronto enacts:

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 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 Map in Section 990.10 respecting the lands outlined in heavy black lines to RA(x78), 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 900.7.10 Exception Number 78, so that it reads:

Exception RA 78

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

Site Specific Provisions:

- (A) On 4650 Eglinton Avenue West, if the requirements of by-law xxx-2016 are complied with, none of the provisions of 15.10.40.10, apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in accordance with (B) to (U) below;
- (B) The permitted maximum **gross floor area** may not exceed 28,000 square metres, not including the area in the **building** used for:
 - (i) parking, loading and bicycle parking below **established grade**, and
 - (ii) required **loading spaces** and required **bicycle parking spaces** at or above **established grade**;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical rooms in basement.
 - (iv) shower and change facilities required by the by-law
 - (v) indoor amenity required by the by-law
 - (vi) elevator shafts
 - (vii) garbage shafts
 - (viii) exit stairwells
- (C) Despite regulation 15.10.30.40(1)(A), the permitted maximum **lot coverage** is 42.5%;
- (D) A **day nursery** must have no less than 344 square metres of **interior floor area**;

- (E) Despite regulation 150.45.50.1(1)(B), a children's play area for a **day nursery**, may abut a **lot line** adjacent to a **street**;
- (F) Despite regulation 15.5.40.10(1), the height of a **building** or **structure** is measured from the Canadian Geodetic elevation of 161.90 metres to the highest point of the building;
- (G) Despite clause 15.10.40.10, the permitted maximum height for a **building** or **structure** may not exceed the height in metres specified by the numbers following the symbol "HT" as shown on Diagram 3 of by-law xxx-2016;
- (H) Despite regulation 15.5.40.10(2), the following **building** elements and **structures** are permitted to extend above the heights shown on Diagram 3 of by-law xxx-2016 as follows:
 - (i) Roof-top parapets a maximum of 1.0 metres above the maximum height;
 - (ii) Railings, Landscaping and elements of green roof a maximum of 2.0 metres above the maximum building height
 - (iii) Peaked gable roof architectural elements on the mechanical penthouse (south, east, west and north facades) a maximum of 5.5 metres above the maximum building height
 - (iv) Window washing equipment, lightning rods a maximum of 2.0 metres above maximum building height;
- (I) Despite regulation 15.5.40.10(3), equipment and **structures** on the roof of a **building** may exceed the permitted maximum height of that **building** by 6.1 metres;
- (J) Despite regulation 15.10.40.70 (1)-(4) the following **building** elements and **structures** are permitted to encroach into required **building setbacks** shown on Diagram 3 of by- law xxx-2016:
 - (i) Canopies on the ground floor south elevation may encroach a maximum of 3.0 metres;
 - (ii) Canopies on the ground floor east elevation may encroach a maximum of 2.0 metres;
 - (iii) Upper balconies on south, east west and north elevations may encroach a maximum of 1.5 metres;
 - (iv) Awnings may encroach to a maximum of 1.0 metre;
 - (v) Mechanical equipment (transformers/generator) may encroach to a maximum of 2.0 metres to the north and east;

- (K) Despite regulation 5.10.40.70(2), no **building setback** is required for an underground garage structure.
- (L) Despite regulation 15.5.50.10(1)(A) and (B), the **lot** must have a minimum of 25 percent of the **lot** area as **landscaping** of which 20 % must be **soft landscaping**;
- (M) Despite the definition in 800.50(85), a **bed-sitting room** may have limited cooking food preparation facilities but not include a range oven;
- (N) A maximum of 272 units are permitted, of which 112 are **dwelling units**, 66 are bed-sitting rooms and 94 are for living accommodations of a **nursing home**;
- (O) Despite regulation 200.5.10.1, **parking spaces** must be provided on the **lot** for residents, their visitors and employees as follows:
 - (i) residents: 80 **parking spaces**
 - (ii) visitors: 72 **parking spaces**
 - (iii) employees: 40 **parking spaces**
 - (iv) **day nursery**: 12 **parking spaces**, of which 10 are for staff and 2 are for drop-off and pick-up;
- (P) All visitor, employee and **day nursery parking spaces** must be clearly identified and marked;
- (Q) Despite regulation 15.5.80.10(2), **parking spaces** must be in a **below-ground parking garage** except for 3 **parking spaces** located at grade which are for visitor parking only;
- (R) Despite regulation 15.5.100.1(1)(B), a **driveway** may have a maximum total width of 8.1m;
- (S) Despite regulation 230.5.10.1(1)(2), 15 **bicycle parking spaces** must be provided;
- (T) Despite regulation 220.5.10, a Type 'B' **loading space** and a Type 'G' **loading space** must be provided; and
- (U) A sales centre/trailer and/or construction trailer for this development is permitted without restriction during the development of the **lot**.

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

4. Section 37 Provisions

- (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 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; and
- (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 this ____th day of ____, A.D. 20__.

_____,
Speaker

(Corporate Seal)

ULLI S. WATKISS,
City Clerk

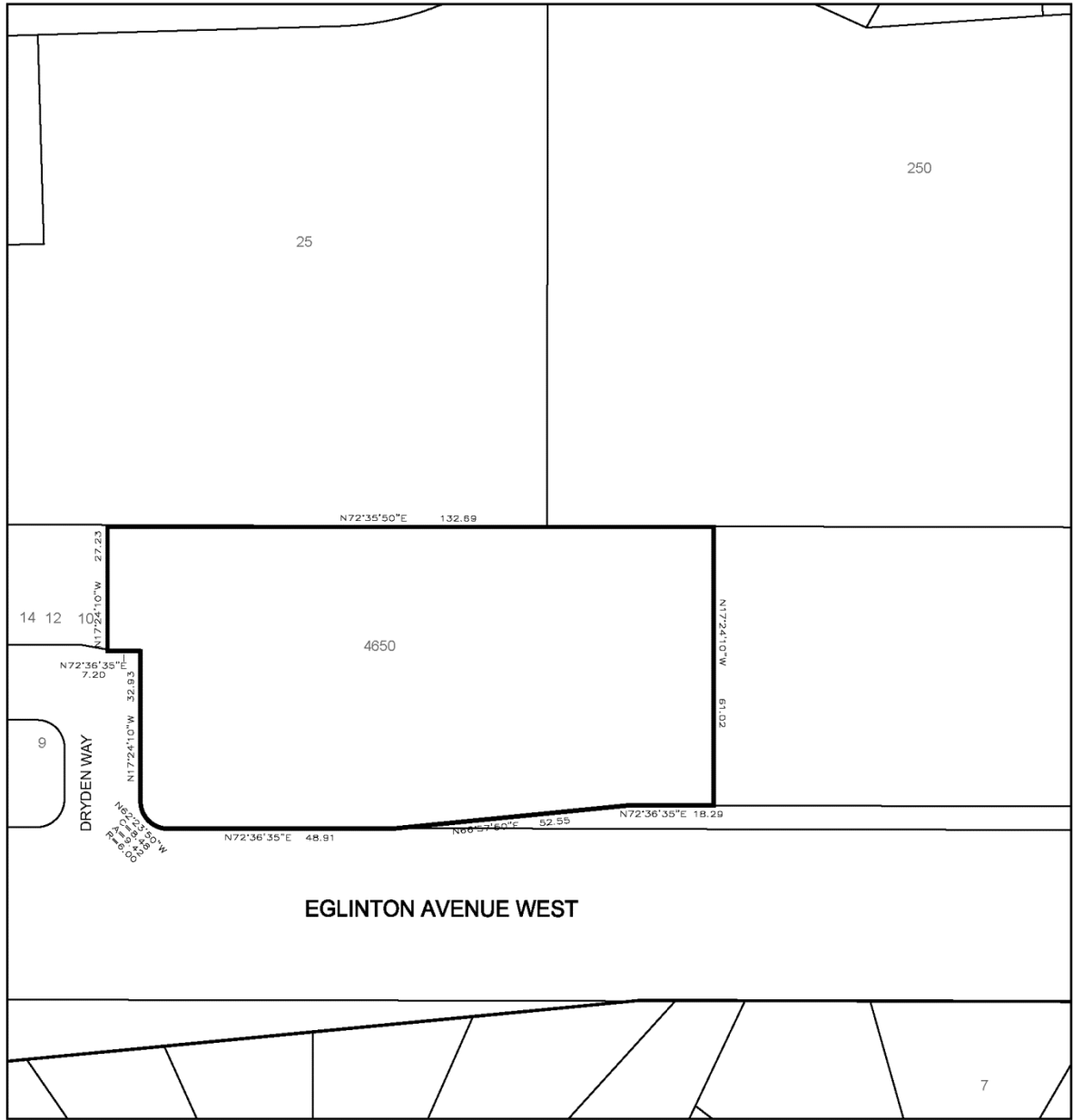
SCHEDULE A
Section 37 Provisions

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 as shown in Diagram 1 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 the owner shall:
 - a) submit a cash contribution of \$450,000 for parkland and/or park improvements in the vicinity of the site and/or community facilities in Ward 4 with an appropriate geographic relationship to the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
 - b) In the event the cash contribution identified in (a) above has not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- (2) The owner shall provide and maintain a minimum 344m² daycare facility to be operated as a private facility for a minimum of 15 years and use their best efforts to continue the use for another 10 years such facility shall be constructed in accordance with all applicable provincial and municipal legislation, by-laws, regulations, guidelines and standards and provincial licensing requirements.
- (3) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee and updated in 2013.
- (4) Prior to any residential use on the **lot**, the owner shall construct, at no cost to the City, the following transportation facilities and improvements to the satisfaction of the General Manager, Transportation Services, with the specific details to be secured prior to Site Plan approval:
 - (a) Submit a functional pavement marking and signage plan for the full-movement access driveway.

- (b) Pay for all costs associated with the approved functional pavement marking and signage plan.


- (c) Undertake any improvements required to any of the impacted signalised intersections within the area, including any signal timing adjustments or the provision of any additional signal hardware to existing traffic control signals, to accommodate the subject development.

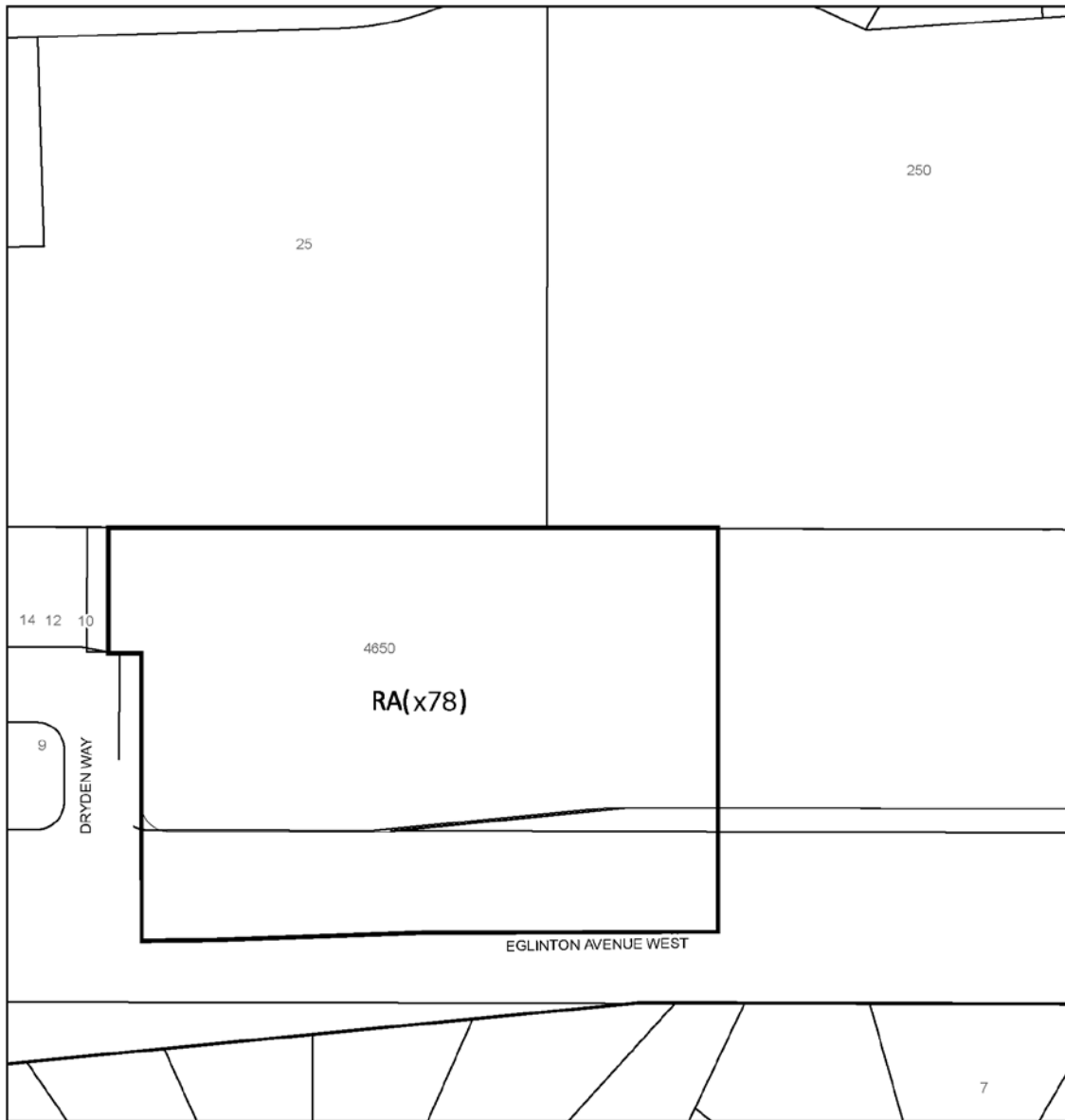


TORONTO City Planning
Diagram 1

4650 Eglinton Avenue West

File # 15 154027 WET 04 0Z



 City of Toronto By-Law 569-2013
 Not to Scale
 10/6/2016

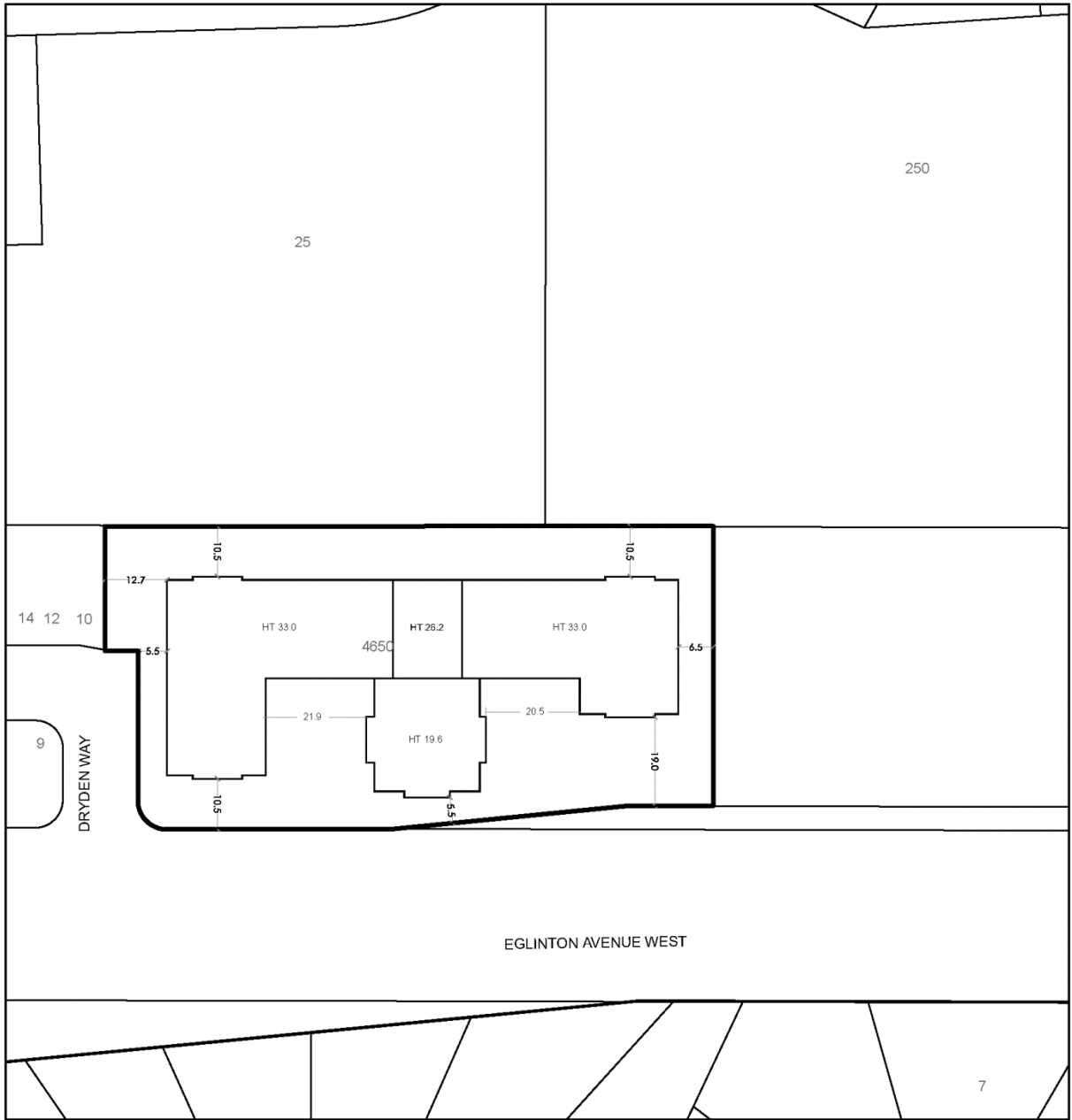


TORONTO City Planning
Diagram 2

4650 Eglinton Avenue West

File # 15 154027 WET 04 02


 City of Toronto By-Law 569-2013
 Not to Scale
 10/6/2016



TORONTO City Planning
Diagram 3

4650 Eglinton Avenue West

File # 15 154027 WET 04 0Z

City of Toronto By-Law 569-2013
 Not to Scale
 10/6/2016

**Attachment 2: Revised Draft Zoning By-law Amendment
(Former City of Etobicoke Zoning Code)**

Authority: Etobicoke York Community Council Item - as adopted by City of Toronto Council on -, 2016

**CITY OF TORONTO
BY-LAW No. –2016**

To amend Chapters 304, 320 and 324 of the Etobicoke Zoning Code with respect to lands municipally known as 4650 Eglinton Avenue West.

Whereas authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas the Official Plan for the City of Toronto contains 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

The Council of the City of Toronto enacts:

1. That the zoning map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737, be and the same is hereby amended by changing the classification of the **Lands** located in the former Township of Etobicoke as described in Schedule 'A' annexed hereto from Fourth Density Residential (R4) and CPL to Fourth Density Residential (R4).
2. Notwithstanding the provisions of 320-6.2, 320-18, 320-43, 320-44, 320-65, 320-66, 320-67 and 320-68 the following development standards shall apply to the (R4) **Lands** described in Schedule 'A' attached.

3. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
4. Definitions

The provisions of Section 304-3 Definitions of the Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law the following definitions shall apply:

"Building Envelope" means the building area permitted within the setbacks established in this By-law, as shown generally on Schedule 'B' attached hereto.

"Day Nursery" means an establishment providing temporary care or guidance for more than five children, from a continuous period not exceeding 24 hours and regulated under the Day Nurseries Act.

"Established Grade" is defined as 161.90 metres Canadian Geodetic Datum.

"Gross Floor Area" means, the total area of all floors in a building between the outside faces of exterior walls, except for storage rooms, laundry and recreations rooms where the floor level is at least 0.6 metres below grade, or parking areas for motor vehicles, *Mechanical Floor Area*, *Indoor Amenity Areas* up to 2 square metres per unit; below established grade, grade-related and above-grade areas devoted to required loading and bicycle parking; garbage shafts; and exit stairwells.

"Height" means, with respect to each section of the building erected within the **Building Envelope**, the vertical distance between the **Established Grade** of the **Lands**, to the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, architectural elements, roof planters and other landscape features, stairs and stair enclosures located on the roof.

"Indoor Amenity Area" means an indoor common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes.

"Lands" shall mean the lands described in Schedule 'A' attached hereto.

"Landscaped Open Space" means a yard or court on the **Lands** located at grade, above an underground parking area, above an aboveground parking structure, or roof top, which is suitable for landscaping. It shall include any part of the **Lands** occupied by accessory recreational buildings, surfaced walks, patios or similar areas, sports or recreational areas and ornamental or swimming pools, but shall exclude driveways, drive aisles, ramps or motor vehicle parking areas.

"Long Term Care Facility" means a residence, which may be located within a **Senior Citizens Retirement Home Facility**, designed primarily for seniors, which is occupied by three (3) or more persons, exclusive of staff, who by reason of their

emotional, mental, physical or social condition or legal status are cared for on a temporary or permanent basis in a supervised group setting.

"Mechanical Floor Area" means a room or enclosed area, including its enclosing walls, within a building or structure above or below grade, that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators), elevator shafts, or telecommunications equipment that serves only such building.

"Minor Projections" means minor building elements which project from the main wall of the building beyond the **Building Envelope**, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, to a maximum projection of 2.0 metres.

"Outdoor Amenity Area" means an outdoor common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes and for a **Day Nursery**.

"Senior Citizens' Apartment Units" means a building or structure containing self-contained separate dwelling units designed primarily for senior's occupancy. Each dwelling shall contain within it a kitchen and sanitary facilities but shall have access to common dining and lounge areas and each dwelling units shall have a separate entrance from a common hall.

"Senior Citizens Retirement Home Facility" means a building or structure or part there of containing units designed primarily for seniors, which may include bedrooms, sitting rooms and areas and ensuite washrooms, and may include limited culinary facilities in units but shall not include an oven and where common facilities are provided for the preparation and consumption of food.

5. Permitted Uses

No building or structures shall be erected or used on the **Lands**, except for the following uses:

- (a) Apartment Building;
- (b) **Senior Citizens Apartment Units;**
- (c) **Senior Citizens' Retirement Home Facility;**
- (d) **Long-Term Care Facility;**
- (e) **Day Nursery;** and,
- (f) Nothing in this By-law shall prevent the use of the **Lands** for a temporary sales office or temporary sales structure for the purpose of marketing and sales

related to the uses permitted on the property, within a building on the same **Lands**. There shall be no development standards for the temporary sales office or structure.

6. Gross Floor Area

- (a) The maximum permitted **Gross Floor Area** shall be 28,000 square metres.
- (b) The minimum permitted **Gross Floor Area** of a **Day Nursery** shall be 344 square metres.

7. Maximum Density

The maximum Floor Space Index (FSI) permitted on the **Lands** shall be 3.36.

8. Number of Units

The maximum number of units permitted on the **Lands** shall be 272, of which 112 shall be for **Senior Citizen Apartment Units**.

9. Maximum Coverage

The maximum coverage on the **Lands** permitted shall be 42.5 percent.

10. Maximum Height

- (a) The maximum building **Height** permitted on the **Lands** designated (R4) and identified on Schedule 'A', attached hereto, shall be as shown on Schedule 'B', attached.
- (b) A mechanical penthouse may project 6.1 metres beyond the maximum building **height**.

11. Setbacks/Building Envelope

- (a) No building or structure within the **Lands** shall be located other than within the Building Envelope shown on Schedule 'B'.
- (b) In addition to the foregoing clause, the following provisions shall apply:
 - (i) Any portion of any building or structure which is located below **Established Grade** immediately adjoining such building or structure, maybe located outside of the **Building Envelope** for that building or structure but maintained within the **Lands** as shown on Schedule 'A';

- (ii) **Minor projections** shall be permitted to project outside the **Building Envelope**; and,
- (iii) Permitted accessory structures, canopies, wheelchair and covered ramps, exterior stairs and associated covering, parapets and railings related to underground parking structures, vents, transformers, generators, playground equipment, temporary sales offices, fences, safety railings and other landscape features, shall be permitted outside the **Building Envelope**.

12. Parking, Loading and Bicycle Requirements

- (a) A minimum of 204 parking spaces shall be provided on the **Lands**, of which 72 will be marked for visitors and 40 shall be marked for employees and 12 shall be marked for daycare;
- (b) Parking spaces shall have minimum length of 5.6 metres, minimum width of 2.6 metres and a minimum vertical clearance of 2.1 metres;
- (c) A minimum of 15 bicycle parking spaces shall be provided on the **Lands**;
- (d) A bicycle parking space shall have a minimum length of 1.8 metres, a minimum width of 0.6 metres and a minimum vertical clearance from the ground of 1.9 metres;
- (e) Two loading spaces shall be required having a minimum length of 13 metres, a minimum width of 4.0 metres and a minimum vertical clearance of 6.1 metres;

13. Area Requirements

The following area requirements shall apply to the **Lands**:

- (a) **Landscaped Open Space**: a minimum 25% of the lot area shall be landscaped, of which 20% must be soft landscaping;
- (b) **Indoor Amenity Area**: a minimum of 2.0 square metres per unit shall be provided;
- (c) **Outdoor Amenity Area**: a minimum of 2.0 square metres per unit shall be provided;

14. Section 37

- (a) The density and height of development permitted by this By-law is subject to the Owner of the land, at its expense, providing the following capital facilities and/or cash contributions toward specific capital facilities pursuant to Section 37 of the *Planning Act* as follows:

- (1) Prior to issuance of an above grade building permit the owner shall:
 - a) submit a cash contribution of \$450,000 for parkland and/or park improvements in the vicinity of the site and/or community facilities in Ward 4 with an appropriate geographic relationship to the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
 - b) In the event the cash contribution identified in 14(a)(1)(a) above has not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- (2) The owner shall provide and maintain maintain a minimum 344m² daycare facility to be operated as a private facility for a minimum of 15 years and use their best efforts to continue the use for another 10 years such facility shall be constructed in accordance with all applicable provincial and municipal legislation, by-laws, regulations, guidelines and standards and provincial licensing requirements.
- (3) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee and updated in 2013.
- (4) Prior to any residential use on the **Lands** the owner shall construct, at no cost to the City, the following transportation facilities and improvements to the satisfaction of the General Manager, Transportation Services, with the specific details to be secured prior to Site Plan approval:
 - (a) Submit a functional pavement marking and signage plan for the full-movement access driveway.
 - (b) Pay for all costs associated with the approved functional pavement marking and signage plan.
 - (c) Undertake any improvements required to any of the impacted signalised intersections within the area, including any signal timing adjustments or the provision of any additional signal hardware to existing traffic control signals, to accommodate the subject development.

- (b) Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in density of development on the **Lands** contemplated herein is permitted in return for the provision by the owner, at the owners expense, of the following facilities, services and matters 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;
 - (c) Where 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.
 - (d) 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 Section 14(a) are satisfied.
 - (e) Prior to the issuance of any building permit for all or any portion of the Lands, the owner of the Lands is required to enter into and register on title to the Lands one or more agreements with the City pursuant to Section 37 of the *Planning Act*, as a method to secure the facilities, services, and matters set forth in this by-law, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
15. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law.
16. Nothing in this By-law shall apply to prevent the phased construction of the development, provided that the requirements of the By-law are complied with upon the completion of each phase.
17. Notwithstanding any severance, partition or division of the **Lands**, the provisions of this Bylaw shall apply to the whole of the **Lands** as if no severance, partition or division occurred.
18. In addition to the uses permitted under this By-law, a sales centre/trailer and/or construction trailer is permitted without restriction during the development of the **Lands**.
19. Chapter 324, Site Specific, of the Zoning Code is amended to include reference to this By-law.

**BY-LAW NUMBER
AND ADOPTION
DATE**

**DESCRIPTION
OF PROPERTY**

PURPOSE OF BY-LAW

Lands municipally known as
municipally known as 4650
Eglinton Avenue West

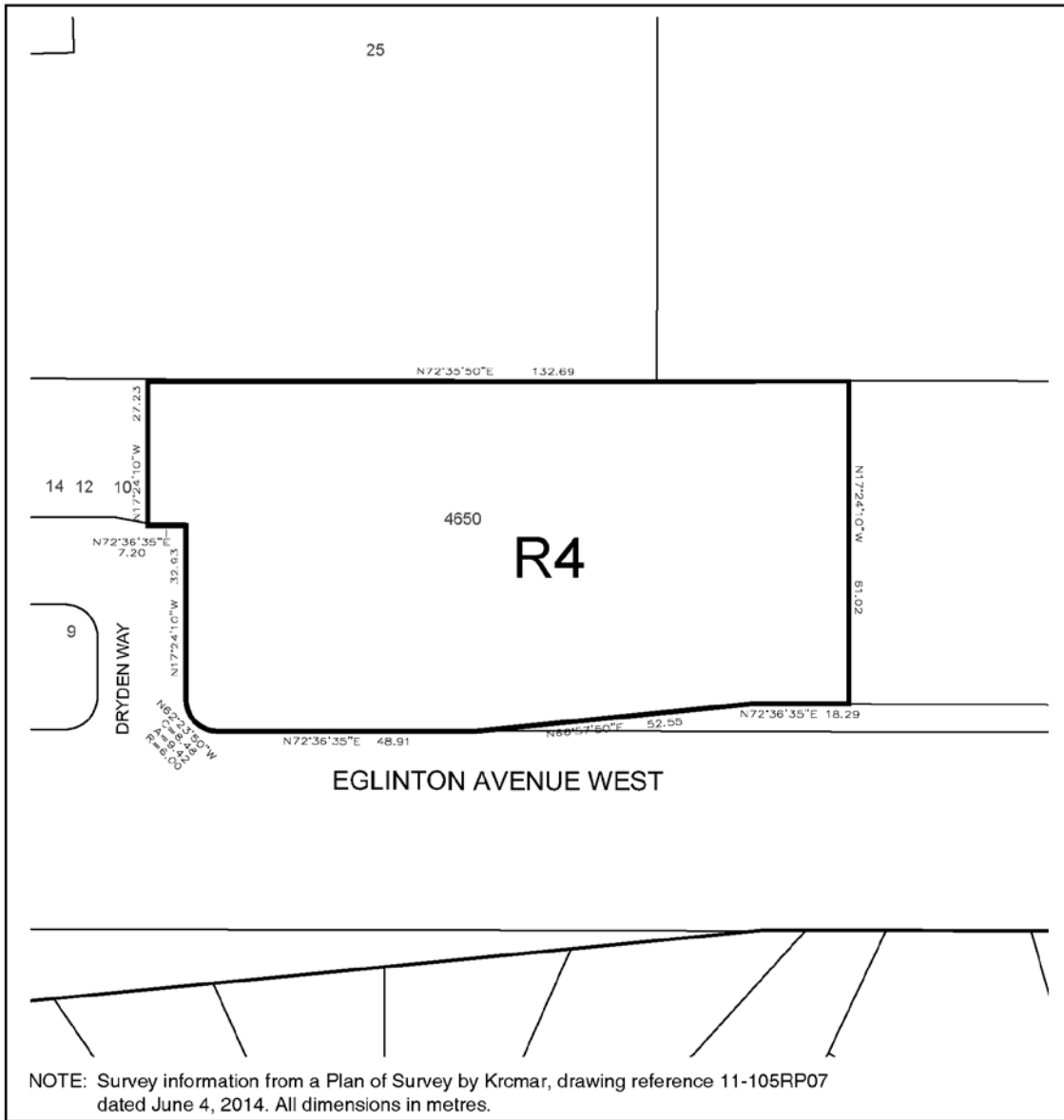
Apartment Building and
Retirement Home with site
specific standards.

To amend the former Etobicoke Zoning Code from R4 and
CPL to R4 to permit the development of a Seniors

Speaker (Corporate Seal)City

Clerk

ENACTED AND PASSED this ____ day of ____, A.D. 20__



TORONTO City Planning
Schedule A

4650 Eglinton Avenue West

File # 15 154027 WET 04 0Z

↑
 Not to Scale
 10/06/2016

