

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

<b>Date:</b>	October 27, 2016
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 4 – Etobicoke Centre
<b>Reference Number:</b>	15 154027 WET 04 OZ

**SUMMARY**

This application proposes to amend City of Toronto Zoning By-law No. 569-2013 and the former City of Etobicoke Zoning Code to permit a residential development containing 272 rental units at 4650 Eglinton Avenue West. A daycare would also be located on the main floor of the building. The development would consist of two 9-storey buildings, linked by a central 5 storey podium resulting in a floor space index of 3.36 times the area of the lot. A total of 204 parking spaces would be provided within an underground parking garage. The development would be geared towards senior tenants.

The proposal is an appropriate and orderly development of the site that is consistent with the Provincial Policy Statement, conforms to the Growth Plan and the policies of the City's Official Plan.

This report reviews and recommends approval of the application to amend the Zoning By-laws.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend 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. 8 to report of the Director, Community Planning, Etobicoke York District dated October 27, 2016.

2. 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. 9 to the report of the Director, Community Planning, Etobicoke York District dated October 27, 2016.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act*, satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, such agreement to be registered on title to the lands at 4650 Eglinton Avenue West, in a manner satisfactory to the City Solicitor to secure the following matters at the owner's expense:
  - A. An indexed cash contribution of \$450,000 to be paid to the City prior to issuance of the first above-ground building permit 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.
  - B. The cash contribution identified in 4.A above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
  - C. In the event the cash contribution identified in 4.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.
  - D. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
    - (i) The owner shall provide and maintain a minimum 344m<sup>2</sup> 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.

- (ii) 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.
- (iii) The owner shall undertake the following transportation facilities and improvements to the satisfaction of the General Manager, Transportation Services and at no cost to the City:
  - (a) Design and construct a short centre median to restrict vehicular movements at the proposed driveway to Eglinton Avenue West to right-in/right-out (westbound-to-northbound and southbound-to-westbound) movements and any related civil works, such as pavement widening to accommodate the median.
  - (b) Submit an updated functional pavement marking and signage plan/design for the right-in/right-out driveway and the centre median installation at the proposed driveway to Eglinton Avenue West.
  - (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.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The site was originally intended to be part of the planned Richview Expressway which was cancelled in the 1960's. The land was subsequently deemed surplus by the City and transferred to Build Toronto for development purposes in 2011, following the approval of the Eglinton Crosstown Light Rail Transit Environmental Assessment. The land has been conditionally purchased by the applicant; this purchase will be finalized after the Site Specific By-laws are in full force and effect.

A number of pre-application consultation meetings and discussions were held with the applicant to discuss the planning application, complete application requirements and various issues related to the proposal. Issues identified included built form, building type, site organization and layout, parking, location and amount of landscaped space, setbacks, pedestrian and vehicular circulation and access and relationship to the neighbouring properties.

An application was submitted in May 2015 which proposed the development of two 11-storey buildings with a central 5 storey podium containing 293 rental units. A Preliminary Report dated August 14, 2015, was considered by Etobicoke York Community Council at its meeting of

September 8, 2015. The decision of Community Council and the Preliminary Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY8.9>

## **ISSUE BACKGROUND**

### **Proposal**

The application has been revised from the original proposal submitted in May 2015. The original proposal consisted of two 11 storey buildings linked by a central 5 storey podium containing 293 units and having a floor space index of 3.75 times the area of the lot. The main entrance to the development was proposed at the rear of the building gaining access from a private laneway. The building was set forward on the site which would have provided little open space between the building and Eglinton Avenue West. A total of 216 parking spaces were proposed.

The current proposal is for a development consisting of two 9-storey buildings linked by a 5 storey podium. The development would contain a total of 272 rental units. A daycare is proposed on the ground floor of the development. The building on the eastern portion of the lot would contain 112 apartment units. The building on the western portion of the site would contain 160 units which would include 66 independent retirement units, 44 assisted living units and 50 memory care units. These units would provide two levels of care services, including housekeeping, laundry and meal services. The assisted living building would have a separate entrance for its residents located on the west side of the building. A total of 204 parking spaces would be provided in a below grade parking garage with access from the eastern side of the building.

The main entrance to the development would be located at the front of the building through the 5 storey podium and be accessible from the public sidewalk and an adjacent driveway with lay-by parking.

The central building (podium) would be a gathering place for residents and their visitors. The podium would include a place for wellness consultation, a full service spa, fitness studio and medical clinic. Also provided would be a dining room and great room to hold large events and would include space for visitors.

The daycare would be located on the ground floor of the west building. The entrance and drop off area for the daycare would be located on the west side of the building having vehicular access from Dryden Way. Assigned parking spaces for the daycare would be located within the below grade parking garage.

A new private lane would be provided at the rear of the development connecting the newly constructed Dryden Way to the vacant lot to the east of the development. These lands are also owned by Build Toronto which has secured easements to allow pedestrian and vehicular access over the development site to the existing plaza to the north and Eglinton Avenue West to the south. The Build Toronto lands to the east do not form part of this proposal.

The site would provide a large landscaped area at the front of the building. This space would be designed with extensive soft landscaping, walkways and sitting areas to be used by residents and their visitors.

### **Site and Surrounding Area**

The site is located mid block between Kipling Avenue and Wincott Drive on the north side of Eglinton Avenue West and is currently vacant. The site is approximately 0.82 ha in size and generally rectangular in shape. It has a frontage of approximately 132 m on Eglinton Avenue West and a depth of approximately 66 m.

Surrounding lands uses are as follows:

North: An eleven storey apartment building along the south side of Widdicombe Hill Boulevard and a plaza at the corner of Widdicombe Hill Boulevard and Wincott Drive.

South: Across Eglinton Avenue West is a low rise residential neighbourhood with predominantly single-detached homes and townhouses.

East: Vacant lands owned by Build Toronto.

West: Lands currently under construction by National Homes for 68 townhouse units with a new public road (Dryden Way).

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required, by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

The subject lands are designated *Apartment Neighbourhoods* (western portion) and *Mixed Use Areas* (eastern portion) on Map 14 – Land Use Plan of the Official Plan. The lands are also identified as *Avenues* on Map 2 of the Official Plan.

*Apartment Neighbourhoods* are comprised of apartment buildings and parks, local institutions, cultural and recreational facilities and small-scale retail, service and office uses that serve the needs of area residents. This designation does not anticipate significant growth within these areas, however, compatible infill development can be accommodated.

Section 4.2 of the Official Plan states that in these established *Apartment Neighbourhoods*, improving amenities and accommodating sensitive infill, where it can improve the quality of life, and promoting environmental sustainability are key considerations. *Apartment Neighbourhoods* are distinguished from low-rise *Neighbourhoods* as a greater scale of building is provided for and different criteria are required to guide development.

Section 4.5.2 of the Official Plan states *Mixed Use Areas* are comprised of a broad range of commercial, residential and institutional use in single use or mixed-use buildings, as well as parks and open spaces and utilities. This designation achieves a number of planning objectives by combining a broad array of uses. The Official Plan notes that not all *Mixed Use Areas* will experience the same scale or intensity of development. Development in the *Mixed Use Areas* along *Avenues* will generally be at a much lower scale than in the *Downtown* and most often at a lower scale than the *Centres*.

Development applications on *Avenues* prior to an Avenue Study are required to be accompanied by an Avenue Segment Study which discusses the implications for the portion of the *Avenue* resulting from the proposed development. Avenue Studies are intended to review and determine the contextually appropriate scale and intensity of development for the *Mixed Use Areas* along the *Avenues*. Through community consultation and the use of development criteria, these studies are to address the appropriate height, design and massing of development, how the streetscape and pedestrian environment can be improved, where public spaces can be created, where trees should be planted and how the use of the road allowance can be optimized and transit service enhanced. These studies help facilitate and shape growth along the *Avenues*.

Given the dual land use designation and its local and future context, it was the opinion of staff that an Avenue Segment Study was not required for this proposal. Avenue Segment Studies are required for lands designated *Mixed Use Areas*, whereas a majority of the site is designated *Apartment Neighbourhoods*, which would not require an Avenue Segment Study. At its meeting held on September 8, 2015, Etobicoke York Community Council adopted the Preliminary Report dated August 14, 2015 which included this staff opinion.

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*. The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

## **Eglinton Crosstown Light Rail Transit**

Eglinton Avenue West is also identified as a future transit corridor on Map 4 – Higher Order Transit Corridors of the Official Plan.

The Toronto Transit Commission completed a Transit Environmental Assessment (EA) for the implementation of a light rail transit (LRT) system within the Eglinton Avenue corridor extending from Kennedy Road in the east to Pearson International Airport in the west. The study recommended construction of an LRT facility within an exclusive right-of-way within the centre of Eglinton Avenue West.

Metrolinx has assumed responsibility for the LRT project which has been divided into two phases. Phase One, currently under construction, extends from Kennedy Station to the Weston Road/Eglinton Avenue West intersection in Mount Dennis. Phase Two of the LRT project between Mount Dennis and Pearson International Airport is currently unfunded and the timing for implementation is unknown. In March 2016 City Council directed staff to work with Metrolinx to begin studying options to enhance the existed approved Environmental Assessment Design for this phase of the LRT. The subject site is located adjacent to the Phase Two LRT corridor. The associated report can be found at this link:

<http://www.toronto.ca/legdocs/mmis/2016/ex/bgrd/backgroundfile-90854.pdf>

## **Zoning**

The western half of the subject site is zoned Residential Apartment Zone (RAx95) in City of Toronto Zoning By-law No. 569-2013, enacted by City Council on May 9, 2013 (see Attachment 6: Zoning). Zoning By-law No. 569-2013 is currently under appeal to the Ontario Municipal Board.

Permitted uses include apartment buildings, fire halls, parks and police stations. The exception on the site permits a maximum building height of 14m, there is no maximum number of storeys. Building setbacks include a minimum front yard setback of 6.0m, a minimum rear yard setback of 7.5m and minimum side yard setbacks of 7.5m. Despite these setbacks, for any portion of the apartment building with a height greater than 11m, the minimum rear yard setback and side yard setback for each portion of the building above 11m in height must be increased by 1.0m for each additional 2m or part thereof.

The eastern half of the subject site is zoned "CR 0.5(c0.5; r0.0) SS3" by Zoning By-law No. 569-2013. The CR zone permits a mix of commercial uses and in this case a maximum commercial density of 0.5 times the area of the lot and a maximum permitted building height of 8m. Building setbacks, angular planes and other performance standards affecting the lands are outlined in the Development Standards Set No. 3 (SS3) of the Zoning By-law.

Under the former City of Etobicoke Zoning Code, a zoning classification has not been prescribed to the subject lands. In this instance, the zoning classification of the lands to the north of the subject site would apply. As such, the lands are deemed to be R4 – Fourth Density Residential and CPL – Planned Commercial Local Zone.

The R4 zoning allows for a broad range of residential dwellings including single-detached, semi-detached, duplexes and apartment buildings. The maximum permitted height for an apartment

building is 14m. The CPL zoning allows for a variety of businesses including banks, business and professional offices, health centres, medical and dental centres, theatres and gasoline stations.

### **Site Plan Control**

The site and proposed development are subject to Site Plan Control. An application for Site Plan Control approval has yet to be submitted.

### **Mid-Rise Building Performance Standards**

In July 2010, City Council adopted the recommendations of the Avenues and Mid-Rise Buildings Study and Action Plan. The study developed performance standards to guide intensification along the *Avenues* in a manner that is compatible with the adjacent neighbourhoods through appropriately scaled and designed mid-rise buildings. The guiding performance standards were used in the evaluation of the application to provide direction in minimizing potential adverse impacts related to shadows, views and privacy associated with the development of the site. The study is available at:

<http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/Urban%20Design/Mid-rise/midrise-FinalReport.pdf>

### **Reasons for Application**

An amendment to City of Toronto Zoning By-law No. 569-2013 and the former City of Etobicoke Zoning Code is required to permit the proposed apartment building which is not permitted in the CPL zone and to amend the applicable performance standards to facilitate the proposed development such as building height and setbacks.

### **Community Consultation**

Three community consultation meetings were held for this application on October 28, 2015, February 24, 2016 and June 22, 2016. The meetings were held to provide local residents and business owners with opportunities to review and comment on the application. Approximately 250 people were in attendance at each of the community meetings.

There were a number of concerns raised by area residents for the original proposal at the first consultation meeting held on October 28, 2015. The main concerns included:

- Increase in traffic along Eglinton Avenue West which is presently congested;
- Traffic infiltration into surrounding neighbourhoods;
- The proposed 11 storey building being too tall for the area;
- Lack of retained greenspace at the front of the building;
- Tree preservation;
- The proposed building being too close to Eglinton Avenue West; and
- Not enough parking spaces on site.

The applicant subsequently submitted a revised proposal which addressed the proposed height of the building, greenspace, setbacks, parking and site circulation.

The revised proposal was presented at the community meeting held on June 22, 2016. The revised proposal decreased the building height from 11 storeys to 9 storeys, located the building



further from Eglinton Avenue West to allow for increased landscaped open space at the front of the building and relocated all parking spaces below grade in the underground parking garage.

Notwithstanding these revisions, area residents still expressed concerns with the traffic impact in the neighbourhood and the proposed building heights, setbacks and open space.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the Provincial Policy Statement and conforms, and does not conflict, with the Growth Plan for the Greater Toronto Horseshoe. Both the PPS and the Growth Plan encourage intensification and redevelopment in urban areas, which help provide healthy, liveable and safe communities. The development will accommodate residential infill growth, supporting the policy objectives related to focusing growth in existing settlement areas. The proposal supports efficient land use, reduces land consumption related to residential development and makes efficient use of infrastructure and is transit supportive.

### **Land Use**

The proposal conforms to the policies of the Official Plan. The site is designated *Mixed Use Areas* and *Apartment Neighbourhoods* in the Official Plan which are distinguished from low-rise neighbourhoods because a greater scale and intensity of building is permitted. The site is also located on an *Avenues* corridor where reurbanization is anticipated and encouraged to create housing and job opportunities. The site is identified as an area for growth and intensification.

While *Apartment Neighbourhoods* are stable areas where significant growth is not anticipated, there are instances where underutilized lots provide opportunities for additional development. The site is a large vacant parcel forming part of the Eglinton Avenue West corridor where a number of vacant parcels of land were intended to be used for the Richview Expressway to provide increased transit opportunities. However, the planned Richview Expressway was cancelled in the 1960's and the properties remained vacant. The majority of these vacant lands are now being developed with residential uses and public roads. The proposal would result in the development of an underutilized parcel of land near the intersection of two arterial roads in a manner which accommodates growth and is compatible with the surrounding residential neighbourhood.

### **Mid-Rise Building Performance Guidelines**

The main objective of the Avenues and Mid-Rise Buildings Study and Action Plan is to encourage future intensification along the *Avenues* that is compatible with the adjacent *Neighbourhoods* through appropriately scaled and designed mid-rise buildings. The study identifies a list of best practices, categorizes the *Avenues* based on historic, cultural and built form characteristics, establishes a set of Performance Standards for new mid-rise buildings and identifies areas where the Performance Standards should be applied.

The Performance Standards are intended to be used as tools to implement the Official Plan's *Avenues* and *Neighbourhoods* policies, maintaining a balance between reurbanization and stability. The Performance Standards provide guidance about the size, shape and quality of mid-rise buildings and are intended to respect Section 2.3.1 of the Official Plan.

The application has been reviewed against the Performance Standards contained within the *Avenues and Mid-Rise Buildings Study and Action Plan*. The revised proposal would satisfy the majority of the Performance Standards. Where it would not meet a specific Performance Standard, it satisfies the general intent, and there is no adverse impact on properties in the surrounding area, as described further below.

### **Built Form, Height and Building Setbacks**

The Official Plan requires new development to comply with criteria pertaining to appropriate built form, location, massing and transition between land use designations. The intent of these policies is for new development to fit harmoniously into the existing and/or planned context to ensure there are no adverse impacts on existing neighbourhoods, parks, streetscapes and open spaces and provide an attractive, comfortable and safe pedestrian environment.

The proposed development would be comprised of two 9-storey apartment buildings connected by a central 5 storey building. The 9 storey portions of the building would be on the east and west sides of the site with the 5 storey portion in the centre. The building would be located at the rear of the site facing Eglinton Avenue West. The development would have a total gross floor area of approximately 27,800m<sup>2</sup> and a floor space index of 3.36 times the area of the lot.

Through the review of the application, Planning staff identified a number of built form concerns with respect to scale, setbacks and open space that have been addressed. The revised development proposal provides appropriate massing relative to the adjacent right-of-way, improved building setbacks and increased open space. The building has been designed to frame the edges of the streets, places the main building entrance directly visible and accessible from the public sidewalk; provides for active ground floor uses with views and access to adjacent streets and open spaces; and provides a large open landscaped area adjacent to Eglinton Avenue West.

Staff are of the opinion that the built form would provide for an overall building height, massing and scale that is appropriate for the site and would conform to the relevant Built Form policies of the Official Plan.

### **Daycare Facility**

As part of the development, a 344m<sup>2</sup> private daycare facility would be provided on the main floor of the building on the western portion of the site. The daycare would be privately operated, accommodate approximately 35 children and have a staff of 10 to 11 employees. The daycare facility would coordinate its functions with the social programming for the seniors.

The facility would provide additional daycare spaces in the area and be a positive addition to the community. As it is to be privately operated, it has not been secured as a community benefit under Section 37 of the *Planning Act*. However the owner has agreed to provide the daycare

facility for a minimum of 15 years and best efforts to continue the use for another 10 years if feasible. This facility will be secured in the Section 37 Agreement as a legal convenience.

### **Shadow Impacts**

The Official Plan *Apartment Neighbourhoods* development criteria in Section 4.2.2, as well as the Built Form policies of Sections 3.1.2 and 3.1.3, outline the requirements for new buildings to adequately limit shadowing on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes. In addition, these policies require that new buildings frame adjacent streets, parks and open spaces in good proportion.

The applicant provided a shadow study illustrating the shadow movements associated with development during the spring and fall equinoxes. This redevelopment would introduce some additional shadowing impacts on the neighbouring properties designated *Apartment Neighbourhoods*, as well as the site currently vacant to the east designated *Mixed Uses Areas*.

A considerable portion of this shadowing falls onto the open area of the site to the north and onto the majority of the vacant site to the east. The shadow study shows that the proposal would impact the most eastern townhouse block on the north side of Dryden Way from approximately 9:18 a.m. to 11:18 a.m. during March, September and June. Planning staff are of the opinion the projected shadow impacts would be acceptable.

### **Traffic Assessment**

In May 2016 a Traffic Impact Study (TIS) was submitted for the development assessing the traffic impacts of the revised proposal. The Study estimates that the proposal would generate 55, 70 and 80 two-way vehicular trips during the AM, PM and Saturday peak hours, respectively. These estimates are based upon a total of 293 dwelling units, as proposed in the first submission for this application, whereas 272 dwelling units are now proposed. The study concludes that the proposed development could be accommodated on the existing and improved road network. The TIS has been reviewed by Transportation Services staff and found to be acceptable.

### **Roadways**

In September 2014, the Committee of Adjustment under application B43/14EYK granted approval of a consent for the purpose of creating easements for vehicular and pedestrian access between the subject lands, the vacant lands to the east, the National Homes lands to the west (Dryden Way) and the Richview Plaza lands to the north. These easements would allow traffic to move across the lands from Dryden Way to Wincott Road to the east.

As part of the development, a new private driveway/lane is proposed along the northern boundary of the property connecting Dryden Way to the Build Toronto and Richview Plaza lands.

### **Access**

Vehicular access for the proposed development is proposed via a two-way driveway/lane from the future public road (Dryden Way) on the National Homes development to the west and via a right-in/right out driveway over easements on the adjacent Build Toronto lands to the east from Eglinton Avenue West (west of Wincott Drive). Access to the underground parking garage

would be via the proposed driveway on the Build Toronto lands abutting the east side of the subject site. Transportation Services staff have reviewed this proposal and found it acceptable.

Vehicular access for the daycare centre is proposed via an entrance at the southwest corner of the proposed building that would front onto a driveway/lane gaining access from Dryden Way. A lay-by area would be located adjacent to the entrance allowing for pick-up and drop-off operations. At anticipated peak demand, up to six short-term parking spaces can be accommodated within the lay-by and on the drive aisle. Transportation Services staff have advised that at high peak times, the lay-by would not be able to accommodate other vehicles related to the development (such as mini-buses and Wheel Trans vehicles) and would hinder loading operations.

Transportation Service staff have reviewed a request to install a new traffic control signal at the proposed new access driveway onto Eglinton Avenue West at the east side of the site. Based upon a signal warrant analysis submitted by the applicant and reviewed by Transportation Services staff, it was determined that the installation of traffic control signals is not warranted for this proposal and therefore Transportation Services staff do not recommend the installation of traffic control signals.

As part of the development, the owner would be required to design and construct a short centre median to restrict vehicular movements at the proposed driveway to Eglinton Avenue West to right-in/right-out movements only. The owner would also be required to undertake any improvements to any of the impacted signalised intersections in the area, including any signal timing adjustments or the provision of any additional hardware to existing traffic control signals. All design and construction related to the median and intersection improvements would be completed to the satisfaction of the General Manager of Transportation Services and at no cost to the City. These improvements would be secured through the Section 37 Agreement as a legal convenience.

Further review regarding driveway access, associated signage requirements and site circulation will be undertaken through the Site Plan Control application for this development.

## **Parking**

The development would contain a total of 272 residential units geared towards senior tenants. The units would provide different levels of care for the residents. A daycare would also be provided on the main floor. Of the 272 units, 112 units would be designated as independent apartment units, 66 units would provide assistance with meals and housekeeping, 44 units would provide further assistance for those having physical or mild cognitive challenges and 50 units would provide assistance to those requiring complex care and nursing. The residential development would have approximately 40 employees and the daycare would have approximately 11 employees.

The proposal would supply a total of 204 parking spaces. The proposed parking supply of 204 spaces would meet the overall parking requirement recommended by Transportation Services staff. The parking spaces would be designated and clearly marked as follows:

- i) 80 parking spaces for residents;

- ii) 70 parking spaces for visitors;
- iii) 42 parking spaces for employees; and
- iv) 12 parking spaces for the daycare, 2 of which would be for drop-off and pick-up.

Details with respect to parking space design, layout and site circulation will be reviewed and secured through the Site Plan Control application for this development.

### **Servicing**

The applicant has submitted a Functional Servicing Report which outlines how the development would impact the sanitary system and watermains. The report concludes there is sufficient capacity in the existing City infrastructure to support the development. Engineering and Constructions Services staff have reviewed the report and found it to be satisfactory.

### **Parks and Open Space**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.08 to 1.56 ha of parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The net site area is 8,263m<sup>2</sup>. The application proposes 272 residential units with a total residential GFA of 27,450m<sup>2</sup>, in addition to a daycare of 344m<sup>2</sup>. At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 3,627m<sup>2</sup> or 44% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement for this development would be 818m<sup>2</sup>.

The applicant is proposing to satisfy the parkland dedication requirement through cash-in-lieu. Parks, Forestry and Protection staff advise this is appropriate as there is no suitable location for an on-site parkland dedication. The site is near existing parks such as Widdicombe Hill Park and Denfield Park. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

### **Streetscape**

The design of the site allows for the planting of new street trees along the east and west sides of the site as well as three rows of trees along Eglinton Avenue West. The submission of a detailed Landscape and Planting Plan showing new trees on private property and on the City road allowance would be required as part of the future Site Plan Control application for this development. The approved plan would be co-ordinated to match the existing streetscape plans approved for 4750 Eglinton Avenue West to the east.

### **Toronto Green Standard**

In 2013 City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of

performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. Other applicable TGS performance measures will be secured through the future Site Plan Control application for this development.

### **Section 37**

Section 37 of the *Planning Act* authorizes a municipality, with appropriate approved Official Plan provisions, to pass by-laws increasing the height or density otherwise permitted by a Zoning By-law in return for the provision of community benefits by the applicant.

The provision of appropriate public benefits has been discussed with the Ward Councillor and the applicant has agreed to provide appropriate benefits. These should be secured in a Section 37 Agreement to be registered on title prior to introducing the necessary Bills to Council.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

- A. An indexed cash contribution of \$450,000 to be paid to the City prior to issuance of the first above-ground building permit 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.
- B. The cash contribution identified in 4.A above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
- C. In the event the cash contribution identified in 4.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.
- D. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
  - (i) The owner shall provide and maintain a minimum 344m<sup>2</sup> 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.
  - (ii) 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.

- (iii) The owner shall undertake the following transportation facilities and improvements to the satisfaction of the General Manager, Transportation Services and at no cost to the City:
- (a) Design and construct a short centre median to restrict vehicular movements at the proposed driveway to Eglinton Avenue West to right-in/right-out (westbound-to-northbound and southbound-to-westbound) movements and any related civil works, such as pavement widening to accommodate the median.
  - (b) Submit an updated functional pavement marking and signage plan/design for the right-in/right-out driveway and the centre median installation at the proposed driveway to Eglinton Avenue West.
  - (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.

### **Conclusion**

The proposed apartment development would be compatible with and integrate well with the existing neighbourhood. It represents an appropriate and orderly development of vacant lands in an area which is designated for growth and increased density and located on an arterial road recognized as a major transit corridor. Through its design and layout, the development conforms to the Official Plan policies and maintains the intent of the City Council approved Mid-Rise Building Performance Guidelines. The Zoning By-law application is therefore recommended for approval, subject to the owner entering into a Section 37 Agreement as outlined in this report.

### **CONTACT**

Ellen Standret, Planner  
Tel. No. 416-394-8223  
Fax No. 416-394-6063  
E-mail: estandre@toronto.ca

### **SIGNATURE**

---

Neil Cresswell, MCIP, RPP  
Director of Community Planning  
Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: South Elevation

Attachment 3: North Elevation

Attachment 4: West Elevation

Attachment 5: East Elevation

Attachment 6: Zoning

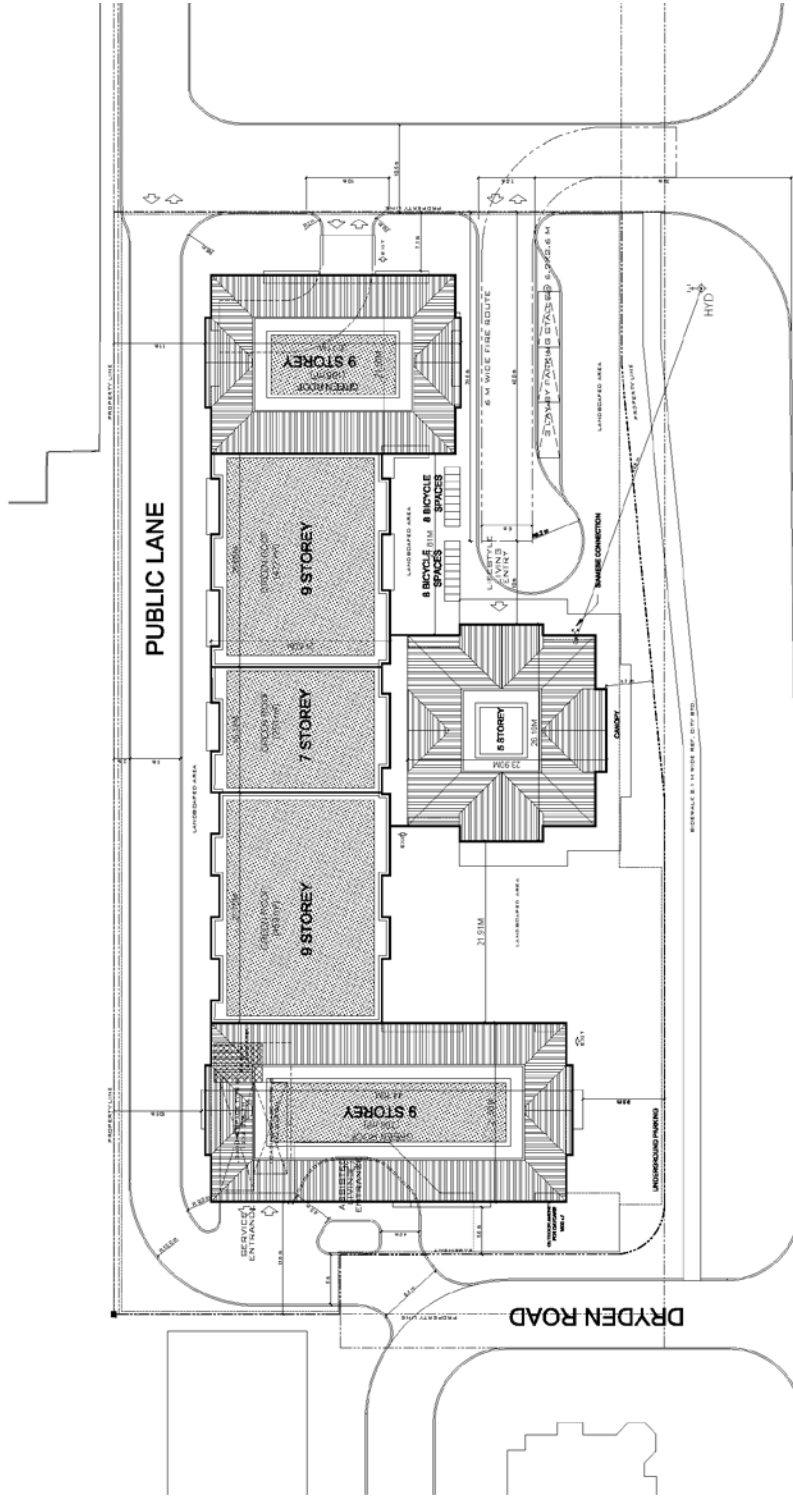
Attachment 7: Application Data Sheet

Attachment 8: Draft Zoning By-law Amendment (City of Toronto Zoning By-law No. 569-2103)

Attachment 9: Draft Zoning By-law Amendment (Former City of Etobicoke Zoning Code)



### Attachment 1: Site Plan



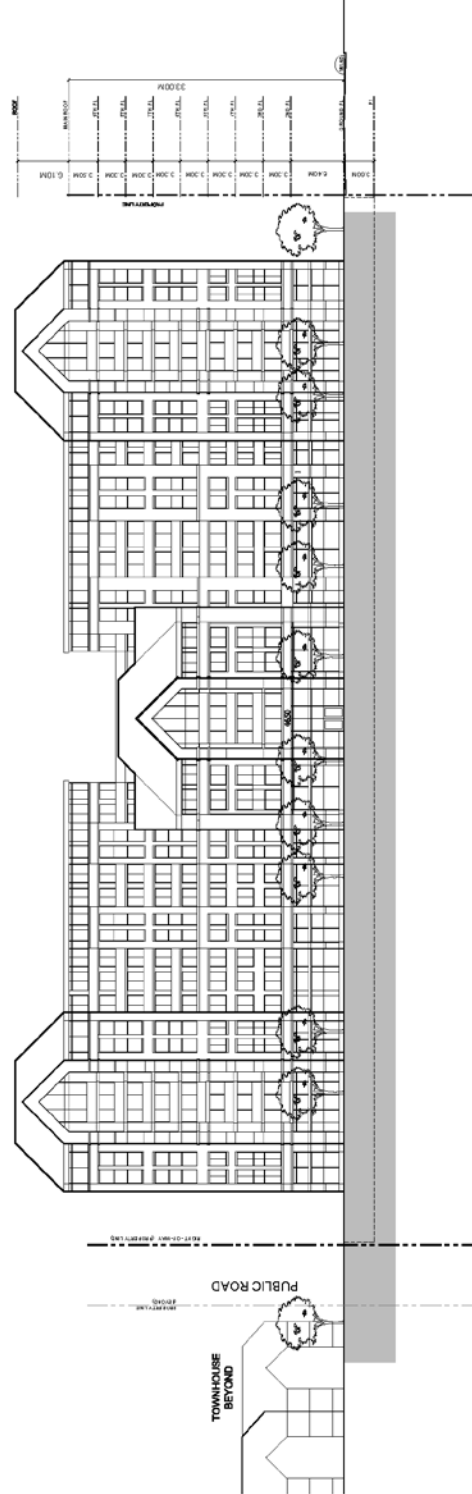
**4650 Eglinton Avenue West**

**Site Plan**  
 Applicant's Submitted Drawing  
 Not to Scale  
 08/22/16  
 ↑

**EGLINTON AVE. WEST**

File # 15 154027 WET 04 02

**Attachment 2: South Elevation**



South Elevation

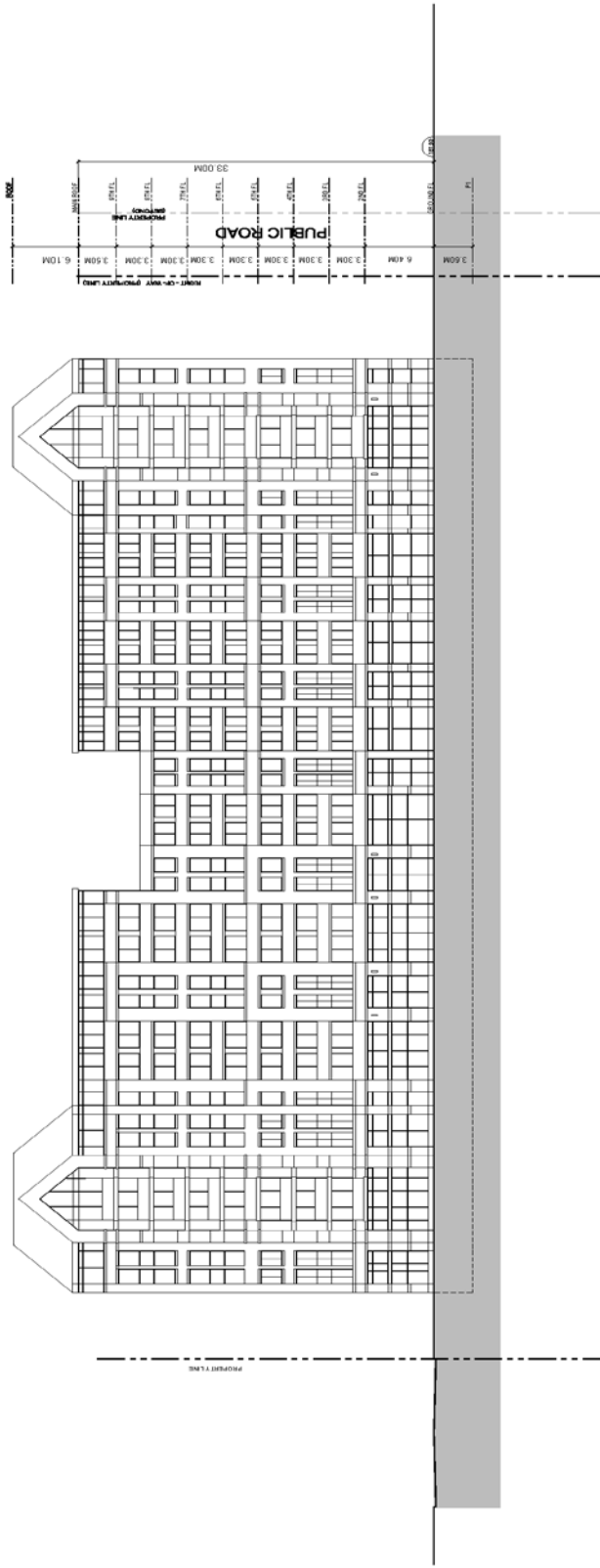
**Elevations**  
**Applicant's Submitted Drawing**  
 Not to Scale  
 08/22/16

**4650 Eglinton Avenue West**

File # 15 154027 WET 04 0Z

Staff report for action – Final Report – 4650 Eglinton Ave W  
 V.05/13

**Attachment 3: North Elevation**



North Elevation

**Elevations**

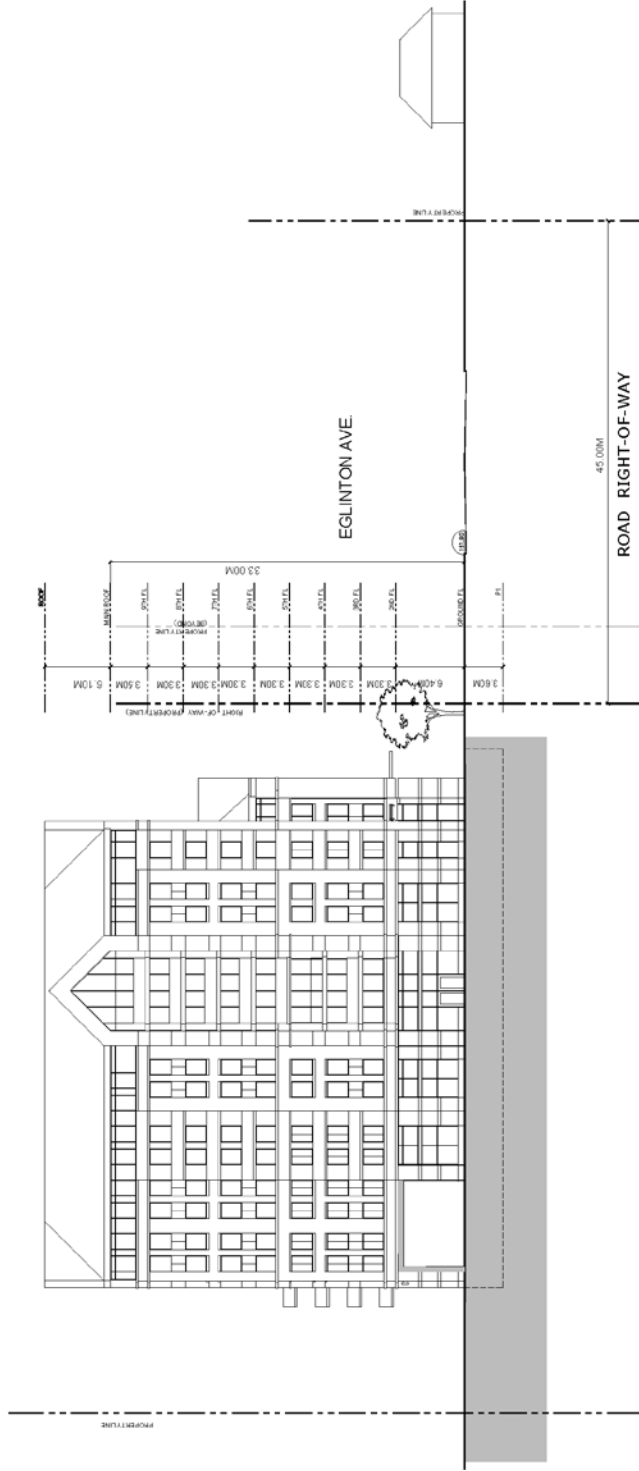
**4650 Eglinton Avenue West**

Applicant's Submitted Drawing

Not to Scale  
09/22/16

File # 15 154027 WET 04 0Z

**Attachment 4: West Elevation**



West Elevation

**4650 Eglinton Avenue West**

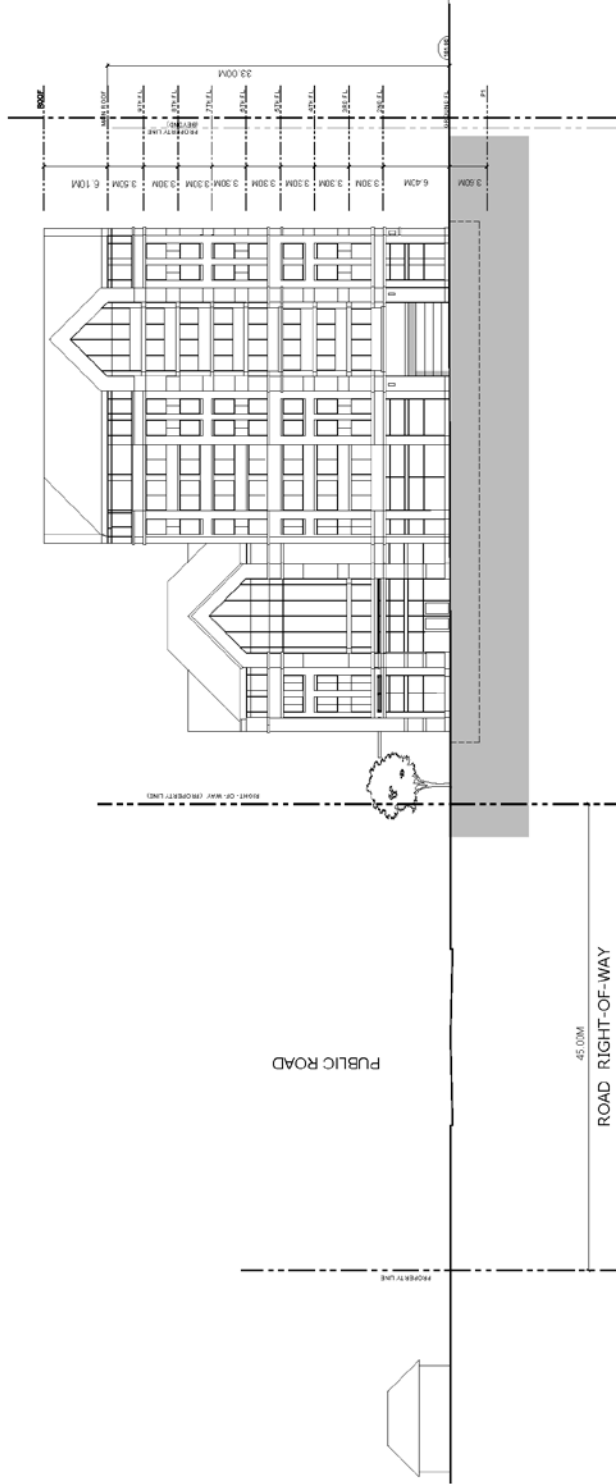
**Elevations**

Applicant's Submitted Drawing

Not to Scale  
09/22/16

File # 15 154027 WET 04 02

**Attachment 5: East Elevation**



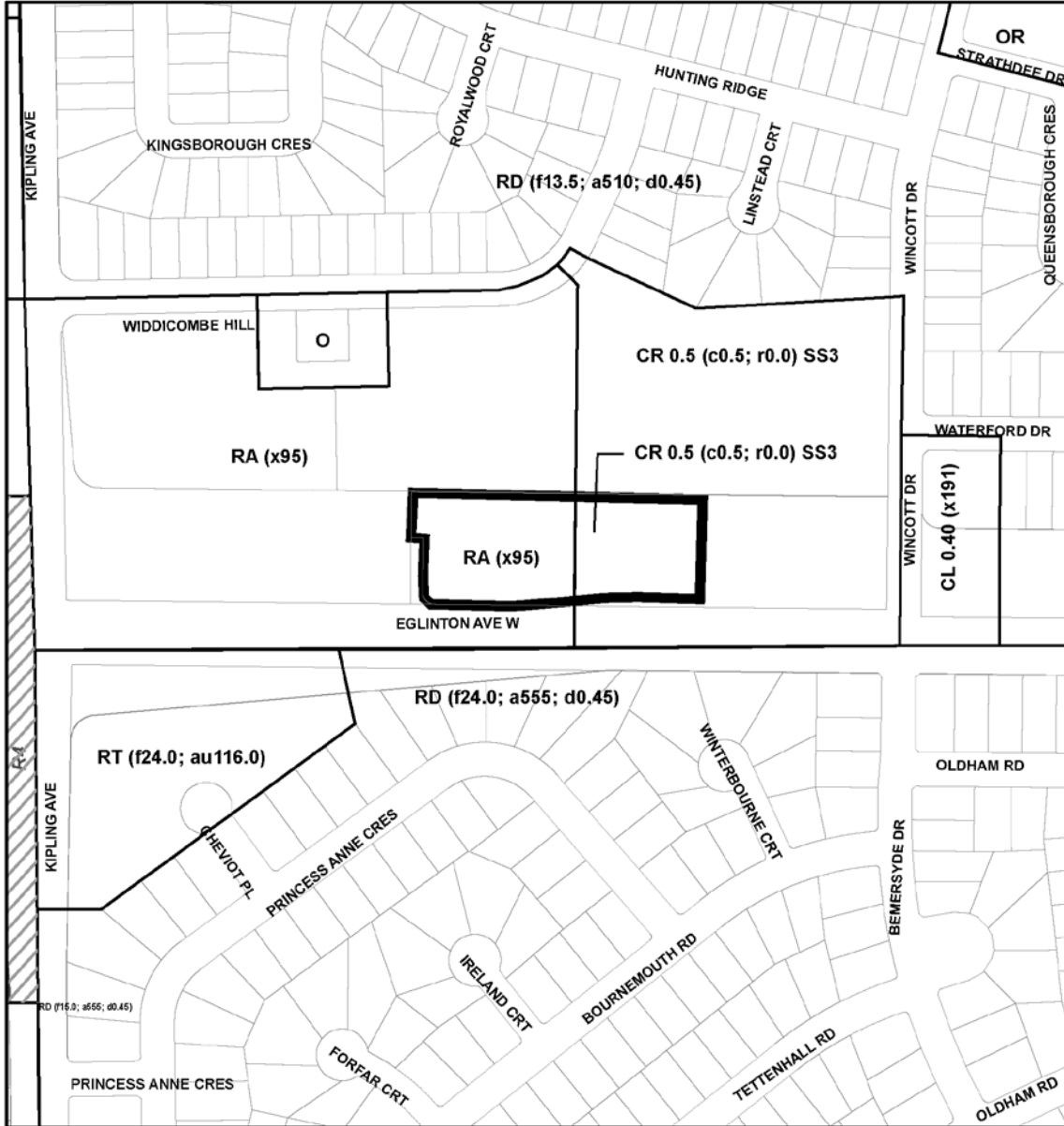
East Elevation

**Elevations**  
**Applicant's Submitted Drawing**  
 Not to Scale  
 09/22/16

**4650 Eglinton Avenue West**

File # 15 154027 WET 04 02

## Attachment 6: Zoning



**Toronto** City Planning

**Zoning By-law 569-2013**

**4650 Eglinton Avenue West**

File # 15 154027 WET 04 0Z

Location of Application

**RD** Residential Detached  
**RT** Residential Townhouse  
**RA** Residential Apartment  
**CR** Commercial Residential

**CL** Commercial Local  
**O** Open Space  
**OR** Open Space Recreation  
**XX** Xx

See Former Zoning Code of the City of Etobicoke V131

**R4** Residential Fourth Density



Not to Scale  
 Extracted 05/21/2015

## Attachment 7: Application Data Sheet

Application Type	Rezoning	Application No.:	15 154027 WET 04 OZ
Details	Rezoning, Standard	Application Date:	May 8, 2015

Municipal Address: 4650 EGLINTON AVENUE WEST

Location Description: PLAN 6864 PT BLK O PT 1 FT RESERVE Q RP 66R26555 PART 3 RP 66R27108 PART 1 \*\*GRID W0403

Project Description: To permit a residential development containing 272 units. The development would consist of two 9-storey mid-rise buildings connected by a central 5-storey base building (podium). The development would be geared towards senior tenants. A daycare would be provided on the main floor of the development.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
SHANNEX INC			BUILD TORONTO INC

### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	
Zoning:	RA(x95) CR and R4 CPL	Historical Status:	
Height Limit (m):	14m and 8m	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	8263	Height:	Storeys:	9	
Frontage (m):	132		Metres:	33	
Depth (m):	66				
Total Ground Floor Area (sq. m):	3764				<b>Total</b>
Total Residential GFA (sq. m):	27453		Parking Spaces:	204	
Total Non-Residential GFA (sq. m):	344		Loading Docks	2	
Total GFA (sq. m):	27797				
Lot Coverage Ratio (%):	41.1				
Floor Space Index:	3.36				

### DWELLING UNITS

Tenure Type:	Rental
Rooms:	
Bachelor:	100
1 Bedroom:	112
2 Bedroom:	60
3 + Bedroom:	0
Total Units:	272

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	27453	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	344	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Ellen Standret, Planner</b>
	<b>TELEPHONE:</b>	<b>416-394-8223</b>

**Attachment 8: 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 to 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 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 **lot** subject to this By-law are outlined by heavy black lines on Diagram 1



attached to by-law xxx-2016.

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. The words in italicized type in this By-law have the meaning provided in by-law xxx-2016.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the zone label on the Zoning Map in Section 990.10 respecting the lands outlined in heavy black lines to RA(xx), as shown on Diagram 2 attached to by-law xxxx-2016.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding regulation 900.7.10 (xx), so that it reads:

**Exception RA(xx)**

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 Chapter 5.10.40.70, 15.5.40.10(1), 15.5.100.1(1)(B), 15.10.30.40(1)(A), 15.10.40.10, 15.10.40.80(1), 900.7.10(95), 15.5.40.10(2), 15.5.40.10(3), 15.10.40.70(1)-(4), 15.5.50.10(1)(A)(B), 150.45.50.1(1)(B), 150.45.20.1(1), 200.5.10.1, 200.5.1.10(2)(A)(i)-(iii), 15.5.80.10(2), 230.5.10.1(1)(2)(5), 220.5.10, 220.5.1.10(8)(B)(i)-(iii), 15.10.20.40(1) apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in by-law xxx-2016;
- (B) The total **gross floor area** erected or used on the **lot** may not exceed 28,000 square metres, which for the purpose of by-law xxx-2016 shall be calculated based on regulation 15.5.40.40 for all uses;
- (C) Despite regulation 15.10.30.40(1)(A), the maximum **lot** coverage may be 42% as a percentage of the **lot area**;
- (D) A **day nursery** shall have a minimum 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 regulation 15.10.40.10 and 900.7.10(95), 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), parapets, guard rails, railings and dividers, trellises, eaves, screens, stairs, roof drainage, window washing equipment, lightning rods, architectural features, landscaping and elements of a green roof may exceed the maximum permitted height by 3.0 metres;
- (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** as follows:
  - (i) 6.1 metres for a building having a height greater than 20 metres;
  - (ii) 7.6 metres for a building having a height greater than 20 metres;
- (J) Despite regulation 15.10.40.70 (1)-(4) and 15.10.40.80(1), no part of a **building or structure** above ground may be closer to a **lot line** than the distance shown between the main wall and the corresponding **lot line** as shown in the area outlined by heavy lines on Diagram 3 attached by- law xxx-2016, except:
  - (i) cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, play equipment, transformers and generators, temporary sales offices, underground garage ramps and associated **structures**;
- (K) Despite regulation 15.5.50.10(1)(A) and (B), a **lot** must have a minimum of 25 percent of the **lot** area as **landscaping**;
- (L) For the purpose of by-law xxx-2016, a **bed-sitting room** means a room used in a retirement home as a separate living accommodation that:
  - (i) has a private entrance from a hallway inside a **building**, and

- (ii) may have sanitary facilities and food preparation facilities but not an oven.
- (M) A maximum of 272 units are permitted, of which 112 are **dwelling units**, 66 are *bed-sitting rooms* and 94 are for living accomadations of a **nursing home**.
- (N) Despite regulation 200.5.10.1, **parking spaces** must be provided on the **lot** for residents, their visitors and employees as follows:
- (i) for residents: 80 **parking spaces**
  - (ii) for visitors: 72 **parking spaces**
  - (iii) for employees: 40 **parking spaces**
  - (iv) for **day nursery**: 12 **parking spaces**, of which 10 are for staff and 2 are for drop-off and pick-up.
- (O) All visitor, employee and **day nursery parking spaces** must be clearly identified and marked;
- (P) Despite regulation 200.5.1.10(2)(A)(i),(ii) and (iii), a **parking space** must comply with the following:
- (i) a minimum length of 5.6 metres;
  - (ii) a minimum width of 2.6 metres;
  - (iii) a miniumum vertical clearance of 2.1 metres;
- (Q) Despite regulation 15.5.80.10(2), all required **parking spaces** including those required for visitors, employee and day nursery must be in a **below-ground parking garage**;
- (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;
- (U) Despite regulation 220.5.1.10(8)(B)(i)(ii)(iii), a Type 'B' **loading space** must comply with the following dimensions:
- (i) a minimum length of 11 metres;
  - (ii) a minimum width of 3.5 metres; and
  - (iii) a minimum vertical clearance if 4.4 metres;

- (V) Despite Section 15.10.20.40(1) and 150.45.20.1(1), an **apartment building**, a **retirement home**, a **nursing home** and a **day nursery** may be permitted and in the same **building**;
- (W) Notwithstanding any existing or future consent, partition or division of the **lot**, the provisions of this By-law shall apply to the whole of the **lot** as if no consent, partition or division had occurred.
- (X) A sales centre/trailer and/or construction trailer is permitted without restriction during the development of the **lot**.
- (Y) Where the provisions of this By-law conflict with the provisions of the By-law 569-2013, the provisions of this By-law shall apply.
- (Z) Prevailing By-laws and Prevailing Sections (None Apply)

**5. Section 37 Provisions**

- A. Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in density of development on the **lot** 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 **lot**, to the satisfaction of the City Solicitor;
- B. 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.
- 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 Section 5(a) and 5(b) are satisfied.
- D. The owner shall provide the following:
  - a. An indexed cash contribution of \$450,000 to be paid to the City prior to issuance of the first above-ground building permit 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.
  - b. The cash contribution identified in 4.A above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto

CMA, reported frequently by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

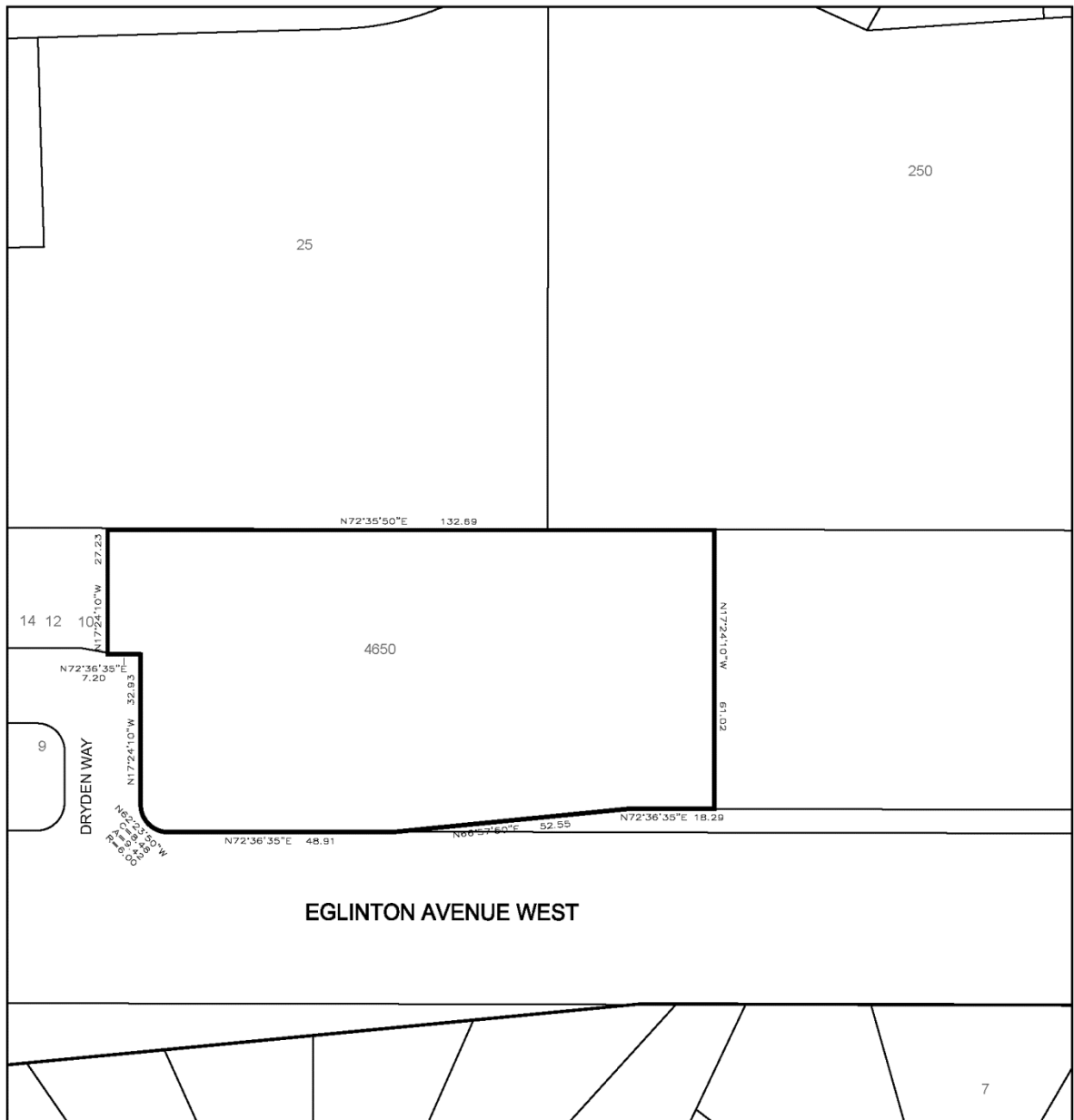
- c. In the event the cash contribution identified in 4.A above has not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, 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.
6. Prior to the issuance of any building permits, the owner shall enter into an Agreement pursuant to Section 37 of the *Planning Act*, such agreement is to be registered on title to the lands at 4650 Eglinton Avenue West to secure the provision of community benefits, capital facilities, improvements and/or other matters identified in the Toronto Official Plan as required to support the development and promote City building objectives.

ENACTED AND PASSED this \_\_\_\_th day of \_\_\_\_, A.D. 20\_\_.

\_\_\_\_\_,  
Speaker

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



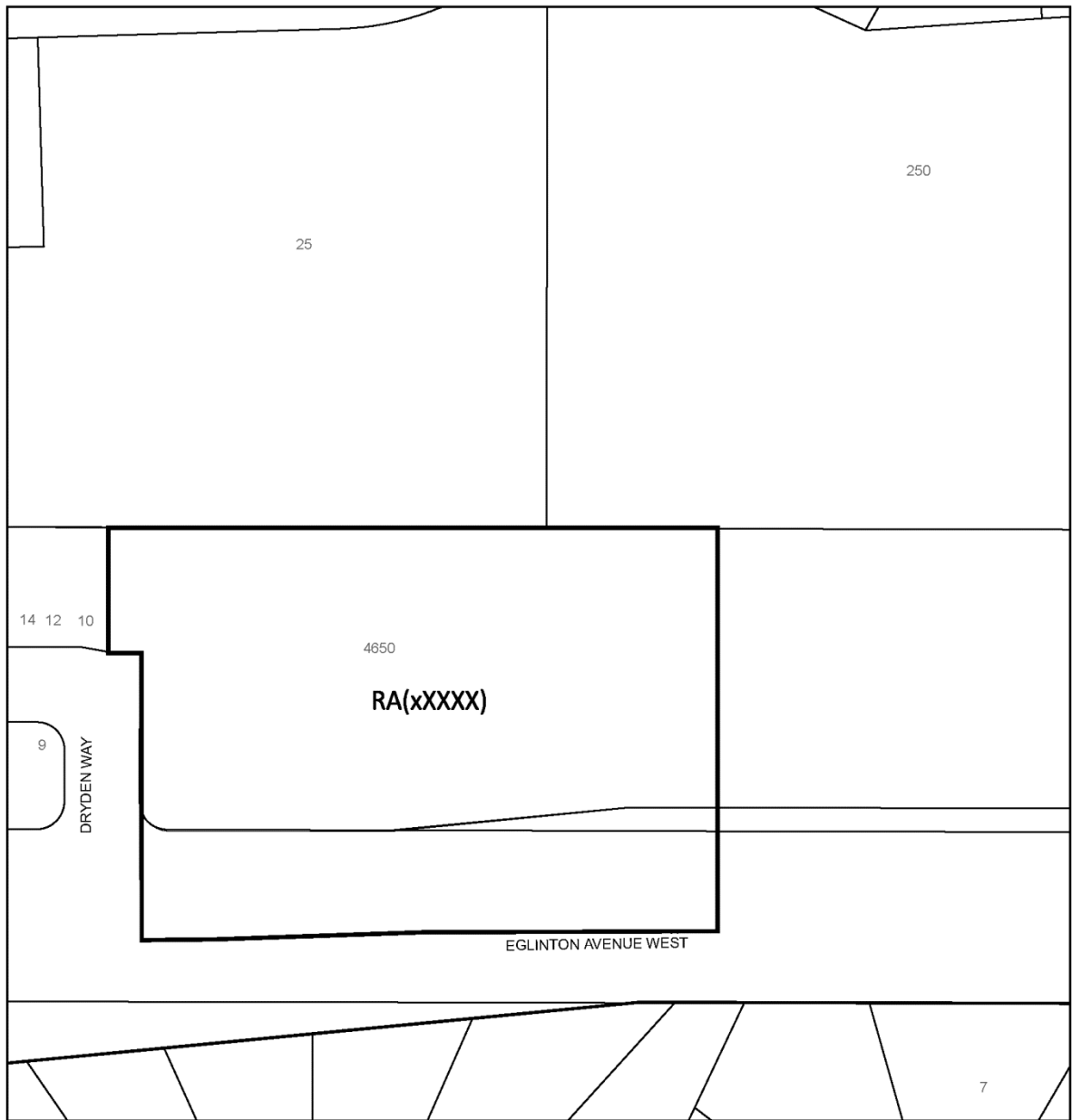
**TORONTO** City Planning  
**Diagram 1**

**4650 Eglinton Avenue West**

File # 15 154027 WET 04 0Z



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



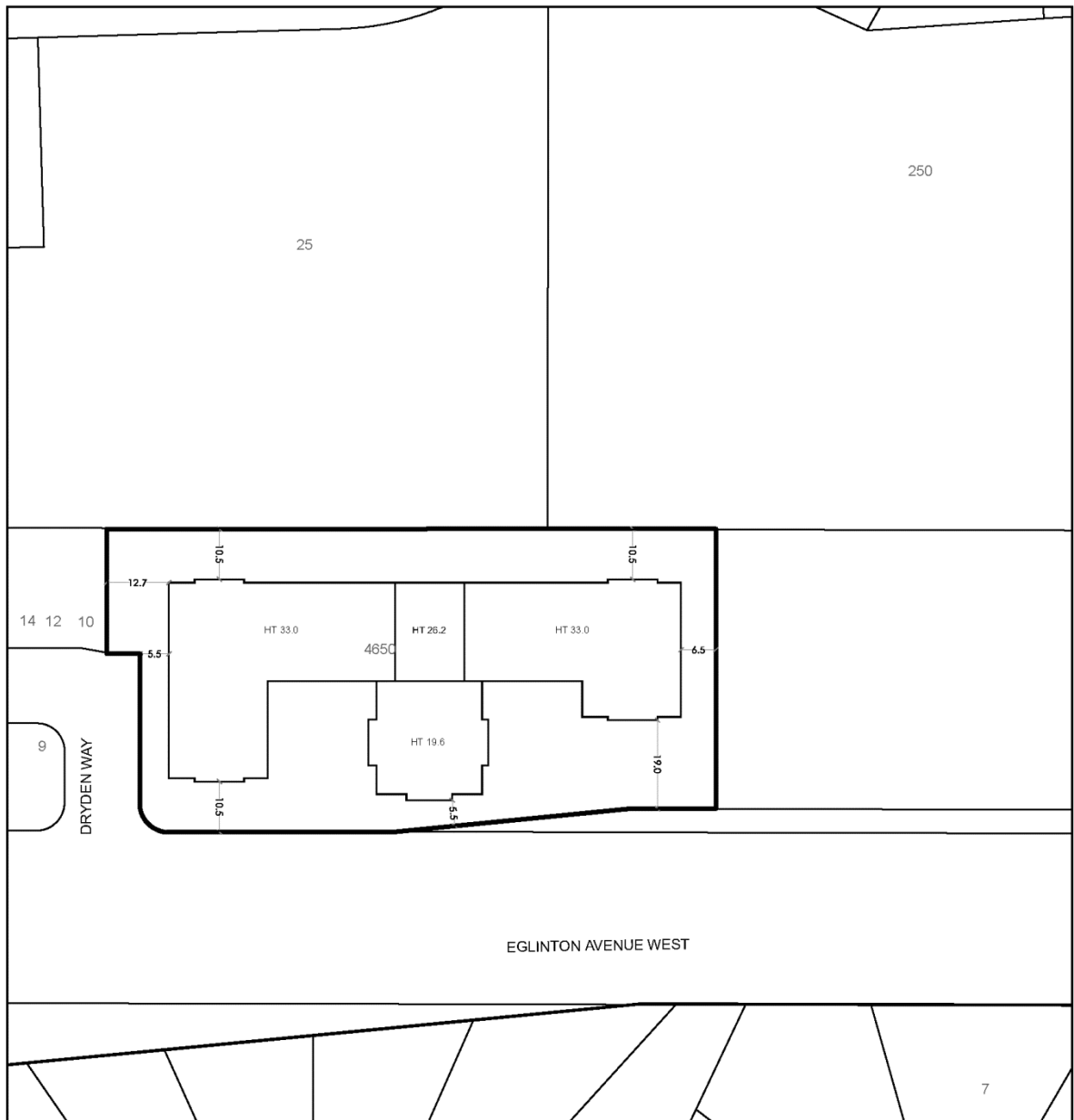
**TORONTO** City Planning  
**Diagram 2**

**4650 Eglinton Avenue West**

File # 15 154027 WET 04 OZ



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 OZ

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



**Attachment 9: 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 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** on portions of any building with a **Height** greater than 20 metres and 7.6 metres on portions of any building with a **Height** less than 20 metres.

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;
- (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 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:

The owner shall provide the following:

- a. An indexed cash contribution of \$450,000 to be paid to the City prior to issuance of the first above-ground building permit 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.
  - b. The cash contribution identified in 4.A above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto CMA, reported frequently by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
  - c. In the event the cash contribution identified in 4.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.
- (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 12 a(i) and 12 a(ii) are satisfied.
15. Prior to the issuance of any building permits, the owner shall enter into an Agreement pursuant to Section 37 of the *Planning Act*, such agreement is to be registered on title to the lands at 4650 Eglinton Avenue West to secure the provision of community benefits, capital facilities, improvements and/or other matters identified in the Toronto

Official Plan as required to support the development and promote City building objectives.

16. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law.
17. 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.
18. 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.
19. 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**.
20. 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

To amend the former  
Etobicoke Zoning Code from  
R4 and CPL to R4 to permit  
the development of a Seniors  
Apartment Building and  
Retirement Home with site  
specific standards.

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_, A.D. 20\_\_

Speaker (Corporate Seal)City Clerk

