

Attachment 8: Draft Zoning By-law Amendment (Toronto Zoning By-law No. 569-2013)

Authority: Scarborough Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2019

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 2787 and 2791 Eglinton Avenue East

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

The 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 By-law Map in Section 990.10 respecting the lands outlined by heavy the black lines to CR0.4 (C0.4, r0.0) SS3 (x199) and O, as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number (199) so that it reads:

Exception CR (199)

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

Site Specific Provisions:

- (A) On 2787 and 2791 Eglinton Avenue East, if the requirements of Schedule 'A' of by-law [Clerks to supply by-law ##] are complied with, five (5), 4-storey **apartment buildings** may be erected or constructed in compliance with (B) to (P) below;
- (B) Despite regulation 40.5.40.10(1) and (2), the height of a **building or structure** is the distance between the Canadian Geodetic Datum elevation of 162.36 metres and the highest point of the **building or structure**;
- (C) Despite regulation 40.5.40.10(3), (4) and (5) the following may project above the permitted maximum height on Diagram 3:
 - (i) lighting fixtures, cabanas, planters, balustrades, bollards, trellises, parapets, privacy screens, safety railings, guardrails, chimneys, vents, stacks and exhaust stacks, and ornamental or architectural features may exceed the permitted maximum height as shown on Diagram 3 by a maximum of 2.0 metres; and,
 - (ii) mechanical equipment such as heating and cooling stacks, air units, and an emergency generator may exceed the permitted maximum height as shown on Diagram 3 by a maximum of 4.0 metres;
- (D) Despite regulation 40.10.30.40(1), the permitted maximum **lot coverage** is 50%;
- (E) Despite regulations 40.10.40.10(3) and 40.10.40.10(7), the permitted maximum height of the **buildings** is as shown on Diagram 3 of By-law [Clerks to supply by-law ##];

- (F) Despite regulation 40.10.40.10(5), there shall be no minimum height requirement for the first **storey**;
- (G) Despite regulation 40.10.40.40(1) the **gross floor area** of the **apartment buildings** must not exceed 16,000 square metres;
- (H) A maximum of 182 **dwelling units** are permitted, of which a minimum of 10 percent must be 3-bedroom **dwelling units**;
- (I) Enclosed roof accesses are not considered a **storey**;
- (J) Despite regulation 40.10.40.50(1), no **amenity space** is required;
- (K) Despite clause 40.10.40.60, the following may encroach into the required minimum **building setbacks** and the minimum separation distance between **main walls** as shown on Diagram 3:
- (i) cornices, sills, eaves, canopies, awnings, bay windows, retaining walls, structures and elements related to outdoor patios at grade and ornamental or architectural features may encroach to a maximum of 0.5 metres;
 - (ii) balconies and privacy screens may encroach to a maximum of 1.5 metres;
 - (iii) enclosed stairs and garbage storage areas may encroach to a maximum of 3.0 metres; and
 - (iv) unenclosed stairs may encroach to a maximum of 1.5 metres into the required minimum **building setback** to Danforth Road, a maximum of 2.0 metres into the required minimum **building setback** to Eglinton Avenue East and a maximum of 3.0 metres in all other locations.
- (L) Despite regulations 40.10.40.70 (3) and 40.10.40.80(2), the required minimum **building setbacks** and minimum separation distance between **main walls** are as shown on Diagram 3 of [Clerks to supply by-law ##];
- (M) A minimum of 203 **parking spaces** must be provided as follows:
- (i) A minimum of 176 **parking spaces** will be provided for residential uses.
 - (ii) A minimum of 27 **parking spaces** will be provided for visitors.
- (N) Despite regulation 200.5.1.10(5), **tandem parking spaces** are permitted

on the **lot** but will not be deemed to satisfy the minimum parking requirements set out in Clause (M) above;

- (O) Despite Regulation 200.15.10(1), no accessible **parking spaces** are required on the **lot**.
- (P) A minimum of 137 **bicycle parking spaces** must be provided and maintained on the **lot** as follows:
 - (i) A minimum of 124 long-term **bicycle parking spaces**; and
 - (ii) A minimum of 13 short-term **bicycle parking spaces**.

5. 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 3 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

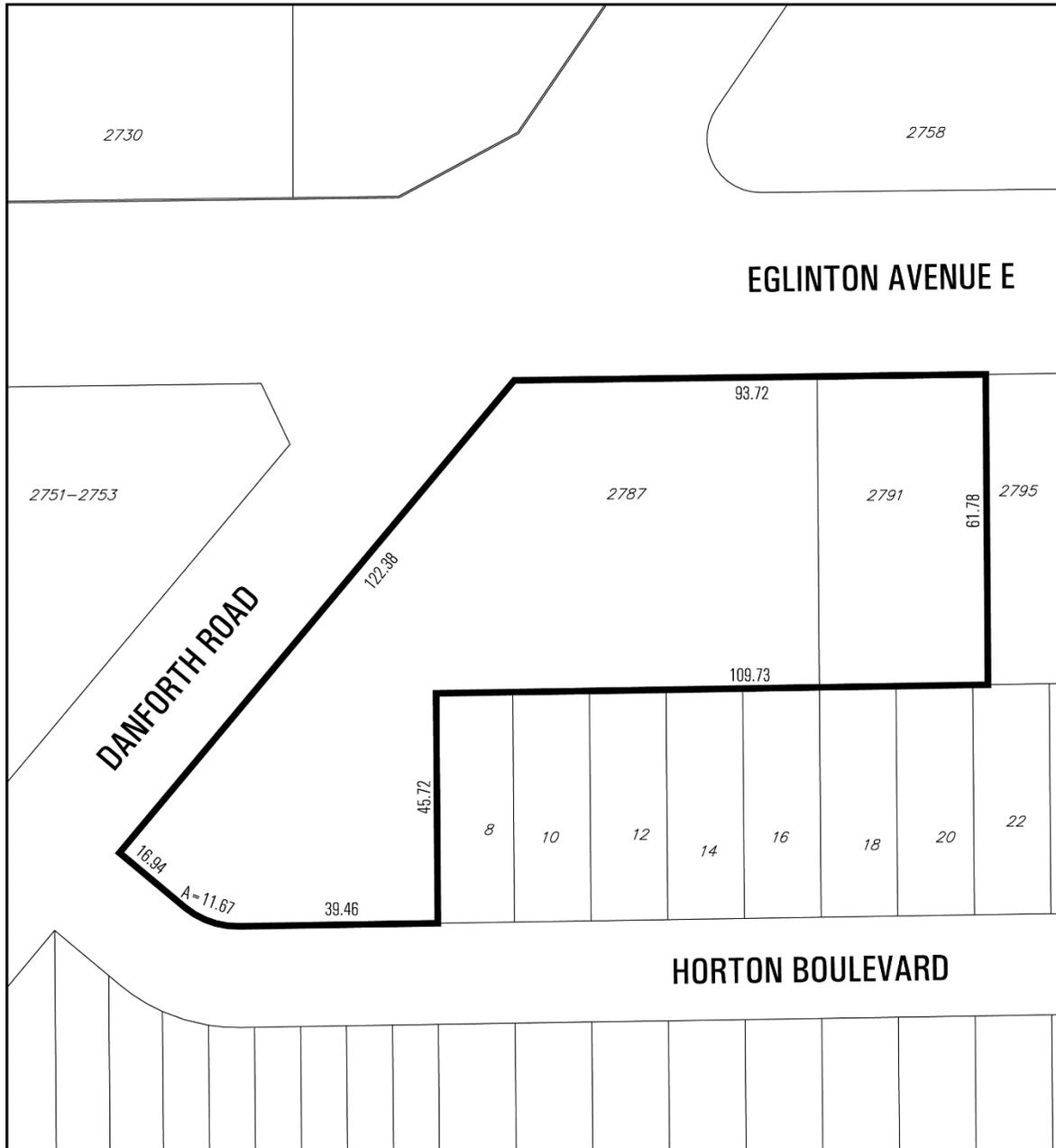
(Corporate Seal)

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 3 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 the issuance of an above grade building permit, the Owner shall make a financial (cash) contribution to the City of \$500,000 to be allocated as follows, 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:
 - (a) \$500,000 towards capital improvements to Horton Park and/or above base park improvements to the proposed park on the subject site at 2787 and 2791 Eglinton Avenue East.
 - (b) A 2% parkland over dedication from the application to increase the size of the new public park on the subject site at 2787 and 2791 Eglinton Avenue East.
- (2) The owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act, R.S.O., 1990, c.P. 13 as amended, to secure the facilities, services and matters referred to in Section (1) herein, which agreement shall be registered as a first charge on title to the lands to which this By-law applies.
- (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 of October 26 and 27, 2009 and updated through the adoption of item PG32.3 of the Planning and Growth Management Committee in 2013.
- (4) In the event the cash contribution(s) referred to in Section (1) has not been used for the intended purpose within three (3) years of this 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 of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.
- (5) Where Section (1) above 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
- (6) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to the by-law unless all provisions of Section 1 of this by-law above are satisfied.

Diagram 1



Toronto
Diagram 1

2787-2791 Eglinton Avenue East

File # 18 140669 ESC 35 0Z

Diagram 2

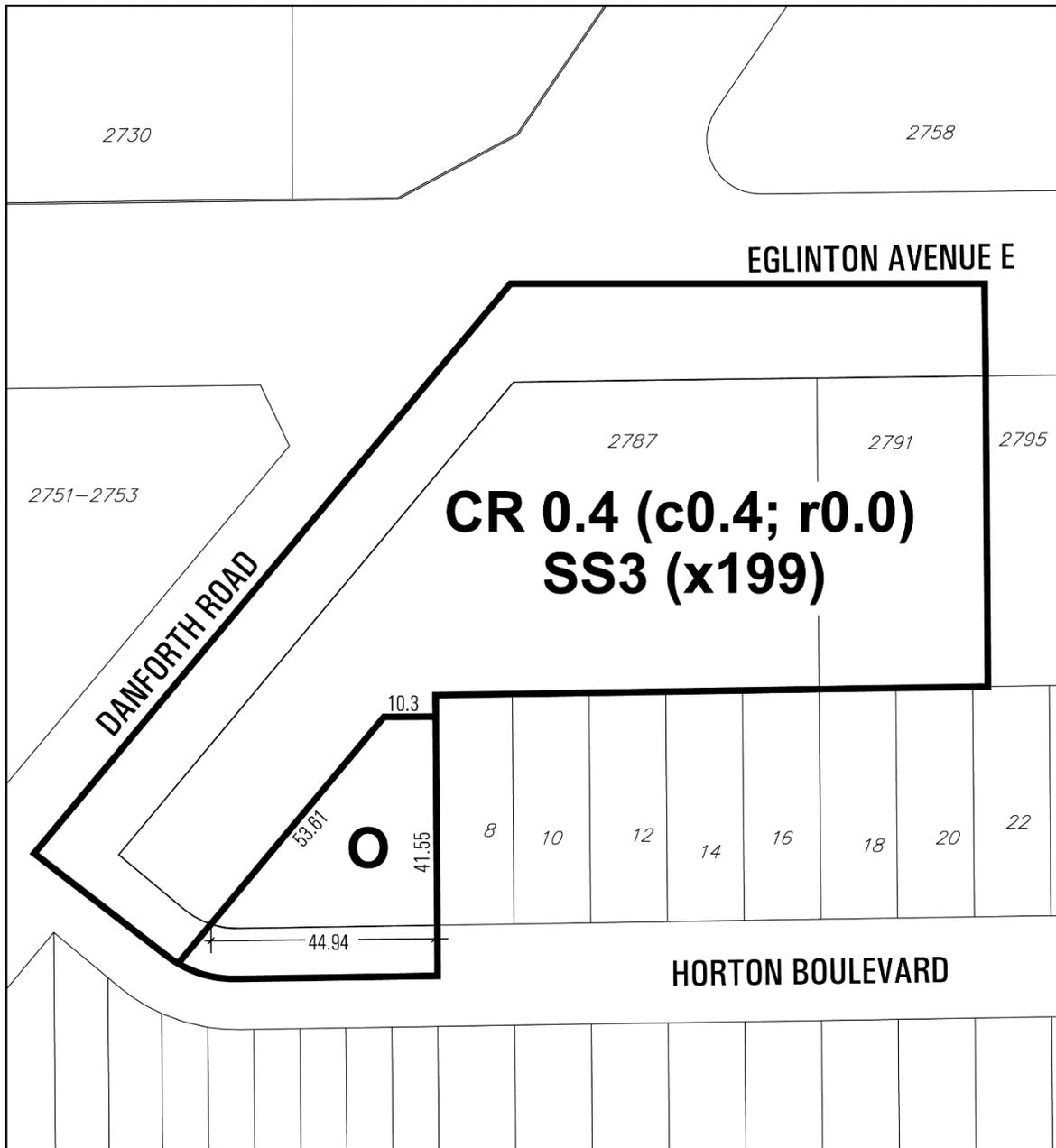
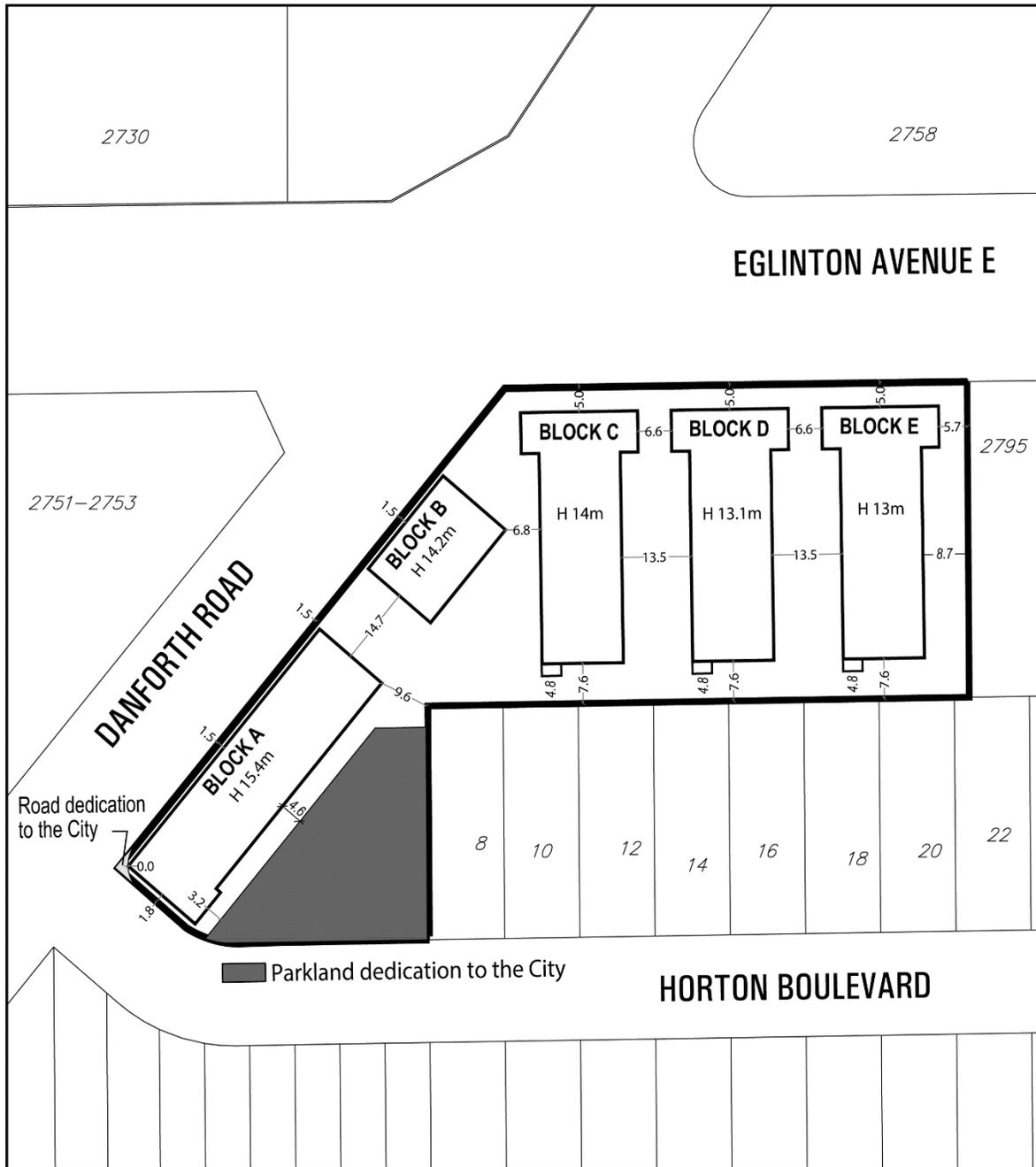


Diagram 3



Attachment 9: Draft Zoning By-law Amendment (Eglinton Community Zoning By-law No. 10048)

Authority: Scarborough Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2019

To amend the former City of Scarborough Eglinton Community Zoning By-law No. 10048, as amended, with respect to the lands municipally known in the year 2019 as, 2787 and 2791 Eglinton Avenue East

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 height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 10048 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;

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto enacts:

1. **SCHEDULE 'A'** of the Eglinton Community Zoning By-law No. 10048, as amended, is further amended by deleting the current zoning and replacing it with the following zoning as shown on the attached Schedule '1':

A-343-344-516-560-561-562-563-564-565-566-567-568-569-650-651-652-653-654

2. **SCHEDULE 'B', PERFORMANCE STANDARD CHART**, is amended by adding the following Performance Standards:

INTENSITY OF USE

343. A maximum of 182 **dwelling units** in five (5), 4-storey **apartment buildings** of which 10% of the **dwelling units** shall have 3-bedroom units.
344. The maximum permitted gross floor area of all residential uses in five (5), 4-storey **apartment buildings** shall not exceed 16,000 square metres.

SETBACK

516. No portion of any building or structure erected shall be located outside of the area of Blocks A, B ,C, D, and E on Schedule '3' of by-law [Clerks #], subject to the following exceptions:
 - (i) cornices, sills, eaves, canopies, awnings, bay windows, retaining walls, structures and elements related to outdoor patios at grade and ornamental or architectural features may project to a maximum of 0.5 metres beyond the building envelopes of Blocks A, B ,C, D, and E, shown on Schedule "3" of by-law [Clerks #]; and
 - (ii) balconies and privacy screens may encroach to a maximum of 1.5 metres;
 - (iii) enclosed stairs and garbage storage areas may encroach to a maximum of 3.0 metres; and
 - (iv) unenclosed stairs may encroach to a maximum of 1.5 metres into the required minimum building setback to Danforth Road, a maximum of 2.0 metres into the required minimum building setback to Eglinton Avenue East and 3.0 metres in all other locations.
560. The minimum **building setbacks** (front, side and rear) for each of the **apartment buildings** are shown on Schedule '3' of by-law [Clerks #],.

MISCELLANEOUS

561. The maximum lot **coverage** for the buildings on the lot shall be 50%;
562. A minimum of 203 **parking spaces** shall be provided as follows:
- (i) A minimum of 176 **parking spaces** will be provided for residential uses; and
 - (ii) A minimum of 27 **parking spaces** will be provided for visitors.
563. No accessible parking spaces shall be provided.
564. Tandem **parking spaces** shall be permitted but may not count towards the minimum parking requirements as set out in this by-law.
565. **Vehicle** and loading space access to the lot may be provided from Danforth Road.
566. **Bicycle parking spaces** shall be provided in accordance with the following:
- (i) A minimum of 0.75 **bicycle parking space** per **dwelling unit**, allocated as 0.68 “long-term” **bicycle parking spaces** per **dwelling unit** and 0.07 “short-term” **bicycle parking spaces** per **dwelling unit**, where:
 - a. “long-term” **bicycle parking spaces** are for use by the occupants or tenants of a building and are located within a building; and
 - b. “short-term” **bicycle parking spaces** are for use by visitors of a building.
 - (ii) Where bicycles are to be stored in a horizontal position the **bicycle parking space** shall have the following minimum dimensions:
 - a. minimum length of 1.8 metres;
 - b. minimum width of 0.6 metres; and
 - c. minimum vertical clearance from the ground of 1.9 metres.
 - (iii) Where bicycles are to be stored in a vertical position, the **bicycle parking space** shall have the following minimum dimensions:
 - a. minimum length or vertical clearance of 1.9 metres;
 - b. minimum width of 0.6 metres; and,
 - c. minimum horizontal clearance from the wall of 1.2 metres.
 - (iv) Where bicycles are to be stored in a stacked manner, the minimum vertical clearance for each **bicycle parking space** is 1.2 metres.
567. One type "G" loading space shall be provided and shall have the following minimum dimensions:

- (i) Length of 13.0 metres;
- (ii) Width of 4.0 metres; and,
- (iii) Vertical Clearance of 6.1 metres.

568. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, sub clause number **7. Day Nurseries**, in an “M” and “A” shall not apply.

569. No person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- (a) All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
- (b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

HEIGHT

650. The height of a building or structure is measured as the distance between the Canadian Geodetic Datum elevation of 162.36 metres and the highest point of the building or structure.

651. Enclosed roof accesses are not considered a **storey**.

652. The maximum permitted height of a building or structure is specified by the numbers in metres following the letter H, as shown on Schedule '3' attached to this By-law, subject to the following height exceptions:

- (i) Lighting fixtures, cabanas, planters, balustrades, bollards, trellises, parapets, privacy screens, safety railings, guardrails, chimneys, vents, stacks and exhaust stacks, and ornamental or architectural features may extend a maximum of 2.0 metres above the heights shown on Schedule “3” of by-law [Clerks #]; and,

- (ii) Mechanical equipment such as heating and cooling stacks, air units, and an emergency generator may extend a maximum of 4.0 metres above the heights shown on Schedule ‘3’ of by-law [Clerks #].

653. There shall be no required minimum height for the first storey.

654. No **amenity space** is required

3. **SCHEDULE "C" EXCEPTIONS LIST, and EXCEPTIONS MAP**, is amended by adding the following Exception Nos. 74 and 75 to the lands outlined on Schedule 'C', so that it reads as follows:

74. On lands identified as Exception No. 74 on the accompanying Schedule “C” map the following provisions shall apply:
- (a) Additional Permitted Uses:
- (i) A temporary sales office for the sale of residential **dwelling units** on the property.
- (b) The following definitions shall apply to the lands encompassed by Exception No. 74:
- (i) **Bicycle Parking Space**
means an area used for parking or storing a bicycle.
- (ii) **Gross Floor Area**
means the sum of the total area of each floor of a building, above and below ground, measured from the exterior of the main wall of each floor level.
- (c) The **gross floor area** of an **apartment building** is reduced by the area in the building used for:
- (i) Parking, loading and bicycle parking below-ground;
- (ii) Required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
- (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- (iv) Shower and change facilities required by this By-law for required bicycle parking spaces;
- (vi) Elevator shafts
- (vii) Garbage shafts
- (viii) Mechanical penthouse; and
- (ix) Exit stairwells in the building.
75. On lands identified as Exception No. 75 on the accompanying Schedule “C” map, the following provisions shall apply:
- (1) 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 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule “A” accompanying this by-law, 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.
- (a) prior to issuance of the first above-grade building permit for a building or structure on the lot on Parcel B, the owner shall make a cash contribution to the City in the amount of \$500,000 which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price

Index for Toronto, calculated from the date of the registration of the Section 37 Agreement to the date of payment as follows:

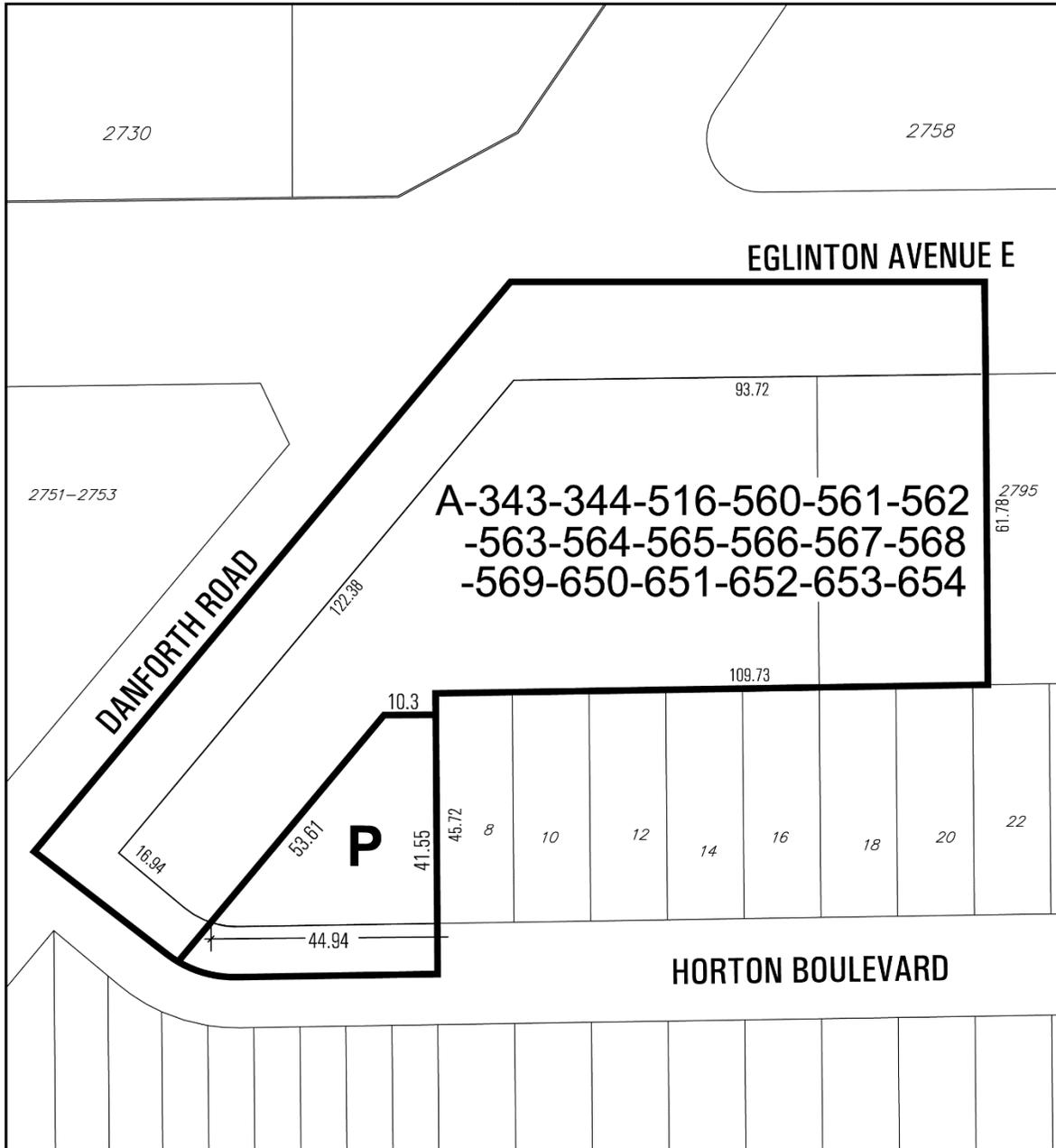
- (i) \$500,000 towards capital improvements to Horton Park and/or above base park improvements to the proposed park on the subject site at 2787 and 2791 Eglinton Avenue East; and
 - (ii) A 2% parkland over dedication from the application to increase the size of the new public park on the subject site at 2787 and 2791 Eglinton Avenue East.
- (b) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development, with no cost pass-through to residents of the existing rental buildings, all to the satisfaction of the Chief Planner, Executive Director of City Planning and the City Solicitor:
- (i) 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 of October 26 and 27, 2009 and updated through the adoption of item PG32.3 of the Planning and Growth Management Committee in 2013.
 - (2) Where 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.
 - (3) 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 1 above are satisfied.
 - (4) In the event the cash contribution referred to in Section 1(a) above has not been used for the intended purpose within three (3) years of this 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 of City Planning, in consultation with the local Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lot.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

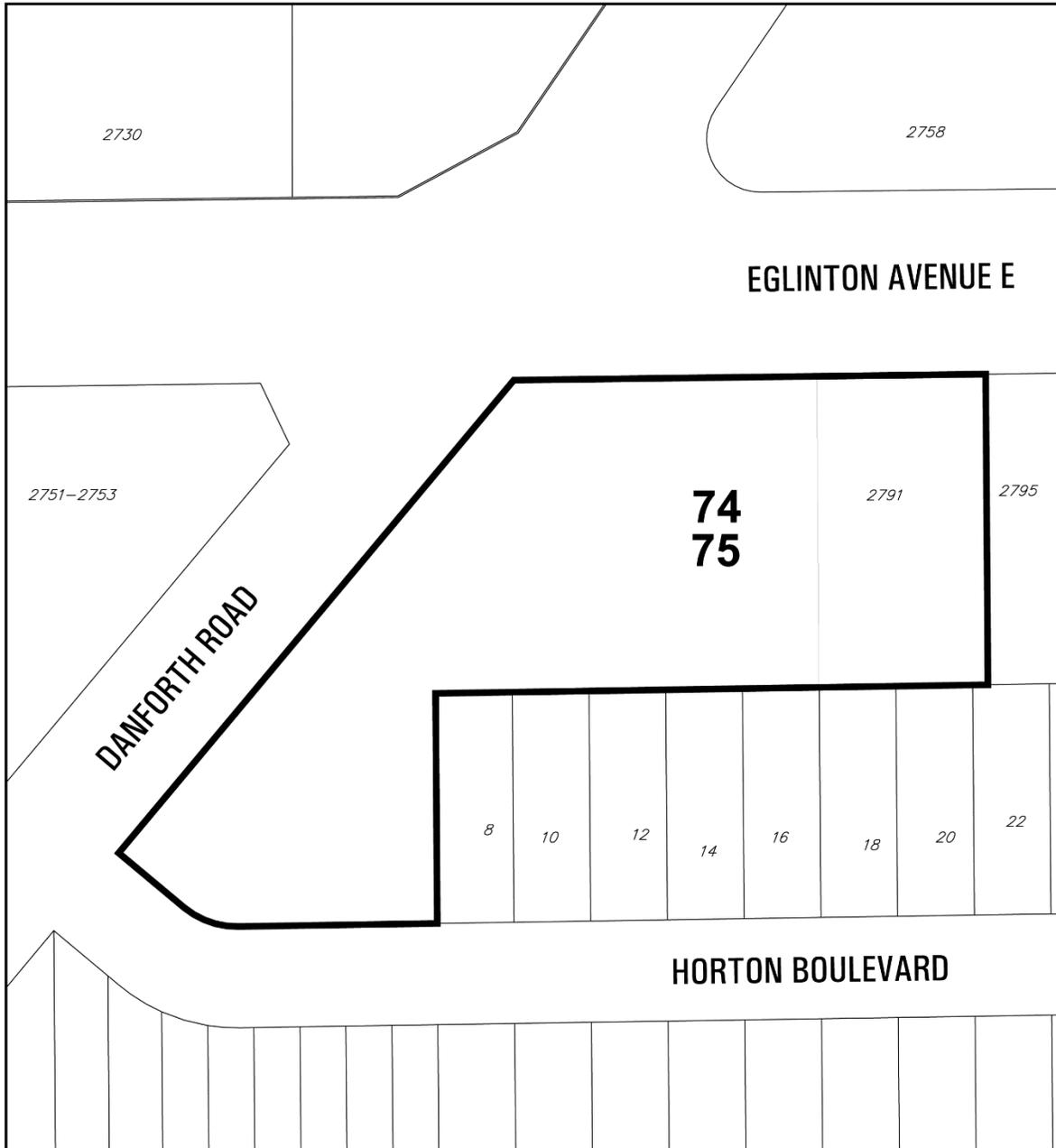
JOHN TORY,
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk

Schedule 1



Schedule 2



Schedule 3

