

Without Prejudice and Confidential

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2021 (OLT)

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2020 as, 1880-1890 Eglinton Avenue East and 1523 & 1525-1545 Victoria Park Avenue

Whereas the Owner of the lands in the year 2021 appealed a proposed Zoning By-law Amendment to the Local Planning Appeal Tribunal (now the Ontario Land Tribunal) pursuant to Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended; and

Whereas the Ontario Land Tribunal, by its Decisions issued on [DATE] and Order issued on [DATE], determined to amend Zoning By-law 569-2013, as amended, with respect to lands known municipally as 1880-1890 Eglinton Avenue East and 1523 & 1525-1545 Victoria Park Avenue; and

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

Whereas authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (H) symbol with conditions in the zoning by-law; and

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

The Ontario Land Tribunal Orders:

1. The lands subject to this By-law are municipally known in the year 2020 as 1880-1890 Eglinton Avenue East and 1523 & 1525-1545 Victoria Park Avenue, as outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The land comprises the lands delineated by the dashed lines on Diagram 4, Diagram 5, Diagram 6, Diagram 7, Diagram 8, Diagram 9, and Diagram 10 attached to and forming part of this By-law and identified as Block A, Block B, Block C, Block D, Block E, Block F, Block G, Block H1, and Block H2.
3. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
4. The Zoning By-law Diagram of By-law No. 569-2013 is amended by deleting 900.11.10 (x470) and (x1193), and adding the following exceptions to the lands delineated by the heavy line on Diagram 2 of By-law No. XXX-2021:
 - (A) Exception **XXX** to Block B, Block C, Block D, Block E, Block F, and Block G; and
 - (B) Exception **XXX** to combined Block C and Block H2;
5. Zoning By-law No. 569-2013, as amended, is further amended by deleting the zone labels on the Zoning By-law Map in Section 990.10 as outlined in heavy black lines and adding the zone labels identified on Diagram 2 attached to this By-law, as follows:
 - (A) OR for Block A;
 - (B) CR 0.22 (c0.22; r0.0) SS3 (x **XXXX**) for Block B;
 - (C) CR 0.22 (c0.22; r0.0) SS3 (x **XXXX**) for Block C; and
 - (D) CR 0.22 (c0.22; r0.0) SS3 (x **XXXX**) for Block D, Block E, Block F, and Block G.
6. Zoning By-law No. 569-2013, as amended, is further amended by deleting Articles 900.11.10 Exceptions 470 and 1193, and adding Article 900.11.10 Exception Number **XXX** so that it reads:

(##) Exception CR (XXX)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 1880-1890 Eglinton Avenue East and 1523 & 1525-1545 Victoria Park Avenue, if the requirements of by-law XXX-2021 [Clerks to supply by-law ##] are complied with, none of the provisions of [list Chapters, Sections, Articles, Clauses or individual regulations] apply to prevent the erection or use of a **building** or **structure** that complies with (B) to (Z) below;
- (B) For the purposes of By-law [Clerks to supply by-law ##], reference to Block A, Block B, Block C, Block D, Block E, Block F, Block G, Block H1, and Block H2 are as identified on Diagram 3 attached to By-law [Clerks to supply by-law ##] and reference to **building B1, building B2, building B3, building B4, building C, building D1, building D2, building D3, building D4, building E1, building E2, and building F1, building F2, building F3, building G1, and building G2** are the **buildings** within such Blocks as identified on Diagram 4, Diagram 5, Diagram 6, Diagram 7, Diagram 8, Diagram 9, and Diagram 10 attached to By-law [Clerks to supply by-law ##];
- (C) **[TO BE FURTHER REVIEWED AND REVISED SATISFACTORY TO THE CHIEF PLANNER AND OWNER]** Despite regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is the vertical distance between the elevation of the highest point of the **building** or **structure** and:
- (i) On Block B, the Canadian Geodetic Datum elevation is:
 - a. 158.23 metres for **building B1**;
 - b. 158.14 metres for **building B2**;
 - c. 157.86 metres for **building B3**; and
 - d. 156.75 metres for **building B4**;
 - (ii) On Block C, the Canadian Geodetic Datum elevation is:
 - a. 157.00 metres for **building C1**;
 - (iii) On Block D, the Canadian Geodetic Datum elevation is:
 - a. 159.26 metres for **building D1**; and
 - b. 159.62 metres for **building D2**;
 - (iv) On Block E, the Canadian Geodetic Datum elevation is:
 - a. 159.70 metres for **building E1**;
 - (i) On Block F, the Canadian Geodetic Datum elevation is:
 - a. 159.55 metres for **building F1**; and
 - b. 158.70 metres for **building F2**;
 - (i) On Block G, the Canadian Geodetic Datum elevation is:
 - a. 157.44 metres for **building G1**;
- (D) Despite Regulation 40.5.40.10(8)(A), equipment, **structures** or parts of a building listed in Regulation 40.5.40.10(4) located on the roof of a tower

portion of a **building** on Block F may exceed the permitted maximum height for that **building** by 7.0 metres and the total area of all equipment, **structures**, or parts on the roof of the tower portion of that **building** may not exceed 500 square metres, measured horizontally.

- (E) Mid-rise **buildings** on Block D and Block E will be located beneath the 45-degree angular planes, originating from:
- (i) the adjacent Street A property line, starting at a height of 21.6 metres for **building** D2;
 - (ii) the adjacent Street C property line, starting at a height of 16.0 metres for **building** D2;
 - (iii) the adjacent Street A property line, starting at a height of 16.0 metres for **building** E2; and
 - (iv) the adjacent Street C property line, starting at a height of 16 metres for the 5-storey component of **building** E2;
- (F) For the purposes of this By-law [Clerks to provide By-law ##], a "tower" is the portions of a **building** which collectively enclose the entirety of a storey higher than 24.0 metres above the average grade, and where the maximum average gross construction area of any storey located above 24.0 metres, excluding balconies, does not exceed 750 square metres;
- (G) Despite Provision (F) above, the portion of a **building** on Block F below a tower as defined in Provision (F) that includes the **community centre** in a **building** on Block F required by Schedule A of this By-law will have a maximum height of 27.0 metres within that **building**;
- (H) [TO BE FURTHER REVIEWED AND REVISED SATISFACTORY TO THE CHIEF PLANNER AND OWNER] In addition to the exclusions listed in Clause 40.5.40.40, the **gross floor area** of a **building** on Block F is also reduced by:
- (i) the **community centre** required by **Schedule A** of this By-law;
- (I) Despite regulations 40.10.40.70(1) and 40.10.40.80(1) the required minimum **building setbacks** and minimum distance between **main walls** must be provided as shown on Diagram 4, Diagram 5, Diagram 6, Diagram 7, Diagram 8, and Diagram 9 of By-law XXX-2021;
- (J) Despite regulation 40.5.40.60(1) and clause 40.10.40.60, the following elements of a **building** may encroach into the required **building setback**, **stepback** or separation distance between **main walls**:
- (i) public art features and **landscaping**;

- (ii) wind mitigation features; and
 - (iii) awnings and canopies may encroach a maximum of 2.7 metres into the required **building setbacks** identified on Diagram 4, Diagram 5 , Diagram 6, Diagram 7, Diagram 8, and Diagram 9 , if no part of the canopy, awning or similar structure is more than 5.0 metres above the elevation of the ground directly below it;
- (K) Despite regulation 40.10.40.60(1), balconies may not encroach into the required **building setbacks**, for the portion of the **building** below a tower as defined in provision (F) above, as identified on Diagram 4, Diagram 5 , Diagram 6, Diagram 7, Diagram 8, and Diagram 9 with the exception of juliette balconies which may encroach a maximum of 0.5 metres into the required **building setbacks**;
- (L) Despite regulation 40.10.20.10(1), residential uses are not permitted on all or any part of Block B;
- (M) A minimum of ten per cent of all **gross floor area** on the **lot** will be provided as non-residential uses;
- (N) **[TO BE FURTHER REVIEWED AND REVISED SATISFACTORY TO THE CHIEF PLANNER AND OWNER PRIOR TO OCTOBER 2021 HEARING]**
A minimum of <> square metres of **gross floor area** will be provided as **community centre** uses on Block F;
- (O) **[TO BE FURTHER REVIEWED AND REVISED SATISFACTORY TO THE CHIEF PLANNER AND OWNER]** Despite regulations 40.10.40.40(1), the permitted maximum **gross floor area** on Block B, Block C, Block D, Block E, Block F, and Block G identified on Diagram 3 must not exceed 300,097 square metres and 3,597 **dwelling units**, and subject to the following:
- (i) a maximum of 14,500 square metres of non-residential **gross floor area** and 0 **dwelling units** on Block B;
 - (ii) a maximum of 10,900 square metres of **gross floor area** and 277 **dwelling units** on Block C;
 - (iii) a maximum of 91,800 square metres of **gross floor area** and 1,208 **dwelling units** on Block D;
 - (v) a maximum of 39,700 square metres of **gross floor area** and 524 **dwelling units** on Block E;
 - (vi) a maximum of 105,000 square metres of **gross floor area** and 1,475 **dwelling units** on Block F; and

- (vii) a maximum of 43,800 square metres of **gross floor area** and 638 **dwelling units** on Block G;
- (P) Of the total number of **dwelling units** permitted in Provision (O) above, any **building** on Block C, Block D, Block E, Block F, or Block G with more than 80 **dwelling units** will include:
 - (i) a minimum of 25 per cent must be two-bedroom **dwelling units**; and
 - (ii) a minimum of 10 per cent must be three-bedroom **dwelling units** or larger;
- (Q) Despite regulation 40.10.40.10(3), the permitted maximum height of any **building** or **structure** on the **lot** is the numerical value, in metres, following the symbol HT on Diagram 4, Diagram 5, Diagram 6, Diagram 7, Diagram 8, and Diagram 9 attached to By-law No. XXX-2021 [**Clerks to supply by-law ##**];
- (R) The permitted maximum number of **storeys** for each **building** is the numerical value following the ST symbol on Diagram 4, Diagram 5, Diagram 6, Diagram 7, Diagram 8, and Diagram 9 attached to By-law XXX-2021 [**Clerks to supply by-law ##**];
- (S) **[TO BE FURTHER REVIEWED AND REVISED SATISFACTORY TO THE CHIEF PLANNER]** Despite regulation 40.10.40.50(1), for the purpose of this By-law, the required **amenity space** may be distributed and shared within each block.
- (T) Despite Table 200.5.10.1, **parking spaces** shall be provided and maintained on the lands in accordance with the following:
 - (i) a minimum of 0.5 **parking spaces** must be provided for each **dwelling unit**;
 - (ii) a minimum of 0.1 visitor **parking spaces** must be provided for each dwelling unit; and
 - (iii) a minimum of 1.0 **parking spaces** must be provided for each 100 squares metres of **gross floor area** for permitted non-residential uses, including the **community centre** on Block F;
- (U) Despite regulations 200.5.1.10, (2), (3) and (5) and Provision (T) above, **parking spaces** required for non-residential uses, including the **community centre** on Block F, and for **dwelling unit** visitors may be:
 - (i) shared on a non-exclusive basis,
 - (ii) provided within a commercial **parking garage**, and/or
 - (iii) located within the same block;

- (V) **TO BE FURTHER REVIEWED AND REVISED SATISFACTORY TO THE CHIEF PLANNER AND OWNER** Despite Provision (U) above, and Regulation 200.5.1.10(2)(A)(ii);
- (i) a minimum of 10 of the required **parking spaces** must be for the exclusive use of the **community centre** in a **building** on Block F during its hours of operations; and
 - (ii) a minimum of three **parking spaces** under (i) above must have a minimum width of 3.9 metres;
- (W) For the purposes of this By-law **[Clerks to provide by-law ##]**, a **parking space** required on Block G may be provided on Block B;
- (X) For each car-share **parking space** provided, the minimum number of required parking spaces for residential uses may be reduced by 4 **parking spaces**, up to a maximum of 4 car-share **parking spaces** per **building**;
- (Y) For the purposes of this By-law:
- (i) “car-share or car-sharing” means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and such car-share motor vehicles are made available to at least the occupants of the building or short term rental, including hourly rental; and
 - (ii) “car-share **parking space**” means a parking space exclusively reserved and signed for a car used only for **car-share** purposes;
 - (iii) **[NTD: to be inserted once phasing confirmed and resolved for building permit issuance]**
- TO BE FURTHER REVIEWED AND REVISED SATISFACTORY TO THE CHIEF PLANNER AND OWNER** The issuance of **building** permits, excluding demolition permits, are subject to the following:
- (i) prior to issuance of any **building** permit for any **building** on Block F, as shown on Diagram 3 attached to By-law XXX, the **streets** identified as Public Street A1 and Public Street B on Diagram 3 of By-law **[Clerks to supply by-law ##]** must be conveyed to the City;
 - (ii) prior to issuance of any **building** permit for any **building** on Block B and Block G, as shown on Diagram 3 attached to By-law XXX, the **streets** identified as Public Street A1 and Public Street B on Diagram 3 of By-law **[Clerks to supply by-law ##]** must be conveyed to the City;

- (iii) prior to issuance of any **building** permit for any **building** on Block C, Block D and Block E, as shown on Diagram 3 and X attached to By-law XXX, the **streets** identified as Public Street A2 and Public Street C on Diagram 3 of By-law [Clerks to supply by-law ##] must be conveyed to the City;
- (iv) prior to issuance of any **building** permit for **building** B2, **building** B3 and **building** B4, as shown on Diagram 3 and X attached to By-law XXX, the **streets** identified as Public Street A2 and Public Street C on Diagram 3 of By-law [Clerks to supply by-law ##] must be conveyed to the City;
- (v) prior to issuance of any **building** permit for any **building** on Blocks C, D, E and G, as shown on Diagram 3 and X attached to By-law [Clerks to supply by-law], the **community centre** on Block F required as outlined Schedule A of this By-law must be conveyed to the City; and
- (vi) prior to issuance of any **building** permit, for **building** B2, **building** B3, **building** B4 or any **building** on Block C, Block D and Block E, as shown on Diagram 3 and X attached to By-law [Clerks to supply by-law], the lands zoned OR on Diagram 2 and labelled as "Public Park" on Diagram 3 and Diagram 4 of By-law XXX must be conveyed to the City.

7. **(##) Exception CR (XXX)**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) In the event where Block H2 as identified on Diagram 3 of by-law XXX-2021 [Clerks to supply by-law ##] is acquired to form part of Block C as identified on Diagram 3, to form combined Block C and Block H2 as identified on Diagram 10, if the requirements of by-law XXX-2021 [Clerks to supply by-law ##] are complied with, none of the provisions of [list Chapters, Sections, Articles, Clauses or individual regulations] apply to prevent the erection or use of a **building** or **structure** that complies with subsections (B) to (J) below;
- (B) Despite regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is the vertical distance between the elevation of the highest point of the **building** or **structure** and the Canadian Geodetic Datum elevation of 157.00 metres;

- (C) Despite regulation 40.10.40.10(3), the permitted maximum height of any **building** or **structure** is the numerical value, in metres, following the symbol HT on Diagram 10 attached to By-law No. XXX-2021 [Clerks to supply by-law ##];
- (D) The permitted maximum number of **storeys** for each **building** is the numerical value following the ST symbol on Diagram 10 attached to By-law XXX-2021 [Clerks to supply by-law ##];
- (E) Despite regulations 40.10.40.40(1), the permitted maximum **gross floor area** must not exceed 22,720 square metres and 361 **dwelling units**;
- (F) Of the total number of **dwelling units** permitted in Provision (E) above, a **building** on combined Block C and Block H2 with more than 80 **dwelling units** will include:
- (i) a minimum of 25 per cent must be two-bedroom **dwelling units**; and
 - (ii) a minimum of 10 per cent must be three-bedroom **dwelling units** or larger;
- (G) Despite clause 40.5.40.70 and regulations 40.10.40.70(1) and 40.10.40.80(1) the required minimum **building setbacks** and minimum distance between **main walls** must be provided as shown on Diagram 10 of By-law XXX-2021 [Clerks to supply by-law ##];
- (H) Despite regulations 200.5.1.10, (2), (3) and (5), **parking spaces** required for non-residential uses and for **dwelling unit** visitors may be shared on a non-exclusive basis, and may be provided within a commercial **parking garage**;
- (I) For each car-share **parking space** provided, the minimum number of required parking spaces for residential uses may be reduced by 4 **parking spaces**, up to a maximum of 4 car-share **parking spaces** per **building**;
- (J) The issuance of **building** permits, excluding demolition permits, are subject to the following:
- (i) prior to issuance of any **building** permit for any **building** on combined Block C and Block H2 as shown on Diagram 9 attached to By-law XXX, the **streets** identified as Public Street A2 and Public Street C on Diagram 3 of By-law [Clerks to supply by-law ##] must be conveyed to the City;

- (iii) prior to issuance of any **building** permit for any **building** on combined Block C and Block H2 as shown on Diagram 10 attached to By-law [Clerks to supply by-law], the **community centre** on Block F required as outlined Schedule A of this By-law must be conveyed to the City; and
 - (iv) prior to issuance of any **building** permit for any **building** on combined Block C and Block H2 as shown on Diagram 10 attached to By-law [Clerks to supply by-law], the lands zoned OR (xXX) on Diagram 2 and labelled as "Public Park" on Diagram 3 and Diagram 4 of By-law XXX must be conveyed to the City.
- (K) For the purposes of this By-law:
 - (iv) "car-share or car-sharing" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and such car-share motor vehicles are made available to at least the occupants of the building or short term rental, including hourly rental; and
 - (v) "car-share **parking space**" means a parking space exclusively reserved and signed for a car used only for **car-share** purposes;
- 8. **TO BE FURTHER REVIEWED AND REVISED SATISFACTORY TO THE CHIEF PLANNER AND OWNER** Prevailing By-laws and Prevailing Sections:
 - (A) Exception V of the former City of Scarborough Zoning By-law (Clairlea Community) No. 8978, as amended, including but not limited to Former Borough of Scarborough By-law 15214, continues to apply to Block F, Block G and Block B shown on Diagram 2 until such time that redevelopment of the last of these blocks is commenced in accordance with the permissions of this By-law
- 9. Despite any future severance, partition or division of the **lot** as shown on Diagram 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
- 10. 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/or density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule A hereof 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 upon 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 applicable provisions of Schedule A are satisfied; and
- (D) Once the agreement or agreements securing the facilities, services and matters set out in Schedule A have been executed and registered, the provisions of Schedule A shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

Enacted and passed on <*>, 2021.

FRANCES NUNZIATA
Speaker

<*>
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

[NTD: to be inserted once Section 37 has been finalized]

45210903.1

Draft Subject to Review

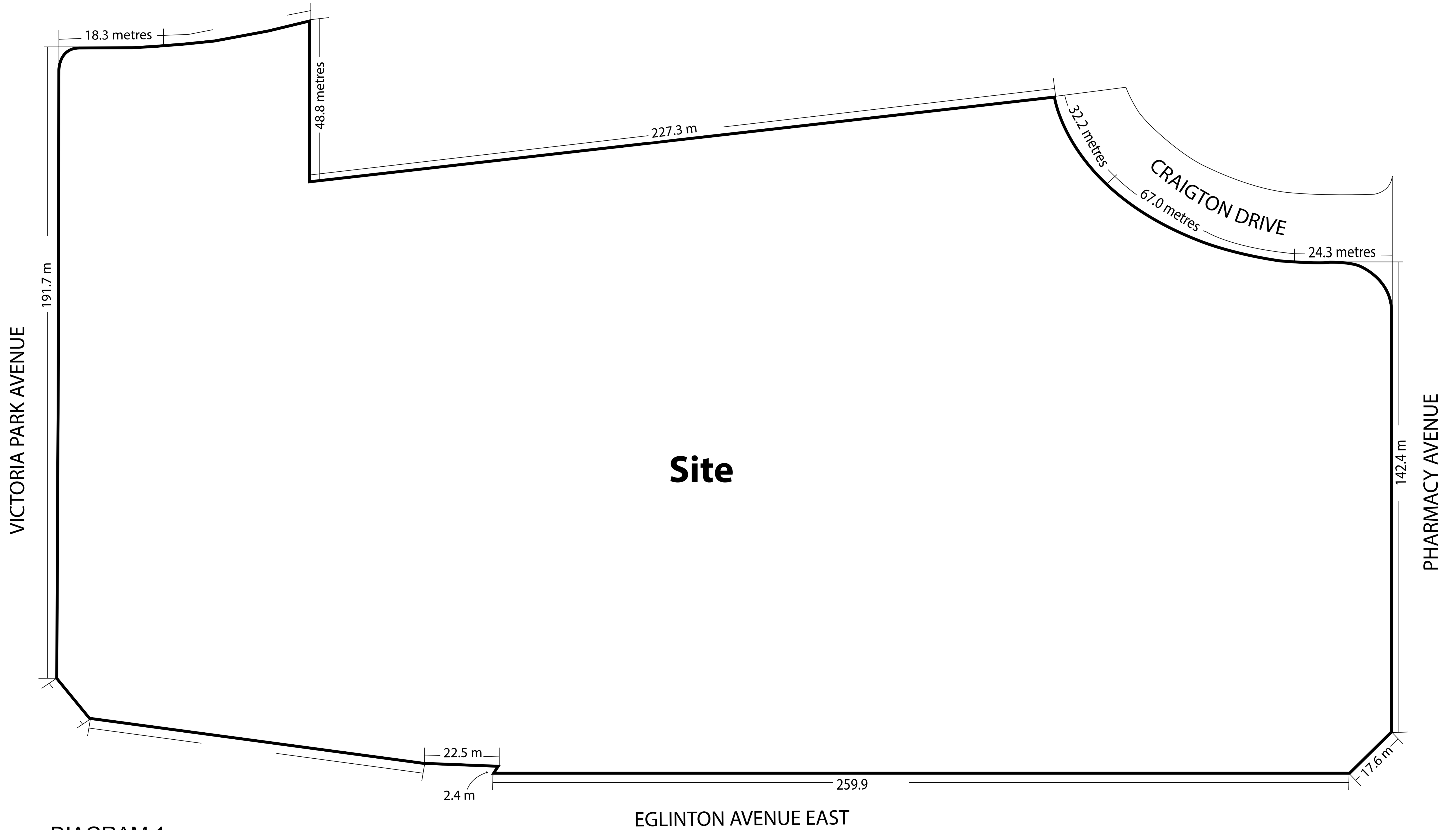
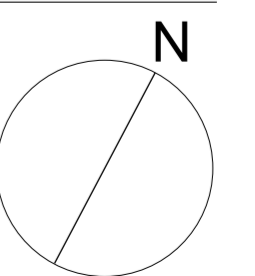


DIAGRAM 1



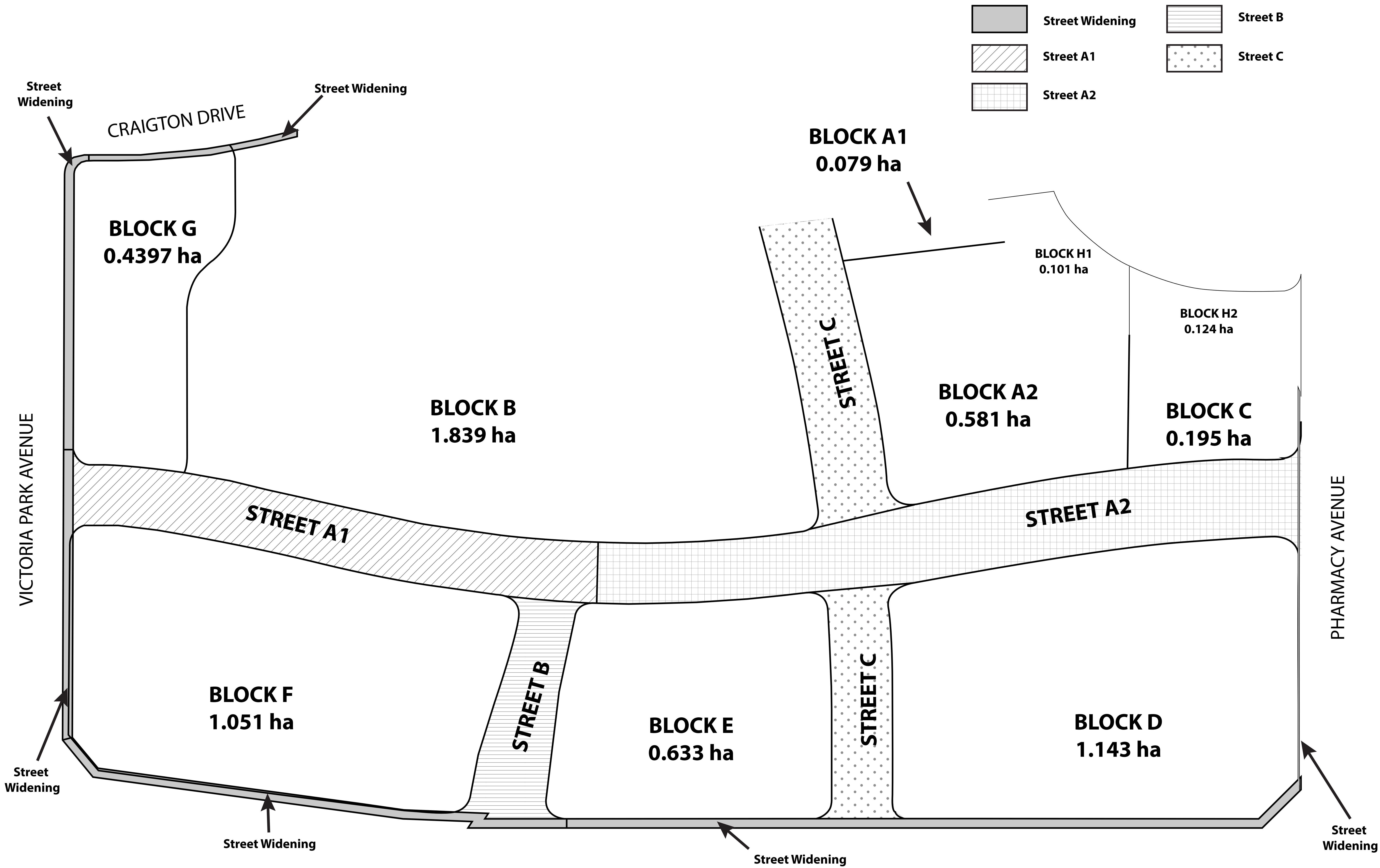
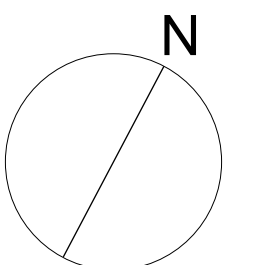


DIAGRAM 2

EGLINTON AVENUE EAST



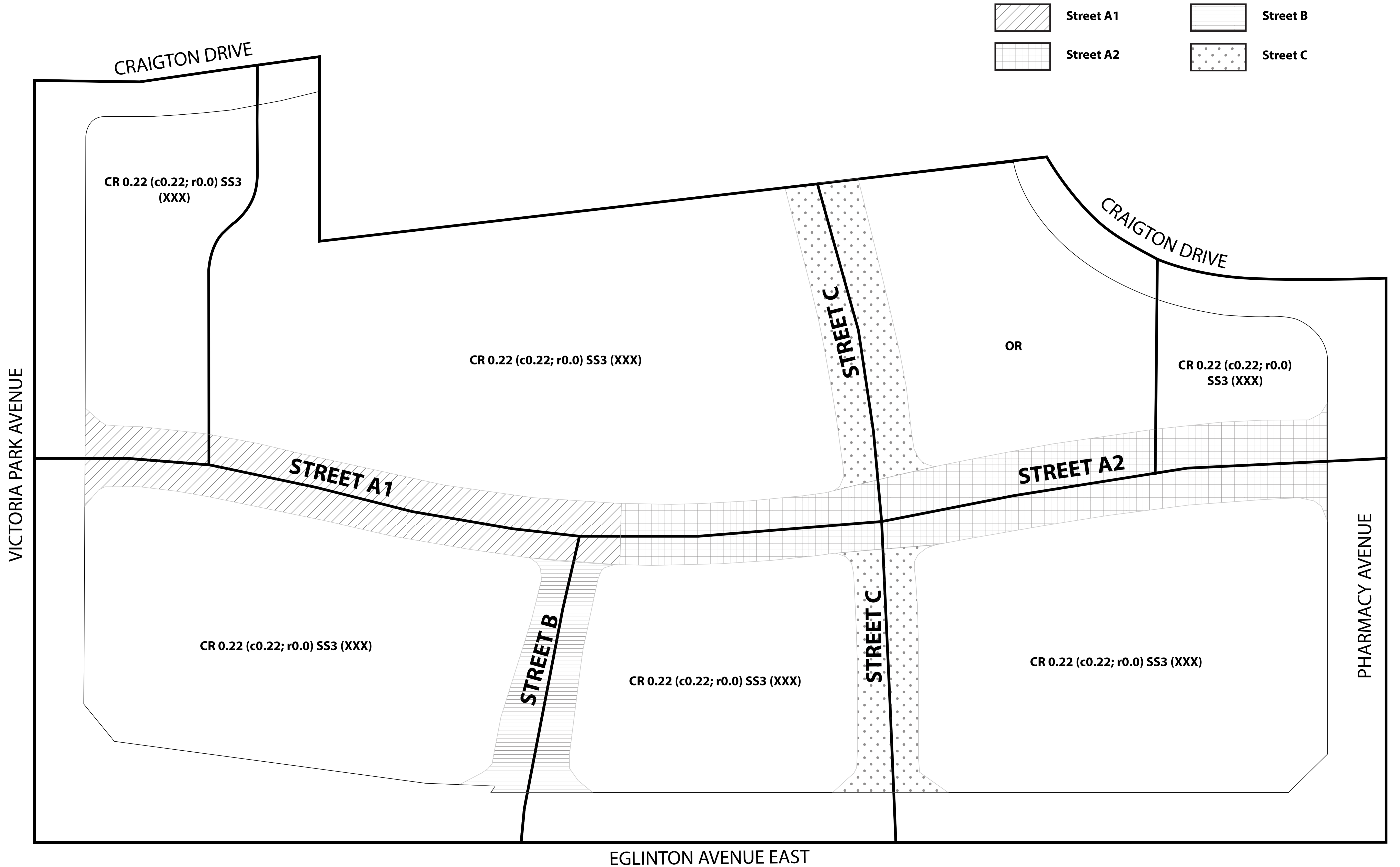


DIAGRAM 3

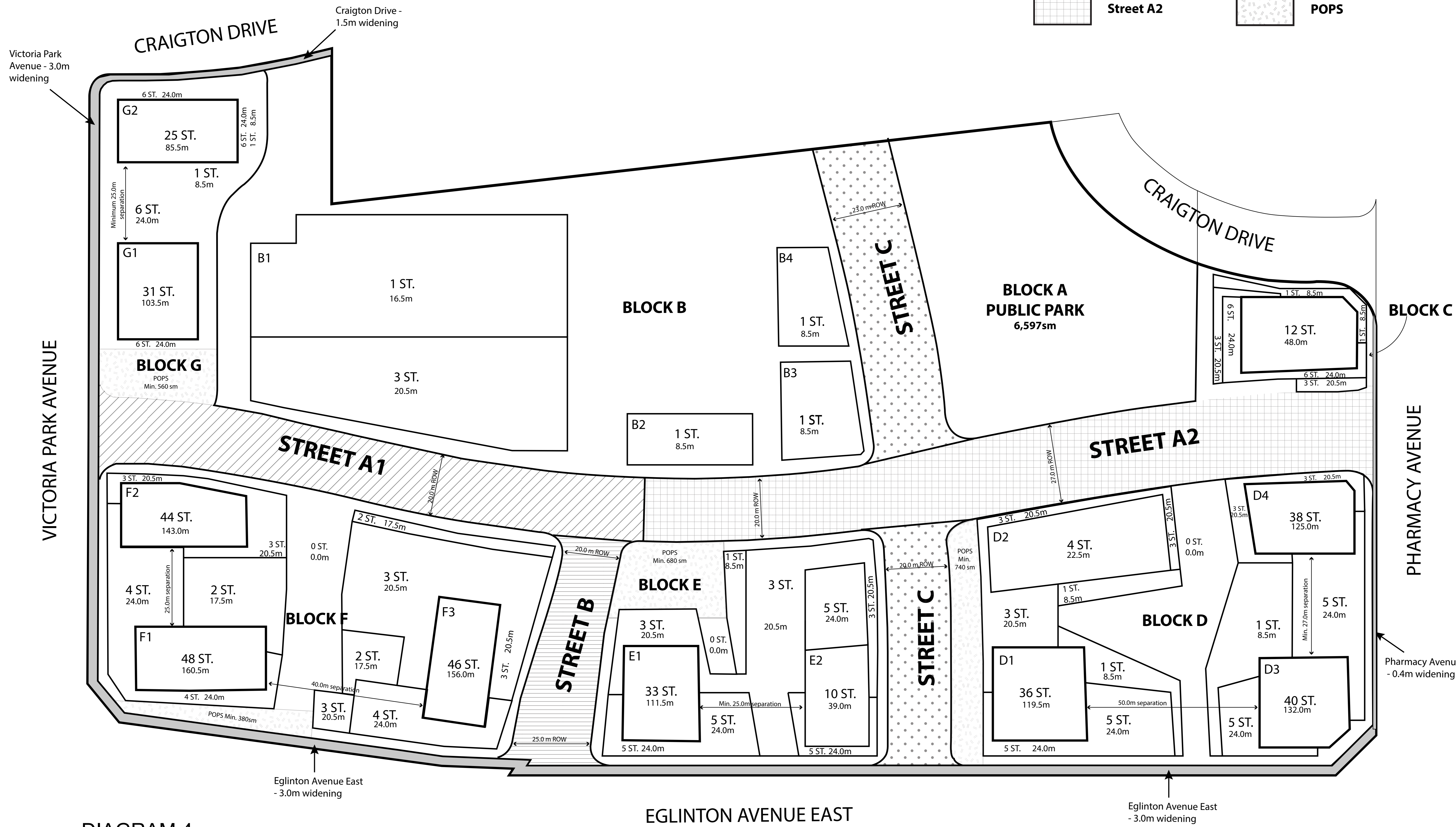


DIAGRAM 4

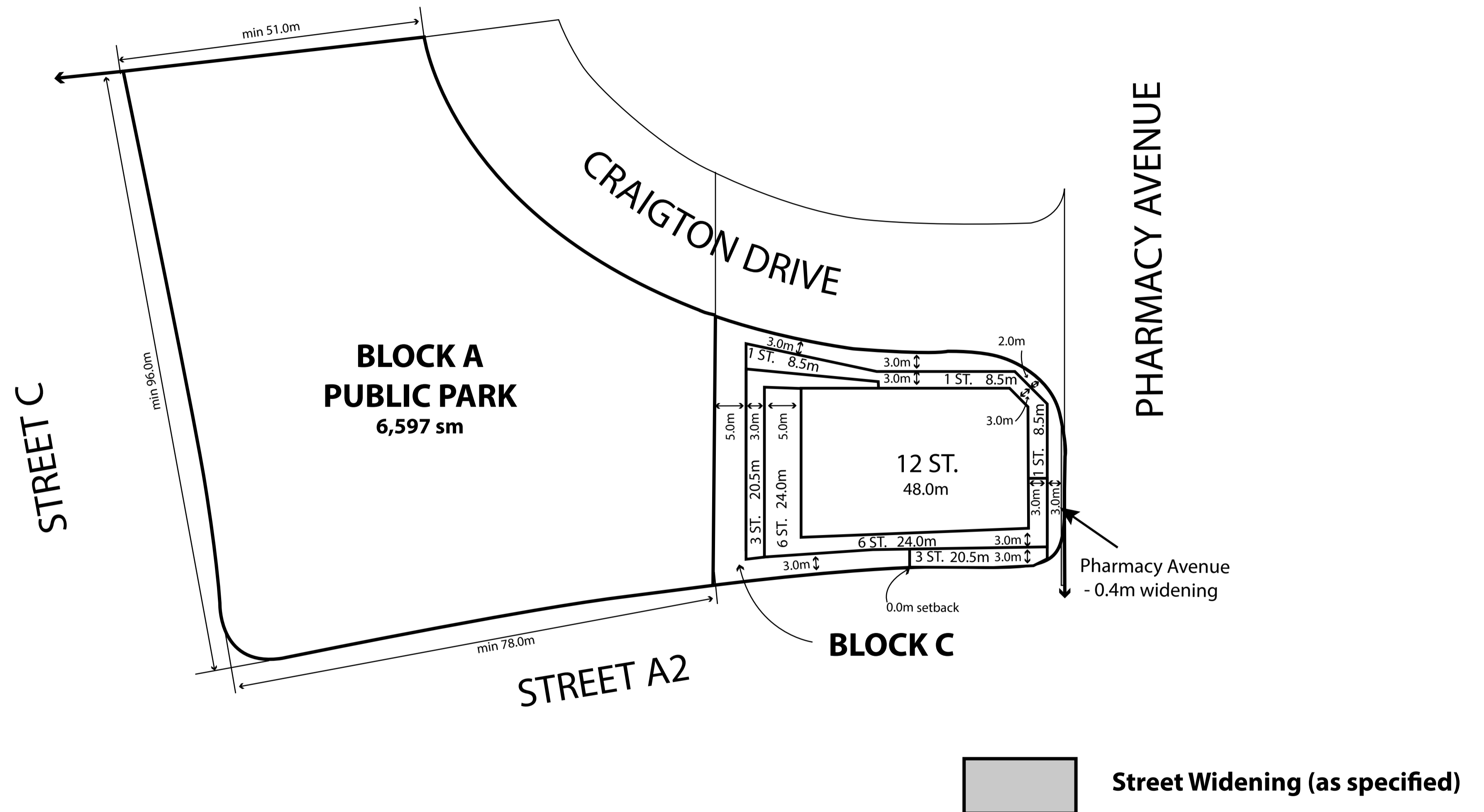
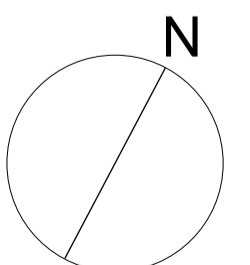


DIAGRAM 5



Victoria Park Avenue - 3.0m widening

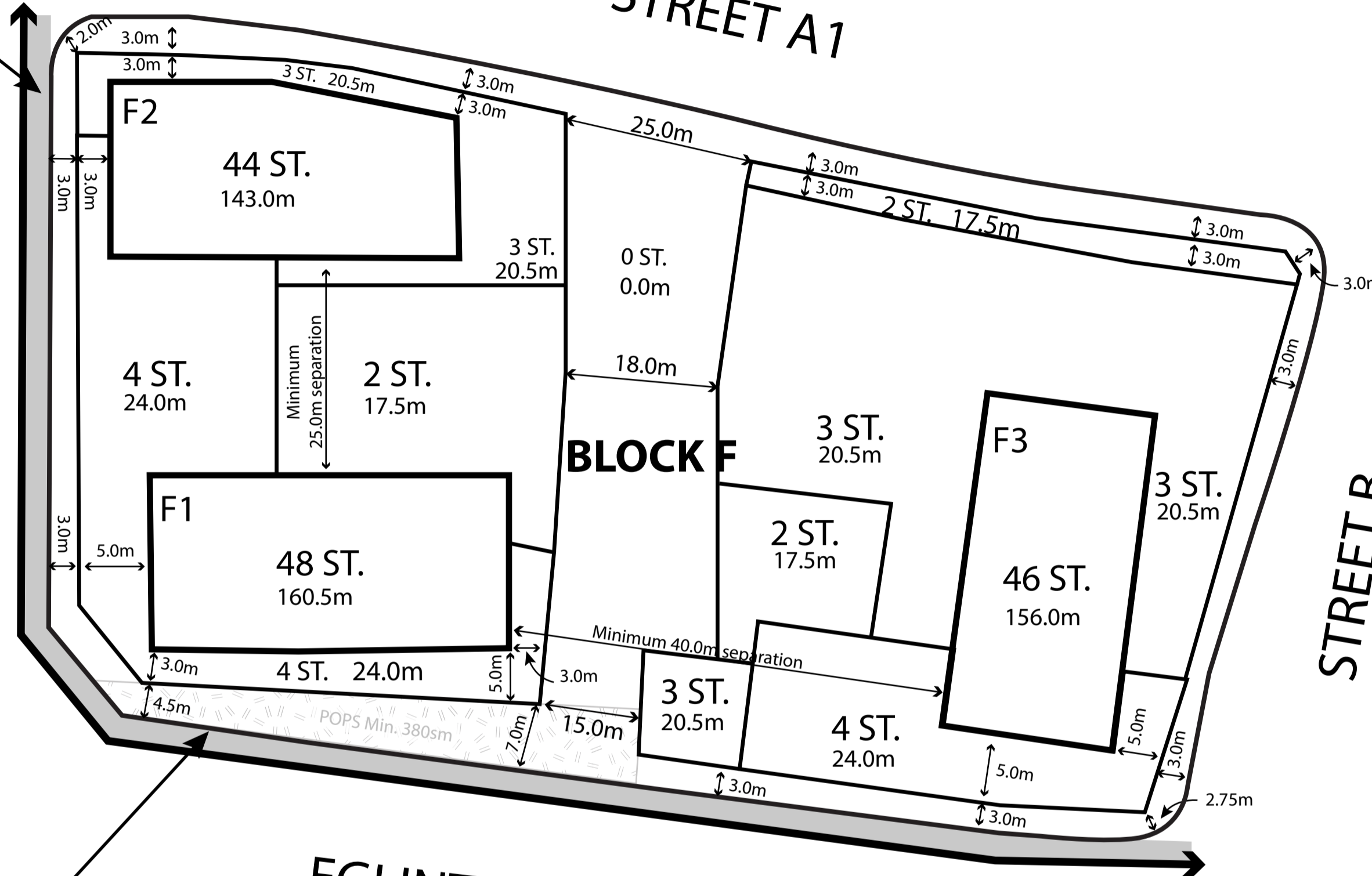
VICTORIA PARK AVENUE

Eglinton Avenue East - 3.0m widening

EGLINTON AVENUE EAST

STREET A1

STREET B



Street Widening (as specified)



POPS

DIAGRAM 9

