

Authority: Toronto and East York Community Council Item TEY~~, as adopted by City of Toronto Council on ~~, 2022

CITY OF TORONTO

BY-LAW No. ~~-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 1801 and 1807 Eglinton Avenue West.

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

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

WHEREAS pursuant to Section 39 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law; and

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

Whereas Section 37.1 of the *Planning Act* provides that Subsections 37(1) to (4) of the *Planning Act* as it read on the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the Planning Act, authorize increases in the height and density of development beyond those otherwise permitted by the by-law 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 or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

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

Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same; and

Whereas the increase in height and 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;

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 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.11, and applying the following zone labels: CR 2.5 (c2.5; r2.5) SS2 (x617) as shown on Diagram 2 of this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 617 so that it reads::

(617) Exception CR 617

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

Site Specific Provisions:

- (A) On 1801 and 1807 Eglinton Avenue West, if the requirements of Section 8 and Schedule A of By-law [Clerks to insert By-law Number] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with (B) to (U) below;
- (B) Despite Regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 170.42 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the numerical value, in metres, following the letters HT as shown on Diagram 3 of By-law [Clerks to insert By-law Number];
- (D) Despite Regulations 40.5.40.10(3) to (8) and (C) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law [Clerks to supply By-law Number]:
 - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells,

- roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 8.0 metres;
- (ii) **structures** that enclose, screen or cover the equipment, **structures**, and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 8.0 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 4.0 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 4.0 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.0 metres; and
 - (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.5 metres;
- (E) Despite Regulation 40.5.40.10 (5), equipment, **structures**, or parts of a **building** exceeding the maximum **building** height may cover more than 30 percent of the roof of the **building**;
- (F) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 33,225 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 32,115 square metres;
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 1,110 square metres.
- (G) Despite Regulations 40.5.40.70(1), 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** and required minimum separation distances of **main walls** are as shown in metres on Diagram 3 of By-law **[Clerks to supply By-law Number]**;
- (H) Despite Regulation 40.5.40.60(1), Clause 40.10.40.60 and (G) above, the following **building** elements and **structures** are permitted to encroach into the required **building setbacks** and separation of **main walls** shown on Diagram 3 of By-law **[Clerks to supply By-law Number]**:
- (i) balconies to a maximum of 1.8 metres;
 - (ii) cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, terraces, eaves, window sills, bay windows, planters, ventilation shafts, guardrails, balustrades, railings, stairs and stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, to a maximum of 3.5 metres;

- (I) Despite Regulation 40.10.40.1(1), residential use portions of the **building** may also be located on the same level as non-residential use portions;
- (J) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided on the **lot** in accordance with the following:
 - i. For residential occupants:
 - (a) No minimum **parking spaces** are required per **dwelling unit**;
 - (b) A maximum of 0.65 **parking spaces** for each **dwelling unit**;
 - ii. For residential visitors:
 - (a) A minimum of 2.0 plus 0.01 **parking spaces** for residential visitors per **dwelling unit**;
 - iii. no **parking spaces** are required for non-residential uses; and
 - iv. A minimum of two (2) "car-share parking spaces";
- (K) Despite Regulations 200.15.1(1) to (4) and By-law 579-2017, accessible **parking spaces** must be provided and maintained on the **lot** in accordance with the following:
 - (i) an accessible **parking space** must have the following minimum dimensions:
 - a) length of 5.6 metres;
 - b) width of 3.4 metres; and
 - c) vertical clearance of 2.1 metres;
 - (ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By-law 579-2017;
 - (iii) accessible **parking spaces** must be located within 16.0 metres of a barrier free entrance to the **building** or passenger elevator that provides access to the first **storey** of the **building**;
- (L) Despite Regulation 200.15.10(1), three (3) of the provided **parking spaces** must be accessible **parking spaces**;
- (M) Despite Clause 220.5.10.1, a minimum of one Type "G" **loading space** **loading space** must be provided and maintained on the **lot**;
- (N) Despite Regulation 230.5.1.10(10), both "long-term" and "short-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (O) Despite Regulation 230.5.10.1(1) and (5) and Table 230.5.10.1(1) a minimum of 0.9 "long-term" and 0.1 "short-term" **bicycle parking spaces** per **dwelling unit** must be provided and maintained on the **lot**;
- (P) Despite Regulation 230.40.1.20(1), "long-term" and "short-term" **bicycle parking spaces** may be located in an enclosed room;

(Q) Despite regulation 230.5.1.10(7), no shower and change facilities are required;

(R) The provision of **dwelling units** is subject to the following:

- i. a minimum of 15 percent of the total number of **dwelling units** must have two or more bedrooms;
- ii. a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;
- iii. any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and
- iv. if the calculation of the number of required **dwelling units** with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;

(S) Regulations 230.5.1.10(9) and 230.40.1.20(2), with respect to the location of "long-term" and "short-term" **bicycle parking spaces**, do not apply;

(T) Regulations 200.15.1(4) and 200.15.15.4(2), with regards to the location of accessible **parking spaces**, do not apply;"

(U) For the purpose of this exception, a mezzanine level is not considered a **storey**.

Prevailing By-laws and Prevailing Sections: (None apply).

5. For the purpose of this By-law, all bold-type words and expressions have the same meaning as defined in By-law 569-2013, as amended, with the exception of the following:

(A) "Car-share" 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 where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

(B) "Car-share parking space" means a parking space that is reserved and actively used for "car-share".

6. Despite any future severance, partition or division of the lands as shown on Diagram 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.

7. Temporary uses:

- (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a **retail store** or office on the **lot** for a period of not more than three years from the date this By-law comes into full force and effect, provided any **building** containing those uses does not exceed a height of 3.0 metres.

8. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of 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_____, 2022.

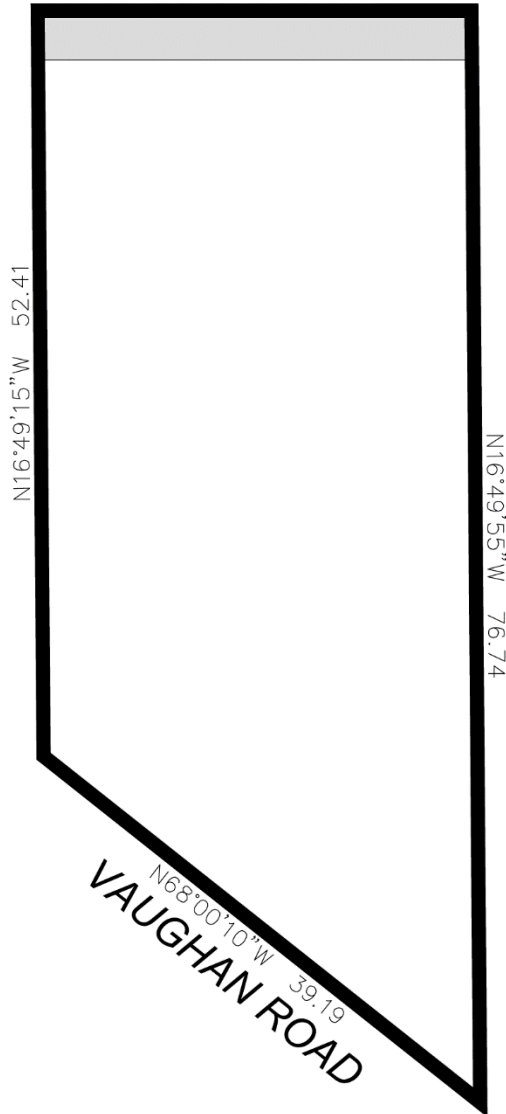
JOHN TORY,
Mayor

John D. Elvidge,
City Clerk

(Corporate Seal)

EGLINTON AVENUE WEST

N73°37'45"E 30.52




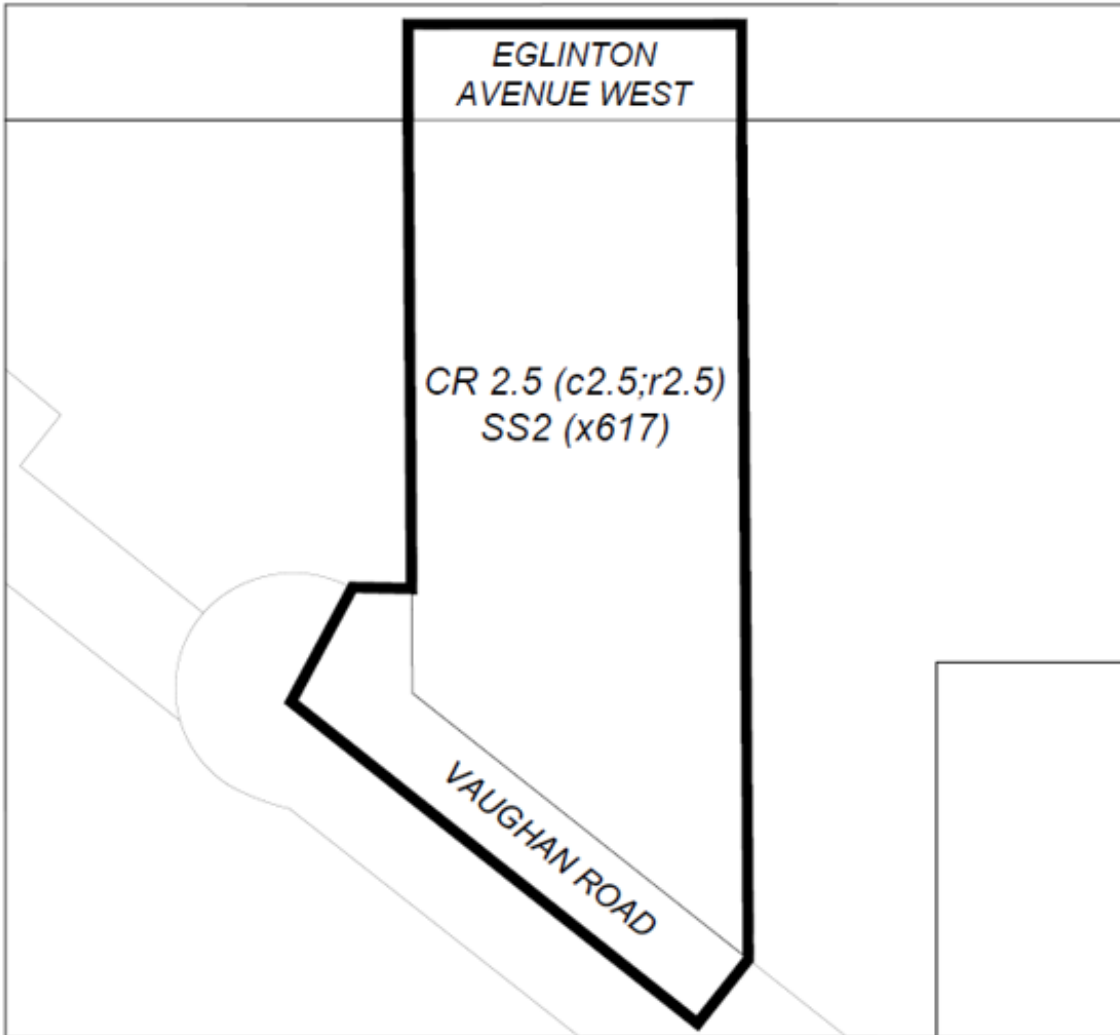
 **TORONTO**
Diagram 1

1801-1807 Eglinton Avenue West

File # 20 170662 STE 12 OZ &
20 170679 STE 12 RH

 ROAD WIDENING


City of Toronto By-law 569-2013
Not to Scale
04/19/2022

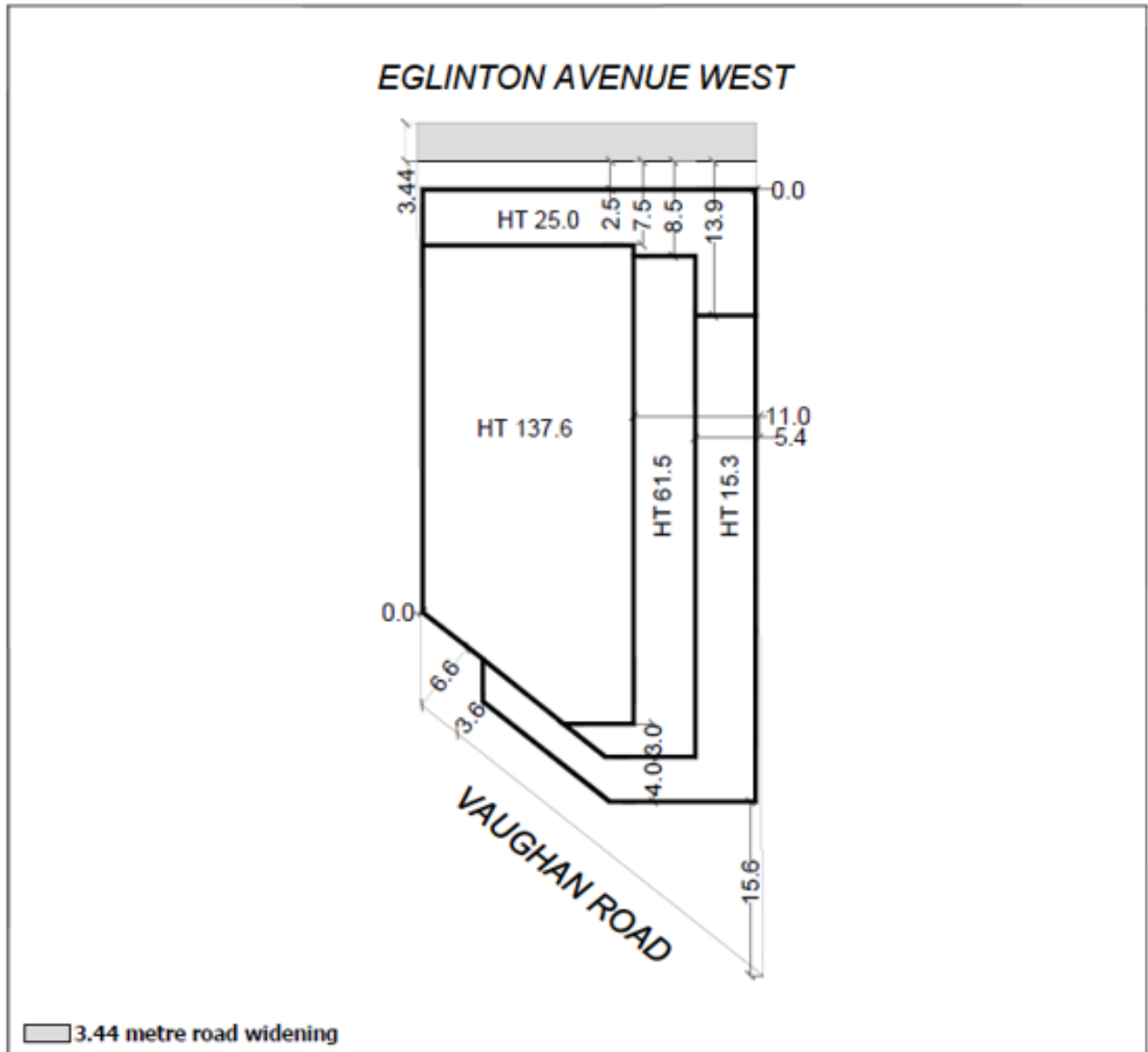


 **TORONTO**
Diagram 2

1801-1807 Eglinton Avenue West

File # 20 170662 STE 12 OZ &
20 170679 STE 12 RH


City of Toronto By-law 569-2013
Not to Scale
04/19/2022



TORONTO
Diagram 3

1801-1807 Eglinton Avenue West

File # 20 170662 STE 12 OZ &
20 170679 STE 12 RH

City of Toronto By-law 569-2013
Not to Scale
04/19/2022

Schedule A
Section 37 Requirements

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 Diagrams 2 and 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:

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

1. Prior to the issuance of any Building Permit, the Owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits below.
2. Prior to the earlier of condominium registration or first occupancy of any residential unit on the Lands, the Owner shall design, construct, finish and convey freehold ownership to the City, in an acceptable environmental condition and at no cost to the City, a minimum of 645 square metres of Community Agency Space, consisting of 115 square metres at ground level and 530 square metres on the second storey (collectively the "Community Agency Space") and provided in accordance with the City's Community Space Tenancy Policy and Base Building Conditions, with the terms and specifications to be finalized and secured in the Section 37 Agreement, all to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning, and the City Solicitor;
 - a) a letter of credit in the amount sufficient to guarantee 120% of the estimated cost of the design, construction and handover of the Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning, and the City Solicitor. This letter of credit shall be provided to the City prior to the issuance of the first above-grade building permit for non-residential uses so as to secure the Community Agency Space pursuant to Part 2 above, with the Community Agency Space to be made available to the City within 12 months of residential occupancy of the building;
 - b) prior to the issuance of the first above-grade building permit for the proposed development on the Lands, the Owner shall provide the City an indexed one-time cash contribution of six-hundred, twenty-seven thousand, eight-hundred and eighty dollars (\$627,880.00) for future capital improvements to the Community Agency Space, at the discretion of the Chief

Planner and Executive Director, City Planning, in consultation with the Ward Councillor

c) the value of the cash contribution referred to in Part 2.b) shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City;

d) concurrent with, or prior to, the conveyance of the Community Agency Space to the City, the Owner and the City shall enter into, and register on title to the appropriate lands, an Easement and Cost Sharing Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor. The Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Community Agency Space;

3. An indexed one-time cash contribution of fifty-thousand dollars (\$50,000.00) to be paid by the Owner to the City prior to the issuance of the first above-grade building permit for the proposed development on the Lands, and to be allocated to a Toronto bike-share station on or within a reasonable vicinity of the Lands;

B. The following be secured in the Section 37 Agreement as a legal convenience to secure matters required to support the development:

1. The Owner shall provide, at its own expense and to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a minimum area of 51.8 square metres at the southwest corner of the Lands and a minimum area of 109.1 square metres at the southeast corner of the Lands as Privately Owned Publicly-Accessible Spaces (POPS) and shall provide to the City for nominal consideration POPS easements for use of the POPS by members of the general public. Such easements are to be conveyed to the City prior to the issuance of the Statement of Approval, and with the configuration and design to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning in the context of site plan approval process. The Owner shall, operate, maintain and repair the POPS and install and maintain signs, at its own expense, stating that members of the public shall be entitled to use the POPS 24 hours a day, 365 days a year. The Owner shall have completed the construction of the POPS prior to first occupancy of any new commercial or residential unit on the Lands;
2. Prior to Site Plan Approval, the Owner shall submit a Pedestrian Level Wind Study, to the satisfaction of the Chief Planner and Executive Director, City Planning, including wind tunnel analysis, which identifies recommendations

for the outdoor amenity areas, and pedestrian realm, including the adjacent park, to mitigate wind impacts year-round, and the owner shall implement and maintain in support of the development all recommended mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning;

3. Prior to Site Plan Approval, the Owner has registered on title to the lands a Limiting Distance Agreement to which the City will be a party, to the satisfaction to the City Solicitor, over a portion of 1815 Eglinton Avenue West, the Metrolinx LRT Fairbanks station, that ensures that the tower portion of the proposed residential building at 1801-1807 Eglinton Avenue West can be located on the western lot line, in order to achieve an appropriate tower setback and separation distance to the east, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
4. The Owner shall consult with Metrolinx and City Planning staff to explore the provision of windows or other design solutions improving access to sunlight within the south portion of the ground floor of the Community Space, adjacent to the Fairbank LRT station southern plaza/entrance;
5. The Owner shall provide ten percent (10%) of all net new residential units in the proposed development on the Lands as three-bedroom units;
6. The Owner shall make reasonable efforts, to the satisfaction of the Chief Planner and Executive Director, City Planning, to promote the return of businesses and/or services displaced by the proposed development;
7. The Owner shall submit documentation and/or cash contributions toward Transportation Demand Management measures, as listed below, and such cash contributions, if required, shall be paid by the owner prior to the issuance of the site plan approval for the development, in the form of certified cheques, to the satisfaction of the General Manger, Transportation Services, and such cash contribution, if required, shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date of payment:
 - a) The provision of a minimum of two (2) car-share parking spaces in the underground garage;
 - b) Written confirmation from a car-share operator that the allocated publicly-accessible car-share spaces provided on-site have been accepted and included in their services;
 - c) One (1) car-share membership per household of each residential unit, offered in the first year of occupancy;

- d) One (1) bike-share membership per household of each residential unit, offered in the first year of occupancy; and
 - e) A minimum of two (2) bike repair station provided on the lands;
8. The Owner shall demonstrate that a landscape architect with previous indigenous design experience has been retained, and that prior to Site Plan Approval, the Owner shall submit a landscape plan detailing an indigenous design for the southeast POPS, with the intention of highlighting and honouring the indigeneity of the area, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 9. The Owner shall provide space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681-10, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
 10. The Owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, to be resubmitted for review and acceptance by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development.