

Authority: Scarborough Community Council Item [-], as adopted by City of Toronto Council on [-], 2024

## CITY OF TORONTO

### BY-LAW [Clerks to insert By-law number]

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 2438, 2444, and 2450 Eglinton Avenue East**

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, as amended; and

Whereas pursuant to Section 36 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, use a holding symbol "(H)" in conjunction with any use designation to specify the use to which lands, buildings or structures may be put once Council removes the holding symbol "(H)" by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of holding symbol "(H)";

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. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.1 respecting the lands outlined by heavy black lines from a zone label of CR 0.4 (c0.4; r0.0) SS3 (x539) to a zone label of: (H) CR 0.4 (c0.4; r0.0) SS3 (x539) as shown on Diagram 3 attached to this By-law.
3. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, as amended, Chapter 800 Definitions.
4. Zoning By-law 569-2013, as amended, is further amended by replacing Article 900.11.10 Exception Number 539 with the following:

(539) Exception CR 539

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 lands municipally known as 2438, 2444, and 2450 Eglinton Avenue East, if the requirements of By-law [Clerks to insert By-law number] are complied with, a **mixed-use buildings** may be constructed, used or enlarged in compliance with Regulations (B) to (EE) below;
- (B) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 66,250 square metres, of which:
  - (i) the permitted maximum **gross floor area** for residential uses is 67,500 square metres;
  - (ii) the permitted maximum **gross floor area** for non-residential uses is 2,250 square metres;
- (C) Despite regulation 40.10.20.40, the following **building** types for **dwelling units** are permitted: **Apartment Building, Mixed Use Building, and Townhouse**;
- (D) Despite regulation 40.10.20.10, **community space is permitted.**
- (E) Despite regulation 40.10.40.40(1), the permitted maximum floor space index for both residential and non-residential uses is 5.8.
- (F) Despite Clause 40.10.30.40, the permitted maximum **lot coverage**, as a percentage of the **lot area**, is 70 percent;
- (G) In addition to the elements listed in regulation 40.5.40.40(3) that reduce **gross floor area**, the following elements will also apply to reduce the **gross floor area** of a **building**:
  - (i) all parking, loading and **bicycle parking spaces**, and associated circulation areas at any level above and/or below grade;
  - (ii) storage, electrical, utility, mechanical, and ventilation rooms at any level of the **building** above and/or below grade;
  - (iii) voids and open-to-below areas that have no surface on which to stand at any level of the **building** above and/or below grade;
  - (iv) bicycle maintenance facilities required by bylaw for required

**bicycle parking spaces;**

- (v) **amenity space** above that required by this By-law;
  - (vi) garbage, electrical, and elevator shafts;
  - (vii) mechanical penthouse areas; and,
  - (viii) exit stairwells within the **building**;
- (H) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 170.67 metres and the elevation of the highest point of the **building** or **structure**;
- (I) Despite regulation 40.10.40.10(3), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 2 of By-law [Clerks to insert By-law number];
- (J) For the purposes of this exception, a mezzanine does not constitute a **storey**;
- (K) Despite regulations 40.5.40.10(3) to (8), and (I) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 2 of By-law [Clerks to insert By-law number]:
- (i) equipment used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, 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, excluding a mechanical penthouse, by a maximum of 4.0 metres;
  - (iii) enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 3.0 metres;
  - (iv) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 3.0 metres;
  - (v) **building** maintenance units and window washing equipment, by a maximum of 4.0 metres;
  - (vi) planters, **landscaping** features, guard rails, patios, and divider screens on a balcony and/or terrace, by a maximum of 2.5 metres;
  - (vii) antennae, flagpoles and satellite dishes, by a maximum of 4.0

metres; and

- (viii) trellises, pergolas, hot tubs, and unenclosed **structures** providing safety or wind protection to **amenity space**, by a maximum of 4.0 metres;
- (L) Despite regulation 40.10.40.1(1), residential use portions of the **building** are permitted to be located on the same storey as non-residential use portions of the **building** provided.
- (M) Despite regulation 40.10.40.50(1), **amenity space** must be provided at the following rate:
  - (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**;
  - (ii) at least 2.0 square metres for each **dwelling unit** as outdoor **amenity space**;
  - (iii) at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and,
  - (iv) no more than 25 percent of the outdoor component may be a **green roof**;
- (N) Despite regulation 40.10.40.70(3), the required minimum **building setbacks** are as shown in metres on Diagram 2 of By-law [Clerks to insert By-law number];
- (O) Despite regulation 40.10.40.80(2) the required separation of **main walls** are as shown in metres on Diagram 2 of By-law [Clerks to insert By-law number];
- (P) Despite Clause 40.10.40.60 and (N) and (O) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
  - (i) decks, porches, and balconies, by a maximum of 2.5 metres;
  - (ii) canopies and awnings, by a maximum of 2.0 metres;
  - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 2.5 metres;
  - (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 1.5 metres;

## City of Toronto By-law [Clerks to insert By-law number]

- (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 2.5 metres;
  - (vi) window projections, including bay windows and box windows, by a maximum of 1.5 metres;
  - (vii) eaves, by a maximum of 1.5 metres;
  - (viii) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.5 metres;
- (Q) Despite regulation 200.5.1.10(2)(A) 10 percent of the required **parking spaces** may be obstructed as described in regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;
- (R) Despite Regulation 200.5.1.10(2), a maximum of 15 percent of the total number of **parking spaces** may have the following minimum dimensions:
- (i) minimum width of 2.3 metres;
  - (ii) minimum length of 4.6 metres; and
  - (iii) minimum vertical clearance of 1.8 metres; (U)
- (S) Despite Regulations 200.5.1.10(2)(A) and (D), Electric Vehicle Infrastructure, including electric vehicle supply equipment, does not constitute an obstruction to a **parking space**;
- (T) Despite regulation 200.15.1.10(1), an accessible **parking space** must have the following minimum dimensions:
- (i) length of 5.6 metres;
  - (ii) width of 3.4 metres; and
  - (iii) vertical clearance of 2.1 metres;
- (U) Despite regulation 200.15.1(4), an accessible **parking space** must be located within 30.0 metres of:
- (i) entrance to a **building**; or,
  - (ii) passenger elevator that provides access to the first storey of the **building**.

- (V) Despite regulation 200.15.10(1) and (2), a minimum of 4 **parking spaces** are required to be accessible **parking spaces**;
- (W) Despite regulation 230.5.1.10(4)(B), the required minimum dimension of a **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device is:
  - (i) vertical clearance of 1.80 metres;
  - (ii) width of 0.45 metres; and
  - (iii) horizontal clearance from the wall of 1.10 metres;
- (X) Despite regulation 230.5.1.10(4)(A)(ii), the required minimum dimensions of a **stacked bicycle parking space** are:
  - (i) length of 1.2 metres;
  - (ii) width of 0.6 metres; and
  - (iii) vertical clearance of 1.8 metres;
- (Y) Despite regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space**;
- (Z) Despite regulation 230.40.1.20(2), a "short-term" **bicycle parking space** may be no more than 30 metres from a pedestrian entrance to a **building** on the **lot**;
- (AA) 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 2** or more bedrooms
  - (ii) a minimum of 10 percent of the total number of **dwelling units** **must have 3** or more bedrooms;
  - (iii) any **dwelling units** with 3 or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;
  - (iv) **dwelling units**, may be converted using accessible or adaptable design measures such as knock-out panels;
- (BB) Above a height of 20.0 metres measured from the Canadian Geodetic Datum of 170.67 metres, Building A, as shown on Diagram 2 of By-law [Clerks to insert By-law number] is permitted a maximum **floorplate** size of 800 square metres;

- (CC) Above a height of 17.5 metres measured from the Canadian Geodetic Datum of 170.67 metres, Building B, as shown on Diagram 2 of By-law [Clerks to insert By-law number] is permitted a maximum **floorplate** size of 800 square metres;
- (DD) Above a height of 20.0 metres measured from the Canadian Geodetic Datum of 170.67 metres, Building C, as shown on Diagram 2 of By-law [Clerks to insert By-law number] is permitted a maximum **floorplate** size of 1,065 square metres;
- (EE) For the purpose of this exception, each word or expression that is in bold font will have the same meaning as such word or expression as defined in Chapter 800 of Zoning By-law 569-2013, as amended, except for the following:
  - (i) "Floorplate" means the total area of a floor of a building measured from the exterior of the main wall of the floor level, excluding the areas occupied by decorative piers and columns, voids at the level of the floor, mezzanines, stairwells, escalators, elevators, ventilation ducts, and utility shafts.

## 5. Holding Symbol Provisions

- (A) The lands zoned with the holding symbol "(H)" delineated by heavy lines on Diagram 3 attached to this By-law must not be used for any purpose other than those uses and buildings existing as of the date of the passing of this By-law, until the holding symbol "(H)" has been removed; and
- (B) An amending by-law to remove the holding symbol "(H)" referred to in (A) above may be enacted when the following are fulfilled:
  - (i) The owner has prepared and submitted a revised Functional Servicing and Stormwater Management Report to Chief Engineer and Executive Director, Engineering and Construction Services, for review and acceptance to demonstrate that the domestic water system and any required improvements to it, has adequate capacity to accommodate the development of the lands; and
  - (ii) Where improvements to the domestic water system are recommended in the Functional Servicing and Stormwater Management Report as accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, the owner has entered into a financially secured agreement with the City to secure the construction of the required improvements.

City of Toronto By-law [Clerks to insert By-law number]

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

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

Enacted and passed on [Clerks to insert date].

[full name],  
Speaker

[full name],  
City Clerk

(Seal of the City)



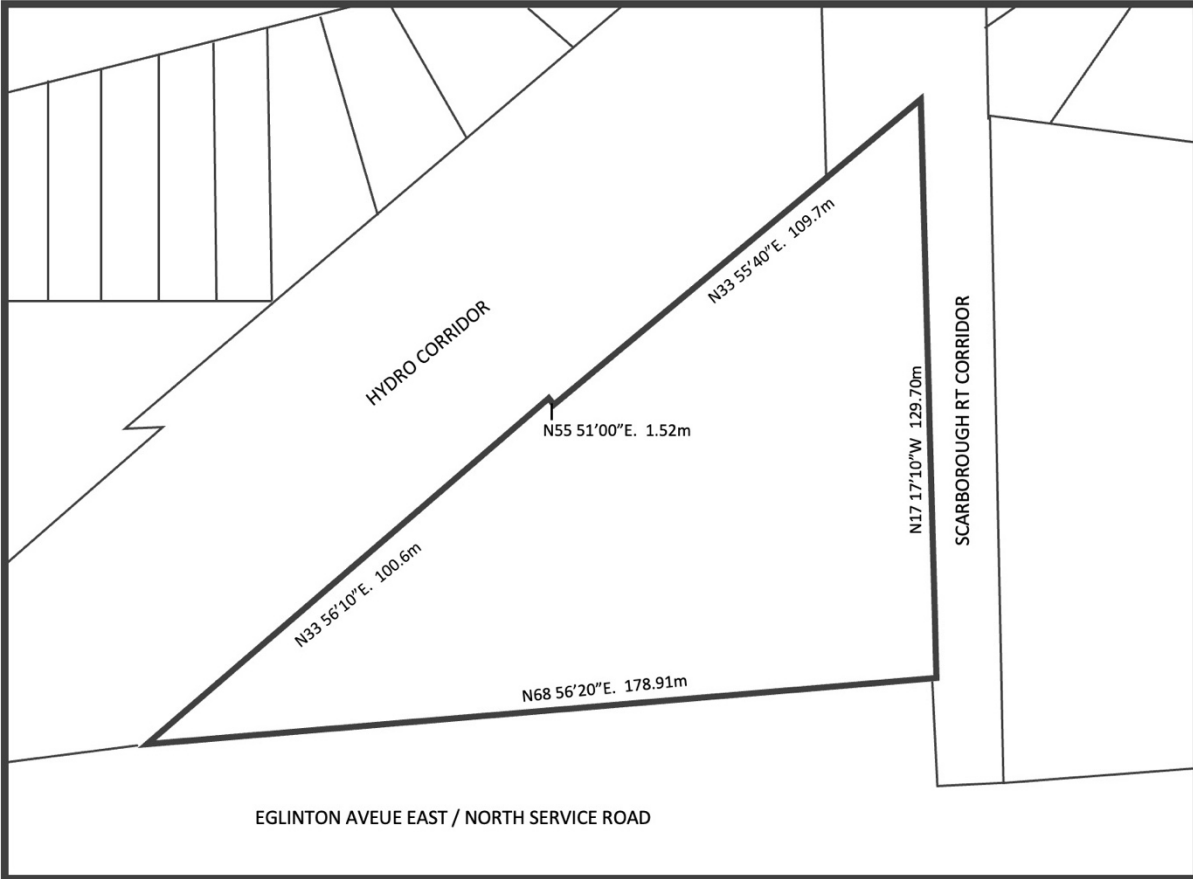


Diagram 1

# 2444 EGLINTON AVENUE EAST

File #



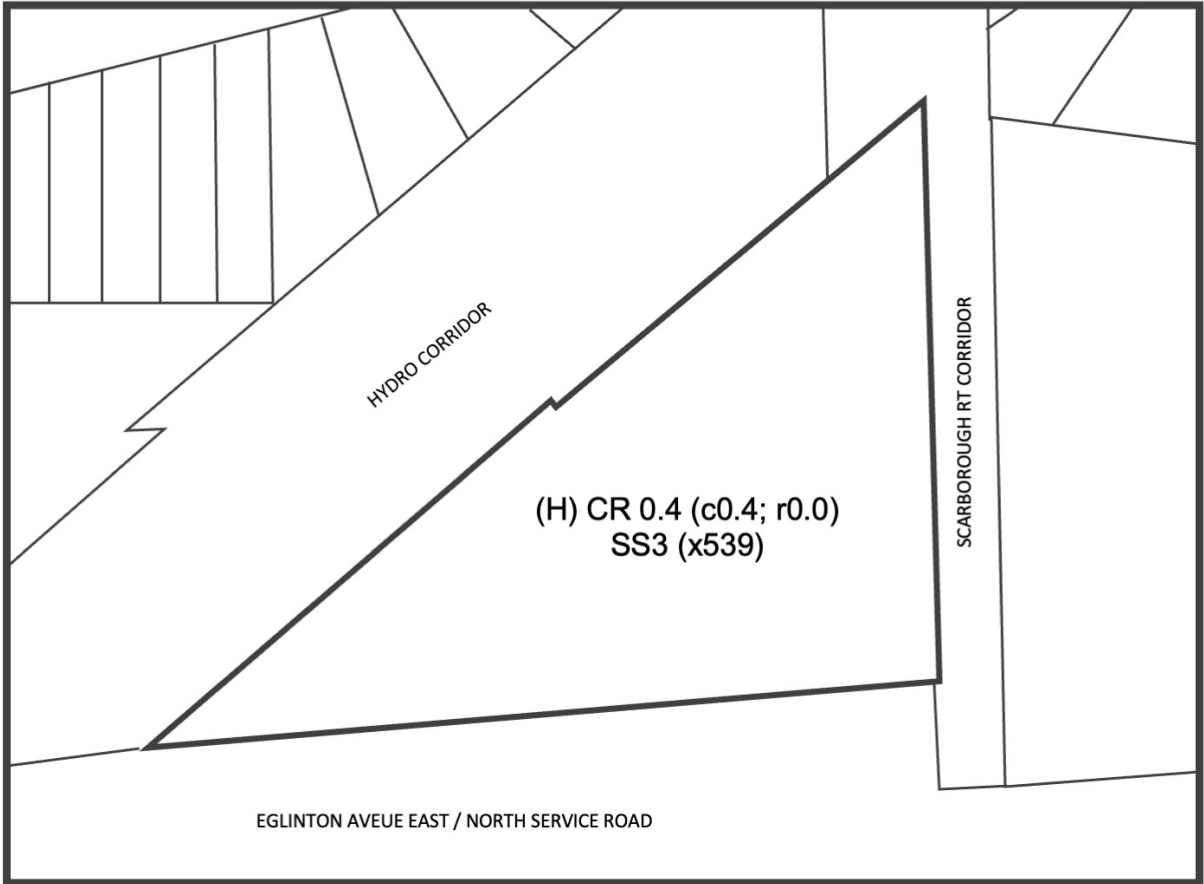


Diagram 2

2444 EGLINTON AVENUE EAST

File #



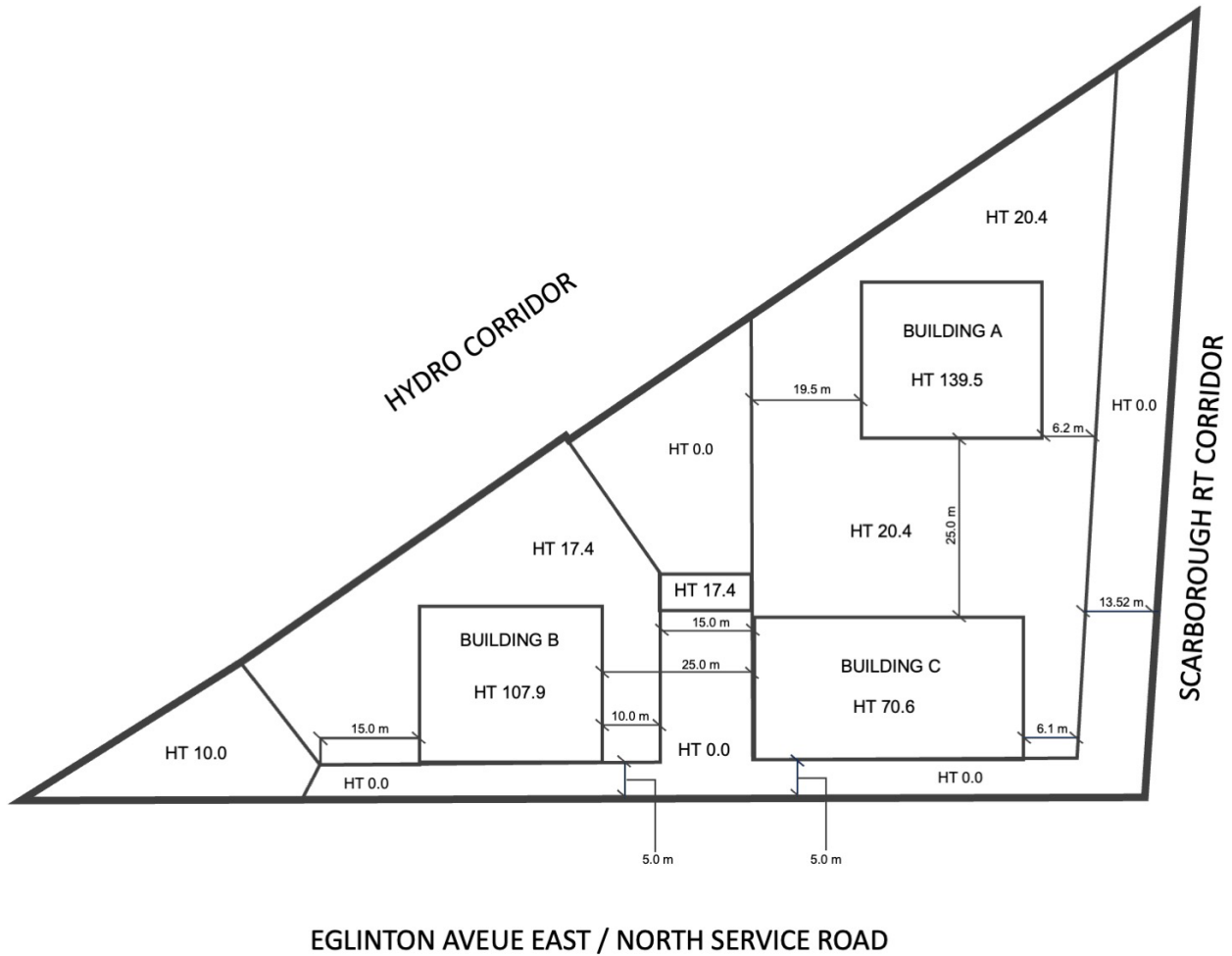


Diagram 3

### 2444 EGLINTON AVENUE EAST

File #

