

Attachment 7

Authority: Toronto and East York Community Council Item [-], as adopted by City of Toronto Council on ~, 20~

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 2023 as 90-110 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 subsection 37(3) of the *Planning Act*, subsections 37(1) to (4) of the *Planning Act* as they read on the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, c.18 came into force continue to apply with respect to the lands that are the subject of a by-law described in subsection 37(1) of the *Planning Act* as it read on the date before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, c.18 came into force; and

Whereas the aforesaid lands are the subject of a by-law described in subsection 37(1) of the *Planning Act* as it read on the date before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, c.18 came into force; and

Whereas 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*, S.O. 2020, c.18 came into force, 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*, as it read on the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, c.18 came into force, 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 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 the holding symbol "(H)" is removed 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)"; and

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.

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, as amended, Chapter 800 Definitions.
3. Zoning By-law 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 black lines from zone label of CR 5.0 (c3.0; r3.0) SS2 (x610) and CR 5.0 (c3.0; r3.0) SS2 (x2497) to a zone label of (H) CR 5.0 (c3.0; r3.0) SS2 (x610) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending and replacing Article 900.11.10 Exception Number 610 so that it reads:

(610) Exception CR (610)

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 the lands municipally known as 90-110 Eglinton Avenue East, if the requirements 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 Regulations (B) to (PP) below;
- (B) Despite regulation 40.10.40.1(1), **dwelling units** and all other residential uses listed in regulations 40.10.20.10(1)(B) and 40.10.20.20(1)(B) must be located above the first **storey** in the **building**, except that this regulation

does not apply to areas **ancillary** to residential uses, such as lobby access and **amenity space**;

- (C) 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 165.5 metres and the elevation of the highest point of the **building** or **structure**;
- (D) Despite regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law [Clerks to insert By-law number];
- (E) For the purpose of this exception, "Block 1" and "Block 2" refer to the areas as shown on Diagram 4 of By-law [Clerks to insert By-law number];
- (F) Despite regulations 40.5.40.10(3) to (8) and 40.5.75.1(5), the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law [Clerks to insert By-law number]:
 - (i) equipment used for the functional operation of the **building**, including elevator shafts, elevator overruns and machine rooms, telecommunications equipment, air shafts, electrical, utility, mechanical and ventilation equipment, cooling tower, generators, and mechanical equipment, flues, as well as enclosed stairwells, stair overruns, roof access, window washing and building maintenance equipment, window washing and building maintenance equipment storage, chimneys, and vents, by a maximum of 7.5 metres;
 - (ii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, including a mechanical penthouse, by a maximum of 7.5 metres;
 - (iii) architectural features, guard rails, railings and safety railings, fences, parapets, roof drainage components, thermal insulation, waterproofing assembly or roof ballast, roof construction assembly elements, and elements and **structures** associated with a **green roof**, by a maximum of 3.5 metres;
 - (iv) unenclosed **structures** on the roof of any part of the building used for outside or open air recreation, unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, wind mitigation elements, **landscaping** features, public art features, **building** maintenance units, window washing equipment, life safety equipment, guard rails, and divider screens on a balcony and/or terrace, trellises, pergolas, wheelchair ramps, planters, fences,

- railings, screens, lightning rods, and **structures** housing pool or spa maintenance or operation equipment, by a maximum of 3.5 metres;
- (v) telecommunications equipment and antennae flagpoles and satellite dishes, by a maximum of 4.0 metres; and
 - (vi) structural and non-structural exterior architectural features or elements, including but not limited to columns/piers, ornamental elements, beams, exoskeleton structures and exoskeleton cladding, by a maximum of 4.5 metres;
- (G) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on Blocks 1 and 2 as identified on Diagram 4 of By-law [Clerks to insert By-law number] is 93,500 square metres, of which:
- (i) on Block 1, a maximum **gross floor area** of 46,750 square metres;
 - (ii) on Block 2, a maximum **gross floor area** of 46,750 square metres;
 - (iii) the earlier of Block 1 or Block 2, will provide a minimum residential **gross floor area** of 4,595 square metres for the exclusive use of a “social housing program”;
 - (iv) on Block 1, a minimum **gross floor area** of 300 square metres must be provided as non-residential uses; and
 - (v) on Block 2, a minimum **gross floor area** of 500 square metres must be provided as non-residential uses;
 - (vi) on either of Block 1 or Block 2, or on a combination of both, a minimum **gross floor area** of 100 square metres must be provided as non-residential uses, in addition to the minimums required by (iv) and (v) above;
- (H) In addition to the listed elements which reduce the **gross floor area** of a **mixed use building** in regulation 40.5.40.40(3), the **gross floor area** may also be reduced by:
- (i) areas used for **public parking**;
 - (ii) areas of mezzanine level;
 - (iii) areas used for all **bicycle parking spaces**;

- (iv) electrical, utility, mechanical and ventilation rooms, firefighter central alarm control facilities (CACF), at or above-ground;
 - (v) indoor **amenity space**; and
 - (vi) areas below-grade used for residential uses;
- (I) The provision of **dwelling units** on the **lot** is subject to the following:
- (i) a minimum of 15 percent of the total number of **dwelling units** must contain two bedrooms;
 - (ii) a minimum of 7 percent of the total number of **dwelling units** must contain 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;
 - (iv) an additional 18 percent of the total number of **dwelling units** must be a combination of 2-bedroom and 3-bedroom **dwelling units**, or **dwelling units** that can be converted to any combination of 2-bedroom and 3-bedroom **dwelling units** through the use of accessible or adaptable design measures, such as knock-out panels; and
 - (v) 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;
- (J) Despite regulation 40.10.40.50(1), a **building** with 20 or more **dwelling units** on Block 1 or Block 2 as identified on Diagram 4 of By-law [Clerks to insert By-law number] must provide **amenity space** in accordance with the following:
- (i) a minimum of 850 square metres of indoor **amenity space** must be provided on Block 1;
 - (ii) a minimum of 850 square metres of indoor **amenity space** must be provided on Block 2;
 - (iii) a minimum of 100 square metres of indoor **amenity space** in addition to that required by (i) and (ii), which may be located in either Block 1 or Block 2;

- (iv) a minimum of 350 square metres of outdoor **amenity space** must be provided on Block 1;
- (v) a minimum of 350 square metres of outdoor **amenity space** must be provided on Block 2;
- (vi) a minimum of 100 square metres of outdoor **amenity space** in addition to that required by (iv) and (v), which may be located in either Block 1 or Block 2;
- (vii) no more than 25 percent of the outdoor component may be a **green roof**; and
- (viii) for the purpose of this exception, indoor **amenity space** may include guest suites;
- (ix) for the purpose of this exception, up to ten percent (10%) of the provided indoor **amenity space** may be located below-grade;
- (K) Despite regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law number];
- (L) Despite regulation 40.10.40.80(2), the required separation of **main walls** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law number];
- (M) Despite clauses 40.10.40.60 and 40.5.40.60, and (K) and (L) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) decks, porches, and balconies, and associated railings and guardrails, by a maximum of 2.0 metres;
 - (ii) despite (i) above, no balconies are permitted within the areas labelled as “No Balcony Projection Zone” on Diagram 3 of By-law [Clerks to insert By-law number];
 - (iii) cornices, lighting fixtures, awnings, canopies, parapets, ornamental or architectural elements, architectural features, architectural fins, eaves, balustrades, safety and wind protection/mitigation screens and features, damper equipment to reduce building movement and elements required for the functional operation of a building, public art, arbours, patios, decorative features, stair landings, supportive columns, vents, stacks, wind screens and features, acoustic screens and features, window sills, and bay windows by a

maximum of 2.0 metres;

- (iv) wheelchair ramps, underground garage ramps and their associated structures, underground garage stair enclosures, retaining walls, stairs, stair enclosures, window washing equipment, roof overhangs, heating, cooling or ventilating equipment, to a maximum of 3.0 metres;
 - (v) terraces and terrace platforms and associated guards and guardrails, railings, parapets, privacy and wind screens, and landscape planters, to a maximum extent of the **main wall** of the **storey** below; and
 - (vi) cladding added to the exterior surface of the **main wall** of a **building**, and structural and non-structural exterior architectural features and/or elements, including but not limited to columns, beams, exoskeleton structures and exoskeleton cladding, by a maximum of 1.0 metres;
- (N) Despite regulation 970.10.15.5(5) and Table 970.10.15.5, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0 residential occupant **parking spaces** for each **dwelling unit**, up to a maximum of:
 - (a) 0.3 **parking spaces** for each bachelor **dwelling** unit up to 45 square metres and 1.0 for each bachelor **dwelling** unit greater than 45 square metres;
 - (b) 0.5 **parking spaces** for each one bedroom **dwelling** unit;
 - (c) 0.8 **parking spaces** for each two bedroom **dwelling** unit; and
 - (d) 1.0 **parking spaces** for each three or more bedroom **dwelling** unit;
 - (ii) for the purpose of this exception, a car-share **parking space** may not satisfy the requirement for a required visitor **parking space** or accessible **parking space**;
 - (iii) a minimum of 15 residential visitor **parking spaces** are required;
 - (iv) a minimum of 0 **parking spaces** for **gross floor area** devoted to non-residential uses; and

- (v) required **parking spaces** for residential visitors and non-residential uses may be shared and provided on a non-exclusive basis and may be provided within a **public parking** garage within the **building**;
- (O) Despite Regulation 40.5.80.10(1) and (N) above, **parking spaces** required for a use on Block 1 or Block 2, may be provided on either of Block 1 or Block 2 or any combination thereof;
- (P) Despite regulation 40.5.80.1(1), "car-share parking spaces" and **parking spaces** for residential visitors and non-residential uses required by By-law [Clerks to insert By-law Number] may be located within a **public parking** garage and may be available on a first come first serve basis and available for and marketed to the general public;
- (Q) For the purposes of (P) above:
 - (i) "car-share" or "car-sharing" means the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven and set membership requirements of the car-sharing operator, including payment of a membership fee that may or may not be refundable; and
 - (ii) "car-share **parking space**" means a **parking space** that is reserved and actively used and signed for "car-sharing";
- (R) Despite regulation 200.5.1.10(2)(A)(iv), a maximum of ten percent (10%), or an amount not exceeding 20 **parking spaces** may be obstructed according to regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;
- (S) Despite regulations 200.5.1.10(2)(A) and (D), electric vehicle infrastructure, including electrical vehicle supply equipment, does not constitute an obstruction to a **parking space** if;
 - (i) located within 0.25 metres of two adjoining sides of the parking space which are not adjacent and parallel to a drive aisle from which vehicle access is provided, measured at right angles; or
 - (ii) being at least 5.35 metres from a drive aisle from which vehicle access is provided, measured at right angles, and at least 1.0 metre from the ground.

- (T) Despite regulations 200.15.1(1) and (3), an accessible **parking space** must be in accordance with the following minimum requirements:
- (i) length of 3.4 metres;
 - (ii) width of 5.6 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) 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;
- (U) Despite regulations 970.10.15.5(11) and 200.15.10.10, a minimum of 15 accessible **parking spaces** must be provided on the **lot**;
- (V) Despite, regulation 200.15.1(4), accessible **parking spaces** must be located no more than 30.0 metres from a barrier-free entrance to a **building** or to a passenger elevator that provides access to the first **storey** of the **building**;
- (W) The required accessible **parking spaces** per Regulation (T) above, may be provided on either of Block 1 or Block 2 or any combination thereof;
- (X) Despite regulations 230.5.10.1(1),(3), and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
- (i) 0.9 "long-term" **bicycle parking spaces** for each **dwelling unit**;
 - (ii) 0.1 "short-term **bicycle parking spaces** for each **dwelling unit**;
 - (iii) 0.2 "long term" **bicycle parking spaces** for each 100 square metres of **interior floor area** for office uses;
 - (iv) 3 "short-term" **bicycle parking spaces plus** 0.2 "short-term" **bicycle parking spaces** for each 100 square metres of **interior floor area** for office uses; and
 - (v) 0 **bicycle parking spaces** for retail uses;
- (Y) The required **bicycle parking spaces** per Regulation (V) may be provided on either Block 1 or Block 2 or any combination thereof;
- (Z) Despite regulations 230.5.1.10(4)(A), (C) and 230.5.1.10(5)(A), **stacked bicycle parking space** may be provided and maintained on the **lot** in

accordance with the following dimensions:

- (i) a minimum length of 1.8 metres;
 - (ii) a minimum width of 0.4 metres; and
 - (iii) a minimum vertical clearance of 1.2 metres;
- (AA) Despite regulation 230.5.1.10(9), “long-term” **bicycle parking spaces** may be located on any level of a **building** above or below grade, including a mezzanine;
- (BB) Despite Regulation 230.5.1.10(12), a **bicycle maintenance facility** must be provided with the following minimum dimensions:
- (i) a minimum length of 1.8 metres;
 - (ii) a minimum width of 1.6 metres; and
 - (iii) a minimum vertical clearance from the ground of 1.9 metres;
- (CC) Despite regulation 230.5.1.10(10), “short-term” **bicycle parking spaces** may also be located in a **stacked bicycle parking space**;
- (DD) Despite regulation 230.40.1.20(2), “short-term” **bicycle parking spaces** may be:
- (i) located outdoors and, indoors at an area below the third floor, including a mezzanine level; and
 - (ii) located more than 30 metres from a pedestrian entrance to **building**;
- (EE) Despite Article 220.5.10.1, **loading spaces** must be provided and maintained in accordance with the following:
- (i) one (1) Type “B” **loading space**;
 - (ii) one (1) Type “G” **loading space**; and
 - (iii) Two (2) Type “C” **loading spaces**;
- (FF) Despite Regulation 220.5.1.10(5), one Type “G” **loading space** and one Type “B” **loading space** are permitted to be located within a single shared **loading space**;
- (GG) The required **loading spaces** per Regulation (EE) and (FF) above may be

provided on either Block 1 or Block 2 or any combination thereof;

- (HH) Clause 40.10.90.10 regarding the location of loading space does not apply to loading spaces located below-ground.;
- (II) Regulation 40.10.50.10(2) with respect to fencing, does not apply.
- (JJ) Regulation 40.10.50.10(3) with respect to **soft landscaping**, does not apply;
- (KK) Regulation 40.10.90.40(2) regarding loading restrictions if adjacent to a **lot** in a Residential Zone Category of Residential Apartment Zone category does not apply;
- (LL) Regulation 40.10.100.10(2) regarding access to parking areas if adjacent to a **lot** in a Residential Zone Category or Residential Apartment Zone Category does not apply;
- (MM) Regulations 40.10.100.10(1) regarding vehicle access to parking areas, do not apply;
- (NN) Regulation 220.5.20.1(3) regarding access to a **loading space** within a building, does not apply;
- (OO) For the purpose of this exception, a “mezzanine level” is a level located between the **first storey** and the second full **storey**, provided that the **gross floor area** of the mezzanine level does not exceed 50 percent of the **gross floor area** of the **first storey** in the building; and
- (PP) For the purpose of this exception, "social housing program" means a program or project on the lands authorized under Section 453.1 of the City of Toronto Act, 2006, that:
 - (i) is entirely owned or operated by or is leased to and operated by a non-profit housing co-operative as defined in the Co-operative Corporations Act or a non-profit corporation as defined in the National Housing Act (Canada) and that, in the opinion of the City, is designed to provide housing accommodation primarily for persons with low to moderate incomes, at a charge not exceeding the greater of:
 - (a) the amount required to finance, operate and maintain such

accommodation without profit, and

- (b) the amount required to be charged for such accommodation under the terms of an agreement respecting the financing of the accommodation where one party is the provincial or federal government or an agent of either; or
- (ii) provides housing accommodation that is owned and operated by or on behalf of Toronto Housing Company Inc. or Toronto Community Housing Corporation;

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

5. 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.
6. Subject to Section 4, 11 and 12 of this By-law, nothing in this By-law shall apply to prevent the phased construction of the development and occupancy of the buildings permitted by this By-law in two phases, Block 1 and Block 2, provided that the requirements of the By-law are complied with upon completion of the full development of the **lot**, or earlier if specified otherwise in this By-law.
7. In the event that development proceeds in phases, for each phase, the percentages related to the provision of two- and three-bedroom units can be less than the requirements set out in Subsection 4(I), so long as when the final phase of the development proceeds the overall requirements set out in that same subsections are fully satisfied.
8. Despite the requirements of Subsection 4(N)(iii), any proposed phasing of the development will require the provision of eight (8) visitor **parking spaces** in the first phase of development, and no other accessible **parking spaces** are required per Subsection 4(N)(iii) so long as when the final phase of the development proceeds the overall requirements set out in that same subsection are fully satisfied.
9. Despite the requirements of Subsection 4(U), any proposed phasing of the development will require the provision of eight (8) accessible **parking spaces** in the first phase of development, and no other accessible **parking spaces** are required per Subsection 4(U) so long as when the final phase of the development proceeds the overall requirements set out in that same subsection are fully satisfied.
10. Despite the requirements of Subsection 4(EE), any proposed phasing of the development will require the provision of one Type "G" **loading space** in the first phase of development, and no other **loading space** is required per Subsection

4(EF) so long as when the final phase of the development proceeds, the overall requirements set out in that same subsection are fully satisfied.

11. Temporary Use(s):

- (A) None of the provisions of By-law 569-2013, as amended, or this By-law apply to prevent the erection and use of a temporary sales office, with a maximum height of 5.0 metres, on the lands to which this By-law applies for a period of 3 years from the date this By-law comes into full force and effect, after which this temporary use permission expires.

12. Holding Symbol Provisions:

- (A) The lands zoned with the holding symbol "(H)" delineated by heavy lines on Diagram 2 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 or applicant submit a revised Functional Servicing Report for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - (ii) The owner or applicant enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development, according to the transportation report accepted by the General Manager, Transportation Services, and the Functional Servicing Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
 - (iii) The owner, as operator of the social housing program, has, pursuant to Section 453.1 of the City of Toronto Act, 2006, entered into an agreement with the City to secure the provision of a social housing program on the lands and register it in priority against title to the lands, with such terms and conditions satisfactory to the Executive Director, Housing Secretariat and the City Solicitor, to secure a minimum gross floor area of 4,595 square metres for the exclusive use of a social housing program; or,
 - (iv) In the event that the owner does not proceed with a social housing program on the lands, the owner has secured final and binding

approval to require a minimum gross floor area of 22,976 square metres for office uses on the lands in lieu of the social housing program in accordance with Official Plan Amendment No. 767.

13. 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 attached to this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law 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 provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit must be dependent on satisfaction of the same; and
- (C) The owner may 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 on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)

SCHEDULE A

Section 37 Provisions

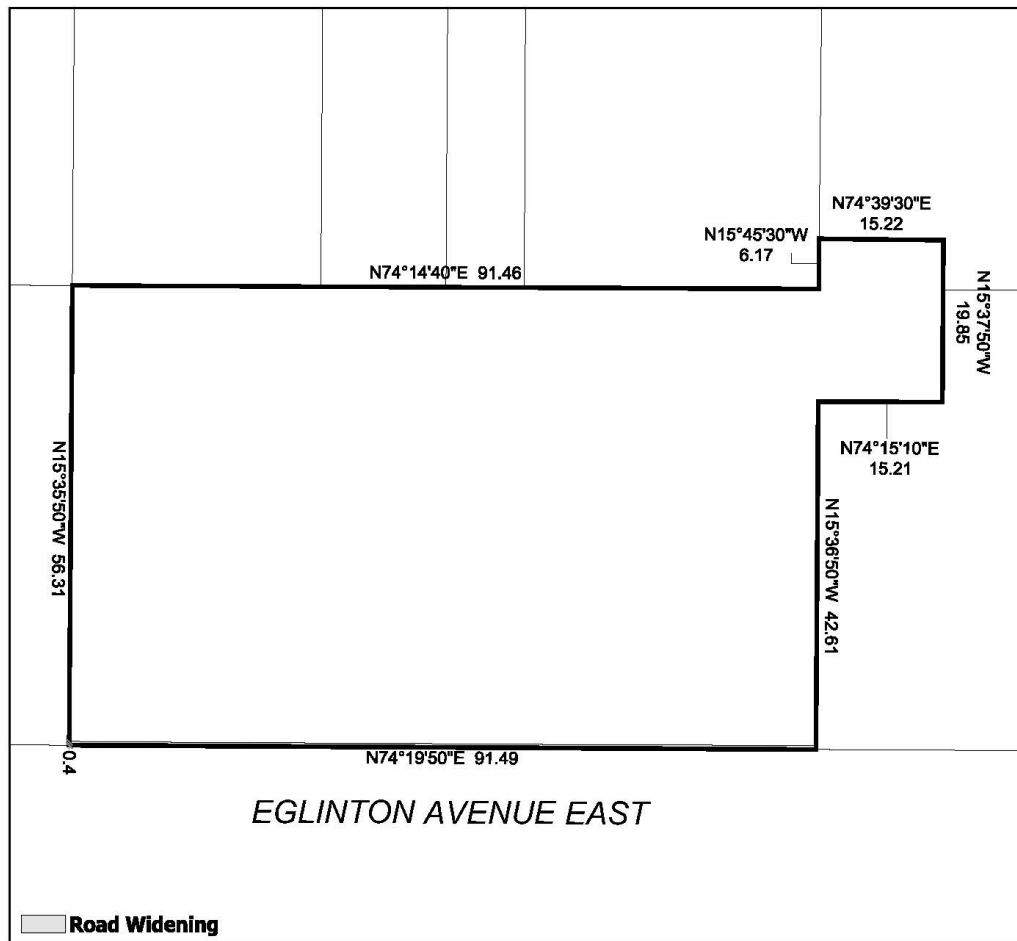
Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, the heights and density of development permitted by this exception are permitted upon the entering into an agreement or agreements pursuant to Section 37(3) of the Planning Act in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions, indemnity, insurance, termination and unwinding, and registration and priority of agreement, which on the other terms and conditions set out therein the owner provides for the following:

1. The owner shall provide to the City:
 - a. Prior to issuance of first above grade building permit, other than a building permit for a sales office, a financial contribution in the amount of \$4,500,000.00, inclusive of the previously secured \$2,995,000.00, allocated to local community benefits and improvements which will benefit the community in the vicinity of the project such as, but not limited to, affordable housing, local parkland improvements and/or public realm improvements, and community services and facilities, all at the discretion of the City Solicitor, Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - b. The financial contribution shall be indexed upwardly from the date of the execution of the Section 37 Agreement, or any other necessary agreement, to the date the payment is made in accordance with the Statistics Canada Non-Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor.
 - c. In the event the cash contribution referred to in 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 Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
2. The following matter is also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:

- a. The owner shall provide and maintain, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a mid-block connection with a minimum width of 3.5 metres in the form of a landscaped pedestrian walkway, connecting Eglinton Avenue East to the north property line, between the West Tower and East Tower, and aligning with the planned public walkway connecting to Roehampton Avenue, as a surface easement for pedestrian use by members of the general public. Such easements shall be conveyed to the City prior to site plan approval, and with the final 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; and
- b. The owner shall provide and maintain, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a surface easement along the Eglinton Avenue East frontage to form a widened public sidewalk. The surface easement shall range in width from 1.8 metres to 5.4 metres, from the building's structural pillars and open spaces to the south property line; such easements shall be conveyed to the City prior to site plan approval, and with the final 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;
- c. City Council request that the owner make reasonable commercial efforts to convey off-site parkland to the City equal to the value of the on-site parkland dedication owed for the additional density, in fulfilment of the parkland dedication requirements pursuant to Section 42 of the Planning Act, with the off-site parkland dedication to be acceptable to the General Manager, Parks, Forestry and Recreation and free and clear of any above or below grade encumbrances, to be conveyed prior to the issuance of the first above grade building permit; and
 - i. in the event that the off-site parkland dedication is less than the value of the on-site parkland dedication, then the owner will pay cash-in-lieu of parkland to make up for the shortfall in parkland dedication, prior to the issuance of the first above grade building permit;
 - ii. in the event that the owner is unable to provide an acceptable off-site parkland dedication to the city, the owner will be required to satisfy the parkland dedication requirement through the payment of cash-in-lieu; and
 - iii. the value of the cash-in-lieu of parkland dedication will be appraised through the City's Corporate Real Estate Management Division and

payment will be required prior to the issuance of the first above grade building permit.

City of Toronto By-law No. ____ - 2024


90-110 Eglinton Avenue East**Diagram 1**

File #22 190798 STE 12 0Z



Not to Scale

City of Toronto By-law No. ____ - 2024

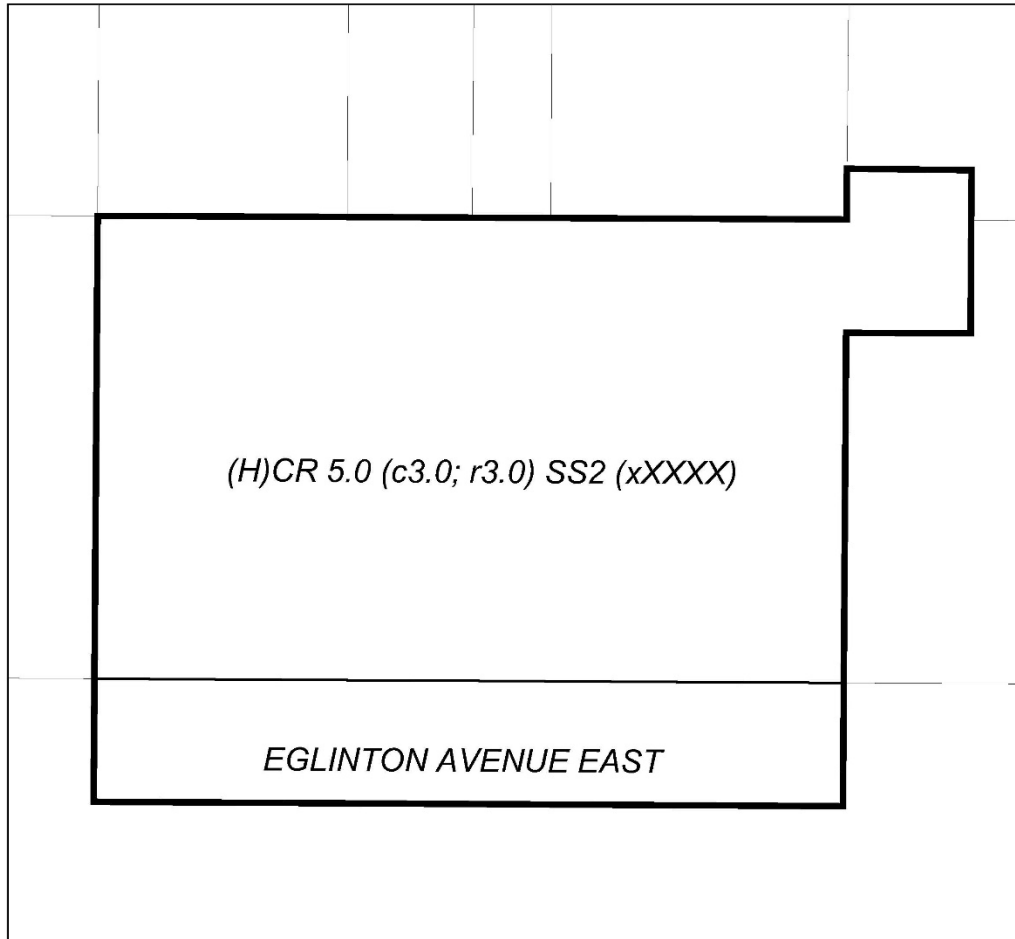


Diagram 2

90-110 Eglinton Avenue East

File #22 190798 STE 12 OZ



Not to Scale

Diagram illustrating the building footprint and height restrictions on Eglinton Avenue East. The building is divided into four main sections with heights (HT) indicated:

- Top Left: HT 151.0
- Top Right: HT 229.0
- Bottom Left: HT 229.0
- Bottom Right: HT 126.0
- Central Section: HT 52.0

Dimensions and setbacks are shown:

- Top setbacks: 0.3 (left), 7.5 (center), 0.3 (right)
- Left setbacks: 0.3 (top), 10.5 (middle), 0.4 (bottom)
- Right setbacks: 0.3 (top), 10.5 (middle)
- Bottom setbacks: 2.0 (center), 25.1 (right)
- Internal dimensions: 30.3 (left), 24.0 (center), 25.1 (right)

Legend:

- No Balcony Projection Zone
- Road Widening



City of Toronto By-law No. ____ - 2024

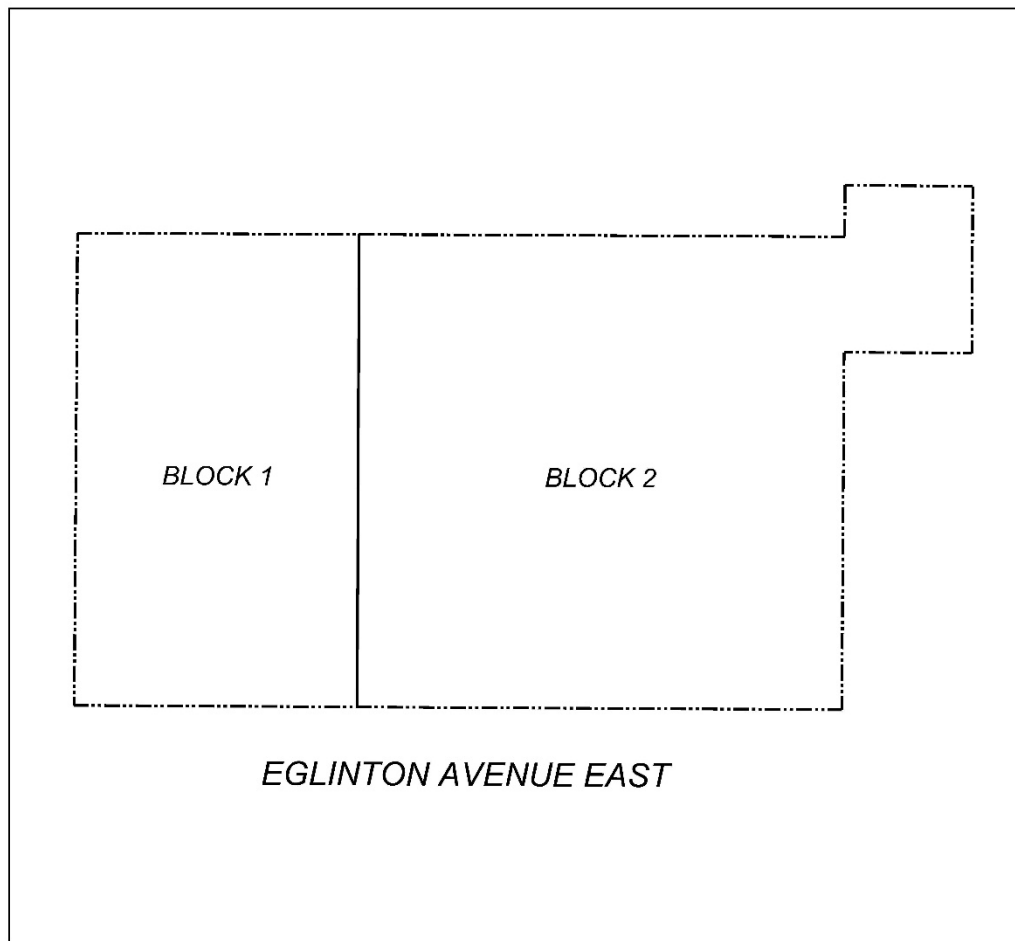


Diagram 4

90-110 Eglinton Avenue East

File #22 190798 STE 12 OZ



Not to Scale