

Authority: Local Planning Appeal Tribunal  
Orders/Decisions issued on September 26, 2018 and  
January 14, 2019 in Tribunal Files PL170395 and  
PL140905

## CITY OF TORONTO

### BY-LAW 555-2019(LPAT)

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 859, 861 and 875 Eglinton Avenue West and 2020 Bathurst Street.**

Whereas the Local Planning Appeal Tribunal, by its Orders/Decisions issued September 26, 2018 and January 14, 2019, determined to amend Zoning By-law 569-2013, as amended, with respect to lands known municipally as 859, 861 and 875 Eglinton Avenue West and 2020 Bathurst Street; and

Whereas the owner of the lands shown on Diagram 1 attached applied for a zoning by-law amendment for the development of the lands shown on Diagram 1 attached and appealed that application to the Local Planning Appeal Tribunal; and

Whereas pursuant to Section 37 of the Planning Act, R.S.O 1990, c. P.13, as amended, the council of a Municipality, and the Local Planning Appeal Tribunal on appeal, may, in a by-law passed under Section 34 of the Planning Act, authorize increases in the height or density of development beyond that otherwise permitted by the by-law, 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 lands elects to provide facilities, services or matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with such facilities, services or matters; and

Whereas pursuant to Section 39 of the Planning Act, 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 by the by-law; and

Whereas the owner has elected to provide the facilities, services and matters as are hereinafter set forth; and

Whereas the increase in the height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by City of Toronto By-law 569-2013 is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner and the City of Toronto (hereinafter referred to as the "City"); and

Whereas the Council of the City has determined to support the coming into force of this By-law amending Zoning By-law 569-2013, as amended, of the City of Toronto as agreed to at its meeting of June 26, 2018, Item CC43.19;

Pursuant to the Orders/Decisions of the Local Planning Appeal Tribunal issued on September 26, 2018 and January 14, 2019, in Tribunal Files PL170395 and PL140905, By-law 569-2013 of the City of Toronto, as amended, is further amended as follows:

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 990.10, and applying the following zone label to these lands: CR SS2 (174) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA 3, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT 25.5, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, as shown on Diagram 6 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10, Exception Number 174 so that it reads:

Exception CR 174

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) If the requirements of Clause 9 and Schedule A of By-law 555-2019(LPAT) are complied with then none of the Clauses and Regulations apply to prevent the erection of a **building** or **structure** may be erected and use if it is in compliance with (B) to (Q) below;

- (B) Despite regulations 40.5.40.10(1) and 40.5.40.10(2), the height of the **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 172.82 metres;
- (C) Despite regulations 40.10.40.10(2) and 40.10.40.10(7), no part of a **building** may exceed the maximum **building** height in metres, indicated by the number following the letters HT on Diagram 7 of By-law 555-2019(LPAT);
- (D) Despite Clause (C) above and Clause 40.5.40.10, the following elements of a **building** may exceed the maximum permitted **building** height as follows:
- (i) Window washing equipment, stairs, stair towers, stair enclosures, architectural features, elements of a roof assembly, lightning rods, mechanical equipment and rooms, vents, elevator overruns, and exhaust flues to a maximum of 5.0 metres;
  - (ii) Railings, parapets, balconies, cornices, lighting fixtures, ornamental elements, trellises, planters, partitions dividing outdoor recreation of amenity areas, guard rails, wheelchair ramps, fences, and screens to a maximum of 3.0 metres;
- (E) Despite regulations 5.10.40.70(1) and 40.10.40.70(2), the above-grade portion of a **building** or **structure** must be set back from a **lot line** the distance shown on Diagram 7 of By-law 555-2019(LPAT);
- (F) Despite Clause (E) above, Clause 40.10.40.60 and regulation 40.5.40.70(1), the following elements of a **building** above or below-grade, may extend into a required **building setback** a maximum of 1.5 metres;
- (i) Balconies, canopies, cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, planters, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, fences, screens and landscape features;
- (G) Despite Clause (E) and Clause (F) above, the north main wall at the second, third and fourth floors must be setback an additional 1.5 metres, at a width of 3 metres, in three different areas;
- (H) Despite Clause (E) and Clause (F) above, the north main wall at the fifth to fourteenth floors must be setback an additional 1.5 metres, at a width of 1.5 metres, in three different areas;
- (I) Despite regulations 10.50.1.10(3) and 40.10.40.40(1), the total maximum permitted **gross floor area** is 23,100 square metres, of which:
- (i) the maximum permitted residential **gross floor area** must not exceed 22,100 square metres; and

- (ii) the maximum permitted non-residential **gross floor area** must not exceed 1000 square metres;
- (J) Despite regulation 220.5.10.1(2), a minimum of one Type "G" **loading space** must be provided and maintained on the **lot**;
- (K) Despite regulations 40.10.100.10(1)(A) and 40.10.100.10(1)(C), two vehicle accesses are permitted, one of which must be from the right-of-way municipally known in the year 2018 as Bathurst Street, and one of which must be from a **lane**;
- (L) Despite Clause 200.5.10.1, the minimum number of required **parking spaces** is:
  - (i) 0.5 **parking spaces** for each **dwelling unit**; and
  - (ii) no **parking spaces** are required for residential visitors and non-residential uses in the **building**;
- (M) Despite Clause (L) above and regulation 40.10.20.100(8), an additional 27 **parking spaces** must be provided and may be made available to the general public within a **public parking** garage;
- (N) Despite regulation 200.5.1.10(2), a maximum of 20 **parking spaces** may have the following minimum dimensions, with or without obstructions:
  - (i) length of 5.6 metres;
  - (ii) width of 2.6 metres;
  - (iii) vertical clearance of 1.8 metres;
- (O) Despite regulation 200.15.1(4), an accessible **parking space** must be located within 9 metres to a barrier free entrance to the **building** or passenger elevator that provides access to the first **storey** of the **building**;
- (P) Despite regulations 230.5.10.1(1), (2) and (5) **bicycle parking spaces** must be provided on the **lot** as follows, and may be located outdoors or indoors, including within a secured room or enclosure:
  - (i) a minimum of 230 "long-term" **bicycle parking spaces**;
  - (ii) a minimum of 32 "short-term" **bicycle parking spaces**; and
  - (iii) **bicycle parking spaces** may be provided as a rack or hook on a wall associated with a parking space on any parking level, so long as such rack/hook does not encroach into a **parking space**;

- (Q) Despite regulations 230.5.1.10(4)(A)(ii), 230.5.1.10(4)(B)(ii), 230.5.1.10(6) and 230.5.1.10(9):
- (i) a **bicycle parking space** may have a minimum width of 0.5 metres;
  - (ii) a **bicycle parking space** placed in a vertical position may have a minimum width of 0.5 metres;
  - (iii) the minimum **bicycle parking space** dimensions do not apply if **bicycle parking spaces** are in a bicycle rack, or are **stacked bicycle spaces** located in a secured room or area, or in bicycle lockers or on a rack/hook on a wall associated with a **parking space** on any parking level, so long as such rack/hook does not encroach into a **parking space**; and
  - (iv) **bicycle parking spaces** must be located indoors, including within a secured room or enclosure.

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

**9.** Section 37 Provisions

- A. Pursuant to Section 37 of the Planning Act, the heights and density of development permitted in this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the lot of the facilities, services and matters set out in Schedule A, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act;
- B. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Schedule A, the lot is subject to the provisions of this By-law, provided that in the event the said agreement(s) require(s) the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements; and
- C. Whenever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

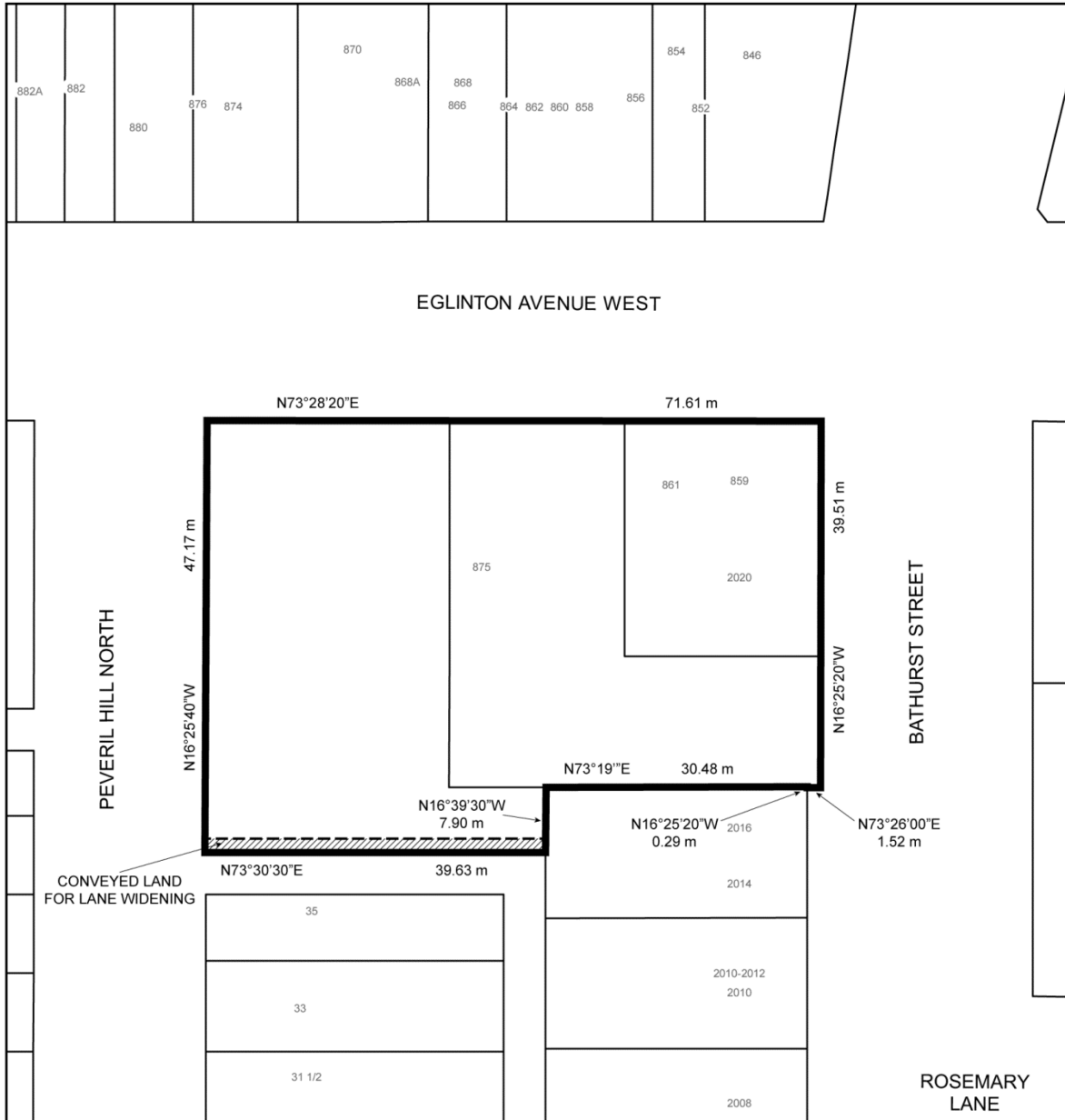
Local Planning Appeal Tribunal Orders/Decisions issued on September 26, 2018 and January 14, 2019 in Tribunal Files PL170395 and PL140905

**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 lot and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to the issuance of the first above-grade building permit, the owner shall pay a cash contribution of \$2,339,200.00 to be allocated for uses that will benefit the community in the vicinity of the Subject Site at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
2. The payment amount identified in section 1 above 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 327-0058, or its successor, calculated from the date of the Local Planning Appeal Tribunal decision to the date of payment.
3. The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience at the owner's expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:
  - a) The owner shall dedicate an off-site park to the City in satisfaction of the Applicant's required parkland contribution pursuant to Section 42 of the Planning Act, with the location and configuration of the off-site parkland to be to the satisfaction of the General Manager, Parks, Forestry and Recreation in consultation with the Ward Councillor. The off-site parkland to be transferred to the City shall be free and clear, above and below grade, of all easements, encumbrances, and encroachments and is to be conveyed to the City prior to the issuance of the first above-grade building permit to the satisfaction of the General Manager, Parks, Forestry, and Recreation and the City Solicitor.
  - b) The City shall grant a development charge credit against the Parks and Recreation component of the development charges for the design and construction by the Owner of any above base park improvements completed to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the above base park improvements, as approved by the General Manager, Parks, Forestry, and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
  - c) The owner shall construct an entrance and connection to the planned future Forest Hill LRT Station, to be incorporated in the proposed building in a location and configuration to be secured through the site plan approval process.

- d) Prior to the issuance of an above grade building permit, the Owner shall design, construct and pay for any necessary improvements to the municipal infrastructure external to the lands shown on Diagram 1, including approximately 53 metres of 450 millimetre storm sewer, one maintenance hole, the disconnection and reconnection of two catch basins with leads including full surface restoration all located on Dewborne Avenue, or other municipal infrastructure improvements necessary to comply with MECP Procedure F-5-5, based on the Functional Servicing Report prepared by WSP Canada Group Limited, dated November 14, 2018, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services. The final technical details and detailed engineering design of the Infrastructure Improvements will be finally determined and approved, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services, in an Infrastructure Agreement, to be entered into between the Owner and the City prior to the issuance of an above grade building permit.

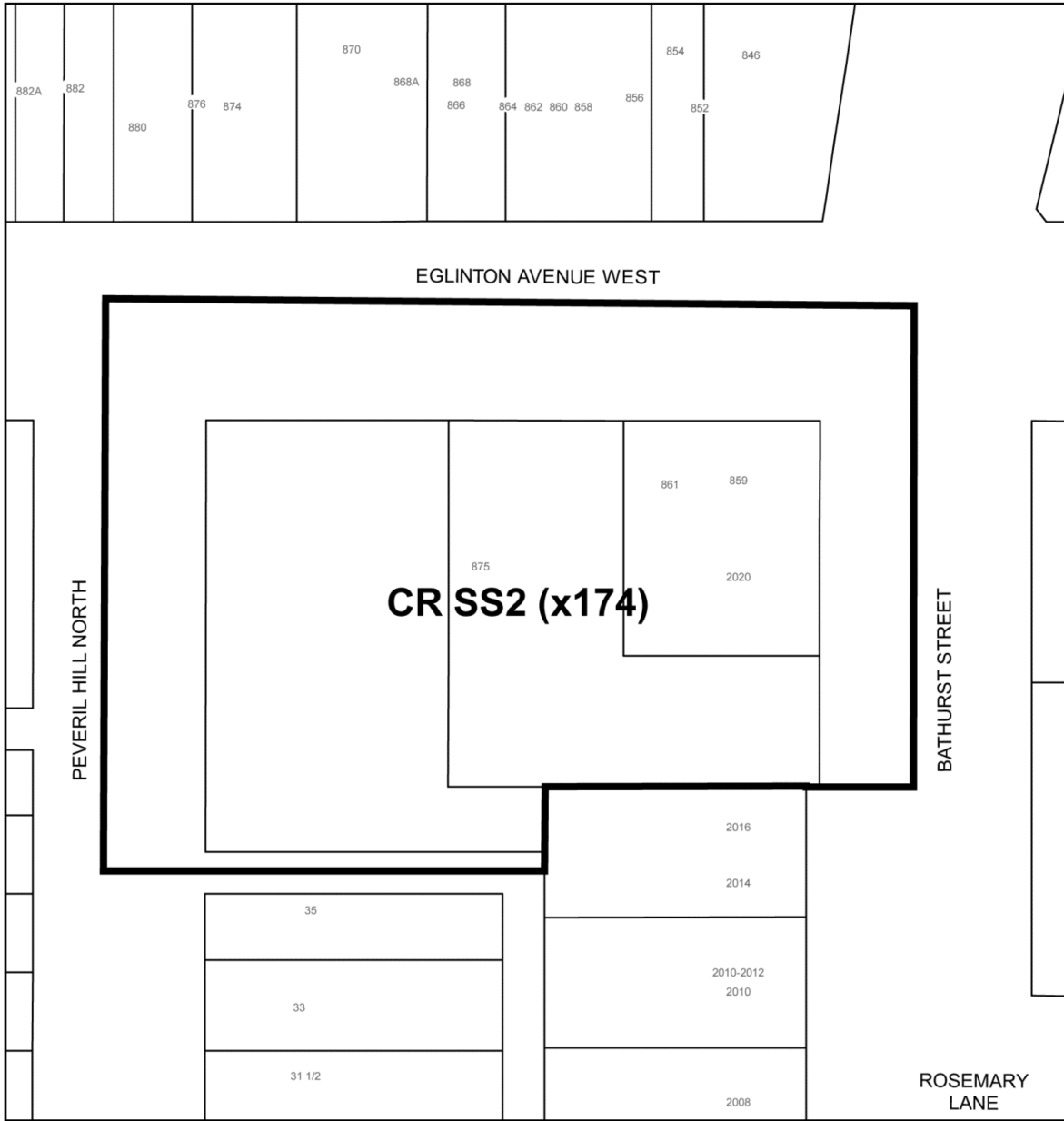


**Toronto**  
Diagram 1

**859, 861, 875 Eglinton Avenue West  
& 2020 Bathurst Street**

File # 16 198806 STE 21 OZ

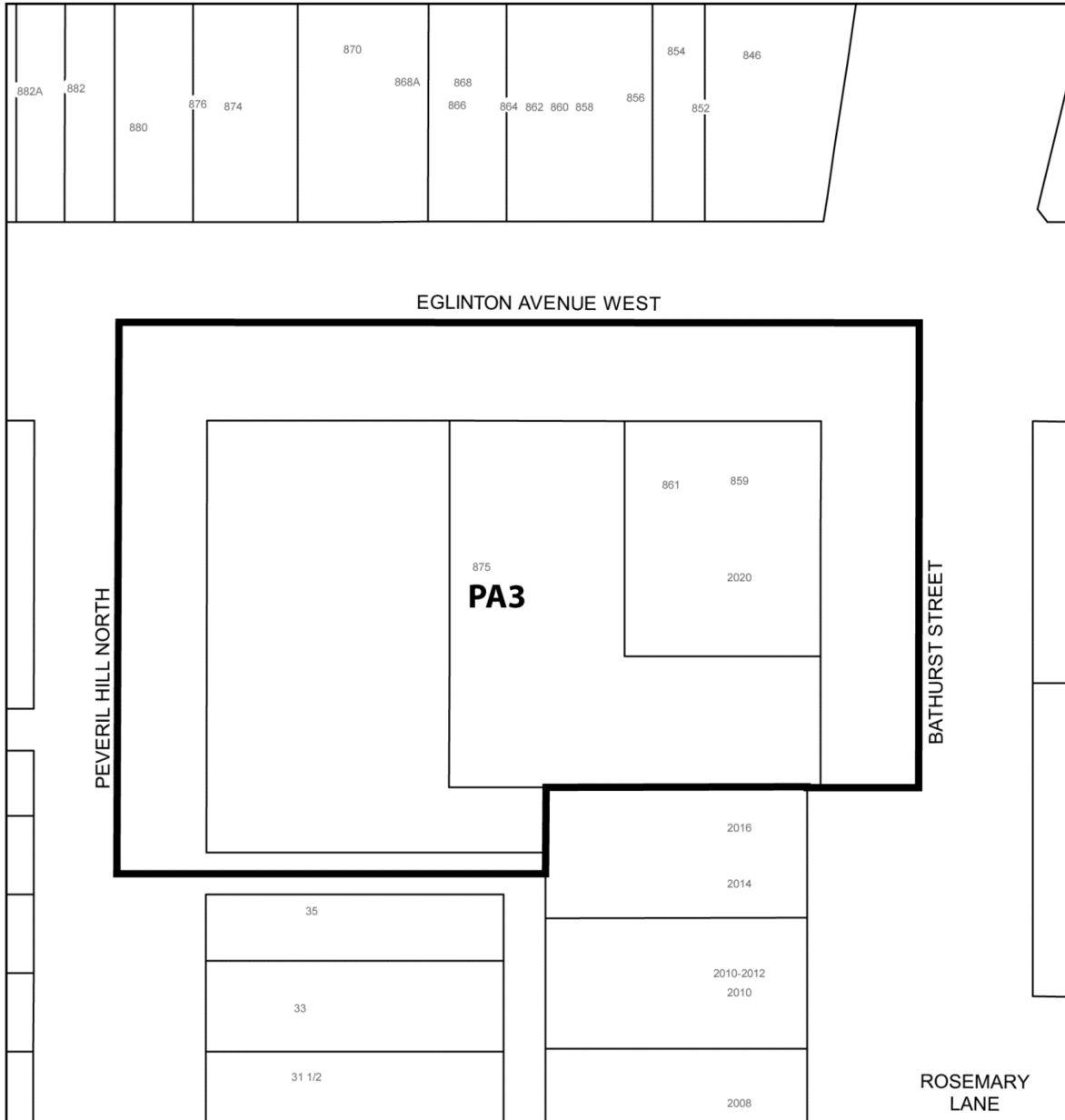




 **TORONTO**  
Diagram 2

**859, 861, 875 Eglinton Avenue West  
& 2020 Bathurst Street**

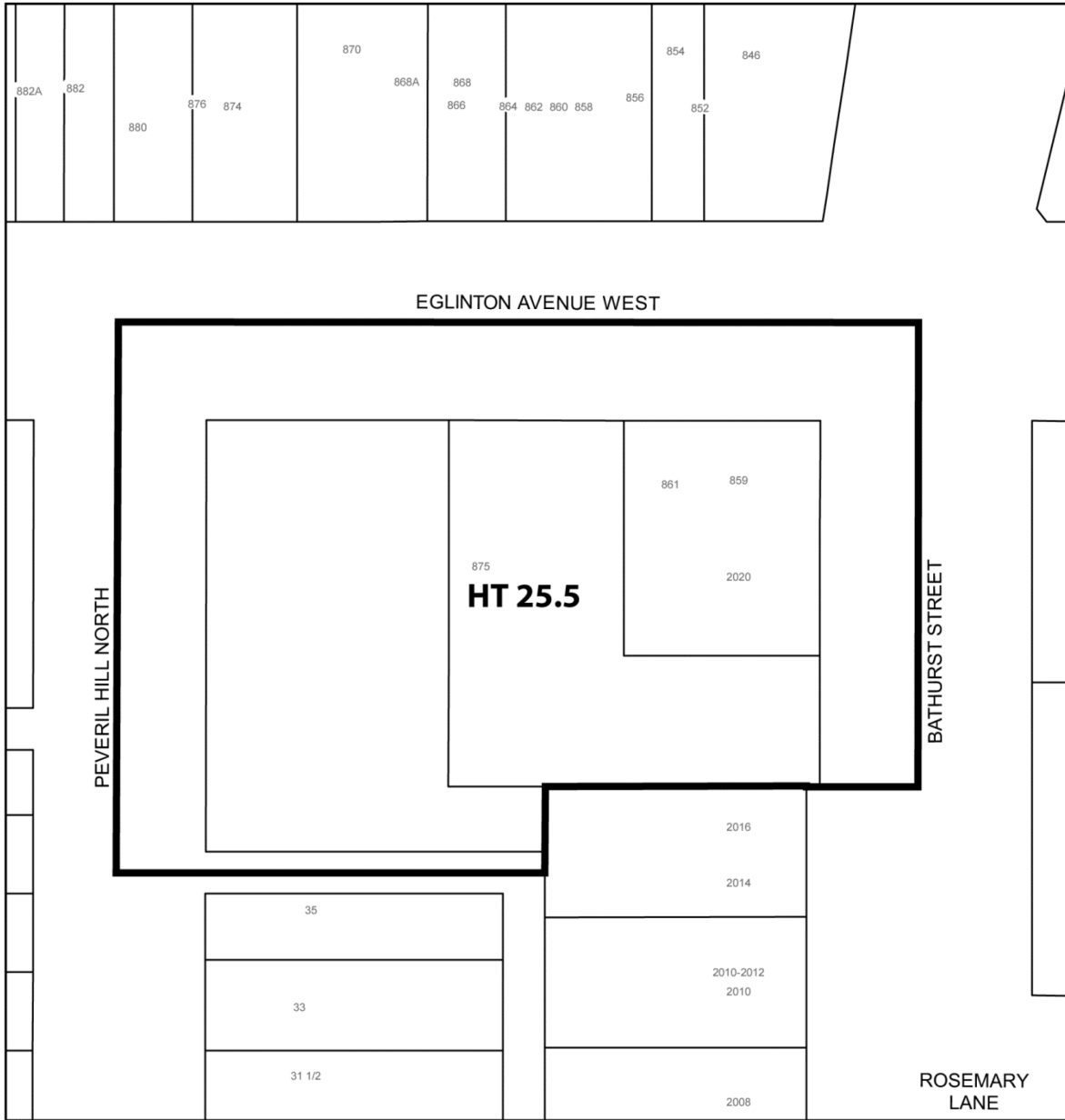
File # 16 198806 STE 21 OZ



 **Toronto**  
Diagram 3

**859, 861, 875 Eglinton Avenue West  
& 2020 Bathurst Street**

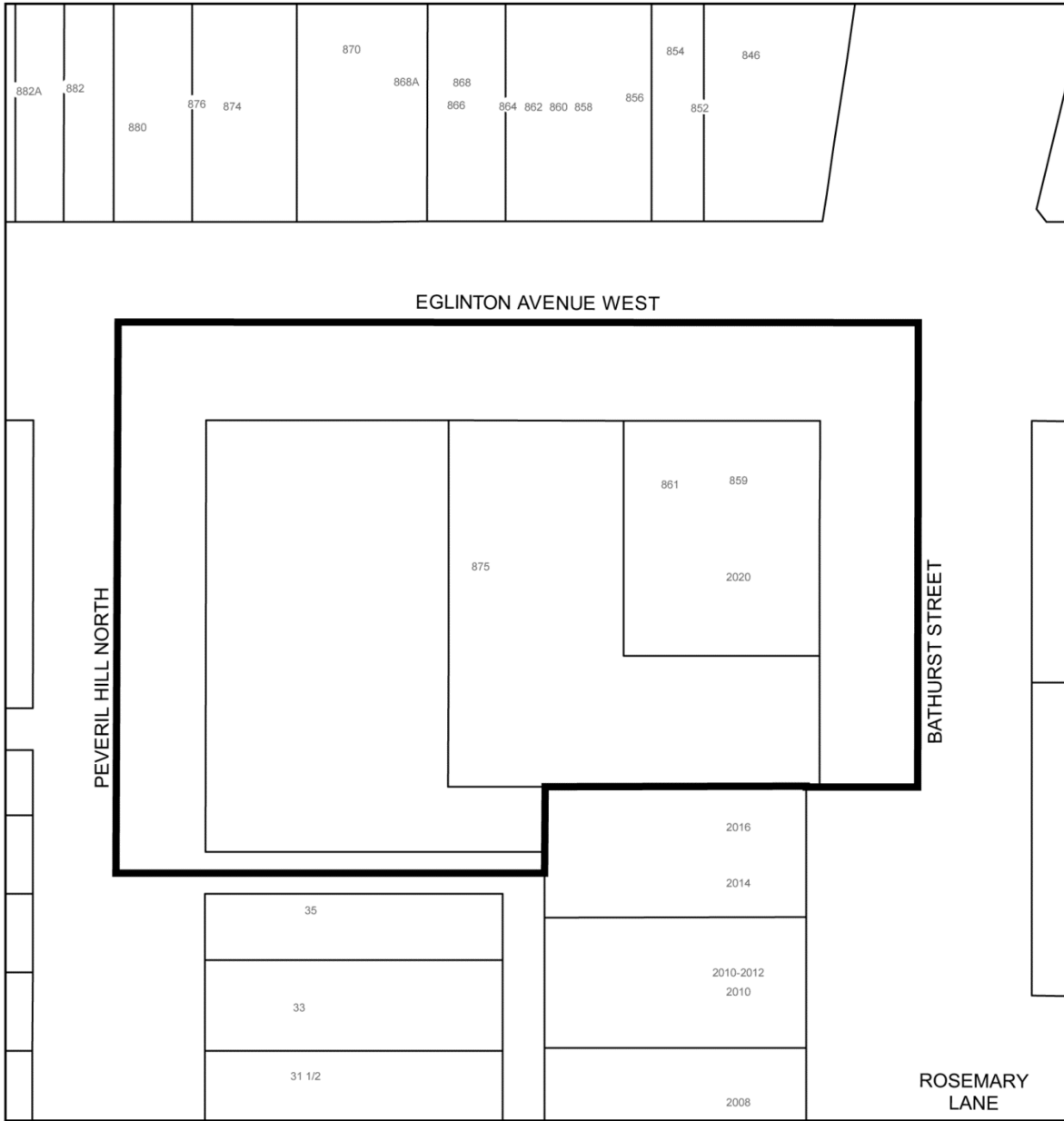
File # 16 198806 STE 21 OZ



 **TORONTO**  
Diagram 4

**859, 861, 875 Eglinton Avenue West  
& 2020 Bathurst Street**

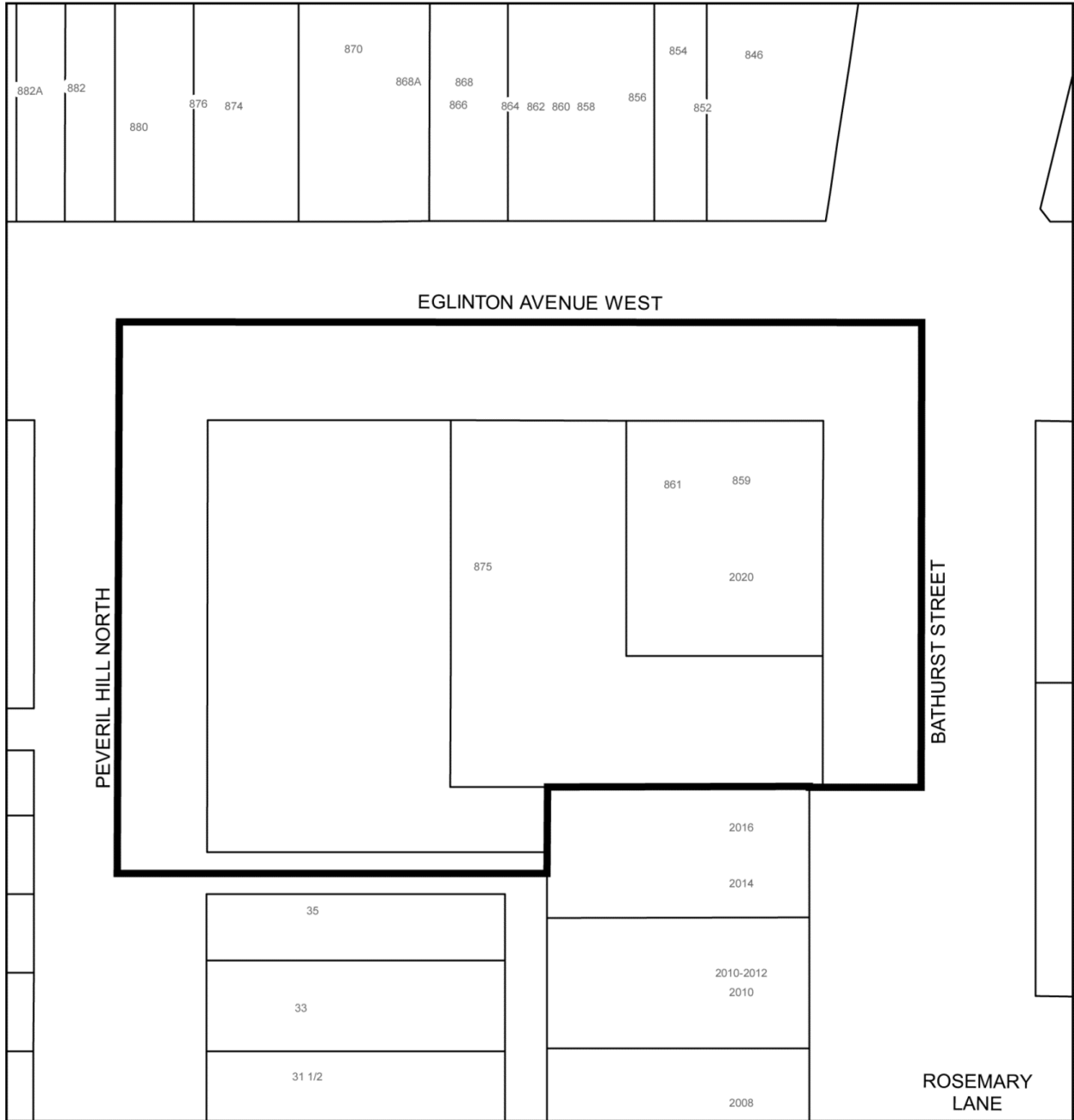
File # 16 198806 STE 21 0Z



 **Toronto**  
Diagram 5

**859, 861, 875 Eglinton Avenue West  
& 2020 Bathurst Street**

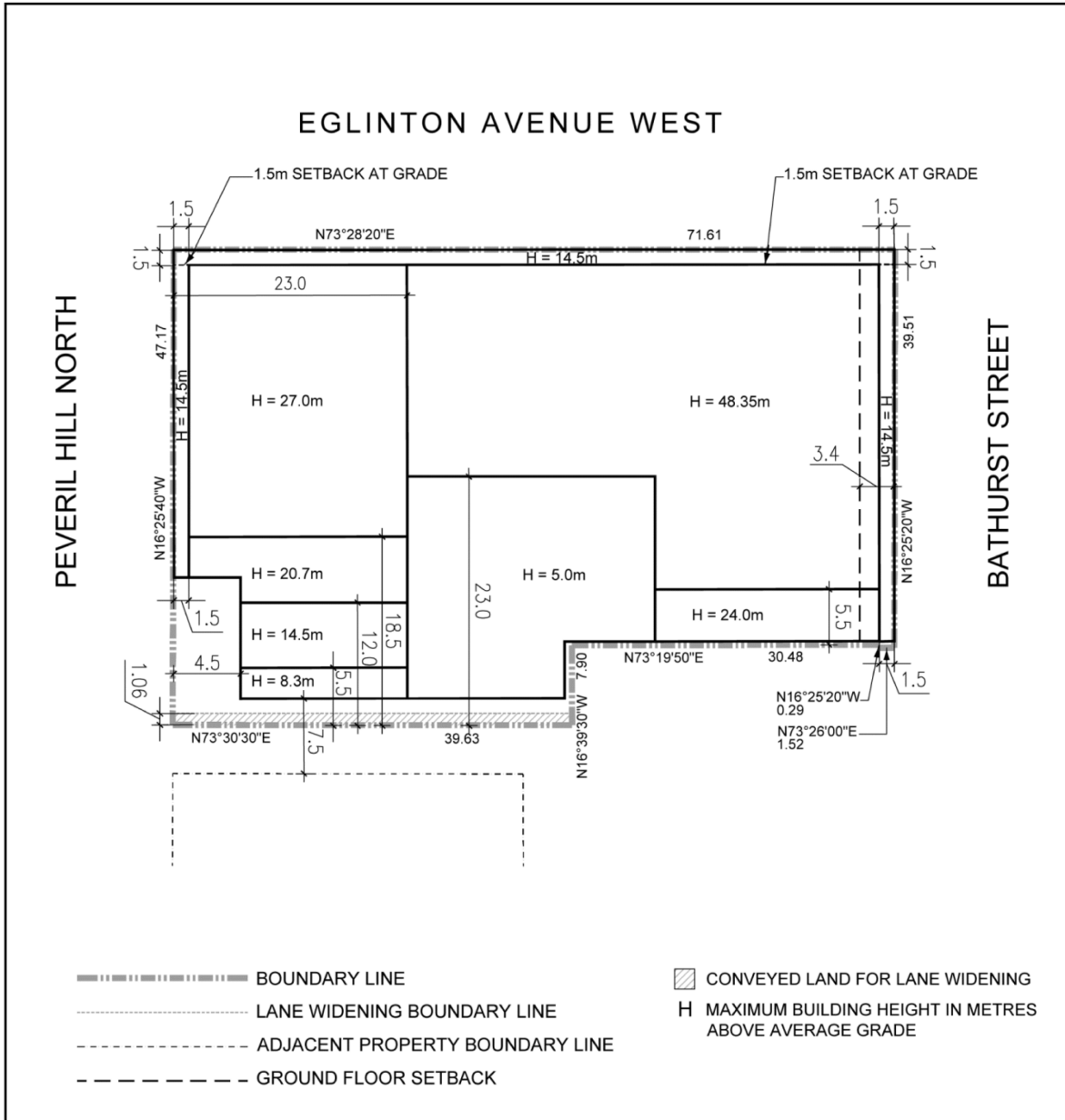
File # 16 198806 STE 21 OZ



 **TORONTO**  
Diagram 6

**859, 861, 875 Eglinton Avenue West  
& 2020 Bathurst Street**

File # 16 198806 STE 21 0Z



**TORONTO**  
Diagram 7

**859, 861, 875 Eglinton Avenue West  
& 2020 Bathurst Street**

File # 16 198806 STE 21 OZ