

Authority: Local Planning Appeal Tribunal Order issued
on March 20, 2019 in Tribunal File PL150240

CITY OF TORONTO

BY-LAW 675-2019(LPAT)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 462 Eastern Avenue.

Whereas the Local Planning Appeal Tribunal, pursuant to its Order issued on March 20, 2019, upon hearing the appeal of 462 Developments Inc. under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend Zoning By-law 438-86, as amended, of the former City of Toronto with respect to the lands municipally known as 462 Eastern Avenue; 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 pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act may authorize increases in the height or 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 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 the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are secured by one or more agreements between the owner of the land and the City of Toronto;

By-law 438-86, as amended, of the former City of Toronto is further amended by the Local Planning Appeal Tribunal, as follows:

1. Except as otherwise provided herein, the provisions of By-law 438-86, as amended shall continue to apply to the *lot*.
2. Pursuant to Section 37 of the Planning Act, the *heights* and density of the development permitted in this By-law on the *lot* are permitted subject to the 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 Appendix 1 of this By-law, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act.

3. District Map 52G-322 contained in Appendix "A" of By-law 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the former City of Toronto", as amended, is further amended by rezoning the lands from "I2 D3" to "CR T0.5 C0.5 R0.5" identified on Appendix "A" as outlined on Map 1 attached and forming part of this By-law.
4. None of the provisions of Section 2(1) of By-law 438-86, as amended, with respect to the definition of, "*lot*", "*grade*", "*height*", "*residential gross floor area*", "*non-residential gross floor area*", "*bicycle parking space – occupant*", and "*bicycle parking space – visitor*", and Sections 4(2), 4(4), 4(6), 4(13), 4(14), 8(3) Part I, 8(3) Part II, 8(3) Part III, 8(3) Part IV, 8(3) Part XI, 12(2)129 and 12(2)270 of general Zoning By-law 438-86, as amended, being "A by-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of land and the erection and use of certain buildings and structures in various areas of the former City of Toronto", shall apply to prevent the erection and use of a *mixed-use building* and *accessory* uses thereto on the lands municipally known as 462 Eastern Avenue in the year 2018 (hereinafter referred to as the *lot*), provided that:
 - (a) the *lot* on which the *mixed-use building* is to be located comprises those lands outlined by heavy lines on Map 1, attached to and forming part of this By-law;
 - (b) in addition to those uses permitted pursuant to Section 8(1) permitted uses on the *lot* shall also include, a *commercial parking garage* and *car-share*;
 - (c) notwithstanding Section 8(3) the total *residential gross floor area* and *non-residential gross floor area* erected and used on the *lot* shall not exceed 25,625 square metres, provided that:
 - (i) the total combined *residential gross floor area* of the *mixed-use building* on the *lot* does not exceed 24,400 square metres;
 - (ii) the total combined *non-residential gross floor area* of the *mixed-use building* on the *lot* does not exceed 1,225 square metres; and
 - (iii) a minimum of 1,000 square metres of *non-residential gross floor area* is provided along the Eastern Avenue frontage between Booth Avenue and Logan Avenue;
 - (d) no portion of the *mixed-use building* or any structure located above *grade* shall be located otherwise than wholly located within the area delineated by heavy lines on Map 2 attached to and forming part of this By-law, with the exception to the following:
 - (i) eaves, cornices, window sills, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellises, guardrails, balustrades, railings, bollards, wheel chair ramps, stairs, stair enclosures, vents, shafts, satellite

- dishes, retaining walls, underground garage ramps and their associated structures, fences, screens, landscape and public art features, and window washing equipment;
- (ii) balconies projecting to a maximum of 1.80 metres beyond the heavy line on Map 2; and
 - (iii) the erection or use of structures, elements, and enclosures permitted by Section 4(e)(ii) below;
- (e) notwithstanding Section 8(3) no part of the *mixed-use building* or any structure erected or used above *grade* on the *lot* shall exceed the *height* limits in metres above *grade* specified by the number following the symbol "H" as shown on Map 2 attached to and forming part of this By-law, with the exception of the following:
- (i) a mechanical penthouse and mechanical screening may exceed the applicable *height* limits shown on Map 2 to a maximum of 5.0 metres;
 - (ii) roof access hatches or stairs, mechanical equipment and any associated enclosures or structures, elevator overruns, chimneys, stacks, heating and cooling equipment, maintenance and safety equipment, wind and privacy screens, structures used for open air recreation, pergolas, landscape garden amenities, elements of a green roof, planters, ornamental elements; and
 - (iii) the erection or use of structures, elements, and enclosures permitted by Section 4(d)(i) above;
- (f) notwithstanding Section 4(12) the *residential amenity space* in a multi-purpose or multi-purpose rooms is not required to contain a washroom;
- (g) notwithstanding Section 4(4) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following minimum requirements:
- (i) 0.70 *parking spaces* per *dwelling unit* for residents of the *mixed-use building*;
 - (ii) 0.15 *parking spaces* per *dwelling unit* for residential visitors to the *mixed-use building*;
 - (iii) 1.00 parking space per 100 square metres of *non-residential gross floor area* for non-residential visitors to the *mixed-use building*; and
 - (iv) Five (5) dedicated *car share parking spaces* for *car-share* purposes;
- (h) notwithstanding Section 4(4) where the calculation for determining the minimum number of *parking spaces* results in a number containing a fraction, the number is

rounded down to the nearest whole number, but there may not be less than one *parking space*;

- (i) notwithstanding Section 4(4) *parking spaces* for visitors to a *dwelling unit* and for the *non-residential gross floor area* required by (g)(ii) and (iii) above, may be provided on the *lot* and may be shared on a non-exclusive basis;
 - (j) notwithstanding Section 4(17) a maximum of 10 required *parking spaces* that are considered to be obstructed on one or both sides may have a minimum width of 2.6 metres;
 - (k) notwithstanding Section 4(17)(b) a maximum of 9 required *parking spaces* that are accessed by a one-way drive aisle having a width less than 6.0 metres shall have a minimum width of 2.9 metres;
 - (l) notwithstanding Section 4(13) *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following minimum requirements:
 - (i) 0.90 *bicycle parking spaces – occupant* per dwelling unit for residents of the *mixed-use building*;
 - (ii) 0.10 *bicycle parking spaces – visitor* per dwelling unit for residential visitors to the *mixed-use building*;
 - (iii) 3.0 *bicycle parking spaces*, plus 0.30 *bicycle parking spaces* per 100 square metres of *non-residential gross floor area* for short-term non-residential visitors to the *mixed-use building*; and
 - (iv) 0.20 *bicycle parking spaces* per 100 square metres of *non-residential gross floor area* for long-term non-residential visitors to the *mixed-use building*;
 - (m) required *bicycle parking spaces – occupant* and *bicycle parking spaces – visitor* may be provided within a *bicycle stacker*;
 - (n) notwithstanding Section 4(6) one (1) Type "G" *loading space* shall be provided on the *lot* in accordance with the following minimum dimensions:
 - (i) 13.0 metres in length;
 - (ii) 4.0 metres in width; and
 - (iii) a vertical clearance of 6.1 metres.
5. None of the provisions of By-law 438-86 shall apply to prevent a *temporary sales office* on the lot as of the date of the approval of this By-law.

6. Despite any existing or future consent, severance, partition or division of the *lot*, the provisions of this By-law shall apply to the *lot* as if no consent, severance, partition or division occurred.
7. Definitions:
- (a) For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined by the said By-law 438-86, as amended, except for the following:
- (i) "*bicycle parking space*" means an area used for storing bicycles having the following minimum dimensions:
- where the bicycles are to be parked on a horizontal surface, has a minimum length of 1.8 metres, a minimum width of 0.6 metres and a minimum vertical clearance from the ground of at least 1.9 metres;
 - where the bicycles are to be parked in a vertical position on a wall, structure or mechanical device, has a minimum length or vertical clearance of 1.9 metres, a minimum width of 0.6 metres and a minimum horizontal clearance from the wall of 1.2 metres; and
 - where the bicycles are to be parked in a *bicycle stacker*, has a minimum vertical clearance of 1.2 metres for each bicycle parking spaces.
- (ii) "*bicycle stacker*" means a device whereby a *bicycle parking space* is positioned above or below another *bicycle parking space* and is accessed by means of a mechanical device providing floor level access to both *bicycle parking spaces*;
- (iii) "*grade*" shall mean 78.33 metres Canadian Geodetic Datum;
- (iv) "*lot*" shall mean the lands outlined by heavy black lines on Map 1 attached to this By-law;
- (v) "*height*" shall mean the vertical distance between *grade* and the highest point of the building or structure on the *lot*, excluding the mechanical penthouse and all other permitted projections identified by Section 4(e) of this By-law;
- (vi) "*temporary sales office*" means a temporary building, structure, facility or trailer on the *lot* used for the purpose of the sale of dwelling units to be erected on the *lot*;
- (vii) "*residential gross floor area*" shall have the same meaning as defined in Section (2)1 of Zoning By-law 438-86, but shall exclude floor area used

for parking, bicycle parking, loading below-grade, loading space at the ground level required by this By-law, bicycle parking spaces at or above-ground required by this By-law, storage rooms, washrooms, electrical, utility, mechanical, and electrical rooms below-ground, *amenity space* required by this By-law, elevator shafts, garbage shafts, mechanical penthouses, exit stairwells, storage rooms, electrical rooms, utility rooms, mechanical rooms, and ventilation rooms;

- (viii) "*non-residential gross floor area*" shall have the same meaning as defined in Section (2)1 of Zoning By-law 438-86, but shall exclude floor area used for parking, bicycle parking, loading below-grade, loading space at the ground level required by this By-law, bicycle parking spaces at or above-ground required by this By-law, storage rooms, washrooms, electrical, utility, mechanical, and electrical rooms below-ground, *amenity space* required by this By-law, elevator shafts, garbage shafts, mechanical penthouses, exit stairwells, storage rooms, electrical rooms, utility rooms, mechanical rooms, and ventilation rooms;
- (ix) "*car-share*" means the practice whereby a number of people share the use of one or more motor vehicles and such car-share motor vehicles are made available to at least the occupants of the building for short term rental, including hourly rental; and
- (x) "*car-share parking space*" shall mean a parking space exclusively reserved and signed for a car used only for *car-share* purposes.

APPENDIX 1**Section 37 Provisions**

The facilities, services and matters set out below are the matters required to be provided by the *owner* of the *lot* at its expense in return for the increase in height and density of the proposed development and secured in an agreement or agreements, pursuant to Section 37(3) of the Planning Act, whereby the *owner* agrees as follows:

1. Prior to the issuance of an above grade building permit, the *owner* shall provide a financial contribution to the City in the amount of two million three hundred thousand dollars (\$2,300,000.00 CAN) payable by certified cheque to the Treasurer, City of Toronto, to be used toward affordable housing projects in the area of the *lot*, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
2. The above cash contribution will be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment.



