

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

CITY OF TORONTO

BY-LAW 676-2019(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to the land 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 569-2013, as amended, 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 569-2013, 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 569-2013, as amended, is further amended by the Local Planning Appeal Tribunal, as follows:

1. This by-law applies to the lands delineated by the heavy back lines on Diagram 1 attached to and forming part of this By-law, referred to herein as "lands".
2. Pursuant to Section 37 of the Planning Act, the **heights** and density of the development permitted in this By-law on the lands 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 lands of the facilities, services and matters set out in Schedule A 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. Unless otherwise noted within this By-law, the words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
4. 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 0.5 (c0.5; r0.5) SS2 (x176) as shown on Diagram 2 attached to and forming part of 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 Policy Overlay Map in Section 995.10, as shown on Diagram 3 attached to and forming part of 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 Height Overlay Map in Section 995.20, and applying the following height label to these lands: HT 18.0, as shown on Diagram 4 attached to and forming part of 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 Lot Coverage Overlay Map in Section 995.30, as shown on Diagram 5 attached to and forming part of this By-law.
8. 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, applying the following rooming house label to these lands: B3, as shown on Diagram 6 attached to and forming part of this By-law.
9. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number (x176) so that it reads:

Exception CR (x176)

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 Section 10 and Schedule A of By-law 676-2019(LPAT) are complied with, Regulations 40.10.40.10(2) and 40.10.40.40(1), do not apply to prevent the erection or use of a **mixed-use building** permitted in (B) to (AA) below;
- (B) Despite Regulation 40.10.40.40(1)(A), the total **gross floor area** of all **buildings** and **structures** on the lands must not exceed 25,625 square metres;
- (C) Despite Regulation 40.10.40.40(1)(C), the total **gross floor area** for residential uses must not exceed 24,400 square metres;

- (D) Despite Regulation 40.10.40.40(1)(B), the maximum **gross floor area** for non-residential uses must not exceed 1,225 square metres and the minimum, subject to the following:
- (i) a minimum of 1,000 square metres of **gross floor area** for non-residential uses be provided along the Eastern Avenue frontage between Booth Avenue and Logan Avenue;
- (E) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 78.33 metres to the highest point of the **building** or **structure**;
- (F) Despite Regulations 40.10.40.10(2) and 40.10.40.70(2)(G), a **building** or **structure** must not exceed the maximum height in metres specified by the numbers following the "HT" symbol as shown on Diagram 7 of By-law 676-2019(LPAT);
- (G) Despite (F) above, the following elements of a **building** may exceed the maximum permitted height shown on Diagram 7 of By-law 676-2019(LPAT), to a maximum of:
- (i) 5.0 metres for a mechanical penthouse and mechanical screen;
 - (ii) 5.5 metres, for a **structure** on the roof of the **building** used for outside or open air recreation, a rooftop amenity room, roof top access hatches or stairs, stair enclosures, mechanical equipment and any associated enclosures or **structures**, elevator overruns, chimneys, stacks, heating and cooling equipment, ventilation equipment, air shafts, maintenance and safety equipment, wind and privacy screens, pergolas, ornamental elements, balcony and terrace guards and dividers, railings, window washing equipment on the roof of the **building**, antennae, satellite dishes, elements of a **green roof**; and
 - (iii) the projections are permitted in Regulations 40.5.40.10(3)-(7) unless such projections are included in (i) or (ii) above, in which case (i) and (ii) governs; and
- (H) Despite Regulation 40.10.40.10(5), the height of the first **storey** must be at least 3.30 metres;
- (I) Despite Regulation 40.10.40.1(2)(A), the floor level of the first **storey** must be within 0.60 metres of the Canadian Geodetic Datum Elevation of 78.33 metres;
- (J) Despite Regulation 40.10.40.1(2)(B), the floor level of the first **storey** must have a pedestrian access, and if not level with the public sidewalk closest to the entrance, the first floor may be also accessed by an elevator, wheelchair lift or platform lift;

- (K) Despite Regulations 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** are shown on Diagram 7 of By-law 676-2019(LPAT);
- (L) Despite (K) above, the following elements of a **building** may encroach into a required **building setback** a maximum of:
- (i) 5.0 metres, for eaves, cornices, window sills, lighting fixtures, awnings, canopies, architectural features, ornamental elements, parapets, terraces, canopies, trellises, guardrails, balustrades, bollards, railings, bollards, wheel chair ramps, stairs, stair enclosures, vents, shafts, chimneys, mechanical fans, satellite dishes, antennae, retaining walls, curbs, underground garage ramps and their associated **structures**, stairs, stairs landings, stair enclosures or covers, fences, privacy screens, mechanical and architectural screens, bicycle parking;
 - (ii) 1.80 metres for balconies and balcony roofs;
 - (iii) the encroachments in Clause 40.10.40.60 are permitted unless such encroachments are included in (i) or (ii) above, in which case (i) and (ii) governs;
- (M) Regulation 40.10.40.1(1), with respect to the location of residential use portions in a **mixed-use building**, does not apply;
- (N) Despite regulation 40.10.40.1(6), a pedestrian access to the **building** may be within 7.5 metres of a **lot** in a Residential Zone category;
- (O) Regulation 40.10.50.10(3), with respect to **soft landscaping** requirements along a **lot line** that abuts a **lot** in the Residential Zone category, does not apply;
- (P) Despite Regulations 200.5.1(2) and 200.5.10.1(1), **parking spaces** must be provided and maintained on the lands in accordance with the following minimum requirements:
- (i) 0.70 **parking spaces** for each **dwelling unit** for residents of the **mixed-use building**;
 - (ii) 0.15 **parking spaces** for each **dwelling unit** for residential visitors to the **mixed-use building**;
 - (iii) 1.00 **parking space** for each 100 square metres of non-residential **gross floor area** for non-residential visitors to the **mixed-use building**; and
 - (iv) Five (5) dedicated **parking spaces** for car share purposes;
- (Q) Despite Regulations 200.5.1.10(10) and 200.10.1(1) and (2), the **parking spaces** for residential visitors to a **dwelling unit** and the non-residential **gross floor area** required by (P)(ii) and (iii) above, may be shared on a non-exclusive basis;

- (R) Despite Regulation 200.5.1(3)(A), the minimum width of a one-way **drive aisle** providing vehicular access to a **parking space** is 4.65 metres;
- (S) Despite Regulations 200.5.1.10(2)(A) and 200.5.1.10(2)(B), a maximum of 10 required **parking spaces** that are obstructed on one or both sides may have a minimum width of 2.6 metres;
- (T) Despite Regulations 200.15.1(1) and 200.15.10(1)(C), a minimum of 8 accessible **parking spaces** must be provided and maintained on the lands in accordance with the following dimensional requirements:
- (i) a minimum length of 5.6 metres;
 - (ii) a minimum width of 3.4 metres; and
 - (iii) a minimum vertical clearance of 2.1 metres;
- (U) Despite Regulation 200.15.1(3), a maximum of 2 of the accessible **parking spaces** required by (T) above, are not required to provide a 1.5 metre wide accessible barrier free aisle or path down the entire length of the accessible **parking space**;
- (V) Regulations 200.15.1(4) and 200.15.1.5(1), with respect to the location of accessible **parking spaces**, does not apply;
- (W) Despite Regulations 230.5.10.1(1), (2), (3) and (5), **bicycle parking spaces** must be provided and maintained on the lands in accordance with the following minimum requirements:
- (i) 0.9 long-term **bicycle parking spaces** for each **dwelling unit**;
 - (ii) 0.1 short-term **bicycle parking spaces** for each **dwelling unit** must be provided for residential visitors;
 - (iii) 3.0 short-term **bicycle parking spaces**, plus 0.30 short-term **bicycle parking spaces** for each 100 square metres of non-residential **gross floor area** must be provided;
 - (iv) 0.2 long-term **bicycle parking spaces** for each 100 square metres of non-residential **gross floor area** must be provided;
- (X) Regulation 230.40.1.20(2), with respect to the location of short-term **bicycle parking spaces**, does not apply;
- (Y) Despite Regulation 220.5.10.1(1), only one Type "G" **loading space** is required and must be provided and maintained on the lands;

- (Z) Despite regulation 40.10.90.10(1), a **loading space** may be located in a **rear yard** that abuts a **lot** in a Residential Zone category;
- (AA) Despite any future severance, partition or division of the **lot** as shown in Diagram 1, the provisions of this By-law apply to the whole of the **lot** as if no severance, partition or division occurred.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(2)270 of former City of Toronto By-law 438-86.

10. Section 37 Provisions

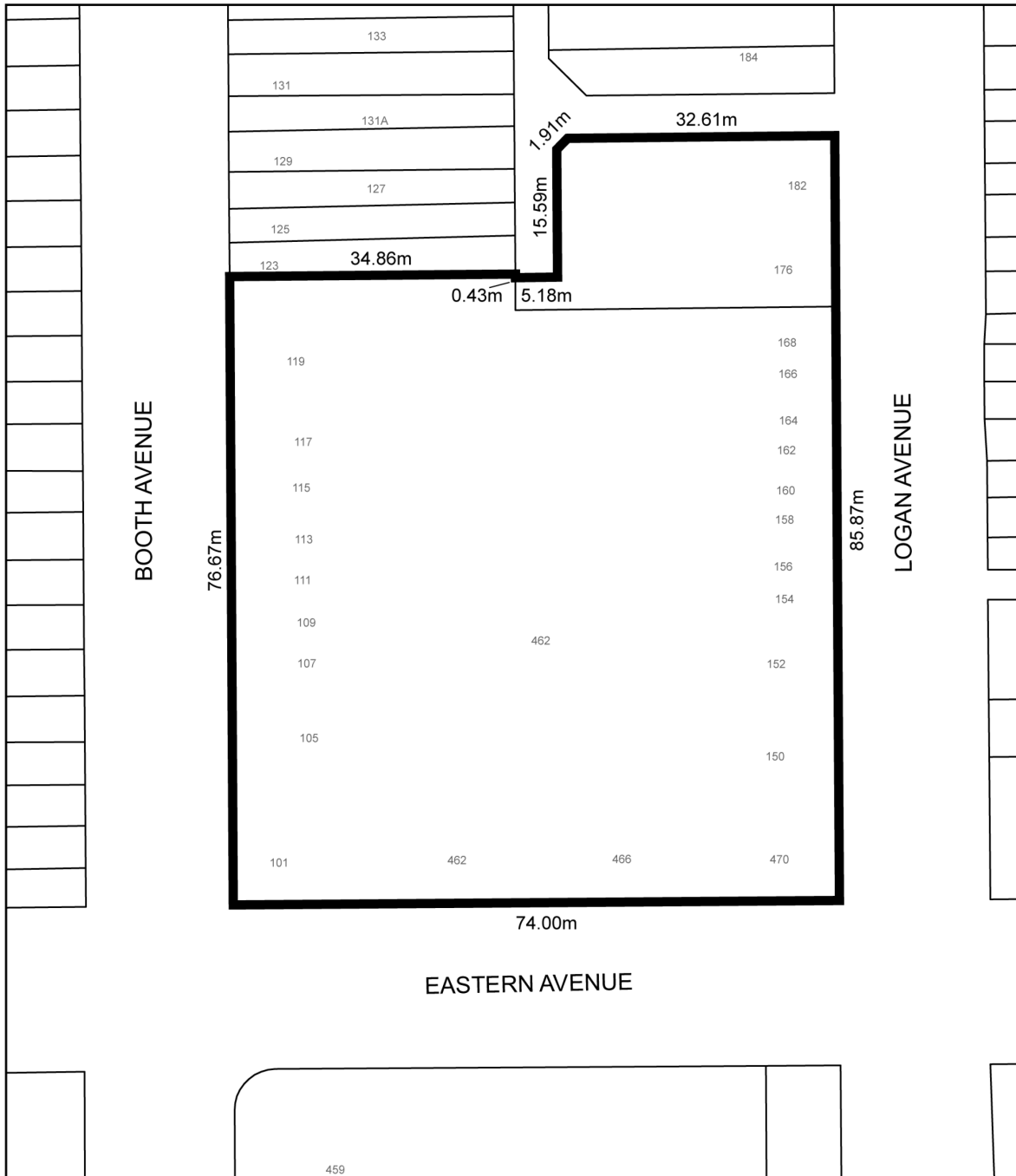
- (A) Pursuant to Section 37 of the Planning Act, the heights and density of development permitted in this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the lot of the facilities, services and matters set out in Schedule 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;
- (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 Decision/Order issued on March 20, 2019, in Tribunal Case PL150240

Schedule A**Section 37 Provisions**

The facilities, services and matters set out below are the matters required to be provided by the **owner** of the lands 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:

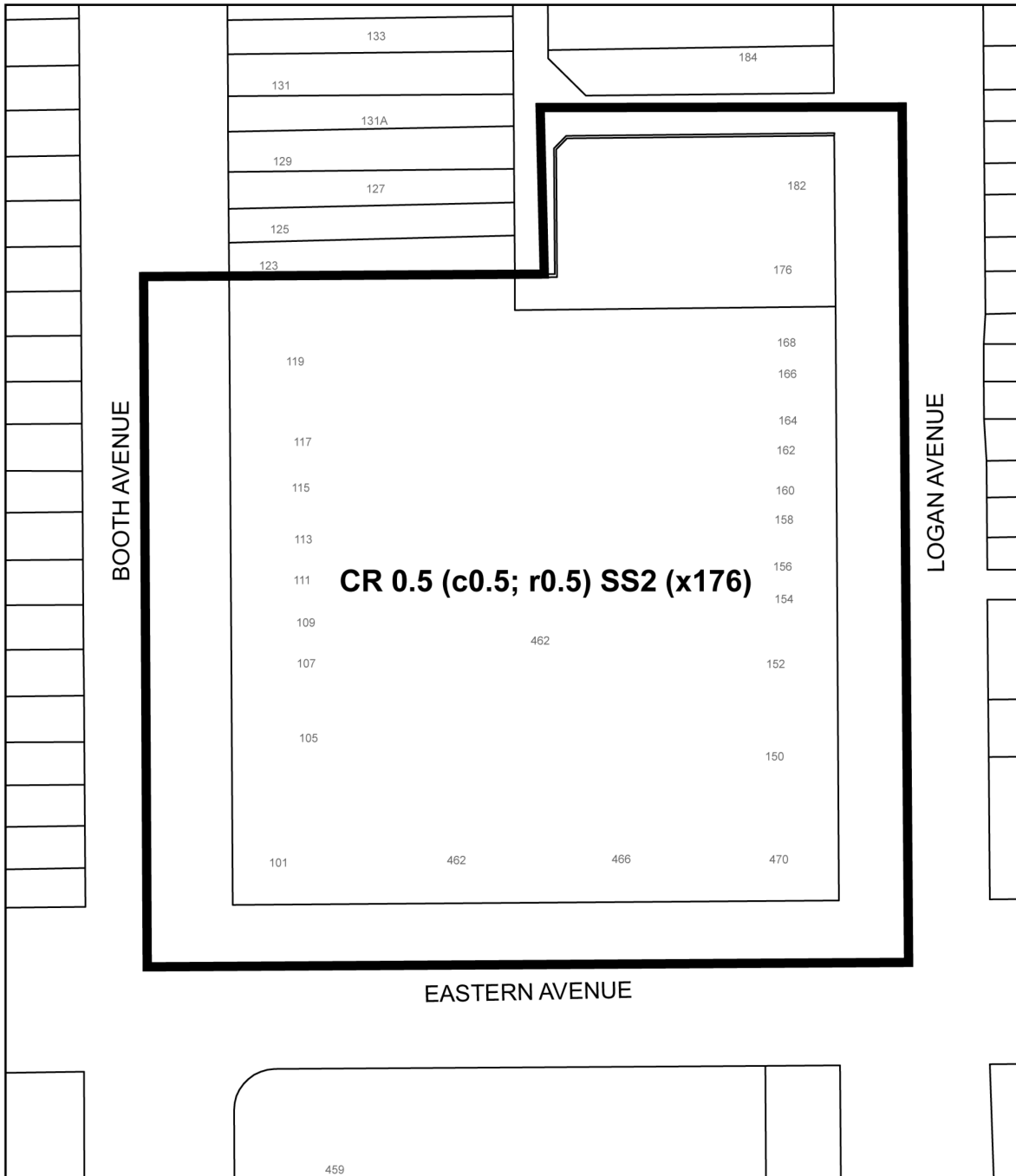
1. Prior to the issuance of an above grade building permit, the **owner** shall provide a financial contribution to the City in the amount of two million three hundred thousand dollars (\$2,300,000.00 CAN) payable by certified cheque to the Treasurer, City of Toronto, to be used toward affordable housing projects in the area of the lands, 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.

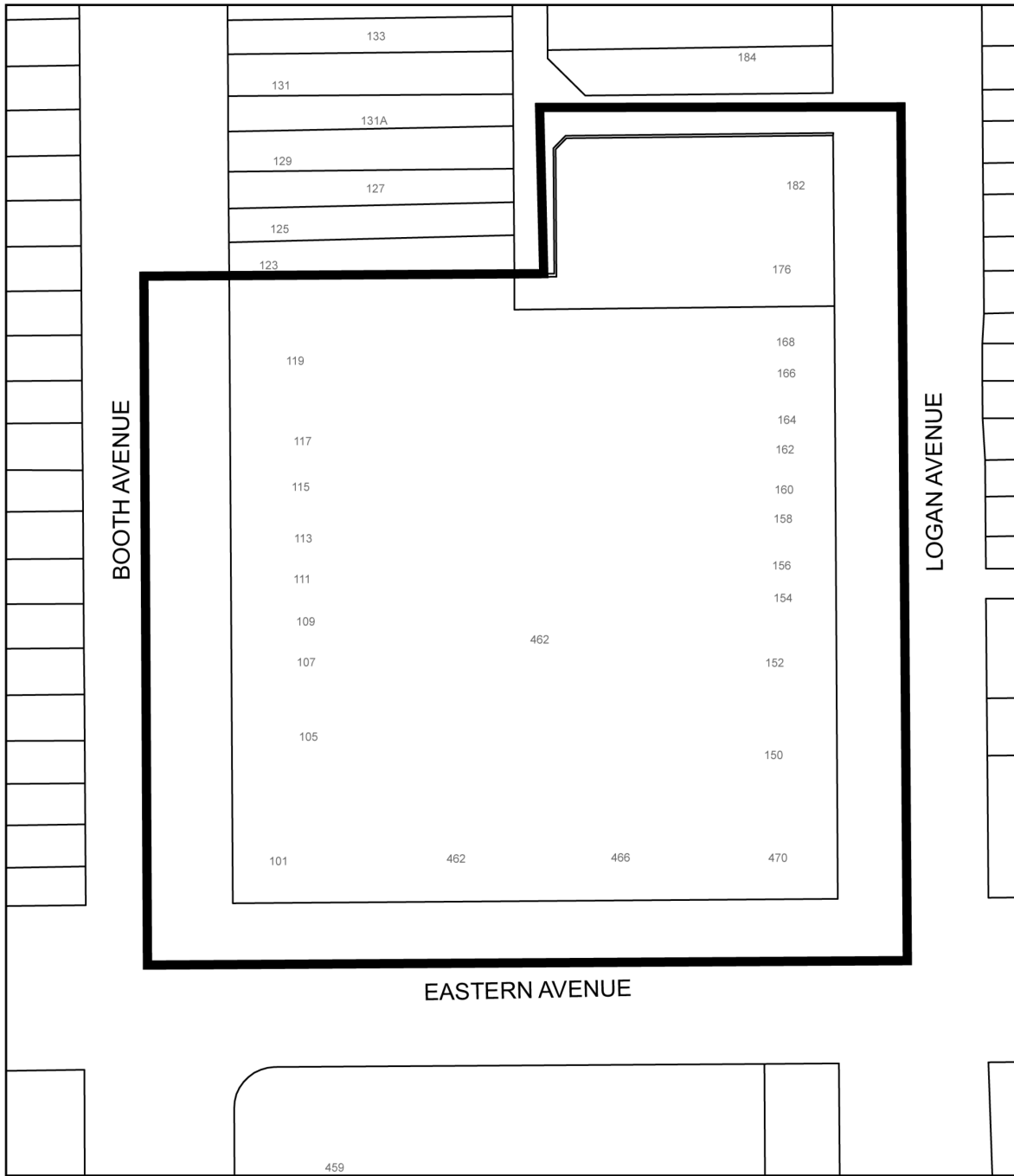


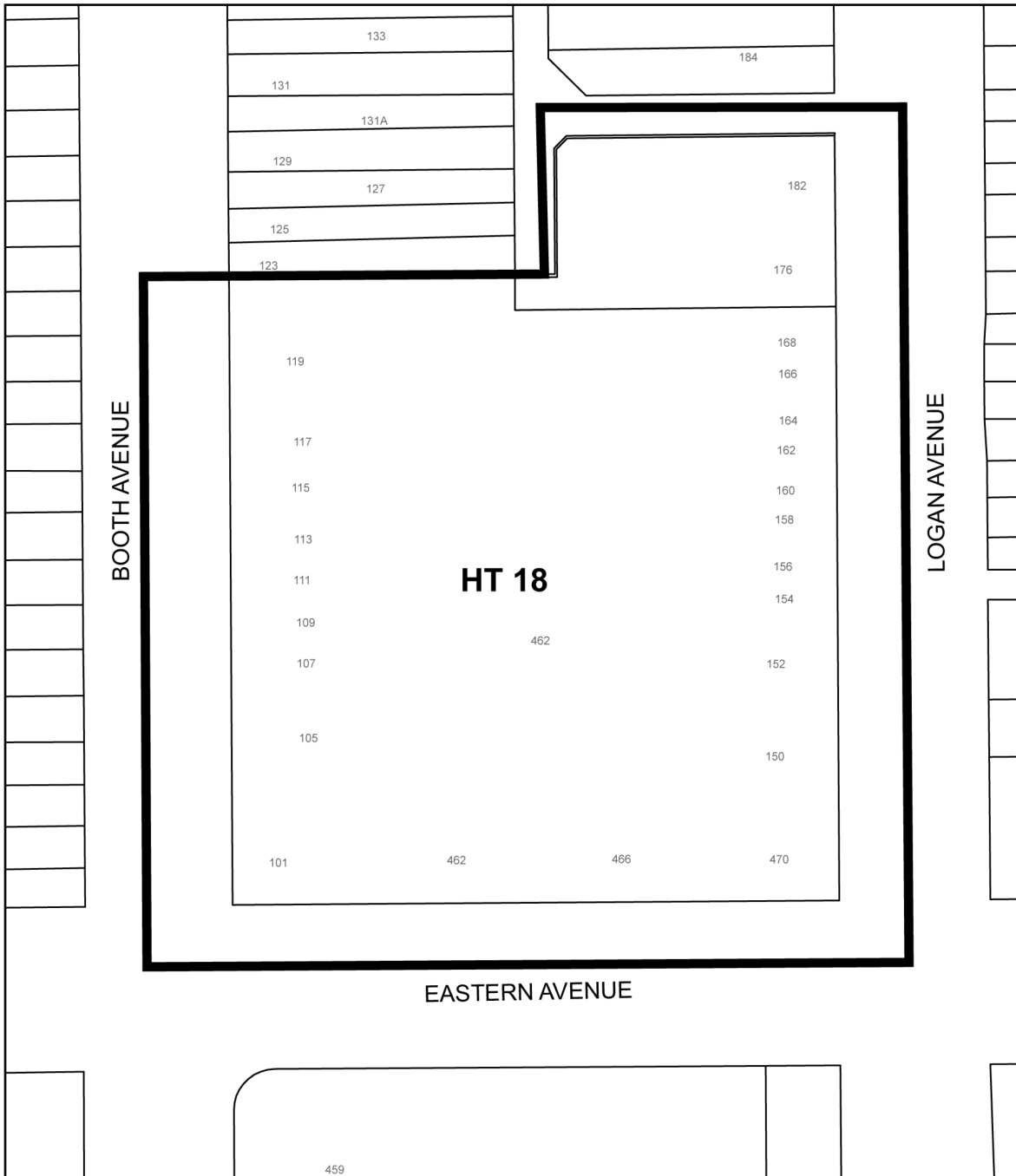
 **TORONTO**
Diagram 1

462 Eastern Avenue

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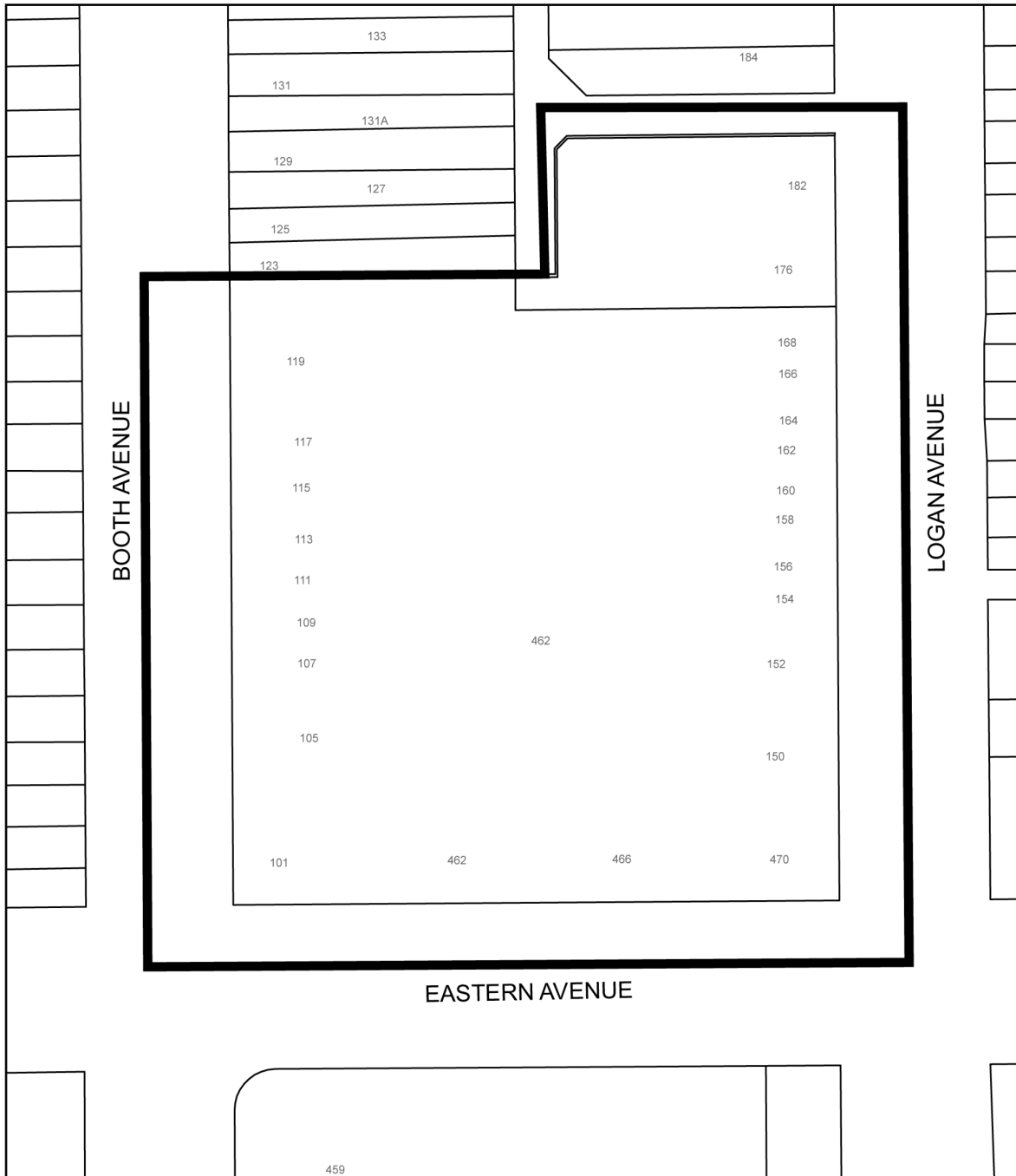




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Diagram 4

462 Eastern Avenue

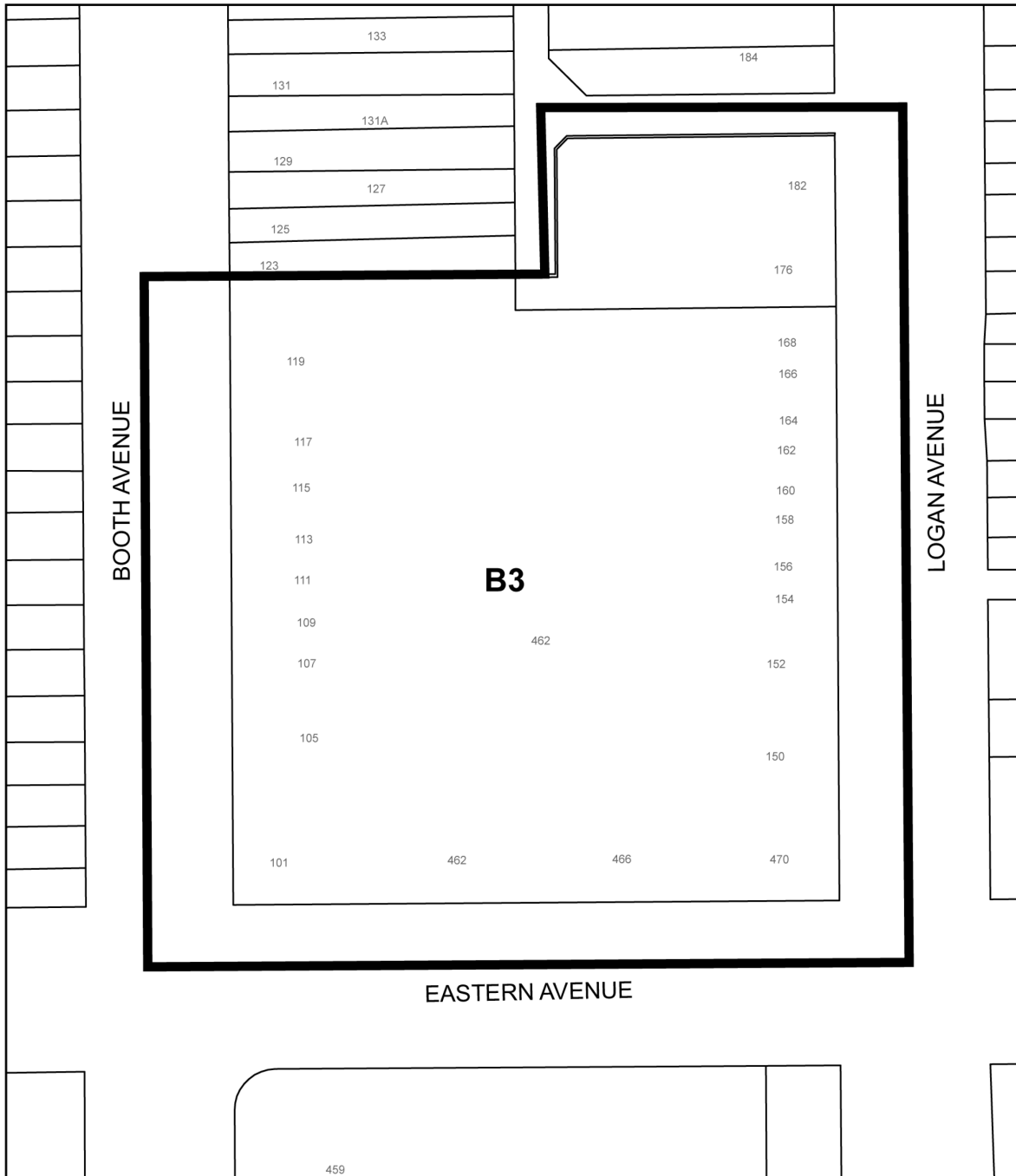
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 **TORONTO**
Diagram 5

462 Eastern Avenue

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 **TORONTO**
Diagram 6

462 Eastern Avenue

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