

Authority: Local Planning Appeal Tribunal Decision  
issued on April 16, 2019 and Order issued on August 19,  
2019 in Tribunal File No. PL171269

## CITY OF TORONTO

### BY-LAW 1481-2019(LPAT)

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands municipally known as 39-41 Roehampton Avenue and 50 Eglinton Avenue East.**

Whereas the Local Planning Appeal Tribunal, by its decision issued on April 16, 2019 and Order issued on August 19, 2019, in Tribunal Case No. PL171269 approved amendments to the General Zoning By-law 438-86, as amended, with respect to the lands; and

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

Now therefore pursuant to the Order of the Local Planning Appeal Tribunal, former City of Toronto Zoning By-law 438-86 is further amended as follows:

1. Pursuant of Section 37 of the Planning Act, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Schedule 1 of this By-law.
2. 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 provisions of the facilities, services, and matters set out in Schedule 1 of this By-law, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires 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.

3. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the lands shown delineated by heavy lines on Map 1 attached.
4. None of the provisions of Section 2(1) with respect to the definition of '*height*', '*grade*', '*lot*', and '*residential gross floor area*' and Sections 4(2)(a), 4(4), 4(6), 4(12), 4(13), 6(3) PART I 1, 6(3) PART II, 6(3) PART III, 12(2) 118, and 12(2) 119 of 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 lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", shall apply to prevent the erection and use on the *lot* of an *apartment building* and *accessory* uses thereto including but not limited to *car-sharing*, provided that:
  - (a) No portion of any building or structure erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 3 attached, other than:
    - (i) sun shades and associated structures, louvers, building signage, soffits, facia, terrace and balcony dividers, gas meters, cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and underground garage ramps and associated structures;
    - (ii) architectural design elements or features within the dashed line on Map 3, not exceeding a *height* of 21.5 metres; and
    - (iii) balconies, balcony cladding, balcony screens and associated structure, to a maximum depth of 1.8 metres;
  - (b) No portion of any building or structure erected or used above *grade* shall exceed the *height* limits above *grade* in metres specified by the numbers following the symbol "H" as shown on Map 3 attached, other than:
    - (i) balconies, eaves, canopies, cornices, lighting fixtures, awnings, fences and safety railings, architectural features, parapets, trellises, balustrades, window sills, window washing equipment, privacy screens, architectural screens, guardrails, chimneys, vents, stacks, flues, garbage chutes, terraces, platforms, transformer vaults, wheelchair ramps, retaining walls, ornamental elements, architectural elements, landscape elements, green roof elements, roof topping, roof insulation, roof sloping, terrace pavers, outdoor furniture, roof access hatches, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, underground garage ramps and their associated structures, stair landings, planters, and public art features,

elevator overruns and elements or structures on the roof of the building used for outside or open air recreation, safety or wind protection purposes;

- (c) The total *gross floor area* on the *lot* shall not exceed 33,300 square metres;
- (d) *Residential amenity space* shall be provided on the *lot* at a minimum rate of 4.13 square metres for each *dwelling unit*, of which:
  - (i) at least 2.0 square metres for each *dwelling unit* is indoor *residential amenity space*, of which a minimum of 25 percent shall be in a multi-purpose room or multi-purpose rooms;
  - (ii) at least 40.0 square metres is outdoor *residential amenity space* in a location adjoining or directly accessible to the indoor *residential amenity space*;
  - (iii) a minimum of one indoor *residential amenity space* must contain a kitchen and a washroom; and
  - (iv) no more than 25 percent of the outdoor *residential amenity space* component may be a green roof;
- (e) A minimum of ten percent (10 percent) of the total number of *dwelling units* constructed in the building on the *lot* shall contain three bedrooms or more;
- (f) The maximum number of *dwelling units* shall be 440;
- (g) *Parking spaces* shall be provided and maintained in accordance with the following ratios:
  - (i) a minimum of 88 *parking spaces* for the *dwelling units*;
  - (ii) a minimum of 12 *visitor parking spaces*; and
  - (iii) a maximum of 4 *car-share parking space*;
- (h) A maximum of 6 small car *parking spaces* may be provided and maintained on the *lot*, with a minimum length of 4.75 metres;
- (i) A minimum of 6 accessible *parking spaces* shall be provided and maintained on the *lot*, with the following minimum dimensions:
  - (i) length of 5.6 metres;
  - (ii) width of 3.4 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, except for 1.0 metre, measured at a right angle from rear of accessible parking space, the rear being the furthest point of parking space from access to drive aisle;
- (j) Bicycle parking spaces shall be provided and maintained on the lot in accordance with the following ratios:
  - (i) for residential uses, a minimum of 0.9 bicycle parking spaces shall be provided for each dwelling unit; and
  - (ii) for visitors, a minimum of 0.10 bicycle parking spaces shall be provided for each dwelling unit;
- (k) A minimum of one *loading space – type G* shall be provided and maintained on the *lot*;
- (l) None of the provisions of By-law 438-86 shall apply to prevent a *sales office* on the *lot*;
- (m) For the purpose of Section 4 of this By-law:
  - (i) "*height*" means the vertical distance between *grade* and the highest point of the buildings or structures, excluding permitted projections identified in Section 4(b) of this By-law;
  - (ii) "*grade*" means 165.65 metres Canadian Geodetic Datum;
  - (iii) "*lot*" means the parcel of land delineated as Block A by heavy lines on Map 2 attached to and forming part of this By-law;
  - (iv) "*gross floor area*" means the sum of the total area of each floor level of a *building*, above and below the ground, measured from the exterior of the *main wall* of each floor level, but excluding:
    - (A) indoor amenity space;
    - (B) parking, loading and bicycle parking below established grade;
    - (C) parking, loading and bicycle parking at or above established grade;
    - (D) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
    - (E) shower and change facilities required by this By-law for required bicycle parking spaces;
    - (F) elevator shafts;

- (G) garbage shafts;
  - (H) mechanical penthouse; and
  - (I) exit stairwells in the building.
- (v) "*car-share*" motor vehicle means a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of the building erected on the lot;
  - (vi) "*car-share parking space*" means a *parking space* used exclusively for the parking of a *car-share* motor vehicle;
  - (vii) "*sales office*" means a building, structure, facility or trailer on the *lot* used for the purpose of the sale or leasing of *dwelling units* to be erected on the *lot*; and
  - (viii) each other word or expression that is italicized in this By-law shall have the same meaning as that word or expression as defined in By-law 438-86, as amended.
5. None of the provisions of Section 2(1) with respect to the definition of '*height*' and '*grade*', and Section 4(2)(a) of Zoning By-law No. 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 lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", shall apply to prevent the erection and use on the *lot* of a *building*, provided that:
- (a) No portion of any building or structure erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 4 attached, other than:
    - (i) balconies, cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and underground garage ramps and associated structures;
  - (b) No portion of any building or structure erected or used above *grade* shall exceed the *height* limits above *grade* in metres specified by the numbers following the symbol "H" as shown on Map 4 attached, other than:
    - (i) balconies, eaves, canopies, cornices, lighting fixtures, awnings, fences and safety railings, architectural features, parapets, trellises, balustrades, window sills, window washing equipment, privacy screens, architectural screens, guardrails, chimneys, vents, stacks, terraces, platforms, transformer vaults, wheelchair ramps, retaining walls, ornamental elements, architectural elements, landscape elements, green roof elements, outdoor furniture, roof access hatches, walkways, stairs, covered stairs and

or stair enclosures associated with an entrance or exit from an underground parking garage, underground garage ramps and their associated structures, stair landings, planters, and public art features, elevator overruns and elements or structures on the roof of the building used for outside or open air recreation, safety or wind protection purposes;

- (c) For the purpose of Section 5 of this By-law:
- (i) "height" means the vertical distance between *grade* and the highest point of the buildings or structures, excluding permitted projections identified in Section 4(b) of this By-law;
  - (ii) "*grade*" means 165.65 metres Canadian Geodetic Datum; and
  - (iii) "*lot*" means the parcel of land delineated as Block B by heavy lines on Map 2 attached to and forming part of this By-law.
6. Despite any existing or future severance, partition, or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition or division occurred.

Authority: Local Planning Appeal Tribunal Decision issued on April 16, 2019 and Order issued on August 19, 2019 in Tribunal File No. PL171269

**Schedule 1****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:

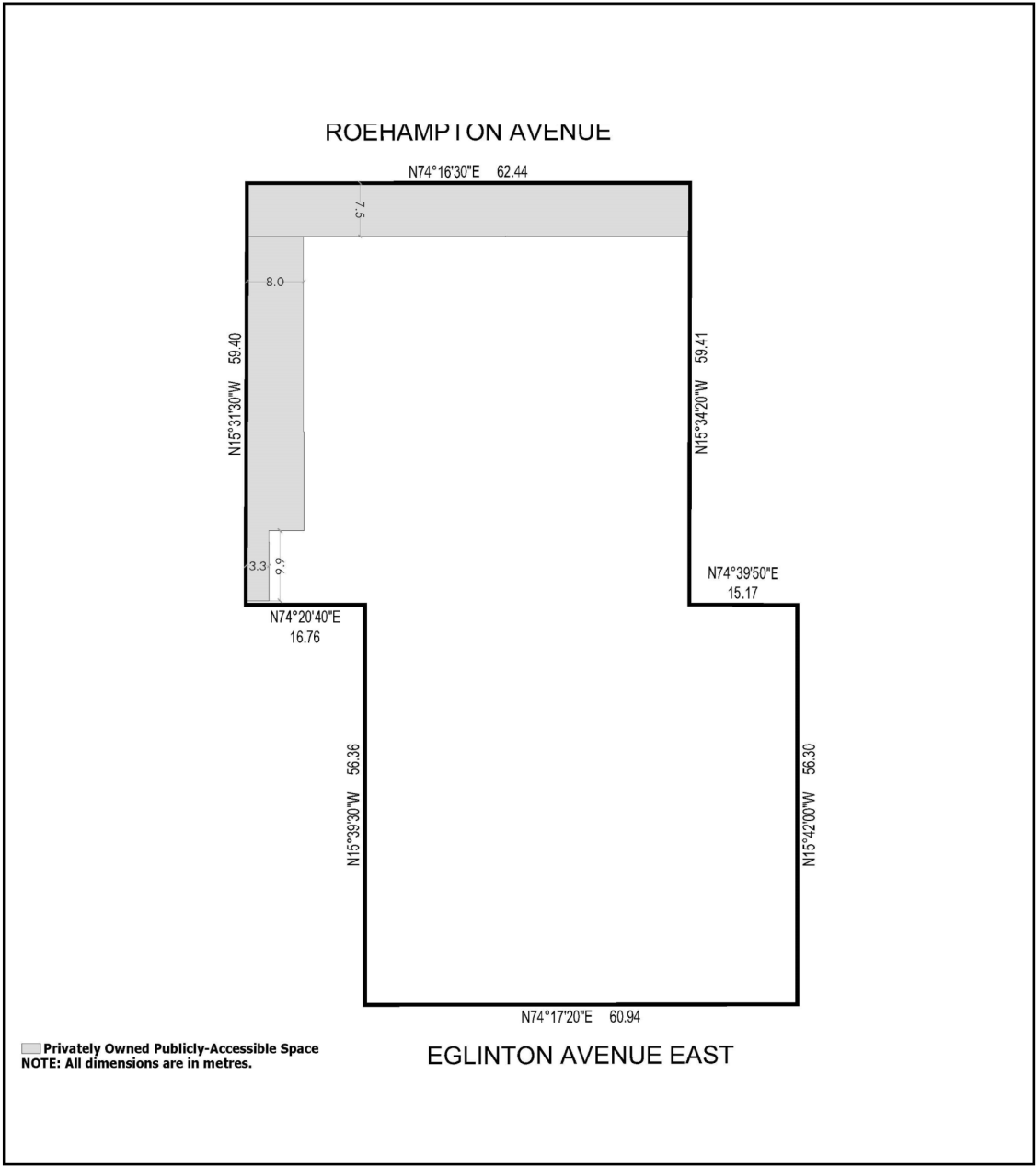
The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development on the lot and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner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

1. Prior to the issuance of the first above-grade building permit for all or part of the lands, the owner shall provide a financial contribution to the City of \$1,700,000.00 to be allocated as follows:
  - (a) \$790,000.00 for upgrades to the privately-owned publicly accessible open space (POPS), as detailed in landscape plans provided to the City; and
  - (b) \$910,000.00 for public realm improvements, public art and/or additional community services and facilities in the Yonge-Eglinton Secondary Plan area in accordance with the infrastructure priorities identified for the area through the Yonge-Eglinton Secondary Plan Review.
2. The owner shall provide a privately-owned publicly-accessible open space (POPS), with a minimum area of 442 square metres, on the *lot* as part of the redevelopment of the *lot*, as generally located on the landscape plans provided to the City, with the final location, configuration and design to be determined through the site plan approval process pursuant to Section 114 of the City of Toronto Act, 2006 and secured in a site plan agreement with the City, including but not limited to an obligation on the owner to install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the privately-owned publicly-accessible open space (POPS) between 6:00 a.m. and 1:30 a.m., 365 days of the year.
3. Prior to the occurrence of the earlier of condominium registration or first occupancy for the proposed development on the *lot*, the owner shall convey a surface easement to the City over the lands that shall constitute the privately-owned publicly accessible open space (POPS).
4. The owner shall secure the following matters with respect to the lands on the abutting lot known municipally as 15 Roehampton Avenue:
  - (a) Prior to the issuance of the first above-grade building permit for all or part of the lands on the *lot*, the owner shall execute and register on title to of the *lot* of a shared facilities and cost sharing agreement with the owner of the abutting lot regarding the ongoing operation, maintenance and repair of the privately-owned

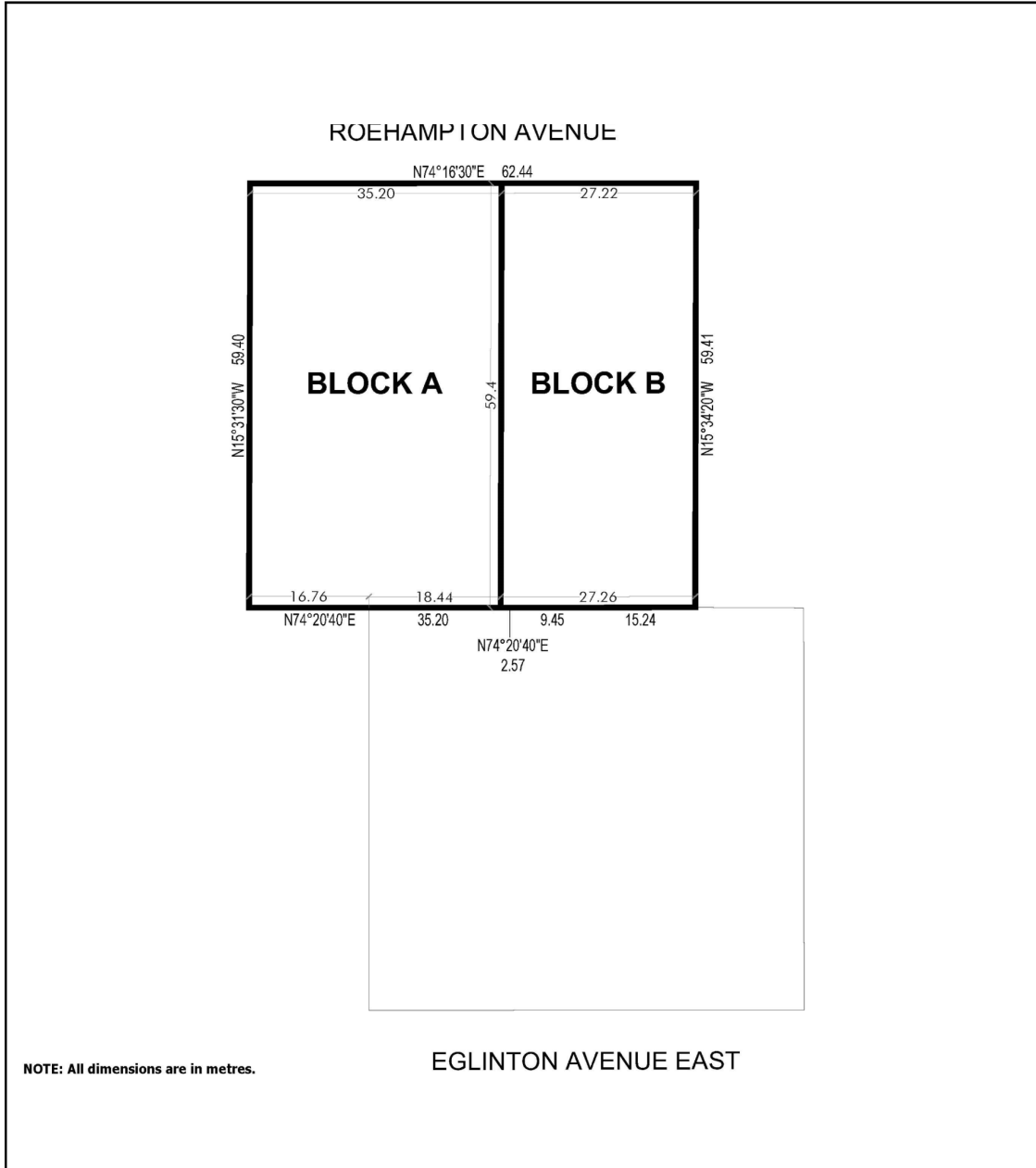
publicly-accessible open space (POPS) and ensure that same is registered on title to the abutting lot; and

- (b) Prior to the occurrence of the earlier of condominium registration or the first occupancy for the proposed development on the *lot*, the owner shall provide proof, to the satisfaction of the City Solicitor, that a surface easement has been conveyed to the City over a minimum total area of 242 square metres on the abutting lot, which shall constitute the privately-owned publicly accessible open space (POPS) on the abutting land, as generally located on the landscape plans provided to the City.
5. The owner shall, at its own expense, design and construct an entrance connection to the below-grade pedestrian path to the Yonge/Eglinton station located on the lands known municipally as 15 Roehampton Avenue and 8 Eglinton Avenue East, which connection will provide access from the development to the publicly accessible pathway leading through the 15 Roehampton Avenue and 8 Eglinton Avenue East, thereby linking the development to the Eglinton Subway Station.
6. Prior to the occurrence of the earlier of condominium registration or first occupancy for the proposed development on the *lot*, the owner shall convey publicly accessible easement to the City to and over that portion of the development that leads to the below-grade pedestrian path, located on the lands known municipally as 15 Roehampton Avenue and 8 Eglinton Avenue East, for use by the general public and the City.

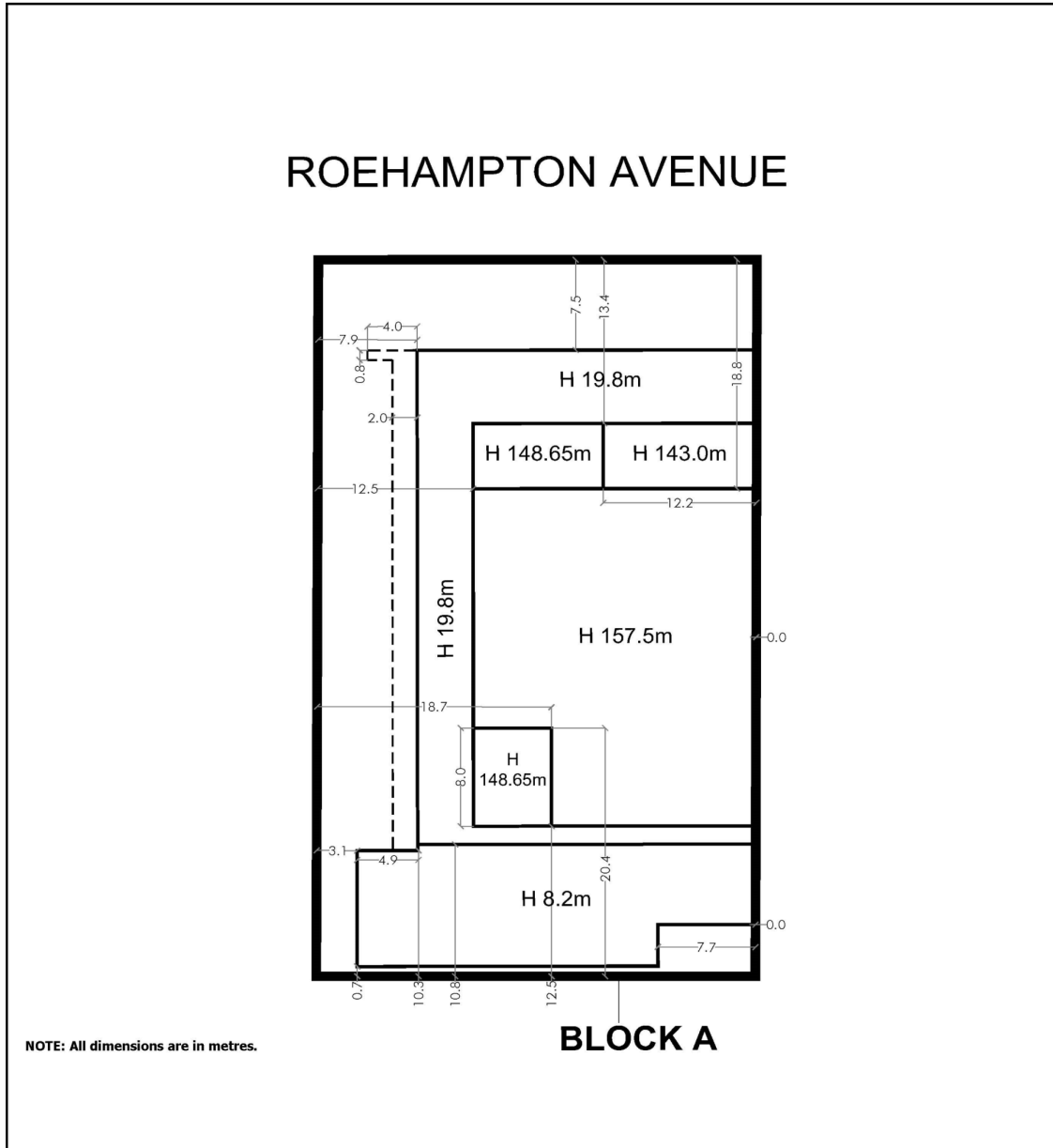
Map 1



Map 2



Map 3



Map 4

