

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 1482-2019(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 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 City of Toronto Zoning By-law 569-2013, 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 By-law 569-2013, 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, By-law 569-2013 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 No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 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 to R (d2.0) (x66) and R (d2.0) (x67) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 66 so that it reads:

(66) Exception R 66

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 Block A, as identified on Diagram 3 of By-law 1482-2019(LPAT), if the requirements of Section 6 and Schedule A of By-law 1482-2019(LPAT) are complied with, a **building, structure**, addition or enlargement may be constructed or erected in compliance with regulations (B) to (T) below;
- (B) For purposes of this exception, **established grade** is the Canadian Geodetic Datum elevation of 165.65 metres;
- (C) Despite Regulation 10.10.40.10(1), no portion of any **building or structure** may exceed the height in metres specified by the numbers following the symbol HT and number of storeys following the symbol ST on Diagram 4 of By-law 1482-2019(LPAT);
- (D) Despite (C) above and Regulations 10.5.40.10(3) and (4), the following **building** elements may exceed the permitted maximum height:
- (i) Parapets and elements of a **green roof** up to a maximum of 1.5 metres;
 - (ii) Elements or structures on the roof of a **building** used for outside or open air recreation, outdoor **amenity space**, fixed outdoor furniture, trellises, privacy screens, terrace or balcony dividers, railings, guardrails, fences, roof access hatches, transformer vaults, stairs, covered stairs or stair enclosures, stair landings, landscape elements or features, ramps or elevating device providing barrier free access, chimneys, vents, flues, stacks, public art features, fire safety equipment and servicing, gas metres and associated privacy screens and window washing equipment up to a maximum of 3.0 metres; and
 - (iii) Light fixtures up to a maximum of 5.0 metres;
- (E) Despite Regulation 10.5.40.70(1) and Clause 10.10.40.70, the required minimum **building setbacks** are shown on Diagram 4 of By-law 1482-2019(LPAT);
- (F) Despite Clause 10.5.40.60, the following **building** elements may encroach into the required minimum **building setbacks**:
- (i) Balconies, balcony cladding, balcony screens and associated structures up to a maximum of 1.8 metres;

- (ii) Canopies and awnings and ornamental elements up to a maximum of 2.1 metres; and
- (iii) Architectural wall assemblies not creating enclosed spaces, architectural curtain wall projections, ornamental elements, sun shades and louvres and their associated **structures**, and window washing equipment are permitted to encroach into a required **building setback** if such elements:
 - (a) remain entirely within the areas delineated by dashed lines on Diagram 4 and Diagram 5 of By-law 1482-2019(LPAT);
 - (b) are located at a minimum height of 5.0 metres and do not exceed a maximum height of 21.5 metres; and
 - (c) do not enclose space to form a room or rooms;
- (iv) Privacy screens, terrace or balcony dividers, railings, guardrails, fences, transformer vaults, ramps or elevating device providing barrier free access, public art features, chimneys, vents, flues, stacks, lighting fixtures, and fire safety equipment and servicing, up to a maximum depth of 3.0 metres; and
- (v) Gas meters and associated privacy screens;
- (G) Despite Regulations 10.5.50.10(4)(A) and 10.5.50.10(4)(B), a minimum of 23 percent of the area of the **lot** must be **landscaping**, of which a minimum of 13 percent must be **soft landscaping**;
- (H) Despite Regulation 10.5.50.10(5), a minimum 1.5 metre wide strip of **soft landscaping** is not required along any part of a **lot line** abutting another **lot** in the Residential Zone category;
- (I) Despite Regulation 10.10.40.50(1), **amenity space** must be provided 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 **amenity space**, of which a minimum of 25 percent must be in a multi-purpose room or multi-purpose rooms;
 - (ii) at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to an indoor **amenity space**;
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**; and
 - (iv) a minimum of one indoor **amenity space** must contain food preparation facilities and sanitary facilities;

- (J) Regulation 10.10.40.30(1)(B) restricting the maximum **building depth** of an **apartment building** does not apply;
- (K) Despite Regulation 10.10.40.40(1), the total permitted maximum **gross floor area** of all **buildings** and **structures** is 33,300 square;
- (L) The permitted maximum number of **dwelling units** is 440;
- (M) A minimum of ten percent of the total number of **dwelling units** constructed in the **building** must contain three bedrooms or more;
- (N) Despite Regulation 200.5.1(3)(A), the minimum width for a two **lane drive aisle** is 5.5 metres if the centreline of a **parking space** is at an interior angle of 70 to 90 degrees to the centreline of the **drive aisle** providing **vehicle** access;
- (O) Despite Regulation 200.5.10.1(1), **parking spaces** must be provided and maintained as follows:
- (i) a minimum of 88 **parking spaces** for tenants of **dwelling units**;
 - (ii) a minimum of 12 **parking spaces** for visitors of **dwelling units**; and
 - (iii) a maximum of 4 "car-share" **parking spaces**, which, for the purpose of this exception, are **parking spaces** used exclusively for the parking of a motor vehicle that is available for short-term rental, including an option for hourly rental, for the use of at least the occupants of a **building** erected on the **lot**;
- (P) Despite Regulation 200.5.1.10(2)(i), a maximum of 3 **parking spaces** may be provided and maintained with a minimum length of 4.75 metres;
- (Q) Despite Regulations 200.15(1) and 200.15(3) and clause 200.15.10, a minimum of 6 accessible **parking spaces** must be provided and maintained, 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 the rear of the accessible **parking space**. The rear being the furthest point of **parking space** from access to **drive aisle**.

- (R) Despite Regulation 220.5.10.1(2), a minimum of 1 Type "G" **loading space** must be provided and maintained;
- (S) Despite Regulation 230.5.1.10(9)(B), a required "long-term" **bicycle parking space** for a **dwelling unit** in an **apartment building** may be located on the first **storey** of the **building**, the second **storey** of the **building**, or on levels of the **building** below-ground;
- (T) Despite any existing or future severances, partition, or division of the lands subject to this Exception, the provisions of this Exception will apply to the whole of the lands as if no severance, partition, or division had occurred.

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

5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 67 so that it reads:

(67) Exception R 67

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 Block B, as identified on Diagram 3 of By-law 1482-2019(LPAT), if the requirements of By-law 1482-2019(LPAT) are complied with, a **building, structure**, addition or enlargement may be constructed or erected in compliance with regulations (B) to (E) below;
- (B) For purposes of this exception, **established grade** is the Canadian Geodetic Datum elevation of 165.65 metres;
- (C) Despite Regulations 10.10.40.10(1) and 10.10.40.10(3), the height of any **building** erected on the lands must not exceed the maximum height in metres permitted as indicated by the numbers following the letter "HT" as shown on Diagram 5 of By-law 1482-2019(LPAT);
- (D) Despite Regulation 10.5.40.70(1) and Clause 10.10.40.70, the required minimum **building setbacks** are shown on Diagram 5 of By-law 1482-2019(LPAT), except as permitted by Clause 10.5.40.60; and
- (E) Despite (C) and (D) above, if the requirements of Section 6 and Schedule A of By-law 1482-2019(LPAT) are complied with, then **building** elements attached to a **building** on Block A, as identified on Diagram 3 of By-law 1482-2019(LPAT), pursuant to Exception R 66, are permitted to encroach within the area of Block B delineated by dashed lines, as identified on Diagram 5 of By-law 1482-2019(LPAT), if such elements comply with the requirements of Regulation (F)(iii) within the Site Specific Provisions of Exception R 66.

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

6. 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 Block A on Diagram 3 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof 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 to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner shall 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.

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Schedule A**Section 37 Provisions**

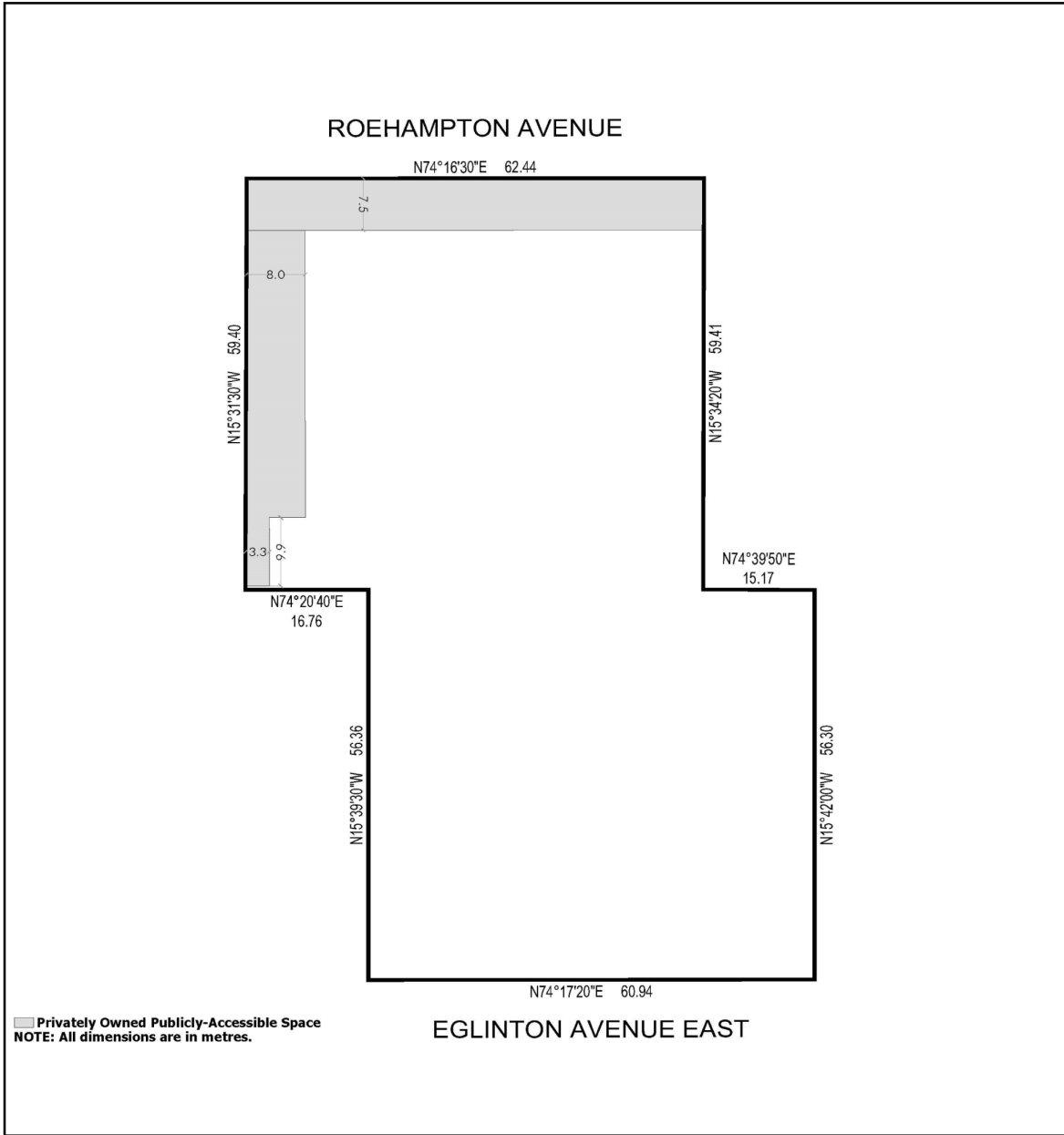
The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development on the lot and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner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

1. Prior to the issuance of the first above-grade building permit 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.

Diagram 1



Privately Owned Publicly-Accessible Space
NOTE: All dimensions are in metres.

Diagram 2

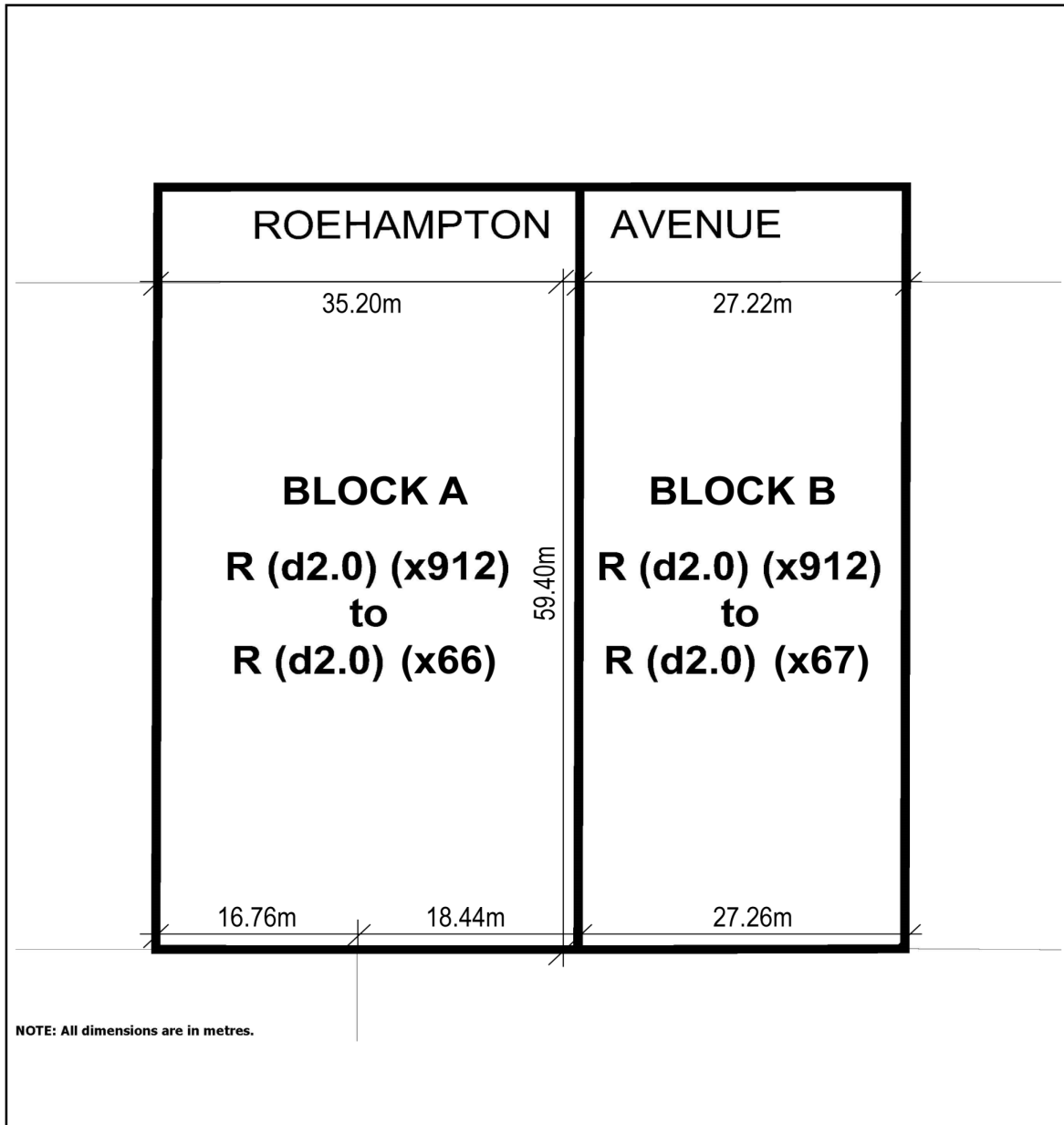


Diagram 3

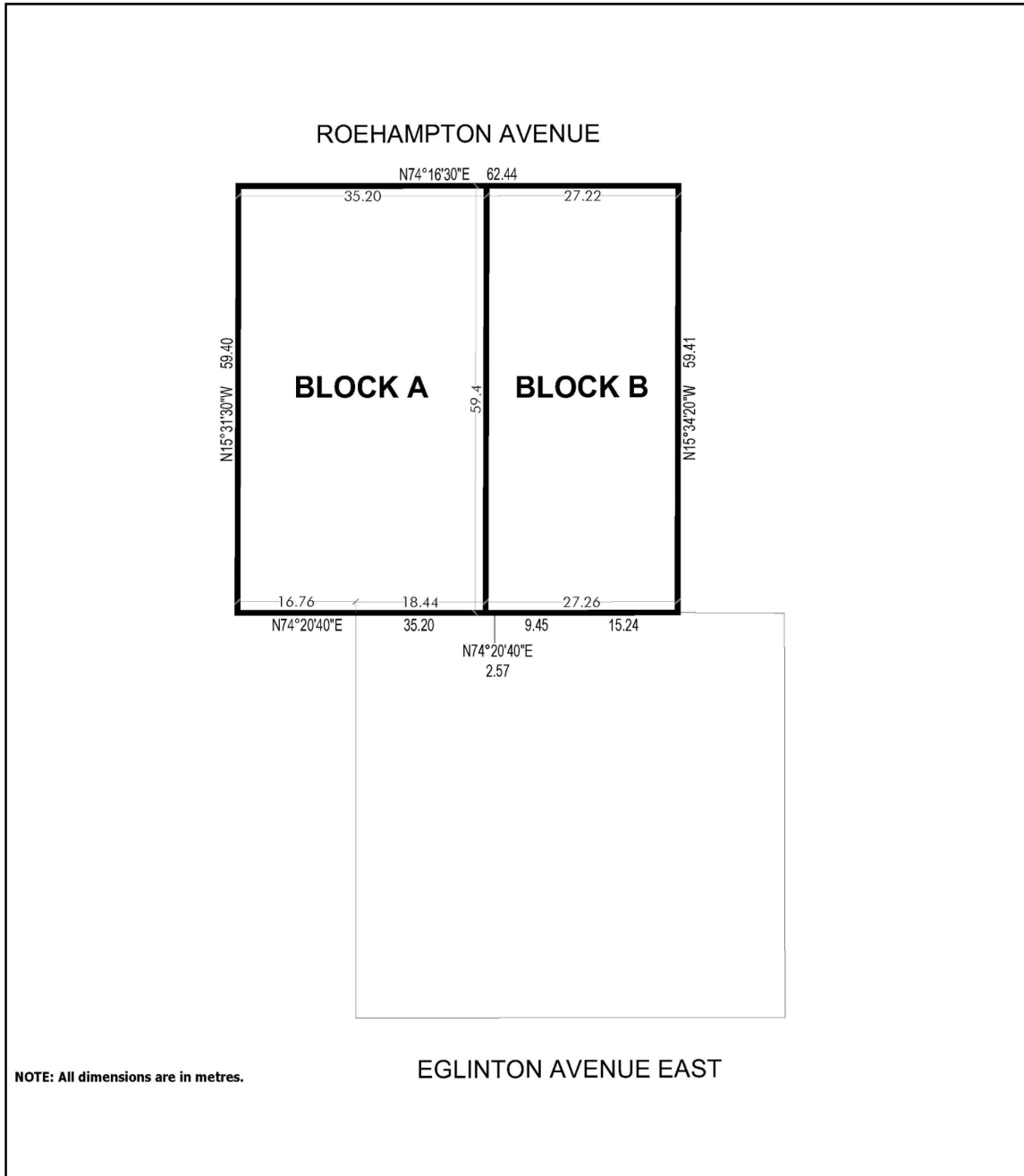


Diagram 4

