

Authority: Local Planning Appeal Tribunal Decision issued April 17, 2018, and Orders issued October 24, 2019 and July 7, 2020 in Tribunal File PL161153

CITY OF TORONTO

BY-LAW 766-2020(LPAT)

To amend Chapters 304, 320, 323 and 324 of the Etobicoke Zoning Code, as amended, with respect to the lands municipally known as 4000 Eglinton Avenue West.

Whereas the owner of the lands known municipally as 4000 Eglinton Avenue West has appealed a proposed zoning by-law amendment to the Local Planning Appeal Tribunal; and

Whereas the Local Planning Appeal Tribunal, by its Decision/Orders issued on April 17, 2018, October 24, 2019 and July 7, 2020 in Tribunal File PL161153 approved amendments to the former City of Etobicoke Zoning Code with respect to those lands; 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 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 the Etobicoke Zoning Code, as amended, is 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;

The Local Planning Appeal Tribunal, by Order, amends the Etobicoke Zoning Code as follows:

1. That the zoning map referred to in Section 320-5, Article II of the Etobicoke Zoning Code and referred to in Section 323-1, be and the same, is amended by changing the classification of the lands shown as outlined by a heavy black line on Schedule A attached hereto (hereinafter referred to as the "lot") from Second Density Residential (R2) to Sixth Density Residential (R6) and from Second Density Residential (R2) to OS (Public Open Space).

2. Notwithstanding the provisions of Sections 320-18(B), 320-18(C), 320-18(D), 320-19, 320-39, 320-40, 320-44, 320-45, 320-52, 320-76, and 320-77 of the Etobicoke Zoning Code, the following development standards shall apply to the lands zoned R6 on Schedule A.
3. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
4. Definitions

The provisions of Section 304-3 Definitions of the Etobicoke Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law, the following definitions shall apply:

- a) "Amenity Space" means indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities.
- b) "Bicycle Parking Space" means an area used for parking or storing a bicycle; A "long-term" Bicycle Parking Space is a Bicycle Parking Space for use by the occupants or tenants of a building. A "short-term" Bicycle Parking Space is a Bicycle Parking Space for use by visitors to a building. A "stacked" or "double stacked" Bicycle Parking Space means a horizontal Bicycle Parking Space that is positioned above or below another Bicycle Parking Space and is accessed only by means of an elevating device.
- c) "Established Grade" shall be defined as 139.0 metres Canadian Geodetic Datum.
- d) "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. The Gross Floor Area is reduced by the area in the building used for:
 - i) parking, loading and bicycle parking below-ground;
 - ii) required loading spaces and required Bicycle Parking Spaces at or above-ground;
 - iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - iv) shower and change facilities required by this By-law for required Bicycle Parking Spaces;
 - v) indoor Amenity Space and indoor Amenity Space in excess of the By-law requirement;
 - vi) elevator shafts;

- vii) garbage shafts;
 - viii) mechanical penthouse; and
 - ix) exit stairwells in the building.
- e) "Height" means the vertical distance between Established Grade and the highest point of the building or structure except for those elements prescribed in section 8 below.
- f) "Loading Space" means an area used for the loading or unloading of goods or commodities from a vehicle.

5. Permitted Uses

- a) No building or structure shall be erected or used on the lot, except for the following uses:
- i) Apartment Buildings with ground-level Business uses including:
 - a. art gallery;
 - b. artist studio;
 - c. automated banking machine;
 - d. club;
 - e. cogeneration energy;
 - f. community centre;
 - g. crisis care shelter;
 - h. custom workshop;
 - i. day nursery;
 - j. eating establishment;
 - k. education use;
 - l. financial institution;
 - m. group home;
 - n. home occupation;
 - o. library;

- p. market garden;
- q. medical office;
- r. municipal shelter;
- s. nursing home;
- t. office;
- u. outdoor sales or display;
- v. performing arts studio;
- w. personal service shop;
- x. pet services;
- y. place of worship;
- z. production studio;
- aa. private home daycare;
- bb. public utility;
- cc. recreation use;
- dd. religious education use ;
- ee. renewable energy;
- ff. residential care home;
- gg. respite care facility;
- hh. retail store;
- ii. retail service;
- jj. retirement home;
- kk. rooming house;
- ll. secondary suite;
- mm. seniors community house;

- nn. service shop;
- oo. take-out eating establishment;
- pp. transportation use; and
- qq. veterinary hospital.

- ii) Accessory uses and buildings; and
- iii) A temporary sales and leasing office, used exclusively for the initial sale and/or leasing of Apartment Building dwelling units and Business uses.

6. Gross Floor Area

- a) The maximum Gross Floor Area permitted on the lot shall be 95,000 square metres, of which a maximum of 93,100 square metres shall be residential Gross Floor Area and a maximum of 1,900 square metres shall be non-residential Gross Floor Area.

7. Dwelling Units

- a) The maximum number of dwelling units shall be 1,360.
- b) A minimum of 15 percent of the dwelling units shall contain two or more bedrooms and a minimum of 10 percent of the dwelling units shall contain three or more bedrooms, for a total of at least 25 percent of units having two or three bedrooms.

8. Building Height

- a) The maximum building heights to be permitted on the lot shall be shown on Schedule B attached hereto, except for those elements prescribed below:
 - i) enclosures or vestibules providing rooftop access, lighting fixtures, trellises, canopies, awnings and/or other similar shade devices and associated structures, covered bicycle storage enclosures, stairs, stair enclosures, vents, stacks, window washing equipment, fences, wind or privacy screens, structures on the roof used for outside or open air recreation, heating, cooling or ventilating equipment or a fence, wall or structure enclosing such elements, may project above the height limits by no more than 3.0 metres;
 - ii) architectural features, ceilings and guardrailings, balustrades, safety railings, privacy screens, ornamental elements, bollards, green roof elements, wheelchair ramps, outdoor furniture, retaining walls, underground garage ramps and associated structures may project above the height limits by no more than 1.8 metres;

- iii) skylights, roof access hatch may project above the height limits by no more than 4.0 metres;
- iv) parapets may project above the height limits and the maximum height of the mechanical penthouse by 0.8 metres; and
- v) mechanical penthouses having maximum heights of 7.5 metres and covering no more than 70 percent of the roof on which it is located.

9. Setbacks/Building Envelope

- a) No building or structure within the lot shall be located other than within the building envelope shown on Schedule B attached herein, except for those elements prescribed below:
 - i) roof overhangs and cornices, parapets, canopies, balconies, lighting fixtures, awnings, ornamental elements, trellises, eaves, utility meters and associated enclosures, signage, safety railings, stairs, stair enclosures, bollards, wheelchair ramps, vents, fences, wind or privacy screens, landscape elements, terraces, decorative architectural features, bay windows, ramps and associated structures, retaining walls by a maximum of 2 metres; and
 - ii) notwithstanding (i) above, balconies shall not be permitted to encroach into the south setbacks facing Eglinton Avenue West.

10. Amenity Space

- a) Amenity Space shall be provided and maintained on the lot, in accordance with the following:
 - i) a minimum of 1.6 square metres of indoor amenity space for each dwelling unit;
 - ii) for the first 600 dwelling units constructed on the lot, outdoor amenity space shall be provided at an interim rate of 1.25 square metres per dwelling unit;
 - iii) once the number of dwelling units on the lot exceeds a total of 600, outdoor amenity space shall be provided at a combined total rate of 2 square metres per dwelling unit;

11. Vehicle Parking

- a) Vehicle parking spaces shall be provided at the following rates:
 - i) Minimum 0.7 parking spaces per bachelor dwelling unit;

- ii) Minimum 0.8 parking spaces per one-bedroom dwelling unit;
- iii) Minimum 0.9 parking spaces per two-bedroom dwelling unit;
- iv) Minimum 1.1 parking spaces per three-bedroom dwelling unit;
- v) Minimum 0.15 visitor parking space per dwelling unit;
- vi) Minimum 1.0 parking space per 100 square metres of gross floor area for Business uses; and
- vii) Minimum of 22 accessible parking spaces.

12. Bicycle Parking Spaces

- a) Bicycle Parking Spaces shall be provided and maintained on the lot in horizontal, vertical, and stacked spaces, in accordance with the following:
 - i) Minimum 0.68 "long term" Bicycle Parking Spaces per dwelling unit for residential bicycle parking;
 - ii) Minimum 0.07 "short term" Bicycle Parking Spaces per dwelling unit for residential visitor bicycle parking;
 - iii) Minimum 0.13 "long-term" Bicycle Parking Spaces per 100 square metres of gross floor area for Business uses; and
 - iv) Minimum of 3 plus 0.25 "short-term" Bicycle Parking Spaces for each 100 square metres of interior floor area used for Business uses.
- b) A Bicycle Parking Space must comply with the following:
 - i) The minimum dimension of a Bicycle Parking Space is a minimum length of 1.8 metres, a minimum width of 0.6 metres, and a minimum vertical clearance from the ground of 1.9 metres;
 - ii) The minimum dimension of a Bicycle Parking Space if placed in a vertical position on a wall, structure or mechanical device is 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
 - iii) If a stacked Bicycle Parking Space is provided, the minimum vertical clearance for each Bicycle Parking Space is 1.2 metres, the minimum width is 0.38 metres and the minimum length is 1.9 metres and if a double stacked Bicycle Parking Space is provided, the minimum vertical clearance for each Bicycle Parking Space is 1.2 metres, the minimum width is 0.19 metres and the minimum length is 1.2 metres.

- 13. Loading**
- a) Loading Spaces shall be provided as follows:
- i) for the first 600 dwelling units constructed on the lot, at least one (1) Loading Spaces having a minimum length of 13.0 metres, a minimum width of 4.0 metres and a minimum vertical clearance of 6.1 metres must be provided on the lot; and
 - ii) once the number of dwelling units on the lot exceeds a total of 600, a combined total of one loading space as described in 13a)(i) and 1 Loading Space having a minimum length of 6.0 metres, a minimum width of 3.5 metres, and a minimum vertical clearance of 3.0 metres must be provided on the lot.
- 14.** Notwithstanding any 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.
- 15.** Chapter 324, Site Specifics, of the Etobicoke Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
766-2020(LPAT) July 7, 2020	Lands municipally known as 4000 Eglinton Avenue West	To amend the Zoning Code to permit the development of 2 Apartment Buildings with 1,900 square metres of non-residential Gross Floor Area with site specific standards and a park.

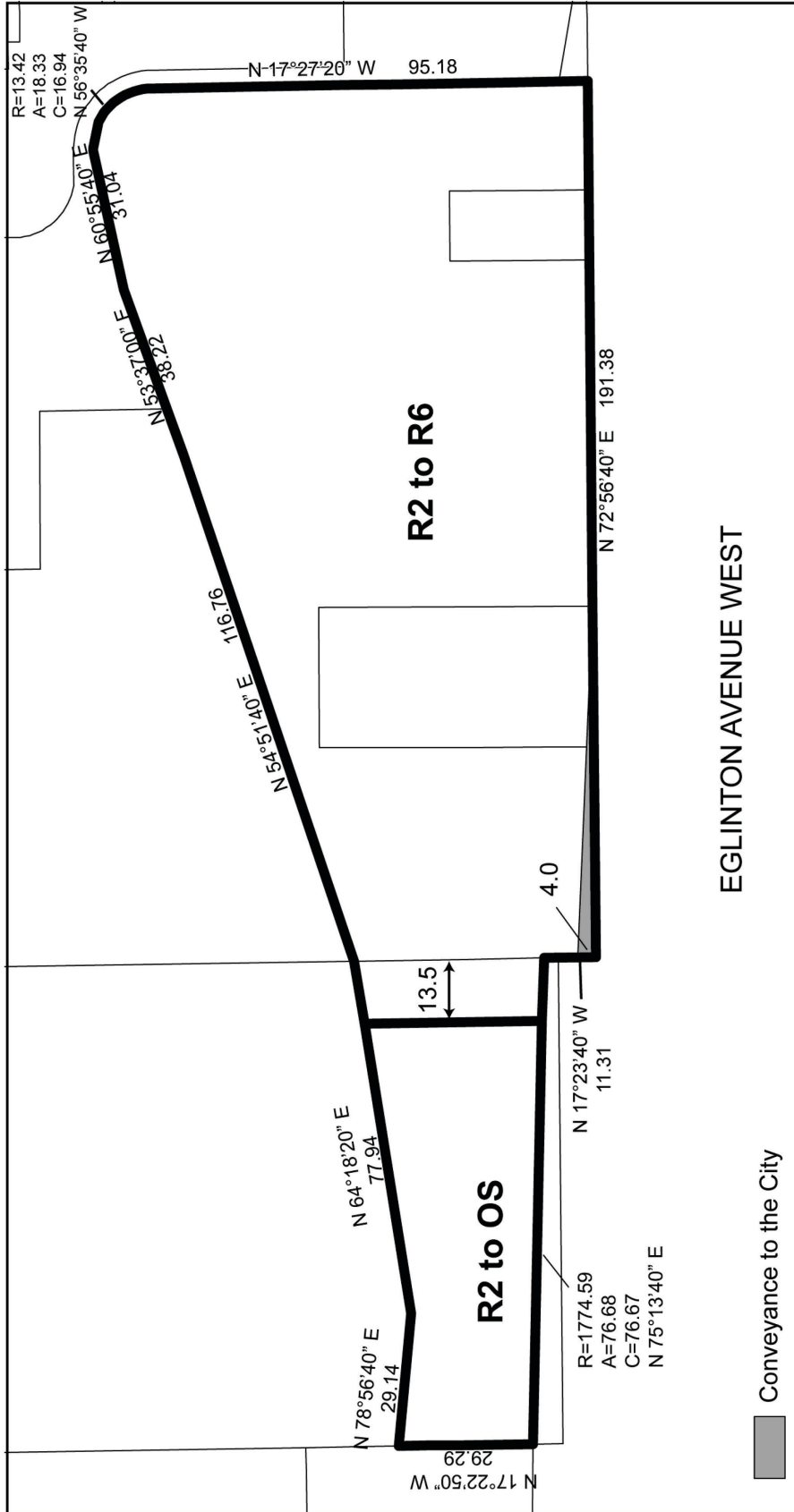
- 16.** Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in height of development on the lot contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Appendix A hereof 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 lot, to the satisfaction of the City Solicitor.
- 17.** Where Appendix 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.
- 18.** 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 Appendix A are satisfied.

Local Planning Appeal Tribunal Decision issued April 17, 2018, and Orders issued October 24, 2019 and July 7, 2020 in Tribunal File PL161153

APPENDIX A

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:

- a) Prior to the issuance of the first Above Grade Permit for the Development, other than for a Temporary Sales Pavilion, the Owner shall make a cash payment to the City in the sum of **THREE MILLION & EIGHT HUNDRED THOUSAND DOLLARS (\$3,800,000.00)** to be used by the City towards community benefits to be identified by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.
- b) Notwithstanding a) above, the Parties agree that a total of up to **EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.00)** of the total contribution amount set out in Section 3.1 may be satisfied by the provision of Public Art, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.
- c) The total contribution amount of \$3,800,000.00 set out in a) and b) above shall be indexed upwardly to reflect increases in the Construction Price Index from the date of this Agreement to the date of payment.



4000 Eglinton Avenue West

Schedule A

File # 15 268318 WET 04 0Z

Part of Lot 17, Concession C, fronting The Humber, City of Toronto.
Bennett Young Limited, March 28, 2006.



City of Etobicoke By-law 11,737
Not to Scale
07/24/2020

