

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 767-2020(LPAT)

To amend the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands municipally known as 4000 Eglinton Avenue West.

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 City of Toronto Zoning By-law 569-2013, as amended, with respect to the municipally known as 4000 Eglinton Avenue West; and

Whereas the Local Planning Appeal Tribunal has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended to pass this by-law; 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 By-law 569-2013, 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 Orders:

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 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to the By-law to the Zoning By-law Map in Section 990.10 and applying the following zone labels to these lands: RAC(x180) and OR as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, the Height Overlay Map in Section 995.20.1, the Lot Coverage Overlay Map in Section 995.30.1 and the Rooming House Overlay Map in Section 995.40.1 to apply a null value to the lands shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.8.10 Exception Number (180) so that it reads:

Exception RAC 180

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 4000 Eglinton Avenue West, if the requirements of Section 8 and Schedule A of By-law 767-2020(LPAT) are complied with, **buildings, structures**, additions or enlargements are permitted in compliance (B) to (T) below;
- (B) For purposes of this Exception, **established grade** is the Canadian Geodetic Datum of 139.0 metres;
- (C) In addition to the provisions of regulation 15.5.40.40(1), the gross floor area of an **apartment building** is also reduced by the area in a building used for parking, loading and bicycle parking below-ground, required **loading spaces**, required **bicycle parking spaces** at or above-ground, and indoor **amenity space** in excess of the By-law requirement;
- (D) Despite regulation 15.20.20.100(1) (C), permitted commercial and other non-residential uses may occupy more than 50 percent of the **interior floor area** of the first **storey** of an **apartment building**;
- (E) Despite regulations 15.20.20.100(1) (D) and (E), 1,900 square metres of permitted commercial and other non-residential uses may be provided on the lands, and the **interior floor area** of an individual establishment may exceed 200 square metres;
- (F) Despite regulation 15.20.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 95,000 square metres, provided:
 - (i) the **gross floor area** for residential uses does not exceed 93,100 square metres; and

- (ii) the **gross floor area** for permitted commercial and other non-residential uses does not exceed 1,900 square metres;
- (G) The maximum number of **dwelling units** is 1,360;
- (H) A minimum of 15 percent of all **dwelling units** must have two or more bedrooms and a minimum of 10 percent of the **dwelling units** must have three or more bedrooms, for a total of at least 25 percent of **dwelling units** having two or three or more bedrooms;
- (I) Despite Clause 15.20.40.10, the permitted maximum height of **buildings and structures** is shown in metres after the letters "HT", and in **storeys** after the letters "ST", shown on Diagram 4 of By-law 767-2020(LPAT);
- (J) Despite (I) above and Clause 15.5.40.10, the following elements of a **building and structure** may project above the permitted maximum height:
 - (i) enclosures or vestibules providing rooftop access, lighting fixtures, trellises, canopies, awnings or other similar shade devices and associated structures, stairs, stair enclosures, vents, stacks, window washing equipment, wind or privacy screens, structures on the roof used for outside or open air recreation, heating, cooling or ventilating equipment or a wall or structure enclosing such elements, may project above the height limits by no more than 3.0 metres;
 - (ii) architectural features, parapets, and guard railings, balustrades, safety railings, privacy screens, ornamental elements, bollards, green roof elements, 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 about the height limits and the maximum height of the mechanical penthouse by 0.8 m; 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;
- (K) Despite Clause 15.20.40.70 and regulations 15.20.40.80(1)(B) and (2)(B), required minimum **building setbacks** and minimum separation distances are shown in metres on Diagram 4 of By-law 767-2020(LPAT);
- (L) Despite (K) above, and in addition to those elements listed in Clause 15.5.40.60, the following may encroach into the required minimum **building setbacks** and separation distances:

- (i) roof overhangs and cornices, parapets, canopies, balconies, lighting fixtures, awnings, ornamental elements, trellises, eaves, utility meters and associated enclosures, safety railings, stairs, stair enclosures, bollards, wheelchair ramps, vents, wind or privacy screens, landscape elements, terraces, decorative architectural features, bay windows, ramps and associated structures, by a maximum of 2 metres; and
 - (ii) despite (i) above, balconies are not permitted to encroach into the required minimum **building setbacks** facing Eglinton Avenue West;
- (M) Despite regulation 15.20.40.50(1), **amenity space** must be provided as follows:
 - (i) a minimum of 1.6 square metres of indoor **amenity space** for each **dwelling unit**;
 - (ii) for the first 600 **dwelling units**, outdoor **amenity space** must be provided at an interim rate of 1.25 square metres per **dwelling unit**;
 - (iii) if the number of **dwelling units** exceeds a total of 600, outdoor **amenity space** must be provided at a combined total rate of 2.0 square metres per **dwelling unit**; and
 - (iv) no more than 25 percent of the outdoor component may be a **green roof**;
- (N) Despite regulation 15.5.50.10(1), no **landscaping** is required;
- (O) Despite regulation 200.5.10.1(1), **parking spaces** must be provided and maintained on the **lot** as follows:
 - (i) a minimum of 0.7 **parking spaces** for each bachelor **dwelling unit**;
 - (ii) a minimum of 0.8 **parking spaces** for each one bedroom **dwelling unit**;
 - (iii) a minimum of 0.9 **parking spaces** for each two bedroom **dwelling unit**;
 - (iv) a minimum of 1.1 **parking spaces** for each three bedroom **dwelling unit**;
 - (v) a minimum of 0.15 visitor **parking spaces** for each **dwelling unit**; and
 - (vi) a minimum of 1.0 **parking space** for each 100 square metres of commercial and non-residential **gross floor area**;
- (P) Despite 200.15.10. (1) (C), 22 accessible **parking spaces** must be provided and maintained on the **lot**.
- (Q) Despite regulations 230.5.10.1(1), (2) and (5), **bicycle parking spaces** must be provided as follows:

- (i) a minimum of 0.68 **bicycle parking spaces** per **dwelling unit** must be allocated as long-term **bicycle parking spaces** for the **dwelling units**;
 - (ii) a minimum of 0.07 **bicycle parking spaces** per **dwelling unit** must be allocated as short-term **bicycle parking spaces** for the **dwelling units**;
 - (iii) a minimum of 0.13 **bicycle parking spaces** per 100 square metres of non-residential **interior floor area** must be allocated for long-term **bicycle parking spaces** for commercial and non-residential uses; and
 - (iv) a minimum 3 plus 0.25 **bicycle parking spaces** for each 100 square metres of **interior floor area** must be allocated for short-term **bicycle parking spaces** for commercial and non-residential uses;.
- (R) Despite regulation 230.5.1.10(4), if a stacked **bicycle parking space** is provided, the minimum vertical clearance for each stacked **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.
- (S) Despite Clause 220.5.10.1,
- (i) for the first 600 **dwelling units**, at least one (1) Type "G" **loading space** must be provided;
 - (ii) if the number of **dwelling units** exceeds a total of 600, a combined total of one (1) Type "C" **loading space** and one (1) Type "G" **loading space** must be provided.
- (T) None of the provisions of By-law 569-2013 apply to prevent a **sales office** on the lands.

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

- 6. Despite any future severance, partition or division of the lands shown on Diagram 1, the provisions of this By-law apply as if no severance, partition or division occurred.
- 7. No setbacks are required for a temporary building, structure, facility or trailer on the lot used for the purpose of a retail store used exclusively for the sale and/or leasing of dwelling units or non-residential uses proposed on the **lot**;
- 8. Section 37 Provisions:
 - (A) 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 Schedule 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;

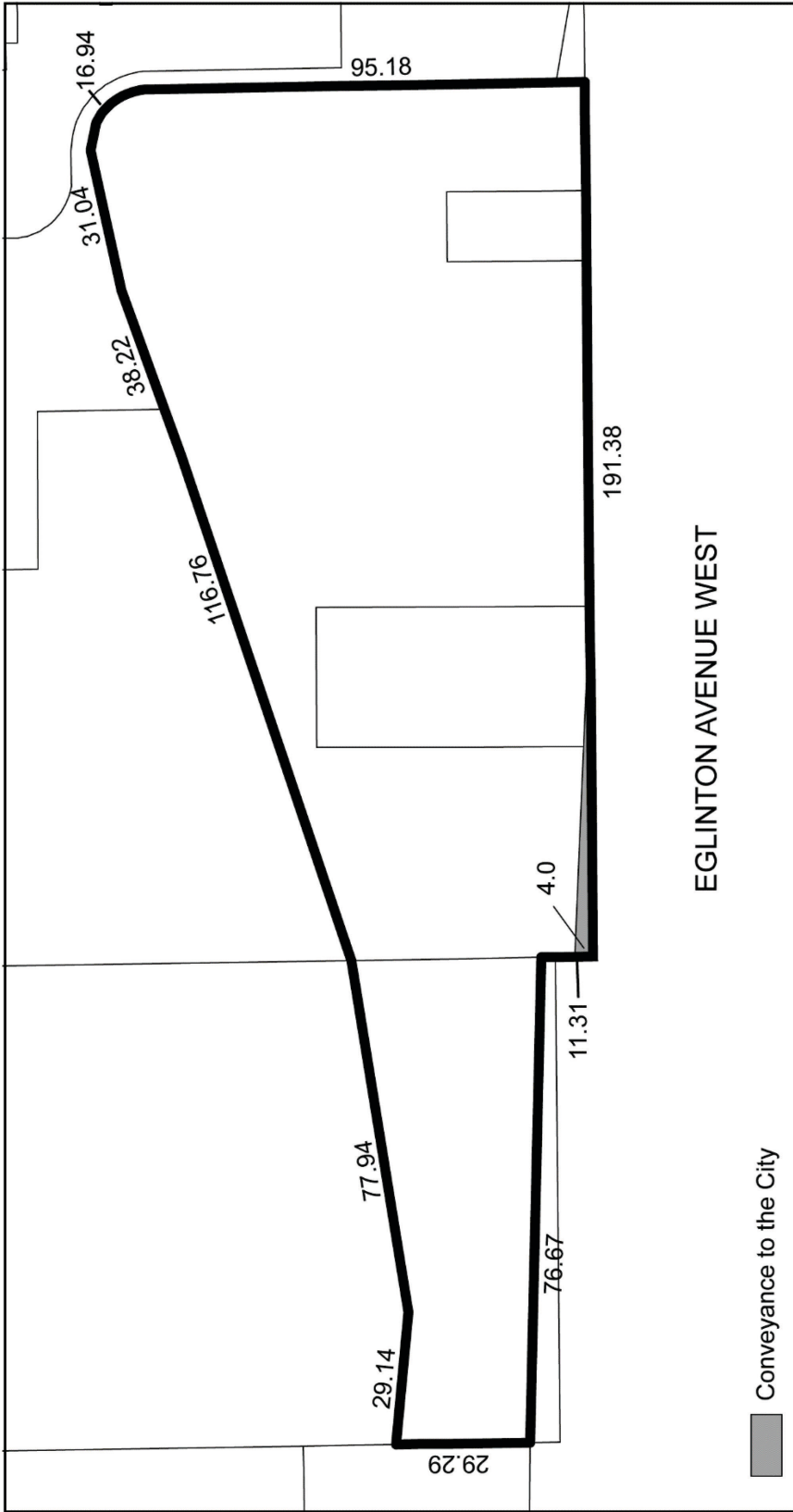
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

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.

SCHEDULE 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 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 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.



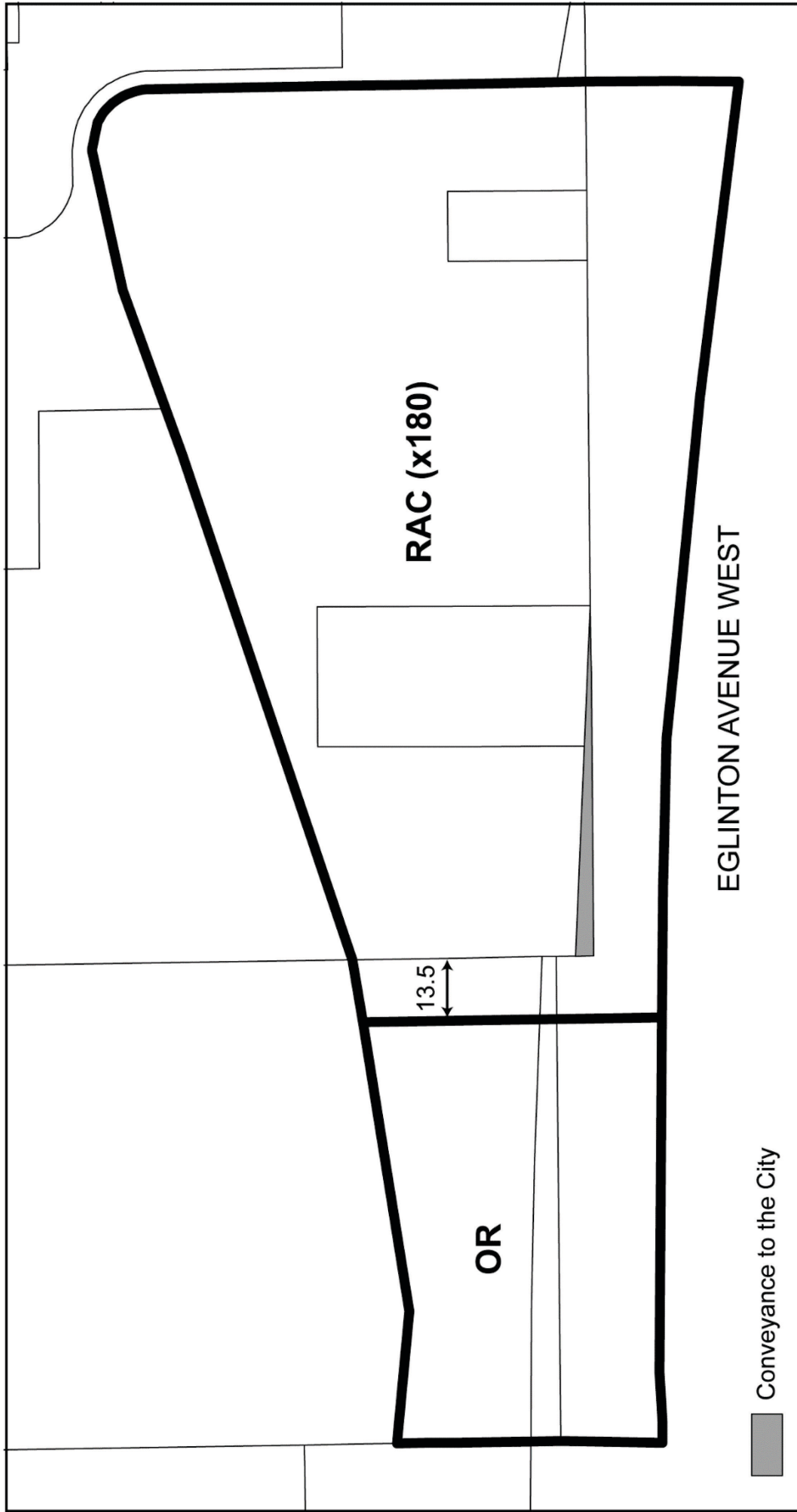
4000 Eglinton Avenue West



Diagram 1

File # 15 268318 WET 04 02

City of Toronto By-law 569-2013
 Not to Scale
 07/24/2020



4000 Eglinton Avenue West



Diagram 2

File # 15 268318 WET 04 0Z


 City of Toronto By-law 569-2013
 Not to Scale
 07/24/2020

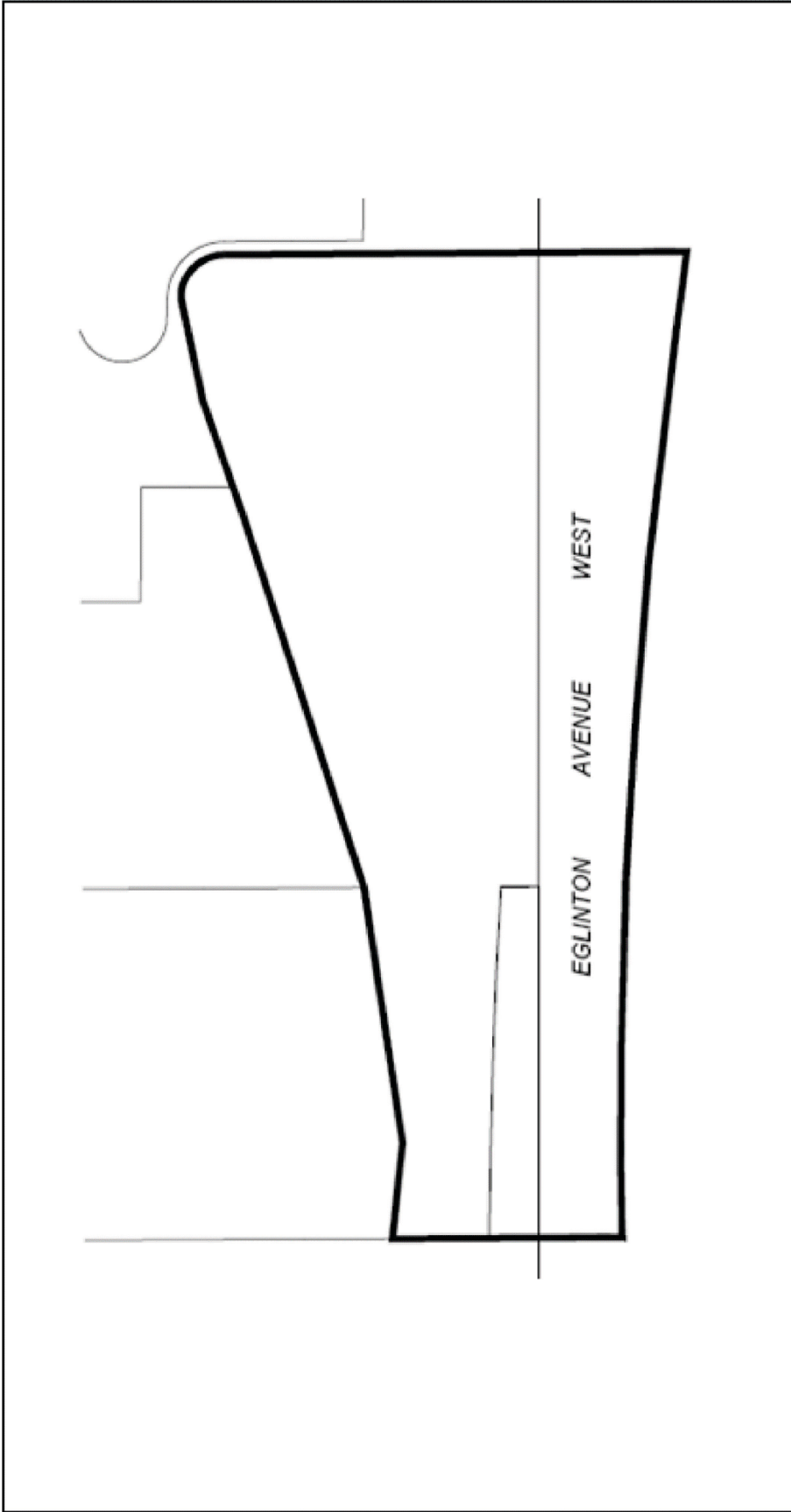


Diagram 3

4000 Eglinton Avenue West

File # 15 268318 WET 04 0Z



City of Toronto By-law 569-2013
Not to Scale
07/24/2020

