

Authority: Local Planning Appeal Tribunal Decision issued on September 30, 2020 and Order issued on October 8, 2020 in File PL160085

CITY OF TORONTO

BY-LAW 984-2020(LPAT)

To amend City of Toronto By-law 569-2013, as amended, with respect to the lands known municipally in the year 2019 as 660 Eglinton Avenue East and 1801 Bayview Avenue.

Whereas the Local Planning Appeal Tribunal, by its Decision issued on September 30, 2020, and its Order issued on October 8, 2020 in Tribunal Case PL 160085 approved amendments to the City of Toronto Zoning By-law 569-2013, as amended; and

Whereas pursuant to Section 39 of the Planning Act, the Local Planning Appeal Tribunal may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law; and

Whereas the Official Plan for the former 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 Zoning 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, by Order, amends By-law 569-2013 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 569-2013, Chapter 800 Definitions.

3. Zoning By-law 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 CR 1.2 (c0.4; r0.8) SS2 (x279), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 90011.10 Exception Number 279 so that it reads:

Exception CR 279

The lands or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-law, and Prevailing Sections:

Site Specific Provisions:

- A. On 660 Eglinton Avenue East and 1801 Bayview Avenue, if the requirements of Section 8 and Schedule A of By-law 984-2020(LPAT) are complied with, the erection or use of a **building, structure**, addition or enlargement is permitted in compliance with Regulations (B) through (LL) below.
- B. 'Building A' is the **lawfully existing building** known in 2019 as 1801 Bayview Avenue, as shown on Diagram 3 of By-law 984-2020(LPAT).
- C. Despite Regulation 40.10.20.40(1)(C), a **townhouse** is a permitted **dwelling type**.
- D. Despite Regulation 40.10.20.100(1), the permitted maximum **interior floor area** of all **eating establishments** on the lands is 700 square metres.
- E. Despite Regulation 40.10.20.100(1), the permitted maximum **interior floor area** of all **recreational uses** on the lands is 500 square metres.
- F. Despite Regulation 40.10.20.100(1), the permitted maximum **interior floor area** of all **take-out eating establishments** on the lands is 700 square metres.
- G. Despite Regulation 40.10.20.100(5), the permitted maximum **interior floor area** of all **retail stores with beverage manufacturing use for beer, cider or wine** on the lands is 500 square metres.
- H. Despite Regulation 40.10.20.100(16), the permitted maximum **interior floor area** of all **custom workshops** on the lands is 500 square metres.
- I. Despite Regulation 40.10.20.100(16), the permitted maximum **interior floor area** of all **service shops** on the lands is 500 square metres.
- J. Despite Regulation 40.10.20.100(17), the permitted maximum **interior floor area** of all **retail services** on the lands is 500 square metres.
- K. For Regulations D, E, F, G, H, I and J above, the calculation of total **interior floor area** is reduced by the area the **interior floor area** used for items listed in Regulations 40.5.40.40(1) (A) to (G) and 40.5.40.40(3) (A) to (I).

- L. Clause 40.10.30.40, related to lot coverage, does not apply.
- M. Despite Clause 40.10.40.40(1), the permitted maximum **gross floor area** of '**Building B**' and '**Building C**', as shown on Diagram 3 of By-law 984-2020(LPAT)), is 34,450 square metres, of which a maximum of 30,450 square metres may be used for residential uses.
- N. In addition to the permitted exclusions of Regulation 40.5.40.40(3), the **gross floor area** of '**Building B**' and '**Building C**', as shown on Diagram 3 of By-law 984-2020(LPAT), is reduced by the area in the **building** used for:
- i. Above ground **parking spaces** and drop off;
 - ii. Storage rooms, washrooms, electrical rooms, utility rooms, mechanical rooms, moving room, mail room, firefighter central alarm control facilities (CACF), and residential garbage rooms below ground and on the first **storey**;
 - iii. Mechanical and ventilation shafts; and
 - iv. Pedestrian bridges.
- O. Despite Regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 143.68 metres, and the highest point of the **building** or **structure**.
- P. Despite 40.10.40.1(1), all residential use portions of a **mixed use building** must be located above non-residential use portions of a **building**, other than:
- i. residential lobby access; and
 - ii. on a **corner lot**, **dwelling units** may be located in the first **storey** of a building if the **dwelling units** are located to the rear of the non-residential uses on the first **storey**.
- Q. Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the numerical value in metres following the HT symbol, as shown on Diagram 3 of By-law 984-2020(LPAT).
- R. Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the numerical value following the ST symbol, as shown on Diagram 3 of By-law 984-2020(LPAT), excluding mechanical penthouses, generators, stair enclosures and elevator overruns.
- S. Retaining walls and the enclosed pedestrian bridge between '**Building B**' and '**Building C**' have no maximum height requirements, and no minimum setback requirements.

- T. For the purposes of this exception, dwelling units on the ground floor having two levels will be considered to be one **storey** for the purpose of calculating the number of **storeys** permitted in accordance with (Q) above.
- U. For the purpose of this exception, Regulation 40.10.40.10(5) does not apply to dwelling units on the ground floor.
- V. For the purposes of this exception, Regulation 40.10.40.10(5) does not apply to the ground floor of 'Building B' and 'Building C'.
- W. Despite Clause 40.5.40.10 and Regulation (Q) above, the following may exceed the permitted maximum **building** height as follows:
- i. 0.9 metres for skylights and roof access hatch;
 - ii. 1.5 metres for planters, architectural or ornamental features, cornices, railings and guard railings;
 - iii. 2.1 metres for balconies, terrace dividers and privacy screens;
 - iv. 4.0 metres for wind screens, wind and mitigation **structures**, canopies, trellises, parapets, awnings and/or other similar shade devices and associated **structures**, outdoor **amenity space** elements including outdoor kitchens; and
 - v. 6.5 metres for elevator overruns, stairs, stair enclosures, crash walls, vents, stacks, flues, chimneys, mechanical equipment and associated enclosures, generators and associated enclosures, and window washing equipment and associated enclosures.
- X. Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are shown in metres on Diagram 3 of By-law 984-2020(LPAT).
- Y. Despite Regulation 40.10.40.80(2), the required minimum above-ground distance between **main walls** are shown in metres on Diagram 3 of By-law 984-2020(LPAT).
- Z. The required minimum **building** stepbacks are shown on Diagram 3 of By-law 984-2020(LPAT).
- AA. Despite Regulation 5.10.40.70(1), Clause 40.5.40.60, Clause 40.10.40.60 and Regulations (X), (Y) and (Z) above, the following may encroach into a required building setback, stepback, or minimum above-ground distance between **main walls**, as shown on Diagram 3 of By-law 984-2020(LPAT), to a maximum of:
- i. 0.9 metres for architectural or ornamental features, including but not limited to cornices, piers, eaves, roof overhangs, mouldings, sills, scuppers, rain water leaders, lighting fixtures and bay windows;

- ii. 1.5 metres for balconies facing Eglinton Avenue East or Bayview Avenue below a height of 20.0 metres, guard rails, and window washing equipment;
 - iii. 2.0 metres for balconies facing Eglinton Avenue East or Bayview Avenue at or above a height of 20.0 metres;
 - iv. 2.4 metres for stairs;
 - v. 4.0 metres for stoops, decks, porches, trellises, privacy screens, utility meters and associated enclosures, railings, vents and **structures** for wind mitigation;
 - vi. 6.0 metres for canopies; and
 - vii. 5.0 metres for covered bicycle storage enclosures, ramps, garage ramps and associated **structures**.
- BB. Regulation 40.10.50.10(3), related to **soft landscaping**, does not apply.
- CC. Regulation 40.10.80.20(2), related to the location of **parking spaces**, does not apply.
- DD. Despite Table 200.5.10.1, parking spaces for '**Building B**' and '**Building C**', as shown on Diagram 3 of By-law 984-2020(LPAT), must be provided as follows:
- i. a minimum of 0.6 **parking spaces** will be required for each bachelor **dwelling unit**;
 - ii. a minimum of 0.7 **parking spaces** will be required for each one bedroom **dwelling unit**;
 - iii. a minimum of 0.9 **parking spaces** will be required for each two bedroom **dwelling unit**;
 - iv. a minimum of 1.0 **parking spaces** will be required for each three or more bedroom **dwelling unit**;
 - v. a minimum of 0.1 visitor **parking spaces** will be required for each **dwelling unit**; and
 - vi. a minimum of 1.0 **parking space** will be required for every 100 square metres of non-residential **gross floor area**.
- EE. For each on-site car-sharing **parking space** provided, the minimum number of required residential **parking spaces** may be reduced by 4 **parking spaces**, up to a maximum of 1 car-sharing **parking space** per 60 **dwelling units**.

- FF. Despite Regulation 200.5.10.1 the **parking spaces** required by (DD)(v) and (vi) above may be shared on the following basis:
- i. AM occupancy:
 - Visitors to **Dwelling Units** - 10 percent
 - Retail Uses - 20 percent
 - Office Uses – 100 percent
 - ii. PM occupancy:
 - Visitors to **Dwelling Units** - 35 percent
 - Retail Uses – 100 percent
 - Office Uses – 60 percent
 - iii. Eve occupancy:
 - Visitors to **Dwelling Units** - 100 percent
 - Retail Uses - 100 percent
 - Office Uses – 0 percent
- GG. Despite Regulation 230.5.1.10(9)(B), long-term **bicycle parking spaces** for a **dwelling unit** in an **apartment building or mixed-use building** may be located on the first **storey** of the **building**, second **storey** of the **building**, or on levels of the **building** below-ground.
- HH. Despite Regulations 40.10.90.1, 40.10.90.10(1)(C), and 220.5.10.1, a minimum of one Type G **loading space** and two Type B **loading spaces** must be provided for '**Building B**' and '**Building C**', to be shared, as shown on Diagram 3 of By-law 984-2020(LPAT).
- II. Despite Regulations 200.15.1(1), (2), (3) and (4), an accessible **parking space** must have the following minimum dimensions:
- i. length of 5.6 metres;
 - ii. width of 3.4 metres; and
 - iii. vertical clearance of 2.1 metres.
- JJ. Despite Regulation 200.15.10(1) accessible parking spaces will be provided as follows:

- i. 4 accessible **parking spaces** for the first 100 **parking spaces** plus 1 accessible **parking space** for every 50 **parking spaces** or part thereof in excess of 100 **parking spaces**.
 - KK. None of the provisions in (A) to (JJ) above will prevent the **lawfully existing buildings, structures** and uses existing in 'Building A' as shown on Diagram 3 of By-law 984-2020(LPAT).

Prevailing By-laws and Prevailing Sections:

 - (A) For Building A as shown on Diagram 3 of By-law 984-2020 (LPAT) Section 6.11.1, former Town of Leaside zoning by-law 1916, as amended.
 - LL. For 'Building A', **amenity space** and **bicycle parking** are not required.
5. Despite any existing or future consent, severance, partition or division of the lands outlined in heavy lines on Diagram 1, the provisions of this By-law apply to the whole of these lands, as if no consent, severance, partition or division had occurred.
 6. For the purposes of this By-law:
 - A. Car-sharing means the practice whereby a number of people share the use of one or more motor **vehicles** and such car-sharing motor **vehicles** are made available for short term rental, including hourly rental; and
 - B. Car-sharing **parking space** means a **parking space** exclusively reserved and signed for a car or cars used only for car-sharing purposes.
 7. None of the provisions of By-law 569-2013, as amended, apply to prevent a temporary sales office on the lot, used exclusively for the initial sale and/or initial leasing of **dwelling units** or non-residential units proposed on the same lot, for a period not to exceed 3 years from the date of this by-law coming into full force and effect.
 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 and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 of By-law 984-2020(LPAT), in return for 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 to 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.

- C. The owner shall not use or permit the use of **'Building B'** or **'Building C'** as shown on Diagram of By-law 984-2020(LPAT) with an increase in height and density pursuant to this By-law unless all of the provisions of Schedule A are satisfied.

Local Planning Appeal Tribunal Decision issued on September 30, 2020 and Order issued on October 8, 2020 in File PL160085.

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:

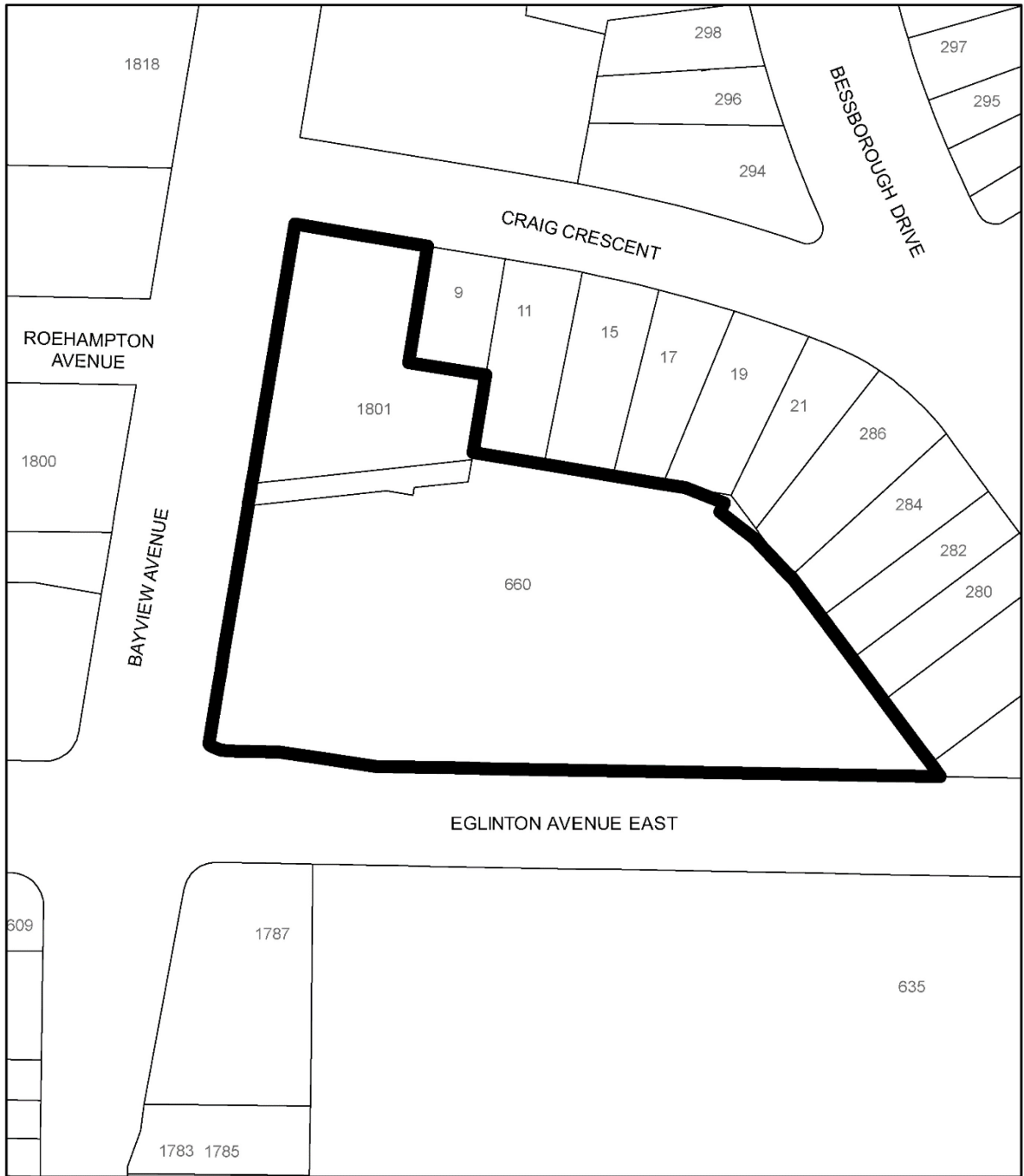
- i. Prior to the issuance of an above-grade building permit for the proposed development on the lot, other than a building permit for a temporary sales office/pavilion, the Owner shall:
 - a. Pay to the City the sum of Two Million Seven Hundred Thousand Dollars (\$2,700,000) (indexed) to be applied to new recreational/community facilities (including off-site parkland acquisition) in the Leaside community, or the expansion of any existing recreational/community facilities, and
 - b. Pay to the City the sum of One Hundred and Sixty Five Thousand Dollars (\$165,000)(indexed) to be applied to improvements to the greenspace located at the north east corner of Bessborough Drive and Eglinton Avenue East;

with such funds to be used in the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.
- ii. Other matters to support the development of the lot:
 - a. Subject to the following provisions, the owner of the site (the "Owner") shall make its commercially reasonable best efforts to ensure that prior to the issuance of the first above-grade building permit for the site, it shall convey an off-site dedication for parkland purposes (the "Off-Site Parkland Conveyance") in base park condition to the satisfaction of the General Manager, Parks, Forestry and Recreation and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
 - b. Should the Owner not have achieved the Off-Site Parkland Conveyance prior to the issuance of the first above-grade building permit, the Owner may choose to submit a Letter of Credit in lieu of and to the value of the Cash-in-Lieu Payment the day before the day the first above-grade building permit is issued. In which case, should the Off-Site Parkland Conveyance not be completed by the earlier of first occupancy or first registration of a condominium of the site, the City may cash the Letter of Credit and apply the proceeds to be paid towards the Cash-in-Lieu Payment. The General Manager, Parks, Forestry and Recreation may agree to extend date for the completion of the Off-Site Parkland Conveyance in its sole discretion.
 - c. The Off-Site Parkland Conveyance shall be environmentally acceptable to the General Manager, Parks, Forestry and Recreation and shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances

and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation.

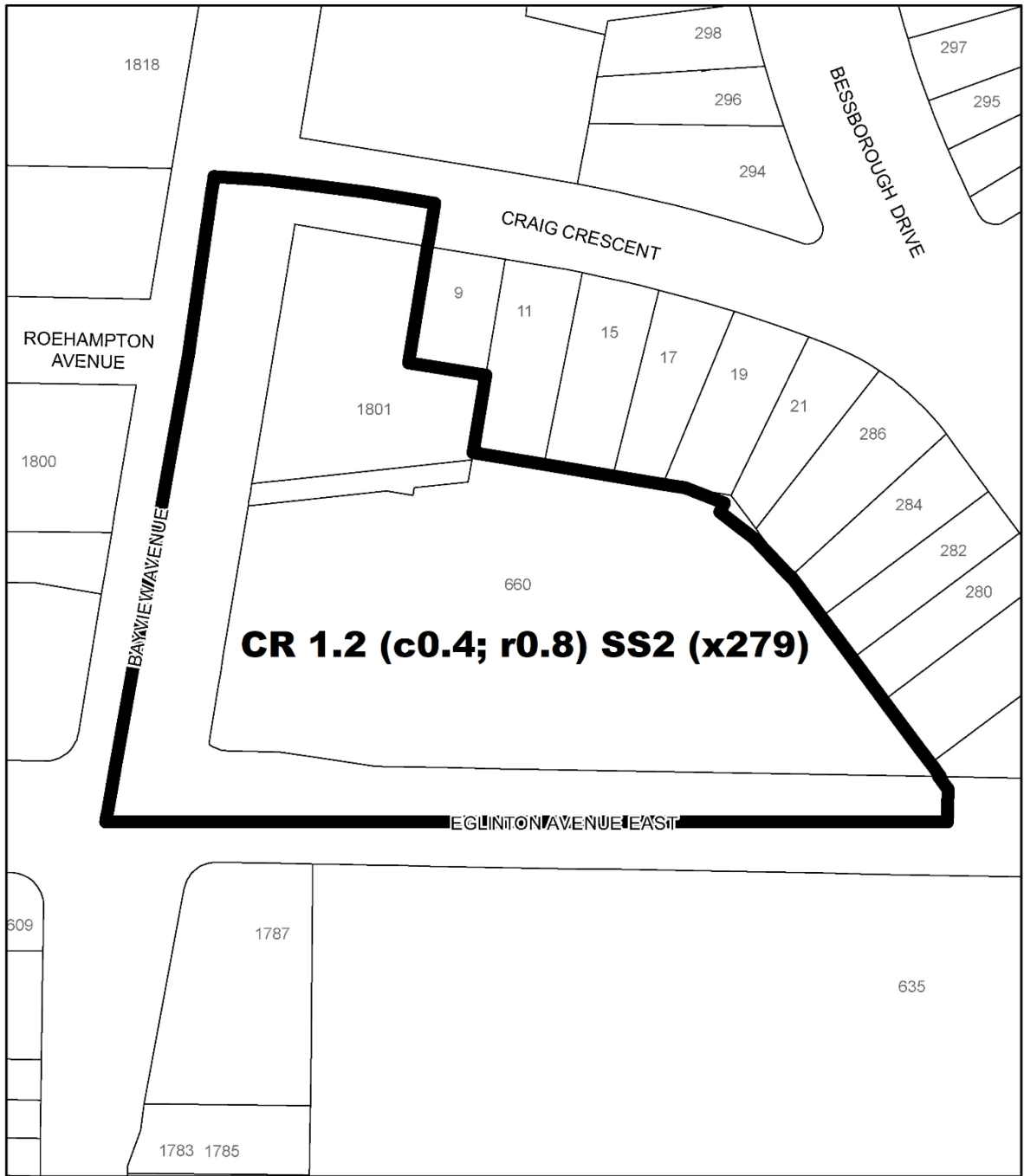
- d. The Owner shall pay for all of the costs of the Off-Site Parkland Conveyance, including demolition and removal of any existing structures, environmental remediation, taxes and the preparation and registration of all relevant documents. The Owner shall provide, to the satisfaction of the City Solicitor, all legal descriptions and applicable reference plans for the Off-Site Parkland Conveyance.
- e. The Owner and the City acknowledge and agree that the Off-Site Parkland Conveyance could land that is to the satisfaction of the General Manager, Parks, Forestry and Recreation and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
- f. The Owner acknowledges and agrees that it will undertake its commercially reasonable best efforts to obtain and convey to the City an acceptable Off-Site Parkland Conveyance and agrees to provide the General Manager, Parks, Forestry and Recreation with an update every two months on its efforts to obtain the same.
- g. If the Owner succeeds in obtaining an option to obtain an acceptable Off-Site Parkland Conveyance, or otherwise satisfies the General Manager, Parks, Forestry and Recreation that it is likely to do so, it shall provide the General Manager, Parks, Forestry and Recreation with an estimate of the Owner's cost (the "Owner's Off-Site Parkland Cost"), which will include: the cost of the land, closing costs including reasonable legal fees and land transfer tax, reasonable consultant costs for the completion of required environmental reports, costs related to the demolition and removal of any existing residential home including permit fees and reasonable consultant costs and environmental remediation costs and base park improvement costs.
- h. Upon receiving the Owner's estimate of the Owner's Off-Site Parkland Cost, the General Manager, Parks, Forestry and Recreation and the Chief Planner, in consultation with the Ward Councillor, will then determine if the City should proceed with the acquisition and provision to the City of the Off-Site Parkland Conveyance.
- i. If the City decides to proceed with the acquisition and provision to the City of the Off-Site Parkland Conveyance, the City and the Owner shall then work in good faith to enter into an appropriate agreement of purchase and sale in respect to the Off-Site Parkland Conveyance to include these provisions.
- j. If the value of the Owner's Off-Site Parkland Cost is the same as the Cash-in-Lieu Payment:
 - 1. upon completion of Off-Site Parkland Conveyance, the Owner will have to make no further contribution in respect of Section 42 of the Planning Act; and

2. if the Owner has provided a Letter of Credit pursuant to paragraph (b), the City shall return the Letter of Credit to the Owner.
- k. If the value of the Owner's Off-Site Parkland Cost is less than the Cash-in-Lieu Payment:
 1. the Owner shall pay the difference to the City;
 2. if the Owner has provided a Letter of Credit pursuant to paragraph (b), the City shall return the Letter of Credit to the Owner; and
 3. the Owner will have to make no further contribution in respect of Section 42 of the Planning Act.
- l. If the value of the Owner's Off-Site Parkland Cost is greater than the Cash-in-Lieu Payment,
 1. the City shall pay the difference to the Owner;
 2. if the Owner has provided a Letter of Credit pursuant to paragraph (b), the City shall return the Letter of Credit to the Owner; and
 3. the Owner will have to make no further contribution in respect of Section 42 of the Planning Act.
- m. The Owner acknowledges that the decision of the General Manager, Parks, Forestry and Recreation and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, to advise the Owner to proceed with the acquisition and provision to the City of the Off-Site Parkland Conveyance pursuant to paragraph (h) may be contingent upon any funding approval that may be required to allow the City to pay the difference to the Owner.
- n. The Owner and the City acknowledge that the Cash-in-Lieu Payment that would otherwise be payable by the Owner is based on the value of 0.0899 hectare (899 square metres) of on-site dedication as appraised by Real Estate Services as of the day before the day the first above grade building permit is issued.
- o. The City acknowledges that, if the Off-Site Parkland Conveyance is completed prior to the issuance of the first above-grade building permit for the site, then for the purposes of determining the value of the Owner's Off-Site Parkland Cost in relation to the Cash-in-Lieu Payment, the Owner's Off-Site Parkland Cost shall be increased or decreased from the date of the completion of the conveyance to the date of the issuance of the first above-grade building permit, in accordance with increases or decreases in the Non-Residential Building Construction Output Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Construction Price Statistics Publication 62-007-XPB or its successor.



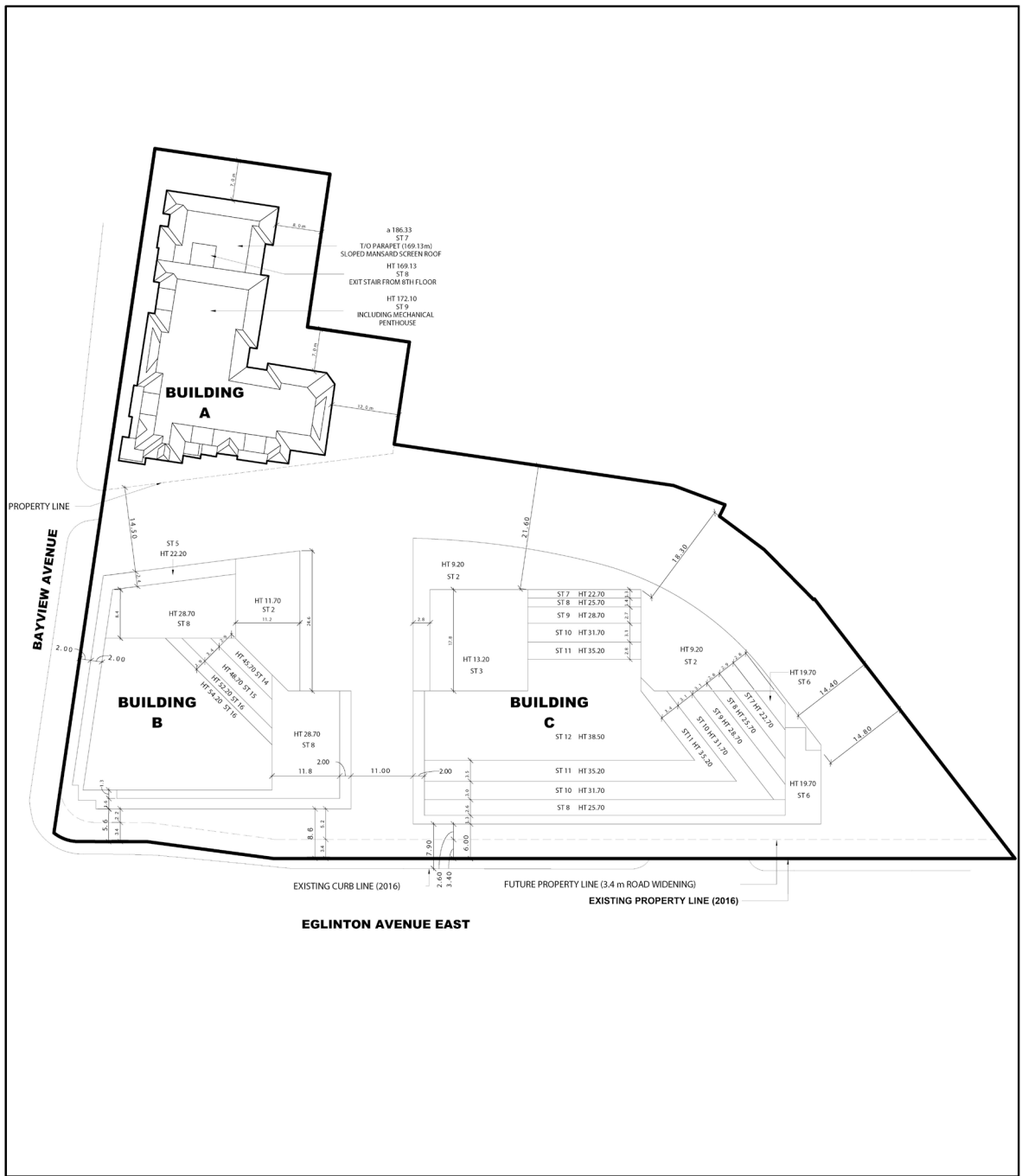
660 Eglinton Avenue East and 1801 Bayview Avenue

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