

**CITY OF TORONTO**

**BY-LAW 328-2022(LPAT)**

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2022 as 492, 494, 496, and 498 Eglinton Avenue East and 3, 5 and 7 Cardiff Road.**

Whereas the *owner* of the lands known municipally in the year 2022 as 492, 494, 496, and 498 Eglinton Avenue East and 3, 5 and 7 Cardiff Road appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas Local Planning Appeal Tribunal Orders issued April 12, 2019 and December 23, 2019, in File PL160996, upon hearing an appeal under Section 17(40) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 438-86, as amended, with respect to lands municipally known as 492, 494, 496, and 498 Eglinton Avenue East and 3, 5 and 7 Cardiff Road;

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

1. Except as otherwise provided herein, the provisions of By-law 438-86, as amended shall continue to apply to the *lot*.
2. The lands shown on Map 1 of this by-law shall be rezoned from R4A Z2.0 and R1S Z0.6 to R4A Z2.0.
3. None of the provisions of Sections 2(1) *height*, 2(1) *grade*, 2(1) *lot*, 4(2), 4(4), 4(6), 4(7), 4(10)(a), 4(12), 4(13), 4(16), 6(3) Part I, 6(3) Part II, 6(3) Part III, 6(3) Part XI, 12(1)68, 12(2)118, 12(2)119 and 12(2)193 of By-law No. 438-86 of the former City of Toronto, 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", as amended, shall apply to prevent the erection or use of an *apartment building* or a *temporary sales office* on the *lot* provided that:
  - a. the *lot* on which the proposed building is to be located comprises at least those lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
  - b. the permitted maximum height of any building or structure or portion thereof, is the height in metres specified by the numbers following HT as shown on Map 2 of By-law 328-2022(LPAT);

- c. the height of the building erected on the lands must not exceed the maximum height in storeys specified by the numbers following the symbol ST as shown on Map 2 of By-law 328-2022(LPAT);
- d. despite (b) and (c) above, the following may project above the permitted maximum height as shown on Map 2 attached to By-law 328-2022(LPAT):
  - i. Skylights, guardrails, elements of a *green roof*, parapets, elements of a photovoltaic *solar energy* device or a thermal *solar energy* device, wheelchair ramps and roof assemblies may project above the permitted maximum height as shown on Map 2 by a maximum of 2.0 metres;
  - ii. Structures or parts of the building used for the functional operation of the building, such as enclosed stairwells, roof access or hatches, maintenance equipment storage, elevator shafts, elevator overrun, stacks, chimneys, vents, and water supply facilities may project above the permitted maximum height as shown on Map 2 to a maximum of 2.5 metres;
  - iii. Retaining walls, unenclosed structures providing safety or wind protection, acoustical barriers, privacy screens and planters may project above the permitted maximum height as shown on Map 2 to a maximum of 3.0 metres;
  - iv. Lightning rods, antennae, flag poles, satellite dishes, fencing, decorative screens, lighting features, may project above the permitted maximum height as shown on Map 2 to maximum of 5.0 metres;
  - v. Equipment used for the functional operation of the building, such as electrical, utility, heating/cooling towers, mechanical and ventilation equipment may project above the permitted maximum height as shown on Map 2 by no more than 2.5 metres;
  - vi. Structures that enclose, screen or cover the equipment, structures and parts of a building listed in (i) through (vi) may project above the permitted maximum height as shown on Map 2 by no more than 2.0 metres;
- e. the *residential gross floor area* of the building erected on the *lot* does not exceed 7,915 square metres;
- f. in addition to the elements mentioned in section 2(1) of By-law 438-86, the *residential gross floor area* of an *apartment building* is also reduced by the areas in a building used for:
  - i. Hallways and elevator vestibules below ground;
  - ii. Mechanical rooms on any level of the building; and
  - iii. Indoor *residential amenity space* that exceed the by-law requirement

- g. the number of *dwelling units* shall not exceed 98;
- h. the required minimum building setbacks are as shown on Map 3 attached to By-law 328-2022(LPAT);
- i. despite (h) above, the following may encroach into the required minimum building setbacks in Map 3 attached to By-law 328-2022(LPAT);
  - i. Pilaster, decorative column, cornice, sill, belt course, eaves, lighting fixtures, vents and parapets may encroach a maximum distance of 0.5 metres;
  - ii. Vents, pipes, or utility equipment may encroach a maximum distance of 0.6 metres;
  - iii. Antenna, or a pole used to hold an antenna and satellite dishes may encroach a maximum distance of 0.9 metres; and
  - iv. Balconies, canopies, awnings, wind mitigation features, trellises, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, underground garage ramps, landscape and *green roof* elements and public art features may encroach a maximum distance of 2.2 metres;
- j. a minimum of 284 square metres of amenity space must be provided, of which:
  - i. A minimum of 147 square metres must be indoor amenity space;
  - ii. A minimum of 137 square metres must be outdoor amenity space; and
  - iii. A minimum of 39 square metres of indoor amenity space must be connected directly to outdoor amenity space;
- k. the minimum number of required *parking spaces* is 69, of which:
  - i. A minimum of 58 *parking spaces* for the occupants of the *apartment building*;
  - ii. A minimum of 9 *parking spaces* for visitors of residents to the *dwelling units* in the *apartment building*;
  - iii. a maximum of 2 *parking spaces* for the purposes of 'Car-Share Parking Spaces' for the purposes of 'car-share' or 'car-sharing';
- l. for the purposes of this exception:
  - i. 'Car-share' or 'car-sharing' means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use

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- of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
- ii. 'Car-Share Parking Space' means a *parking space* that is reserved for the future use of a 'Car-Share' provider or that is actively used for 'Car-Sharing'; and
  - iii. If a *parking space* is originally provided for purposes of 'car-share' and such purpose is discontinued or interrupted, such *parking space* must comply with the requirements of a visitor *parking space*;
- m. despite 4(17)(a) and (e) of by-law 438-86, a maximum of 7 *parking spaces* may have a minimum dimension of 5.6 metres by 2.6 metres with a height of 2.0 metres when obstructed on one side;
  - n. despite 4(17)(b) and (e) of by-law 438-86, a maximum of 7 *parking spaces* may have a minimum dimension of 5.6 metres by 2.6 metres with a height of 2.0 metres when obstructed on one or two sides;
  - o. despite 4(17)(a) and (b), the minimum width of a one-way or two-way drive aisle is 5.8 metres measured at the entrance to the *parking space*;
  - p. ingress and egress to and from a parking facility shall be provided by a driveway or passageway with a minimum width of 4.5 metres for two-way operation;
  - q. *bicycle parking spaces* must be provided and maintained on the *lot* in accordance with the following:
    - i. *Bicycle parking spaces* shall be provided in accordance with the following rates:
      - A. a minimum of 0.9 *bicycle parking spaces* per *dwelling unit* must be provided as *bicycle parking spaces - occupant*; and
      - B. a minimum of 0.1 *bicycle parking spaces* per *dwelling unit* must be provided as *bicycle parking spaces – visitor*;
    - ii. *Bicycle parking spaces – visitor* and *bicycle parking spaces – occupant* may be located on any level of the building above or below ground;
    - iii. Despite Section 2(1) *bicycle parking space – visitor* of By-law 438-86, a *bicycle parking spaces – visitor* may be located in a secured room or an unsecured room;
    - iv. Despite Section 2(1) of By-law 438-86, a *bicycle parking space – visitor* and *bicycle parking space – occupant* oriented in a horizontal position

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- must have a minimum length of 1.8 metres, a minimum width of 0.40 metres and a minimum vertical clearance of 1.9 metres;
- v. Despite 3(p)(iv), if a *bicycle parking space* is provided in a *stacked bicycle parking system*, the minimum vertical clearance for each *bicycle parking space* is 1.2 metres;
  - vi. Despite Section 2(1) of By-law 438-86, a *bicycle parking space – visitor* and *bicycle parking space – occupant* oriented in a vertical position must have a minimum length or vertical clearance of 1.9 metres, a minimum width of 0.40 metres and a minimum horizontal clearance from the wall of 1.2 metres; and
  - vii. The number of required *bicycle parking spaces* must be rounded down when the calculation results in a fraction; and
  - r. despite 4(12) of By-law 438-86, *residential amenity space* can be provided in rooms that are not contiguous and no more than 25 percent of the outdoor component may be a *green roof*.
4. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86 of the former City of Toronto, as amended, with the exception of the following:
- a. "*lot*" means those lands outlined on Map 1 attached hereto;
  - b. "*grade*" means the established grade at 160.45 metres Canadian Geodetic Datum;
  - c. "*green roof*" means an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code;
  - d. "*height*" means the vertical distance between *grade* and the highest point of the building roof shown on Map 2;
  - e. "*solar energy*" means energy from the sun that is converted to produce electrical or thermal energy;
  - f. "*stacked bicycle parking system*" means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space*;
  - g. "*stacked bicycle parking position*" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space; and
  - h. "*temporary sales office*" means a building, structure, facility or trailer on the lot used for the purpose of the sale of dwelling units to be erected on the lot.

- 5.** Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
- i. all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - ii. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Local Planning Appeal Tribunal Order issued April 12, 2019 and December 23, 2019 in File PL160996.





