

Authority: Ontario Land Tribunal Decision issued on October 20, 2022 and Order issued on October 5, 2023 in Tribunal File OLT-21-001713

CITY OF TORONTO

BY-LAW 889-2023(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 3095 Eglinton Avenue.

Whereas the Ontario Land Tribunal pursuant to its Decision issued on October 20, 2022 and its Order issued on October 5, 2023 in file OLT-21-001713, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 569-2013, as amended, for the City of Toronto with respect to lands municipally known as in the year 2022 as 3095 Eglinton Avenue East; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the Council of a Municipality 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 in the By-law;

The Ontario Land 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 subject to this By-law from a zone label of RA (au67.0)(x713) to a zone label of RAC (x199) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending the Lot Coverage Overlay Map in Section 995.30 for the lands subject to this By-law, from a lot coverage label of 33 to a lot coverage label of 72, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.8.10 Exception Number 199 so that it reads:

(199) Exception RAC 199

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) Despite Regulation 15.5.40.10 (1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 164.00 metres and the elevation of the highest point of the **building** or **structure**;
- (B) Despite Regulation 15.20.40.10 (1) and (2), the permitted maximum height and number of **storeys** of a **building** or **structure** is the number following the HT symbol in metres and ST symbol, as shown on Diagram 4 attached to this By-law;
- (C) Despite Regulation 15.5.40.10 (2) A, architectural features, parapets, and elements and **structures** associated with a **green roof** may project above the height limits to a maximum of 2.0 metres;
- (D) The required minimum height of the first **storey**, as measured between the floor of the first **storey** and the floor of the second **storey**, is 5.5 metres, and:
 - (i) for the purpose of this exception, a mezzanine does not constitute a **storey**;
- (E) Despite Regulations 15.20.20.100 (1) (C) and (E), commercial and non-residential uses located in an **apartment building**:
 - (i) are permitted to occupy, in total, more than 50 percent of the **interior floor area** of the first **storey** in that **apartment building**; and
 - (ii) the interior floor area of an individual establishment is permitted to exceed 200 square metres;
- (F) Despite Regulation 15.20.40.40 (1), the permitted maximum **gross floor area** is 10,008.0 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 9708.0 square metres;
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 300.0 square metres; and
 - (iii) the required minimum **gross floor area** for non-residential uses is 200.0 square metres;
- (G) **Dwelling units** must be provided as follows:
 - (i) a minimum of 10 percent of the total number of **dwelling units** on the **lot** must contain a minimum of three bedrooms;
 - (ii) a minimum of 25 percent of the total number of **dwelling units** on the **lot** must contain a minimum of two or three bedrooms; and

- (iii) in the event that the calculation of the number of required **dwelling units** with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;
- (H) Despite Regulation 15.5.50.10 (1), a **lot** in the Residential Apartment Zone category must have a minimum of 12 percent of the area of the **lot** for **landscaping**;
- (I) Despite Regulation 15.20.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** at the following rate:
 - (i) at least 1.8 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 2.0 square metres for each **dwelling unit** as outdoor **amenity space**;
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**; and
 - (iv) a pet relief area no greater than 10 square metres may be included as outdoor **amenity space**;
- (J) Despite Regulation 15.20.40.70 (1), (2), (3) and (4), the required minimum **building setbacks** are as shown in metres on Diagram 4 attached to this By-law;
- (K) Despite Regulation 15.20.40.80 (1), the permitted minimum separation of **main walls** containing a pedestrian entrance or balcony is 3.0 metres;
- (L) Despite Regulations 15.5.40.60 (1), (2), and (3), the following elements may encroach into the required minimum **building setbacks** and separation distances as follows:
 - (i) decks, porches, and balconies, to a maximum extent of 3.0 metres;
 - (ii) canopies and awnings, to a maximum extent of 3.0 metres;
 - (iii) exterior stairs, access ramps and elevating devices, to a maximum extent of 3.0 metres;
 - (v) cladding added to the exterior surface of the **main wall** of a **building**, to a maximum extent of 0.2 metres;
 - (vi) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, to a maximum extent of 0.5 metres;
 - (vii) window projections, including bay windows and box windows, to a maximum extent of 1.0 metre;

- (vii) eaves, to a maximum extent of 0.5 metres;
 - (viii) a dormer, to a maximum extent of 0.5 metres; and
 - (ix) air conditioners, satellite dishes, antennae, vents, and pipes to a maximum extent of 2.0 metres;
- (M) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) A minimum of 0.42 residential occupant **parking spaces** per **dwelling unit**;
 - (ii) A minimum of 0.02 residential visitor **parking spaces** per **dwelling unit**;
 - (iv) A minimum of 3.0 **parking spaces** for non-residential uses; and
 - (v) despite (ii) and (iii) above, residential visitor **parking spaces** and non-residential **parking spaces** may be shared. The total number of residential visitor and commercial **parking spaces** will be available to either use at all times of the day;
- (N) Accessible **parking spaces** must be provided in accordance with the following:
- (i) An accessible **parking space** must have the following minimum dimensions:
 - (a) a minimum length of 5.6 metres;
 - (b) a minimum width of 3.4 metres; and
 - (c) a minimum vertical clearance of 2.1 metres;
 - (ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre accessible barrier free aisle or path on one side of the accessible **parking space**; and
 - (iii) accessible **parking spaces** must be the **parking spaces** closest to a barrier free:
 - (a) entrance to a **building**;
 - (b) passenger elevator that provides access to the first **storey** of the **building**; and
 - (c) shortest route from the required entrances in (a) and (b);

- (O) Despite Regulation 200.5.1.10 (14), 20 percent of the residential and non-residential **parking spaces** in a **building** are required to include an **energized outlet** capable of providing **Level 2** charging or higher;
- (P) Despite Regulation 15.5.80.30 (1), a surface **parking space** is permitted to be 0.0 metres from a **main wall** of an **apartment building**;
- (Q) Despite Regulations 230.5.10.1(1), (3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following:
 - (i) a minimum of 118 "long-term" **bicycle parking spaces**; and
 - (ii) 12 "short-term" **bicycle parking spaces**;
- (R) Despite Regulation 230.5.1.10 (9) B, required "long-term" **bicycle parking spaces** for a **dwelling unit** in an **apartment building** may be located on levels of the **building** below-ground commencing with 60 **bicycle parking spaces** on the first level below-ground and 32 **bicycle parking spaces** on the second level below-ground; and
- (S) Despite Regulation 15.5.100.1 (2), if an **apartment building** in the Residential Apartment Zone category has 25 **dwelling units** or more, an unobstructed **vehicle** access provided between the **street** and the principal pedestrian entrance to the **building** that allows a **vehicle** to enter and leave the **lot** while driving forward in one continuous movement is not required.

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

- 6. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
- 7. Temporary use(s):
 - (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a **retail store** and/or office for the purpose of sales, leasing of **dwelling units** or construction management on the **lot** for a period of not more than 3 years from the date this By-law comes into full force and effect.

Pursuant to the Ontario Land Tribunal Decision issued on October 20, 2022 and Order issued on October 5, 2023 in Tribunal File OLT-21-001713.

Diagram 1

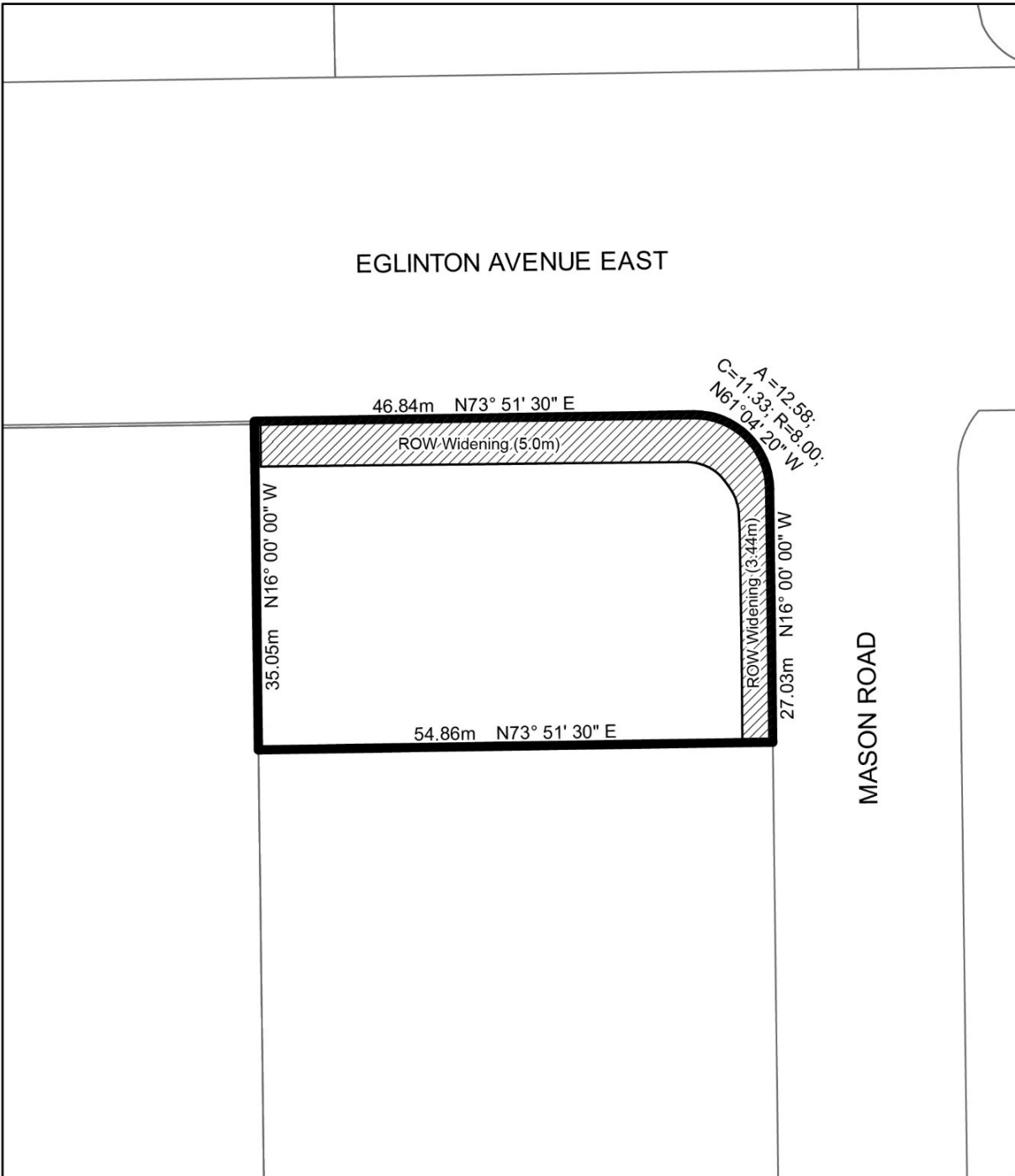


Diagram 2

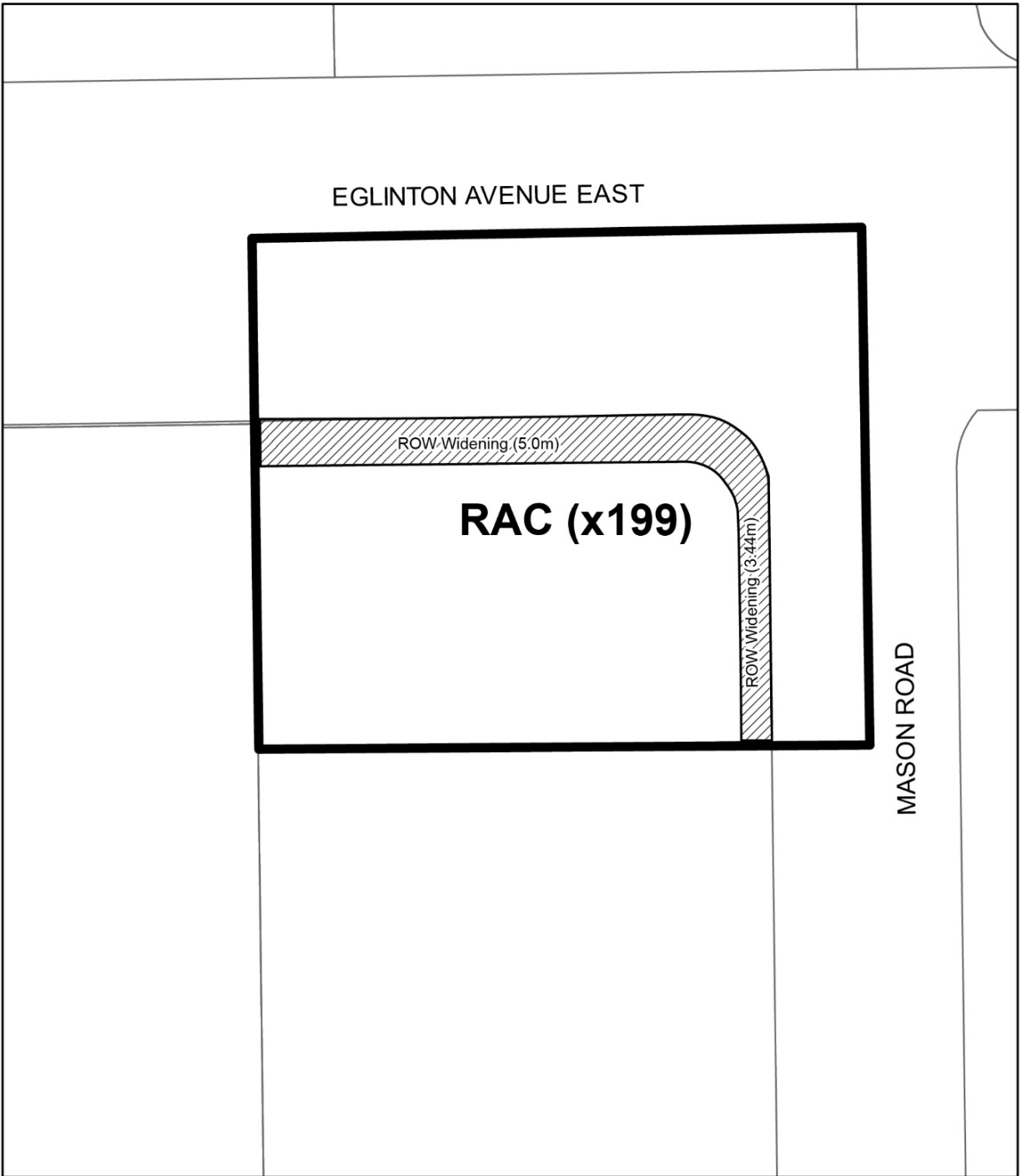


Diagram 3

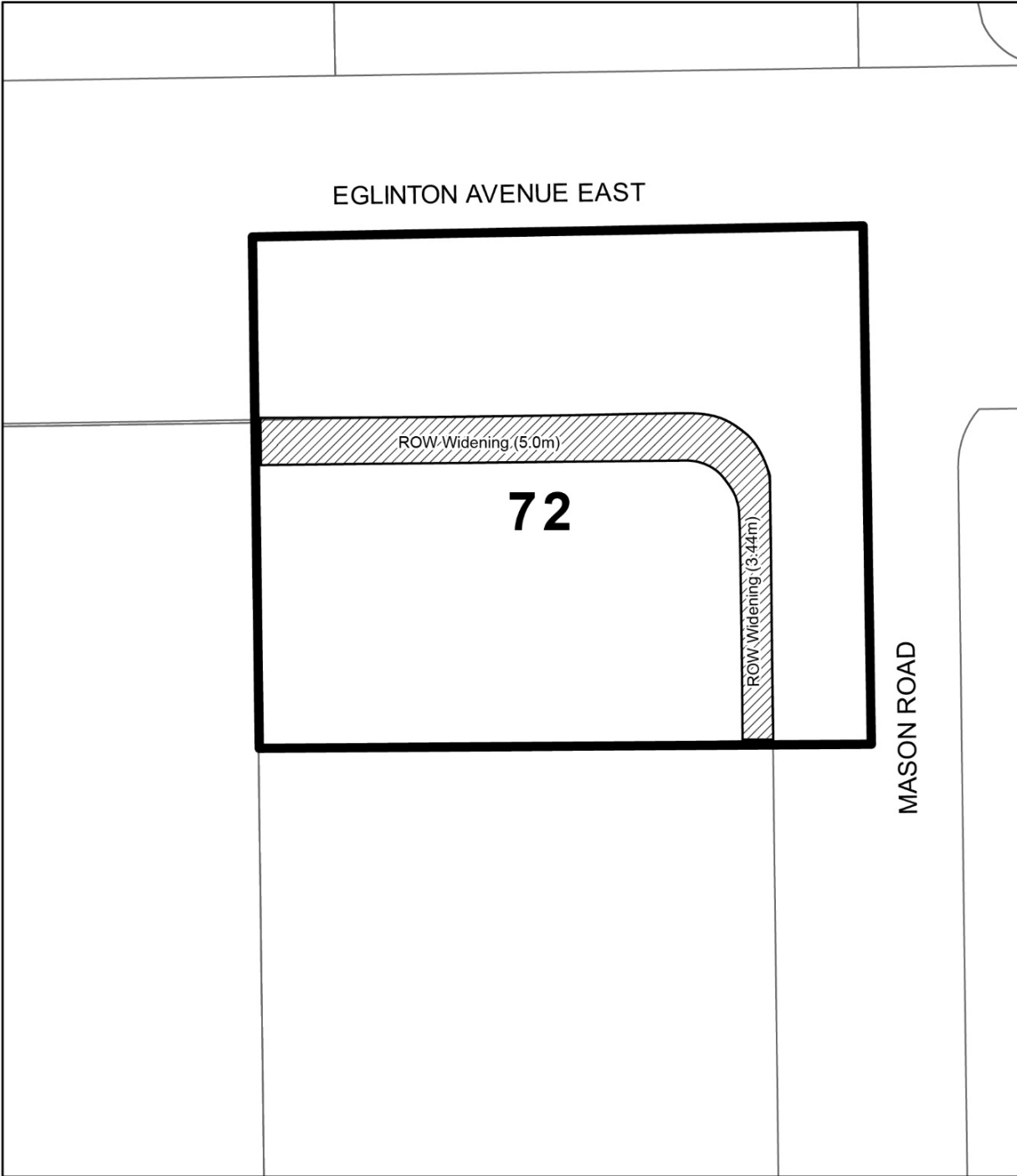


Diagram 4

