

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: April 19, 2024

CASE NO(S): OLT-22-004803

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant:	Glaze Dev LP
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To facilitate the development of a 34-storey mixed-use building
Reference Number:	22 177066 NNY 15 OZ
Property Address:	2-20 Glazebrook Avenue
Municipality:	City of Toronto
OLT Case No.:	OLT-22-004803
OLT Lead Case No.:	OLT-22-004803
OLT Case Name:	Glaze Dev LP v. Toronto (City)

Heard: March 22, 2024

APPEARANCES:

Parties

Glaze Developments LP

1840 Bayview LP

Broadway Area Residents Association
("BARA")

City of Toronto

Counsel/Representative*

D. Angelucci
M. Foderick
G. Chum (Student-at-law)

D. Bronskill (*in absentia*)
C. Jordan

J. Thoft*
W. Silberman*

J. Braun
M. LaFortune (*in absentia*)

MEMORANDUM OF ORAL DECISION DELIVERED BY S. DEBOER ON MARCH 22, 2024 AND ORDER OF THE TRIBUNAL

INTRODUCTION AND BACKGROUND

[1] The matter before the Tribunal was the appeal by Glaze Developments LP (“Applicant”) under s. 34(11) of the *Planning Act* due to the City of Toronto’s (“City”) failure to make a decision on the Zoning By-law Application for the properties municipally known as 2-20 Glazebrook Avenue and 391 Broadway Avenue (“Subject Lands”).

[2] The initial application was submitted on July 9, 2022, to permit a mixed-use re-development of the Subject Lands with a height of 34 storeys with retail uses on the at-grade level. The initial application was deemed complete on August 25, 2022. On November 16, 2022, the Appellant appealed the lack of decision by City Council within the statutory timeframes to the Ontario Land Tribunal (“OLT”).

[3] The OLT convened a Case Management Conference (“CMC”) on April 14, 2023, which authorized the Broadway Area Residents Association and 1840 Bayview LP to be Parties to the matter (“Appellants”).

[4] The Parties met in November and December 2023 throughout the OLT appeal process in an effort to reach a settlement on the initial application. On January 23, 2024, the Applicant submitted a settlement offer to the City which included a number of terms and conditions and a revised application. The revised application (“Revised Application”) was presented to City Council at the meeting of February 6 and 7, 2024. City Council authorized the settlement that was presented for the approval of the OLT in a hearing held on March 22, 2024.

SITE AND AREA CONTEXT

[5] The Subject Lands are located on the west side of Bayview Avenue and at the

northwest corner of the intersection of Glazebrook Avenue and Bayview Avenue. The Subject Lands are approximately two (2) blocks north of the intersection of Bayview Avenue and Eglinton Avenue East.

[6] The Subject Lands are mostly rectangular in shape, with approximately 33.2 metres of frontage on Bayview Avenue, 63.09 metres of frontage on Glazebrook Avenue and 10.5 metres of frontage on Broadway Avenue. The total area of the Subject Lands is approximately 2,478.6 square metres.

[7] The Glazebrook Avenue portion of the Subject Lands is currently occupied by five three-storey semi-detached dwellings containing a total of 10 units. The Broadway Avenue portion contains a single detached dwelling and a landscape lot.

[8] The Subject Lands are at the juncture of the Leaside, Yonge-Eglinton and Sunnybrook-Bridle Path communities. Surrounding the Subject Lands are a broad mix of large-scale detached and semi-detached dwellings, commercial and office uses, a large grocery store and approved, in-development mixed-use mid-rise and tall buildings.

[9] Directly abutting north of the Subject Lands are low-rise residential dwellings and a gas station. Further north is the St. Augustine Canterbury Church and a two-storey commercial building. To the east on the other side of Bayview Avenue are detached and semi-detached dwellings, an existing five-storey apartment building and Northlea Elementary School. To the south, there is an existing eight-storey mixed-use mid-rise building and a low-rise multiplex. Further south are more commercial use buildings, a nine-storey mid-rise building, and further south is the Leaside Village shopping district. To the west are semi-detached dwellings, which are within the Mixed-Use Areas Official Plan designation. Further east are mid-rise and tall apartment buildings. It must be noted that the areas directly surrounding and including the Subject Lands are a part of the Council-adopted Protected Major Transit Station Area ("PMTSA"), which permits more intense built forms and land uses.

[10] The Subject Lands are located one block from a Toronto Transit Commission

(“TTC”) bus stop. Further south are additional TTC bus stops which allow for more public transportation options. The Subject lands are located approximately 250 metres from the new Eglinton Crosstown LRT, which is projected to become operational in 2024.

SETTLEMENT HEARING

[11] The Tribunal heard from one witness, Andrew Ferancik, a Registered Professional Planner and a member of the Canadian Institute of Planners. Mr. Ferancik was qualified without objection to give expert opinion evidence in the area of land use planning pertaining to this matter.

[12] The Tribunal marked the following items as Exhibits to the Hearing:

Exhibit 1 Affidavit of Service of Robert Jefferson

Exhibit 2 Affidavit of Andrew Ferancik

Exhibit 3 Draft Zoning By-law Amendment

Exhibit 4 Updated Draft Settlement Plans

REVISED APPLICATION AND SETTLEMENT

[13] As stated above in paragraph [4], the Applicant submitted a Settlement Offer (“Settlement”) to the City on January 23, 2024 which included a number of terms and conditions and revised architectural plans (“Site Plans”). The Settlement included a newly proposed 33-storey mixed-use building, which includes two mechanical levels, a tower and podium-built form and a total gross floor area (“GFA”) of 28,645 square metres. City staff presented the Settlement offer to City Council and the Settlement was accepted without prejudice at its council meeting of February 6 and 7, 2024. A table referencing the changes from the original application to the revised application is listed

below:

[14]

	Initial Application (July 2022)	Revised Application (January 2024)
Tower Height	34 storeys (108.80 metres to top of roof) 114.80 metres including mechanical penthouse	33 storeys (109.25 metres) inclusive of mechanical.
Podium Height	8 storeys 28.63 metres	8 storeys 30.55 metres
Curb-to-Building- Face Setback	7.0 metres (Bayview Avenue) 8.2 metres (Glazebrook Avenue)	8.0 metres (Bayview Avenue) 8.7 metres (Glazebrook Avenue)
Tower Setbacks	North: 12.5 metres East: 4.5 metres South: 4.5 metres West: 10 metres	North: 11.0 metres East: 6.18 metres South: 4.5 metres West: 12.5 metres
Tower Floorplate	792 square metres	769 square metres
Total Gross Floor Area	29,600 square metres	28,645 square metres
Commercial GFA	314 square metres	557 square metres
Residential GFA	29,286 square metres	28,088 square metres
Amenity Space	Total: 1,096 square metres Indoor: 641 square metres Outdoor: 455 square metres	Total: 1,046 square metres Indoor: 713 square metres Outdoor: 313 square metres
Amenity Rates	1.48 square metres per unit of indoor amenity 1.04 square metres per unit of outdoor amenity	1.66 square metres per unit of indoor amenity 0.73 square metres per unit of outdoor amenity
Residential Units	434 units (total) 1-bedroom: 314 units (72%) 2-bedroom: 69 units (16%) 3-bedroom: 51 units (12%)	428 units (total) 1-bedroom: 321 units (75%) 2-bedroom: 66 units (15%) 3-bedroom: 41 units (10%)
Floor Space Index	13.78	13.33

	Initial Application (July 2022)	Revised Application (January 2024)
Resident Parking	77 spaces (0.18 spaces / unit)	76 spaces (0.18 spaces / unit)
Visitor Parking	14 spaces (0.032 spaces/ unit)	15 (0.035 spaces/ unit)
Commercial Parking	Zero (0) spaces	Zero (0) spaces

POLICY ANALYSIS OF THE SETTLEMENT

Planning Act

[15] In Mr. Ferancik's opinion, the Settlement has regard for matters of Provincial interest as set out in Section 2 of the Planning Act. The Settlement has regard to the following matters of Provincial interest *inter alia* but not limited to:

- (e) the supply and efficient use of energy and water;
- (h) the orderly development of safe and healthy communities;
- (h.1) accessible persons with disabilities to all facilities, services and matters to which this Act applies;
- (j) adequate provision and a full range of housing, including affordable housing;
- (k) adequate provisions for employment opportunities;
- (p) appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

[16] Overall, Mr. Ferancik's opinion was that the Revised Application has regard for matters of Provincial interest and optimizes a mixed-use built form that is close to public transit and other alternative modes of transportation such as walking and cycling.

Provincial Policy Statement, 2020 ("PPS")

[17] Mr. Ferancik gave the opinion that the Revised Application is consistent with the PPS as it promotes efficient land use and development patterns and minimizes land consumption while promoting transit-supportive development as per policy 1.1.1 of the PPS.

[18] Mr. Ferancik opined that the Revised Application supports urban intensification and promotes a land use pattern within the settlement area based on a mix of lands uses and densities. The PPS encourages a mix of uses in redeveloping urban areas, which the Revised Application meets these Policies, specifically 1.1.3.1 and 1.1.3.2 of the PPS.

[19] Mr. Ferancik opined that the revised Application is consistent with more policies of the PPS, specifically Policies 1.1.3.3, 1.1.3.6, 1.4.3, 1.5.1, 1.6.7.2, 1.6.7.4 and 1.7.1. These Policies focus further on intensification in redevelopment areas, a mix of uses in an existing urban area, an efficient use of transit and transit options and provisions for appropriate open spaces for recreation, parks and trails.

[20] For these reasons, Mr. Ferancik's opinion was that the Revised Application is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe, 2019 (“GGH”)

[21] In Mr. Ferancik’s opinion, the Revised Application conforms to the GGH. Mr. Ferancik continued to give opinion that the Revised Application represents a form that provides intensification and a mixed-use within a built-up area in close proximity to a PTMSA. The Revised Application provides for appropriate intensification to a previously underutilized site and meets the objectives of the GGH pertaining to growth management.

[22] Mr. Ferancik gave opinion that the Revised Application will be a compact mix of new housing and intensification. At a new height of 33 storeys, the Revised Application will fit into the height and density of other developments in the area (both current and planned).

[23] Overall, Mr. Ferancik’s opinion was that the Revised Application conforms to the GGH by providing the area with high-rise intensity of mixed use within a PTMSA. The level of intensification will fit into a community that is focusing on urban development and intensification near public transit. The Revised Application will help support the density targets of 200 residents and jobs per hectare, which are the targets within a PTMSA.

City of Toronto Official Plan (“OP”)

[24] In Mr. Ferancik’s opinion, the Revised Application conforms to the OP. Mr. Ferancik took the Tribunal to Policies 2.2, 2.3.1, 3.1.1, 3.1.2 and 3.1.3 of the OP. Pertaining to Policy 2.2, Mr. Ferancik gave opinion that the Revised Application focuses on the integration of transportation and land use planning systems of a city’s urban structure. The Revised Application demonstrates how the development will provide for a new mixed-use, compact-form community that will introduce new housing options and is supported by the proximity of the Leaside Public Transportation Station.

[25] Policy 2.3.1 focuses on the Healthy Neighbourhoods Policy objectives. It was Mr.

Ferancik's opinion that the Revised Application provides for an appropriate transition to neighbouring areas through the agreed-upon step-backs of the podium and tower and the newly established setback pattern.

[26] Policy 3.1.1 focuses on a high-quality public realm that is, amongst other things, well-connected, walkable, safe, and functional. In Mr. Ferancik's opinion, the Revised Application provides ample opportunity/more than enough/many opportunities to meet these objectives by having the main lobby at grade and easily accessible to the public realm. New walk-up townhouse entrances and ground-floor patio spaces add a welcoming transition to the outdoor spaces. The public walkway area is large and inviting and helps achieve a sense of place for pedestrians.

[27] Policy 3.1.2 speaks to the general built form policy objectives. It was Mr. Ferancik's opinion that the revised Application meets these objectives by providing a new tower and podium that will fit harmoniously into the area and will provide a safe and comfortable environment for the surrounding neighbourhood and in the public realm.

[28] Policy 3.1.3 focuses on the various scales of development including tall buildings with tower and podium forms. It was Mr. Ferancik's opinion that the Revised Application meets these objectives by providing for a built form that will fit into the existing neighbourhood, with a base podium height of eight storeys. The tower then transitions with a step-back of 11 metres, which allows for a form that does not feel overpowering to the surrounding neighbourhood.

[29] Overall, Mr. Ferancik's opinion was that the Revised Application conforms to the OP. The Revised Application will provide for a mixed-use built form that will reinforce the long-term viability to the Midtown Area and will provide much-needed housing options in the Midtown Area.

Official Plan Amendment No. 570 ("OPA 570")

[30] The City adopted OPA 570 on July 22, 2022; however, OPA 570 has not been

approved by the Ministry. The purpose of this OPA was to delineate the area surrounding the PMTSA. The requirements of OPA 570 set a minimum floor space index of 2.0 and a minimum density of 160 people and jobs per hectare. With a projected minimum of 200 people and jobs per hectare, it was Mr. Ferancik's opinion that the projected minimums of the Revised Application surpass these requirements.

Yonge-Eglinton Secondary Plan ("OPA 405")

[31] OPA 405 came into full force and effect on June 5, 2019. It was Mr. Ferancik's opinion that the purpose of OPA 405 was to implement policies that would allow for a controlled growth of the Midtown Area and would, amongst other things, provide for a balance of both residential and non-residential growth, provide for a vibrant live-work neighbourhood, allow growth in a form that would be characterized by mid-rise and tall buildings and create a mixed-use transit-oriented node. Mr. Ferancik opined that the Revised Application meets these goals by providing for a projected exceedance of the minimum people and job targets within a PTMSA. The Revised Application demonstrates that it is compatible in height and scale to the area, will fit harmoniously into the planned context of the neighbourhood and will promote the use of adjacent streets, parks and open spaces.

[32] Overall, Mr. Ferancik opined that the Revised Application conforms to the in-force OPA 405 by concerning a built form that is compatible with the neighbourhood and will provide for a needed mixed-use development that meets the targets of the PTMSA.

Other Relevant Guidelines

[33] Concerning the City's Tall Building Design Guidelines, the Growing Up Guidelines, Retail Guidelines and the Pet-Friendly Guidelines, it was Mr. Ferancik's opinion that all of these relevant guidelines were taken into proper regard concerning the Revised Application. It was Mr. Ferancik's opinion that these guidelines have all been met as the Revised Application implements a well-designed and proportioned built form, allows for a mixed rate of housing options, allows for retail growth, and allows for

adequate outdoor space for pets to thrive.

City of Toronto Zoning By-law 569-2013 ("ZBL")

[34] The current zoning concerning the Revised Application is Commercial Residential CR1.0. It was Mr. Ferancik's opinion that the Revised Application will need a site-specific amendment to this zoning category to properly implement the intended and agreed-upon intensification of the Subject Lands. This is the purpose of the Revised Application that is before the Tribunal. Mr. Ferancik stated that he would work with the City and the Parties to complete the Zoning By-law Amendment to reflect the Revised Application that is before the Tribunal, and that this would be presented in a final form to the Tribunal once completed to the satisfaction of the City Solicitor and the Chief Planner and Executive Director of City Planning.

Party and Participant Statement Responses

[35] It was Mr. Ferancik's opinion that the issues and concerns of the other two Parties have been taken into consideration with this Revised Proposal. The other Parties are at this hearing event in support of the Settlement.

[36] As for the Participants, Mr. Ferancik took the Tribunal through each of their statements and demonstrated how their concerns pertaining to building height, shadowing, wind, density, unit mix, affordability, infrastructure, non-residential uses and the public realm have been satisfied or mitigated.

Summary Opinion

[37] It was Mr. Ferancik's overall opinion that the Revised Application before the Tribunal pertaining to the Zoning By-law Amendment has demonstrated that it has proper regard of matters of Provincial interest as per s. 2 of the *Planning Act*.

[38] The Revised Application has demonstrated its consistency with the PPS by

providing for a broad range of housing unit sizes and will allow for new commercial uses to support a nearby PTMSA.

[39] The Revised Application conforms to the GGH, conforms to the OP, and conforms to the Secondary Plan (OPA 405). The Revised Application allows for a building type that meets the intent of built-forms policies of OPA 405, and generally implements the Tall Building Guidelines, the Growing Up Guidelines, Retail Guidelines and the Pet-Friendly Guidelines.

[40] The Revised Application demonstrates that it is in a compatible form that will provide for a variety of housing options, will provide for a minimum density target of 200 residents and jobs per hectare, will fit harmoniously into the existing neighbourhood, is in the public interest and represents good land use planning.

[41] It was Mr. Ferancik's opinion that the Final Order should be withheld until the conditions that have been agreed to between the Parties have been met to the satisfaction of the City Solicitor and Chief Planner and Executive Director of City Planning.

ANALYSIS AND FINDINGS

[42] The Tribunal has reviewed the materials of the Settlement, as well as the land planning instrument presented. Based on the uncontroverted evidence in support of the Settlement, the Tribunal agrees with Mr. Ferancik's professional opinions concerning the Revised Application.

[43] Mr. Ferancik presented evidence that demonstrates that the Settlement has sufficient regard for matters of Provincial interest as per s.2 of the *Planning Act*.

[44] The Tribunal finds that the Settlement as presented is consistent with the PPS and that the Settlement conforms to the Growth Plan, conforms with the City's OP including OPA 570 and OPA 405 and takes into consideration all the relevant guidelines

that pertain to the Settlement.

[45] The Tribunal finds that the planning instrument as presented will conform to the City of Toronto Zoning By-law 569-2013 once the conditions have been satisfied by the Appellant.

[46] The Tribunal finds that the Settlement has given sufficient regard to the comments of the Participants and the Settlement has appropriately addressed these concerns.

[47] The Tribunal finds that the Settlement and Revised Application is appropriate and provides for a much-needed form of density while providing for more housing options within a PTMSA. The Tribunal agrees with Mr. Ferancik that the Settlement and Revised Application is in the public interest and represents good land use planning.

[48] The Tribunal agrees with Mr. Ferancik that the Settlement and Revised Application should be approved in principle and that the Final Order be withheld until the agreed-upon conditions have been met to the satisfaction of the City Solicitor and the Chief Planner and Executive Director of City Planning.

INTERIM ORDER

[49] **THE TRIBUNAL ORDERS THAT** the appeal is allowed, in part, on an interim basis, contingent upon confirmation, satisfaction or receipt of those pre-requisite matters identified in paragraph 50 below, and the Zoning By-law Amendment set out in Attachment 1 to this Interim Order, is hereby approved in principle.

[50] The Tribunal will withhold the issuance of its Final Order, contingent upon confirmation by the City Solicitor, of the following pre-requisite matters:

- I. that the Tribunal has received, and approved, the Zoning By-law Amendment submitted in a final form, confirmed to be satisfactory to the City Solicitor, Chief

Planner and Executive Director, City Planning;

- II. that the parking supply required for the development has been set out in the final form of the draft Zoning By-law, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- III. that the Owner has satisfactorily addressed the Engineering and Construction Services matters shown in the Engineering and Construction Services Memorandum dated September 7, 2022, or as may be updated, in response to further submissions filed by the Owner, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services (and in the event that improvements or upgrades and/or new infrastructure are required to support the development, the Owner shall enter into agreement[s] and/or provide financial securities for the construction of any such improvements to such services, as required, at no cost to the City and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services);
- IV. that the Owner has satisfactorily addressed matters from the Urban Forestry memorandum dated September 13, 2022, including the submission of a Public Utilities Plan and Soil Volumes Plan, or as may be updated, in response to further submissions filed by the Owner, all to the satisfaction of Urban Forestry;
- V. that the Owner has submitted an updated and complete Toronto Green Standards Checklist and Statistics Template, to the satisfaction of the Chief Planner and Executive Director, City Planning; and,
- VI. that the Owner has submitted an updated desktop wind study, to the satisfaction of the Chief Planner and Executive Director, City Planning.

[51] The Member will remain seized for the purposes of reviewing and approving the final draft of the Zoning By-Law Amendment and the issuance of the Final Order.

[52] If the Parties do not submit the final drafts of the Zoning By-law Amendment and provide confirmation that all other contingent pre-requisites to the issuance of the Final Order set out in paragraph 50 above have been satisfied, nor request the issuance of the Final Order, Friday, September 27, 2024, the Applicant and the City shall provide a written status report to the Tribunal by that date as to the timing of the expected confirmation and submission of the final form of the draft Zoning By-law Amendment and issuance of the Final Order by the Tribunal.

[53] The Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call to determine the additional timelines and the deadline for the submission of the final form of the instrument, the satisfaction of the contingent pre-requisites and the issuance of the Final Order.

“S. deBoer”

S. DEBOER
MEMBER

Ontario Land Tribunal

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The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

Attachment 1

CITY OF TORONTO

BY-LAW No. XXX-2024

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 391 Broadway Avenue and 2, 4, 6, 8, 10, 12, 14, 16, 18 and 20 Glazebrook Avenue.

Whereas the Owner of the lands appealed a proposed zoning by-law amendment to the Ontario Land Tribunal pursuant to Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended; and

Whereas the Ontario Land Tribunal, by its Decision issued on XX and the Ontario Land Tribunal Order issued on XX in Case OLT-22-004803, determined to amend City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands known municipally as 391 Broadway Avenue and 2, 4, 6, 8, 10, 12, 14, 16, 18 and 20 Glazebrook Avenue
The Ontario Land 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 No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law No. 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 from CR 1.5 (c1.0; r1.0) SS2 and RD (P.0; a275) to CR 1.0 (c.1.0; r1.0) SS2 (xXXX) and RD xXXX, as shown on Diagram 1 attached to this By-law;
4. Zoning By-law 569-2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20 for the lands subject to this By-law, from a height and label of HT 10.5 m; ST 3 to the heights shown on Diagram 3 attached to this By-law
5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Numbers CR xXXX and RD xXXX so that it reads:

Exception [Zone Symbol] ([assigned exception number])

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

Exception RD xXXX

Site Specific Provisions:

(A) Nothing in this By-law, or any prevailing By-law, shall prevent the use of a **Park**, or erection of any **building** or **structure** associated with a **Park** in the RD xXXX Zone.

Exception CR xXXX

Site Specific Provisions:

(A) On 2, 4, 6, 8, 10, 12, 14, 16, 18 and 20 Glazebrook Avenue, as shown on Diagram 1 of By-law [Clerks to insert by-law ##], if the requirements of By-law [Clerks to insert By-law ##] are complied with, a **mixed use building or structure** may be constructed, used or enlarged in compliance with Sections (B) to (P) below;

(B) Despite regulations 40.5.40.10(1) and (2), the **height** of a **building or structure** is the vertical distance between Canadian Geodetic Datum elevation of 156.00 metres and the highest point of the **building or structure**;

(C) Despite regulations 40.5.40.10(4) and (5), and 40.10.40.10(2), the permitted maximum **height** of any **building or structure**, excluding any mechanical penthouse containing equipment and **structures** used for the functional operation of the **building**, is the **height** in metres specified by the number following the HT symbol as shown on Diagram 3 of By-law [Clerks to supply bylaw ##];

(D) Despite regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, excluding the mezzanine level, is 3.0 metres;

(E) Despite regulations 40.5.40.10(3)(4)(6)(7) and (8), and (C) above, the following elements of a **building** may project above the permitted maximum height in Diagram 3 of By-law [Clerks to supply by-law ##]:

- (i) Chillers, coolers, generators and other forms of mechanical equipment, necessary for the functional operation of the building by no more than 6.5 metres;
- (ii) Screens, barriers, and other architectural features associated with (E)(i) above to a maximum of 6.5 metres;
- (iii) elevator/stair overruns, access ladder hand railings lightning rods, window washing equipment, satellite dishes, mechanical screens, pipes, vents, landscape and ornamental features, trellises, cabanas, light fixtures, antennae, flagpoles, associated mechanical equipment overruns, and garbage chute overruns may project above the height limits by no more than 3.0 metres beyond the heights shown on Diagram 3, or to a maximum of 3.0 metres beyond the projections permitted identified in (E)(i) if located above these projections;
- (iv) wind mitigation, vents, roof access, solar panels, mechanical exhausts, flues, fans, and chimneys on the rooftop may project above the height limits by no more than 3.0 metres;

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- (v) terrace and balcony dividers/privacy screens may project above the height limits by no more than 2.0 metres; and,
 - (vi) guardrails, railings, masonry pilasters, wheelchair ramps, roofing assembly and drainage, elements of green roof, parapets, cornices, balustrades and bollards may project above the height limits by no more than 1.8 metres;
- (F) Regulation 40.5.40.10(5)(A)(B) does not apply;
- (G) Despite regulation 40.5.1.10(3)(A) and 40.10.40.40(1)(2), the permitted maximum **gross floor area** of the **mixed use building** is 29,500 square metres of which:
- (i) A maximum of 28,950 square metres of **gross floor area** may be used for residential uses; and,
 - (ii) A minimum of 550 square metres of **gross floor area** may be used for non-residential uses;
- (H) Despite regulation 40.10.40.1(1), residential **amenity space** and **residential dwelling units** may be located on the same **storey** as non-residential use portions of a **mixed use building**;
- (I) Despite regulation 40.10.40.1(2)(A)(B), the **floor** level of the first **storey** is not required to be within 0.2 metres of the ground measured at the **lot** line abutting the **street** directly opposite each pedestrian **entrance** and is not required to be level with the public **sidewalk**;
- (J) Despite regulation 40.10.40.50(1)(A)(B)(C), the following shall apply:
- (i) at least 1.65 square metres for each dwelling unit of indoor **amenity space** and at least 0.68 square metres for each dwelling unit of outdoor **amenity space**;
 - (ii) no minimum amount of outdoor **amenity space** is required to be in a location adjoining or directly accessible to indoor **amenity space**; and,
 - (iii) no more than 30% of the outdoor component may be green roof.
- (K) Despite regulations 40.5.40.70 and 40.10.40.70(2), the required minimum **building setbacks** for a **building** or **structure** are shown on Diagram 3 of By-law [Clerks to supply bylaw ##]
- (L) Despite regulations 40.10.40.60(1) to (9) and regulation (I) above, the following may encroach into the required minimum **building setbacks** on Diagram 3 of By-law [Clerks to supply by-law ##]:

- (i) pilasters, vertical and horizontal architectural banding, including **building-related materials** interior to the banding, may encroach by a maximum of 0.2 metres;
- (ii) balconies may encroach by maximum of 2.0 metres, except as follows:
 - a. within the Balcony Restriction Zone shown on Diagram 4 between a height of 30.55 metres and 109.25 metres measured.
 - b. At the first storey of the **building** where a **main wall** is parallel to the Glazebrook Avenue **lot line**.
- (iii) canopies, window washing equipment, satellite dishes, cornices, eaves, window sills, light fixtures/features, railings, and antennae may encroach by a maximum of 0.6 metres;
- (iv) trellises, guardrails, balustrades, awnings, and vents may encroach by a maximum of 1.5 metres;
- (v) screens, architectural features, and landscape and ornamental elements, may encroach by a maximum of 2.0 metres; and,
- (vi) terraces and decks, and associated privacy screen or architectural features, are permitted above rooftop areas and may project or encroach up to the extent of the storey below.

(M) Despite clause 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following:

- (i) a minimum of zero (0) residential occupant **parking spaces** per **dwelling unit** up to a maximum of 0.2 residential occupant **parking spaces** per **dwelling unit** must be provided for the exclusive use of residents of the **mixed use building**; and,
- (ii) a minimum of 0.02 residential occupant **parking spaces** per **dwelling unit** are required for the use of residential visitors in the **mixed use building**;
- (iii) no **parking spaces** are required for non-residential use portions of a **mixed use building**;
- (iv) Any amount of the required **visitor parking spaces** in (M(ii) above may be shared with the non-residential use portions of a **mixed use building**.

(N) Despite regulations 200.15.1(1) to (4), accessible **parking spaces** must be provided and maintained in accordance with the following:

- (i) located within at least 25 metres of a barrier free entrance to the **building** or passenger elevator that provides access to the first **storey** of the **building**;

(O) Despite regulation 200.5.10.1 (2), one (1) Type “C” and one (1) Type “G” loading space must be provided on the **lot**.

(P) Despite regulation 230.5.1.10, a bicycle parking space must comply with the following:

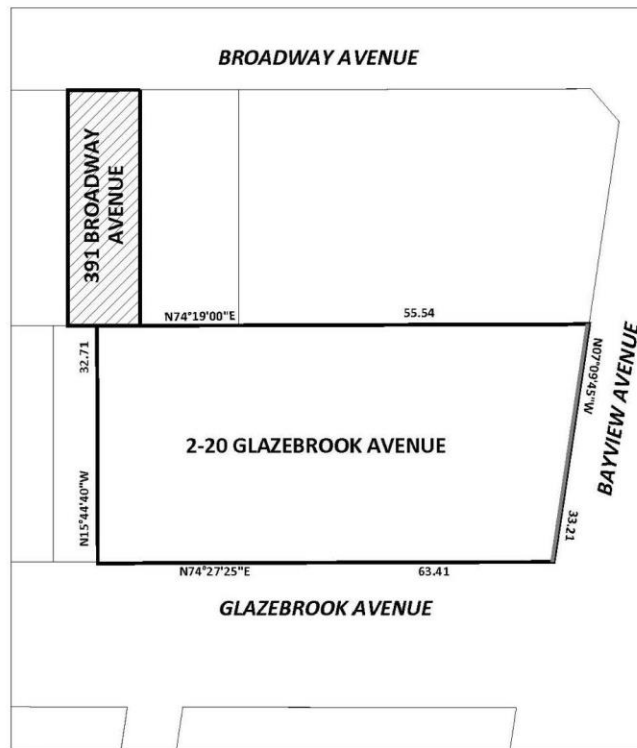
- (i) the minimum dimension of a **bicycle parking space** is:
 - a. minimum length of 1.8 metres;
 - b. minimum width of 0.6 metres; and
 - c. minimum vertical clearance from the ground of 1.9 metres;
- (ii) the minimum dimension of a **bicycle parking space** if placed in a vertical position on a wall, structure or mechanical device is:
 - a. minimum length or vertical clearance of 1.9 metres;
 - b. minimum width of 0.6 metres; and
 - c. if a **stacked bicycle parking** space is provided, the minimum horizontal clearance from the wall of 1.2 metres; and,

(Q) Despite regulation 230.40.1.20(2), a short-term **bicycle parking space** may be located more than 30 metres from a pedestrian entrance to the **building** on the **lot** and may be located in a secured room or an unsecured room.

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

- 6. Notwithstanding any severance, partition or division of the lands, the provisions of this By-law shall apply to the whole of the lands, if no severance, partition or division had occurred.
- 7. Temporary Use(s): (A) None of the provisions of Zoning By-law 569-2013, as amended, or this By-law apply to prevent the erection and use of a temporary sales or leasing office in the CR XXXX Zone, used exclusively for the initial sale and/or initial leasing of dwelling units on the lands to which this By-law applies for a period of 3 years from the date this By-law comes into full force and effect, after which this temporary use permission expires.

Ontario Land Tribunal Decision issued on XX, 2024 and Ontario Land Tribunal Order issued on XX, 2024



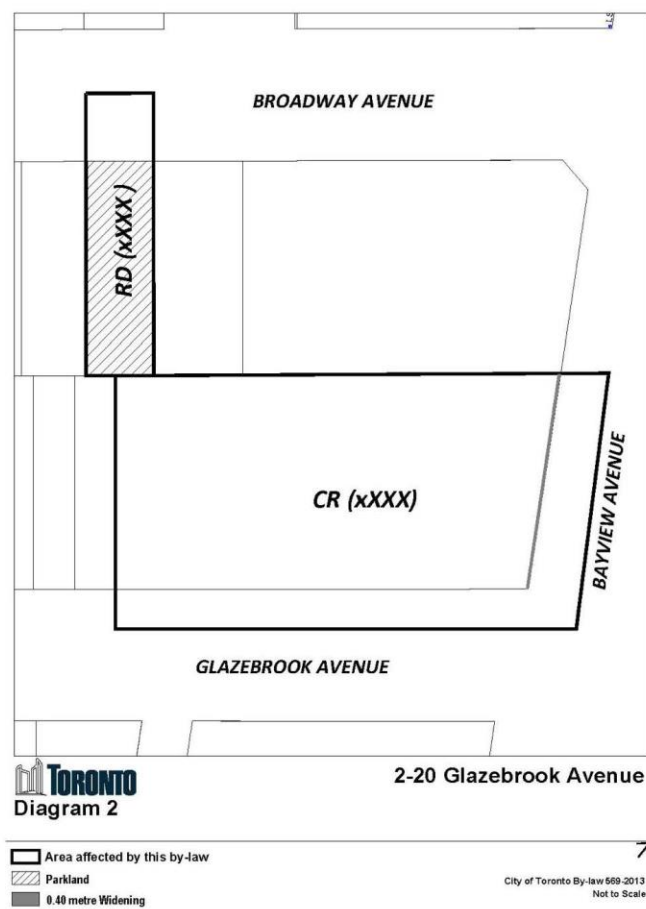
Toronto
Diagram 1

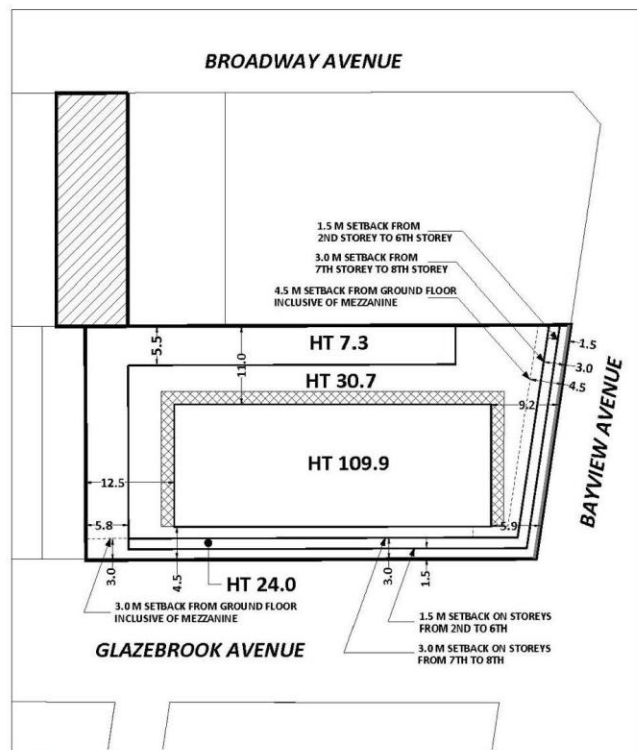
2-20 Glazebrook Avenue

File #

- Area affected by this by-law
- Parkland
- 0.40 metre Widening

City of Toronto By-law 569-2013
Not to Scale





Toronto
Diagram 3

2-20 Glazebrook Avenue

File #

- Area affected by this by-law
- Parkland
- 0.40 metre Widening
- Balcony Restriction Zone

City of Toronto By-law 569-2013
Not to Scale