

30 Roehampton Ave – Zoning Amendment Application – Final Report

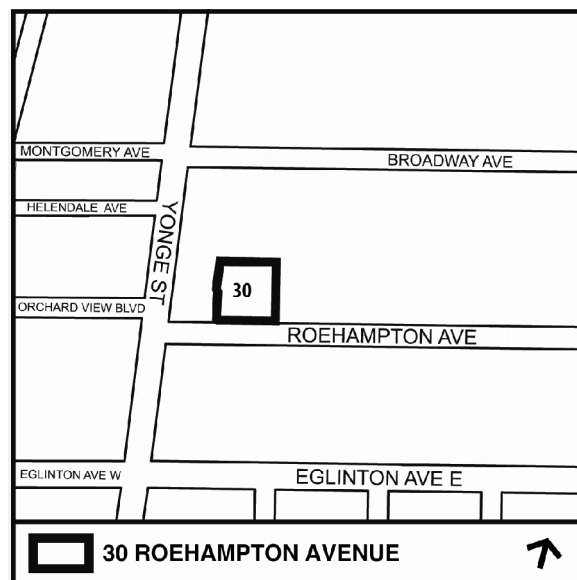
Date:	October 7, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	11 106780 STE 22 OZ

SUMMARY

This application proposes to amend the Zoning By-law to permit the construction of a 33-storey residential apartment building containing a maximum of 370 dwelling units at 30 Roehampton Avenue. A total of 442 parking spaces are to be provided in an underground garage which would include newly constructed parking levels beneath the proposed building and within the adjacent building at 2345 Yonge Street and 7 – 15 Broadway Avenue.

This report reviews and recommends approval of the application to amend the Zoning By-law based on its planning and design attributes which include:

- a. the proposed development is located in an *Apartment Neighbourhood* within the Yonge-Eglinton Centre where appropriate infill development is anticipated;
- b. the proposed development intensifies an underutilized (surface parking lot) site which is located on the Yonge subway line at the junction (with the Yonge subway) of the future Eglinton transit line;
- c. the proposed development is within



- proximity to retail shops, services, entertainment and places of employment found in the Yonge-Eglinton Centre;
- d. the proposed development includes a point tower in an area that is currently characterized by tall buildings of varying heights, many of which are slab building types;
 - e. the proposed development will not unduly shadow existing buildings, open spaces (North Toronto Collegiate Institute (NTCI) sports field) or sidewalks;
 - f. the proposed development is aiming to achieve the City's voluntary Tier 2 Green Standards;
 - g. the inclusion of grade-related units on Roehampton Avenue and facing the NTCI sports field will assist the integration of the proposed development into the neighbourhood; and
 - h. the Section 37 benefits that would be secured as a result of approval and construction of this development. Section 37 benefits may be used for one or more of the following: the Northern Lakes Landscape Design Project at Northern Secondary School; the new City park to be developed south of the Eglinton Avenue TTC bus barns; a new location for Central Eglinton Community Centre; a neighbourhood youth drop-in centre; a cross-walk on Broadway Avenue generally in the location of St. Monica's school and the NTCI sports field and/or other local area park or streetscape improvements.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 30 Roehampton Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to the report dated October 7, 2011 from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 30 Roehampton Avenue to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are:

- i. a payment of \$1,300,000.00 which will be payable prior to the issuance of the first above-grade building permit. Such payment shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto for the period from the date of Council enactment of this by-law to the date of Payment.

Such payment will be deposited to the Planning Act Reserve Fund and may be used for the capital construction of, or capital improvements to one or more of the following: the Northern Secondary School Northern Lakes Landscape Design Project, the new park which is to be developed south of the TTC bus barns at Yonge Street and Eglinton Avenue West, the establishment of a drop-in centre for neighbourhood youth, the purchase of a new location for Central Eglinton Community Centre, a crosswalk between St Monica's Elementary School and the North Toronto Collegiate sports field and/or other local area park or streetscape improvements.

The funds will be allocated amongst the listed community benefits as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.

- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- i. The owner shall construct and pay for any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Technical Services should it be determined that improvements to such infrastructure is required to support this development.
- ii. As a precondition to the issuance of site plan approval, the owner shall acquire strata title to a portion of the lands known municipally in 2011 as 2345 Yonge Street to merge such lands with the subject land in order to provide sufficient parking spaces to comply with the parking ratio which is set out in the draft Zoning By-law attached as Attachment No. 9 to the report dated October 7, 2011 from the Director, Community Planning, Toronto and East York District.
- iii. As a pre-condition to the issuance of site plan approval, the owner shall acquire an easement over the lands known municipally in 2011 as 2345 Yonge Street in order to provide access, to the satisfaction of the City Solicitor, to the parking spaces of the owner that will be located in lands known municipally in 2011 as 2345 Yonge Street.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

This is a rezoning application to permit a 33-storey (111 metre) residential apartment building containing a maximum of 370 dwelling units. Included in the proposed 370 units are three 2-storey townhouse units fronting on Roehampton Avenue and eight 2-storey townhouse units which would face the sports field at North Toronto Collegiate (refer to Attachment 1: Site Plan).

The applicant is proposing to provide a total of 442 parking spaces which are located in four underground parking levels within the proposed building and within an adjacent existing parking garage that is beneath the buildings at 2345 Yonge Street and 7 – 15 Broadway Avenue.

Of the 442 total parking spaces, 292 would be for the residents of the new building. Of the 292 residential spaces, 180 would be provided within the new building and 112 would be located off-site (but connected below grade) within the parking levels beneath the adjacent buildings at 2345 Yonge Street and 7 – 15 Broadway Avenue. The applicant has indicated that the existing parking supply within the underground garage at 2345 Yonge Street and 7 – 15 Broadway Avenue is underutilized and that an agreement is in place with the owners of that garage for some of these spaces to be used for the proposed building.

One hundred and fifty of the proposed 442 parking spaces would be on the P1 and P2 levels of the proposed building and would be operated as a commercial parking lot by the Toronto Parking Authority (TPA). These spaces would replace the existing TPA surface parking lot (120 spaces) which currently exists on the site. The TPA parking levels would only be accessed via the Roehampton Avenue driveway. The TPA parking levels (with 30 additional spaces than exist on the surface parking lot) are proposed to provide all visitor parking for the new development.

The applicant is proposing 2 vehicular accesses to the site. A new driveway is proposed from Roehampton Avenue which would provide access to the TPA levels and to the resident parking within the new building (refer to Attachment 1: Site Plan and Attachment 2: Context Plan – Street Level).

The proposed residential parking spaces located within the existing garage at 2345 Yonge Street and 7 – 15 Broadway Avenue will also be accessible from the Roehampton Avenue driveway via a link to be constructed between the P2 and P3 levels of the proposed and the existing garages respectively (refer to Attachment 2: 30 Roehampton Ave. P2 Level and 2345 Yonge St. P3 Level (Existing)).

The commercial parking which is located in 2345 Yonge Street and 7 – 15 Broadway will continue to use Broadway Avenue for its access. However, these commercial parking spaces will not be accessible via the Roehampton Avenue access.

The existing driveway on Broadway Avenue will continue to provide access to: the existing residential and public parking located at 2345 Yonge Street and 7 – 15 Broadway Avenue and to the resident parking proposed to be located within the new building on levels P3 and P4.

Site and Surrounding Area

The site is located on the north side of Roehampton Avenue east of Yonge Street. The site is currently used as a surface, commercial, TPA parking lot containing 120 parking spaces. There are no buildings on the site other than a ticket kiosk for the commercial parking lot.

Surrounding uses are as follows:

North: a 10-storey office building at 2345 Yonge Street and a 10-storey condominium north of that at 7 – 15 Broadway Avenue. The proposed development would have a second access from Broadway Avenue through the parking levels of these buildings. The proposed development would also have 112 parking spaces within the P3 garage level of these buildings.

South: low and mid-rise residential apartment buildings on the south side of Roehampton Avenue.

East: the new North Toronto Collegiate Institute redevelopment which consists of the new school, two residential condominiums at 24 and 27 storeys and a new sports field which is yet to be constructed but when complete will abut the site on its east property line.

West: an 8-storey office building containing ground floor retail uses at 2323 Yonge Street.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Apartment Neighbourhoods

The site is designated *Apartment Neighbourhoods* (under the City of Toronto Official Plan) and abuts a *Mixed Use Area* designation to the west. The *Apartment Neighbourhoods* designation permits apartment buildings and all forms of residential development permitted in *Neighbourhoods*. The Plan indicates that "built up Apartment Neighbourhoods are stable areas of the City where significant growth is generally not anticipated. There may, however, be opportunities for additional townhouses or apartments on underutilized sites and the Plan sets out to evaluate these situations."

Development criteria used to evaluate redevelopment proposals include:

- Locating and massing new buildings to provide transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing setbacks from, and/or stepping down of the heights towards, lower scale *Neighbourhoods*;
- Locating and massing new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- Providing sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- Locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- Providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces.

Built Form

The Built Form section of the Official Plan also provides policies that will assist in the evaluation of this proposal. These include:

- New development is to be located and organized to fit within its existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties by:
 - i. Creating appropriate transitions in scale to neighbouring existing and/or planned buildings;
 - ii. Providing for adequate light and privacy;

- iii. Adequately limiting any resulting shadowing of and uncomfortable wind conditions on, neighbouring streets, properties and open spaces; and
- Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of bordering streets, parks and open spaces.

To review these and all sections of the Toronto Official Plan refer to the City's website at: www.toronto.ca/planning/official_plan/introduction.htm.

Yonge-Eglinton Secondary Plan

The site is also within the boundaries of the Yonge-Eglinton Secondary Plan. The Secondary Plan generally defers to the Official Plan with respect to providing policy guidance for this site.

Yonge-Eglinton Urban Growth Centre

The Province's Growth Plan for the Greater Golden Horseshoe contains policies to direct a significant portion of future population and employment growth into a number of intensification areas. These areas include five "Urban Growth Centres" (UGC's) within the City. Under the Growth Plan, municipalities were required to delineate the boundaries of the UGC's within their Official Plans.

The proposed development is within one of those five designated Urban Growth Centres and is within the area defined as the Yonge-Eglinton Centre by Official Plan Amendment 116 (amendment to the Yonge-Eglinton Secondary Plan).

Tall Buildings Guidelines

Toronto City Council approved the use of the document "Design Criteria for Review of Tall Building Proposals" in June, 2006. In April, 2010, Council extended the authorization of its use.

A tall building is generally defined as a building that is taller than the road right-of-way adjacent to the site. The Design Criteria provide policy recommendations for tall buildings on issues of transition, building placement and orientation, entrances, massing of base buildings, tower floor plates, separation distances, pedestrian realm considerations and sustainable design. This document will be used in the evaluation of the proposed development.

The City's "Design Criteria for Review of Tall Building Proposals" can be found on the City's website at: <http://www.toronto.ca/planning/urbdesign/index.htm>.

Zoning

The lands are zoned R2 Z2.0 with a height restriction of 38 metres under By-law 438-86 (refer to Attachment 7: Zoning). That zoning permits a range of residential uses to a total density of 2.0 times the lot area and a height of 38 metres which is approximately 12 residential storeys.

Site Plan Control

The proposed development is subject to site plan control. An application has been submitted and is in review by City departments.

Reasons for Application

The applicant proposes to amend provisions of By-law 438-86 to permit the proposed height of 113 metres including the mechanical penthouse and density of 9.7 times the lot area (38 metres in height and a maximum density of 2.0 times the lot area are currently permitted). Additional zoning amendments will also be required, including a reduction in required parking spaces from 409 to 292 resident spaces (plus 150 TPA spaces) and to allow all visitor parking to be located in the TPA lot.

Community Consultation

A community consultation was held on June 21, 2011. The meeting was attended by approximately 25 persons who were primarily residents of the local area. The building height, density, parking and access and other built form and zoning related matters were discussed. Comments and issues raised by those in attendance at the meeting as well as comments received by planning staff subsequent to the meeting have been discussed with the applicants who have revised the original drawings.

The concerns expressed by residents included:

- loss of commercial parking spaces in 2345 Yonge Street;
- insufficient resident parking in the proposed building;
- additional traffic on Roehampton and Broadway Avenues;
- pedestrian congestion on Yonge Street;
- the need for a crosswalk on Broadway Avenue between St Monica's school and the NTCI sports field;
- cumulative effect of other recent construction and newly approved developments in the area; and
- lack of family sized units.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

This application supports the 2005 Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. This application also complies with the policies of the PPS that support intensification and require new development to be directed to appropriate locations for growth.

Policy 1.4.3 requires provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other means, facilitating all forms of residential intensification and redevelopment and promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of public transit.

Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports the development of viable choices and plans for public transit and other alternative transportation modes.

The proposed development complies with the above policies and other relevant policies of the Provincial Policy Statement and Plans by: intensifying the residential use of the site; making efficient use of the existing infrastructure; providing a mix of residential unit sizes and by being within a short walk of the Yonge-Eglinton subway station and other surface TTC routes.

The proposed development also meets the policies of the Provincial Growth Plan. The Growth Plan promotes increasing intensification of the existing built-up area with a focus on areas of the City such as major transit station areas. The site is a few blocks from the Yonge-Eglinton subway station and is within the Yonge Street corridor which is designated a 'Higher Order Transit Corridor' on Map 4 of the Official Plan.

The site is also within an Urban Growth Centre and conforms to the policies set out in the Growth Plan for the Greater Golden Horseshoe. An applicable provision of Section 2.2.5.1 of the Growth Plan requires that the planning of higher order transit corridor areas strive to achieve:

- increased residential and employment densities that support and ensure the viability of existing and planned transit service levels.

The proposed residential development will increase residential densities in an area of Roehampton Avenue which is in proximity to the Yonge-Eglinton station and the rapid transit line which is to be constructed under Eglinton Avenue.

Land Use

The proposed residential condominium is a land use which is permitted in the Apartment Neighbourhoods designation of the Official Plan and the Yonge-Eglinton Secondary

Plan. The proposed apartment (residential condominium) is also a permitted use under the R2 zoning which applies to the site.

Density, Height, Massing

The site is located within an *Apartment Neighbourhood* which is generally comprised of rental apartments and residential condominiums ranging in height from 7 to 29 storeys and densities which exceed the 2.0 times the area of their lots as permitted by the Zoning By-law.

The proposed development is comprised of a 27-storey point tower on top of a 6-storey base and is located in an apartment neighbourhood in which residential slab towers are a common built form. The proposed development's 6-storey base provides an appropriate transition down from the existing 8-storey office building to the west to the similar base height of the 27-storey condominium located to the east of the North Toronto Collegiate Institute (NTCI) sports field.

The site is located within the Yonge-Eglinton Centre. The Centre policies direct the highest heights and densities to be located on the blocks at the 4 quadrants of the intersection of Yonge Street and Eglinton Avenue within the *Mixed Use Area 'A'* designation. The site abuts but is not within the *Mixed Use Area 'A'*.

The Yonge-Eglinton Centre policies have no specific guidance for density, height and massing within *Apartment Neighbourhoods* designations such as the site. The Yonge-Eglinton Centre policies rely on the Official Plan for this direction.

Section 4.2.2 of the Official Plan provides development criteria for new buildings which are proposed to be located within *Apartment Neighbourhoods*. Criteria related to height, include:

- a. new buildings are to be located and massed to provide a transition between areas of different development intensity and scale, stepping down to or setting back from lower scale *Neighbourhoods*;
- b. new buildings are to be located and massed to adequately limit shadow impacts on adjacent lower scale *Neighbourhoods*;
- c. locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;

The site does not abut a *Neighbourhoods* designation. However, at 33-storeys, the proposed development transitions down from planned, approved and existing heights at the Yonge and Eglinton intersection. The lands at the southwest corner of Yonge and Eglinton has a planned height of approximately 40 storeys. The taller of the 2 Yonge-Eglinton Centre towers at the northwest corner of Yonge Street and Eglinton Avenue is 30 storeys with a zoning approval for an additional 7 storeys. The Minto Midtown

buildings (just south of the intersection) are existing buildings within the Yonge-Eglinton height peak. The towers are 37 and 54 storeys.

The proposed building will fit within a gradual decrease in height from the intersection. Further transitioning down will occur in the *Apartment Neighbourhood* lands to the north which contain apartment buildings with heights in the mid to upper 20-storey range. An Official Plan Amendment is not required.

Sun and Shadow

The Official Plan requires that new development in *Apartment Neighbourhoods* is to be located so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

The site does not have a common lot line with a *Neighbourhoods* designated area. The closest *Neighbourhoods Area* is a long block south of Eglinton Avenue East beginning on the south side of Soudan Avenue. All nearby *Neighbourhoods Areas* are out of the shadow and wind impact range of this proposed development.

A Shadow Study was submitted by the applicant and concluded that all shadow cast by the proposed development will fall within the *Apartment Neighbourhood* in which the site is located. Shadowing from taller buildings is generally anticipated and experienced within *Apartment Neighbourhoods*. The study also indicates that spring and fall shadowing will occur on the NTCI sports field. However, the new shadow cast by the proposed the tower portion of the building will move more quickly across the field than would shadows cast by the slab buildings which are more typical to the neighbourhood.

The potential sun, shadow and privacy impacts of the proposed development on existing and future buildings and on open spaces within its *Apartment Neighbourhood* designation is discussed in the Tall Buildings Guidelines discussion below.

Wind

The applicant has provided a Wind Conditions Letter of Opinion (researched and written by the applicant's consultants). The Letter of Opinion concludes that wind conditions are expected to be suitable for the intended usage around the proposed development in areas such as sidewalks, the main entrance and the ground-level amenity space as well as the NTCI sports field to the east of the site.

No uncomfortable or severe wind conditions are expected, as a result of construction of the proposed development, in any season due to the sheltering effect of the existing surrounding buildings. However, the consultant predicts that wind activity higher than would be desirable would occur on the exposed private roof terraces and balconies of the proposed building. The consultant indicates that undue wind activity on these areas of the proposed building could be mitigated in most cases with landscaping.

A more detailed wind study will be provided by the applicant prior to site plan approval of the development.

Parking, Traffic Impact, Access

Parking

The applicant proposes to provide a total of 442 parking spaces in a 4-level underground garage. The site is presently used as a 120-space surface parking lot which is operated by the Toronto Parking Authority (TPA). The surface lot is to be replaced within the underground garage of the proposed development. The new TPA facility that will consist of 150 parking spaces on the first 2 levels of the garage which is 30 more commercial spaces than currently provided.

By-law 438-86 requires 337 spaces for residents of the development and 72 spaces for their visitors. A total of 442 spaces are proposed including 292 for the residents of the building and 150 in the TPA lot.

Of the two hundred and ninety two parking spaces which will be allocated to the residents of the new building, 180 will be located on the 3rd and 4th levels of the garage beneath the new building at 30 Roehampton Avenue. The remaining 112 spaces are proposed to be located within the existing underground garage at 2345 Yonge Street and 7 – 15 Broadway Avenue.

Technical Services Division has indicated that the proposed parking supply for the residents of the new building is acceptable. The proposed number of resident parking spaces exceeds the requirements of the provisions for Policy Areas 2 (Centres) and 3 (Avenues on the Subway) which were identified in By-law 1156-2010. By-law 1156-2010 was repealed but Technical Services has used the parking ratio as a reasonable determination of midtown parking requirements for the proposed condominium located approximately 1 block from the Yonge-Eglinton subway station.

One hundred and eleven resident parking spaces are proposed to be located within the underground parking garage at 2345 Yonge Street and 7 – 15 Broadway Avenue. The owner of the parking garage at 2345 Yonge has entered into an agreement to sell these spaces to the applicant. None of the proposed 112 off-site resident parking spaces are required parking for the building in which they are located as determined by By-law 438-86.

Visitor parking will be entirely accommodated by the commercial parking on the TPA levels. This arrangement has also been determined to be acceptable to Technical Services.

Zoning amendments are required for both resident and visitor parking. Resident parking spaces will be secured through a plan of condominium.

Access and Traffic Impact

Two vehicular accesses to the site are proposed. A driveway from Roehampton Avenue is proposed to provide access to the proposed two-level TPA lot and the on-site resident parking spaces on levels P3 and P4. The Roehampton Avenue driveway will also provide access through to the 112 off-site residential parking spaces located in the

existing garage at 2345 Yonge Street and 7 – 15 Broadway Avenue. The on and off-site resident parking will be linked at a future connection between the P2 level of the proposed development and the P3 level of the existing garage.

The existing driveway from Broadway Avenue will continue to provide access to the residential and public parking at 2345 Yonge Street and 7 – 15 Broadway Avenue (including the off-site 112 spaces for the new development). In addition, the Broadway Avenue driveway will also provide access to the resident parking on the P3 and P4 levels of the new development via, the new underground link. The Broadway Avenue driveway will not provide access through to the TPA parking beneath the new development. The TPA parking is only accessed from Roehampton Avenue.

Technical Services have found this arrangement acceptable provided that the appropriate easements over 2345 Yonge Street and 7 – 15 Broadway Avenue are acquired.

The applicant's transportation consultant prepared a Transportation Considerations Report. The consultant's report included the following in the study parameters:

- allowances for other new developments in the area;
- new residential traffic associated with the 30 Roehampton development;
- changes in traffic associated with the change (increase) in TPA spaces from 120 surface to 150 underground spaces; and
- a reduction in publically available parking beneath 2345 Yonge Street.

The consultant's study (as accepted by the City's Transportation Services Division) found that the proposed development would result in generating 60 and 55 two way trips during the morning and afternoon peak hours respectively. Area intersections will continue to operate without significant change without altering existing traffic controls after the development of the proposed building.

Tall Buildings Guidelines

Toronto City Council approved the use of "Design Criteria for Review of Tall Building Proposals" in June, 2006. In April of 2010, Council extended the authorization of its use.

The full document of "Design Criteria for Review of Tall Building Proposals" can be found on the City's website at <http://www.toronto.ca/planning/urbdesign/index.htm>.

A tall building is generally defined as a building that is taller than the road right-of-way which is adjacent to the site. The Design Criteria provide recommendations to assist staff in their review of tall buildings. The Design Criteria elaborate on the Official Plan policies (particularly those policies of Section 3.1.2 – Built Form) regarding issues of, transition in scale, building placement and orientation, entrances, massing of base

buildings, tower floorplates, separation distances and pedestrian realm and other considerations.

The intent of these criteria have been met through the design of the proposed building as follows:

1. Transition in Scale

Section 3.1.2(3b) of the Official Plan requires new development to be massed to fit harmoniously into its existing planned context and to limit its impacts on neighbouring streets, parks, buildings and open space by creating appropriate transitions in scale to neighbouring and existing buildings.

The Official Plan indicates that transition may be achieved through various methods including the use of angular planes, stepping of heights, location and orientation of the building and the use of setbacks and stepbacks of the building mass.

The Design Criteria determine that a building's transition in scale should be evaluated based on (a) the existing scale of the block and (b) the existing scale of the district.

a. Scale of the Block

The Design Criteria identify methods of transitioning between proposed tall buildings and existing lower scale buildings in the local area. These are:

- the creation of a base building of appropriate scale in relation to adjacent buildings and the width of the street.

The proposed base building is 6-storeys in height as is the base of the 27-storey condominium to the east.

- the articulation of a base that integrates with the neighbouring building and the street including appropriate ground floor uses.

In addition to the existing sidewalk, the proposed building provides a 4.0 metre landscaped setback in front of the 2-storey grade-related townhouse units which face Roehampton Avenue. This setback in conjunction with the sidewalk provides an appropriate transition (from the street to the front doors of the townhouse units) from public to semi-public to private open space. The townhouse units which front onto Roehampton and onto the NTCI sportsfield to the east provide appropriate ground floor uses and have the appearance of a lower scale neighbourhood built form.

- the scale and placement of the tower component on the site (above the building base) in such manner that reduces its visible impact from the street, neighbouring property and open spaces.

The tower portion of the building is stepped back from the top of the southern extremity of the base by approximately 3.0 which allows the base (not the tower) to be viewed as the primary definition of the street.

b. Scale of the District

With respect to the Scale of the District, the Design Criteria requires consideration be given to:

- providing appropriate horizontal separation distance between tall buildings and lower scale areas, and
- providing a stepping down of the tall buildings towards lower scale buildings or adjacent neighbourhoods reducing its impacts from streets, open spaces and properties.

The "scale of the district" refers to a situation where a proposed development contemplates a tall building on a site which is adjacent to an area of different heights or scale of development. The Design Criteria indicate that appropriate separating distances (a minimum of 10 metres to the lot line) and stepping down of heights between buildings and open spaces in lower scale Neighbourhoods should be considered. These Criteria are most pertinent to a proposed development which is situated within a *Mixed Use* or *Apartments Neighbourhood* which in turn is adjacent to a lower scale *Neighbourhoods* designated area.

The site of the proposed 33-storey condominium is located within an *Apartment Neighbourhood* and has no common boundaries with a *Neighbourhoods* designation. The site is bounded to the west by an 8-storey office building which is located within a *Mixed Use Area*. It is bounded to the north by a 12-storey office building which is located within the same *Apartment Neighbourhood*. Should either of these properties be converted or redeveloped to residential use, the proposed tower will provide appropriate separation. The tower is approximately 25 metres from the north property line and 22 metres to the west property line.

The site is bounded to the east by the sports field at NTCL. The proposed tower is set back 6.5 metres from the property line (on top of the base building) which provides adequate separation from the sports field to visually separate the tower from the base building and to reduce the sense of height as viewed from the field.

2. Building Placement and Orientation

Section 3.1.2(1a) of the Official Plan directs new development to locate buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback. The Design Criteria indicate that this pattern defines the street edges, reinforces the public street and provides a seamless edge of public activity.

The proposed development provides a front setback which steps in (away from the street) approximately 2.0 metres deeper than does the office building to the east. The proposed

building uses this deeper setback area to provide landscaped front yards for the grade-related townhouses.

The base building is set back from the street by approximately the same distance as is the existing condominium (70 Roehampton) to the east. However, 70 Roehampton occupies a much narrower lot and is unable to provide grade-related units facing the street. Its frontage is primarily dedicated to a circular driveway and landscaped area on that portion of the front yard that is not dedicated to vehicles.

The proposed development's east elevation faces the sports field at NTCI. The public are allowed access to the sports field when not in use by the school. The building base along the east property line contains eight, 2-storey, grade-related townhouses which are positioned parallel to the open space of the adjacent sports field as is recommended by the Official Plan and the Design Criteria.

3. Tall Building Address (Entrance)

Section 3.1.2(1b, c) of the Official Plan directs new development to locate a building's main entrance so that it is clearly visible and directly accessible to the public sidewalk. It also directs new development to have ground floor uses that have views to and, when possible, access to adjacent streets, parks and open spaces.

The Design Criteria reiterate that well-designed buildings should provide prominent main building accesses which are directly accessible to the public sidewalk. Main entrances should be emphasized, when appropriate, through the use of a high level of landscape treatment. In addition, the Criteria state that the most vital and interesting streets are those which are lined with residential (or commercial) uses resulting in a fine grain of entrances along the street edge.

The proposed development locates its main residential entrance central to the building's Roehampton Avenue frontage between the 2 townhouse units which face Roehampton and the flank of the first unit which faces the sports field. The residential entrance is located in a prominent location separate and away from the pedestrian entrance to the TPA garage and the access drive to the underground parking. The main entrance to the residential lobby is a relatively wide concourse (4 metres) of distinctive paving treatment and is bordered on both sides by landscape plantings.

The 8 townhouse units within the east elevation of the proposed building also have an outdoor walkway which provides a grade-related access to these units. The presence of these units and the associated outdoor walkway allow views into the sports field area and provides noticeable activity (at the proposed development) adjacent to the NTCI sports field. Both will support the safety of the users of the open space and will draw the open space into the local community.

4. Site Servicing and Parking

Section 3.1.2(2) of the Official Plan directs new development to locate and organize vehicle parking and access and service areas to minimize their impact on the new

development and on surrounding, existing buildings. The Official Plan also requires that safe vehicular access, across the public sidewalk, is provided to the new development and that the various vehicular access points do not interfere with providing an attractive streetscape.

The Design Criteria require that new developments organize site access and servicing to, screen service uses from public view and to consolidate and minimize the number of driveways and curb cuts across the public sidewalk.

This application is not proposing more curb cuts and driveways than currently exist. The proposed development provides one primary driveway from Roehampton Avenue for automobiles accessing the parking levels (including the TPA parking) and for service vehicles accessing the loading bays that are located internally and out of view to the street.

The primary access is located well to the west on the Roehampton Avenue face of the building, towards the existing commercial activity on Yonge Street and away from the residential uses of the proposed building. This access replaces an existing driveway that currently serves the TPA surface parking lot.

A secondary access to resident parking (no service access) is provided from Broadway Avenue. The secondary access uses the existing driveway into the parking garage below the buildings which are located at 7 - 15 Broadway Avenue and 2345 Yonge Street.

5. Open Space

Section 3.1.2(5d) of the Official Plan requires new developments to provide amenity for adjacent streets (public sidewalks) and open spaces in a manner which makes these areas attractive, interesting, comfortable and functional for pedestrians through the landscaping of these spaces.

The Design Criteria broaden the definition of amenities to include those that are provided for the exclusive use of owners or tenants of the new building and the amenities which are publicly accessible, visually and/or physically. New developments may and should provide both.

The proposed development provides a combination of visually and physically accessible public open space. The public sidewalk and the Roehampton Avenue townhouse front yards are landscaped using tree pits and other plantings. The provision of these landscaped areas softens the intersect of the building and sidewalk and provides pedestrians with an interesting and functional streetscape.

Open space amenities which are provided for the exclusive use of the building owners or tenants include the 2 large green roof areas on the roof deck of the 6th floor and the private terraces (also on the roof of the 6th floor) which are part of the units on the 7th floor.

6. Scale of the Base Building

Section 3.1.3(1a) of the Official Plan requires base buildings of tall buildings to be an appropriate scale with adjacent streets and open spaces. It also requires that base buildings integrate with the scale of adjacent buildings and minimize the impact of parking and service uses.

The Design Criteria indicate that the building base (which comprises the largest massed area at street level) is to be designed in a manner that allows appropriate access to sunlight and to sky view. The base is also to be designed to ensure that the massing of the resulting street wall is not overwhelming to pedestrians. To achieve these objectives, the Design Criteria indicate that the height of the base building should fit within a 45 degree angular plane measured from the curb on the opposite side of the street or it should fit within the existing context height.

The building base of the proposed development does both. Its 6-storey height fits within a 45 degree angular plan and it matches the base height of the condominium to the east at 70 Roehampton Avenue. In addition, access to sunlight and sky views are enhanced by the NTCI sports field interruption within the street wall. The sports field frontage on Roehampton Avenue is approximately 80 metres.

7. Tall Building Floor Plates

Section 3.1.3(1b) of the Official Plan requires that new development be designed with a floor plate size and shape that has appropriate dimensions for the site and is oriented on its site and on top of the base building to allow it to fit harmoniously into its existing and/or planned context.

The Design Criteria encourage the use of properly located, small (743 m²) tower floor plates since they: result in towers which cast smaller and fast-moving shadows; may improve sky views; and may permit better views between buildings and through the site. The Design Criteria indicate that residential floor plates larger than 743 m² in area are to be articulated architecturally to minimize shadows, loss of sky view and wind conditions is adjacent open space.

At 801 m² the proposed building floor plate is slightly larger than recommended (but still considered a point tower in building typology). The tower has been articulated with a range of balcony forms that will provide visual interest. In particular, the corner balconies have been shaped in a pointed fashion. The building has also been designed to use glazed materials. The balcony and glazing treatment will both accentuate tower thinness.

8. Spatial Separation

Section 3.1.2(4) of the Official Plan requires that tall buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas.

In order to provide an adequate condition for privacy and for an adequate level of natural light within units, the Design Criteria recommend a minimum separation distance

between 2 residential towers of 25 metres (12.5 metre setback to the property line on either side of the lot line). This separation may also be augmented by the orientation of a tower to provide non-direct views between units of different buildings or to minimize the shadow effect of one tower on another.

The proposed development orients its tower component to the south and east of the top of the base building away from the existing office buildings to the west and north. There are currently no residential buildings which are immediately adjacent to the site.

Since it is possible that the owners of these office buildings could consider residential redevelopment, the proposed tower is setback 22 and 25 metres from its west and north property lines respectively. In other words, almost the entire separation distance to the west has been provided on the subject lands between the west property line and the proposed tower. Similarly, the entire (25 metre) separation has been provided on the subject lands between the north property line and the proposed tower.

This separation distance would be increased if the existing buildings (west and north of the site) were to redevelop in the future and include residential units facing the subject site.

9. Streetscape and Landscape

Section 3.1.2(5a, b, d) of the Official Plan requires that new development will add to the use and aesthetics of the streetscape by providing hard and soft landscape improvements including street trees and other landscape plantings, lighting and other street furniture.

The Design Criteria indicate that the space between the building façade and the public sidewalk is an integral part of the image and character of the public street. This is the area of the site that, among other things, accommodates main residential building entrances and front gardens to residential units.

The proposed development uses landscaping zones to distinguish between public and private space on the Roehampton Avenue façade. The sidewalk is bordered by street trees and planter trenches within the public right of way. The grade-related townhouse units have stone patios bordered by private garden plantings. The result is a transition from public to private landscaped open space which adds to the aesthetics of the streetscape and provides a visual connection for pedestrians to the building.

10. Sun, Shadow and Sky View

Section 3.1.2(3) of the Official Plan requires new development to adequately limit any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces.

Section 3.1.2(4) requires new development to be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings are to be located to ensure adequate access to sky view for the proposed and future use of these areas.

The Design Criteria recognize that tall buildings can adversely affect the environmental quality of surrounding areas through the loss of sky view and by the overshadowing of adjacent public and private open spaces and that restricting the floorplate size of tower components will be beneficial in mitigating shadow impacts. The Design Criteria also require that new developments should be spaced to provide adequate light view and privacy in surrounding buildings.

The proposed development complies with this requirement by providing significant separation distances from the tower component to the property lines of the adjacent lots which contain buildings (as discussed in Section 8 above). In addition, while the tower floor plate exceeds the 743 m² in area as recommended by the Design Criteria it is still small enough for the resulting shadow to move relatively quickly across the adjacent NTCI sports field (open space).

Servicing

The applicant has submitted a stormwater management report and site servicing plan, and a site grading and drainage plan in support of the proposed development to the Executive Director of Technical Services for review and acceptance prior to entering into a Site Plan Agreement with the City.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 – 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 290 residential units on a total site area of 0.3329 hectares (3,329 m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.386 hectares (3,860 m²) or 116% of the site area. However for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use. In total, the parkland dedication requirement is 333 m².

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no location for an on-site parkland dedication that would be of a useable size and the site would be encumbered with below grade parking.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with

financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The applicant is intending to pursue Tier 2 of the Toronto Green Standard which includes possible refunds against Development Charges payable for the development. The applicant intends to achieve Tier 2 benchmarks which include:

- reducing the urban heat island effect by ensuring that 75% of the hard surfaces will be high-albedo, use open grid paving or will be shaded within 5 years;
- achieving a minimum of 35% energy savings as part of meeting Leadership in Energy and Environmental Design (LEED) requirements;
- employing best-practice commissioning as part of meeting LEED requirements;
- installing low-flow fixtures to achieve the minimum 30% reduction in potable water use and not using any potable water for irrigation;
- shielding exterior lighting to reduce light pollution, and use of timers to turn off lighting between 11 p.m. and 5 a.m.;
- using at least 15% recycled content in building materials; and
- recycling at least 75% of construction debris.

Any revisions to the Green Checklist circulation which may be required by commenting Divisions will be done with the Site Plan application.

Section 37

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan.

The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and the addressing of planning issues associated with the development (e.g., local shortage of parkland, provision of new parks facilities).

Section 5.1.1.4 of the Official Plan allows Section 37 of the Planning Act to be used for all developments with a gross floor area of more than 10,000 square metres and when the

proposed zoning by-law amendment increases the permitted gross floor area by at least 1,500 square metres, and/or increases the height significantly.

In this case, the gross floor area of the proposed development is increased by 28,745 square metres over and above the total gross floor area and approximately 73 metres over the height that is permitted by By-law 438-86.

This applicant has agreed to a contribution of \$1,300,000.00 (indexed to inflation) to be deposited to the Planning Act Reserve Fund. The funds will be secured in the Section 37 Agreement and may be used for the capital construction of, or the capital improvements to one or more of the following: the Northern Lakes Landscape Design Project; the new park which is to be developed south of the TTC bus barns at Yonge Street and Eglinton Avenue West; the establishment of a drop-in centre for neighbourhood youth; the purchase of a new location for Central Eglinton Community Centre; a crosswalk between St Monica's school and the NTCI sports field and/or other local park or streetscape improvements.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

1. The owner shall construct and pay for any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Technical Services should it be determined that improvements to such infrastructure is required to support this development.
2. As a precondition to the issuance of site plan approval, the owner shall acquire strata title to a portion of the lands known municipally in 2011 as 2345 Yonge Street to merge such lands with the subject land in order to provide sufficient parking spaces to comply with the parking ratio which is set out in the draft Zoning By-law attached as Attachment No. 9 to the report dated October 7, 2011.
3. As a pre-condition to the issuance of site plan approval, the owner shall acquire an easement over the lands known municipally in 2011 as 2345 Yonge Street in order to provide access, to the satisfaction of the City Solicitor, to the parking spaces of the owner that will be located in lands known municipally in 2011 as 2345 Yonge Street.

Tenure

All residential units are proposed to be condominiums.

Development Charges

It is estimated that the development charges for this project will be \$2,848,447.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Tim Burkholder, Senior Planner

Tel. No. (416) 392-0412

Fax No. (416) 392-1330

E-mail: tburk@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP

Director, Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Context Plan – Street Level

Attachment 3: South Elevation

Attachment 4: East Elevation

Attachment 5: North Elevation

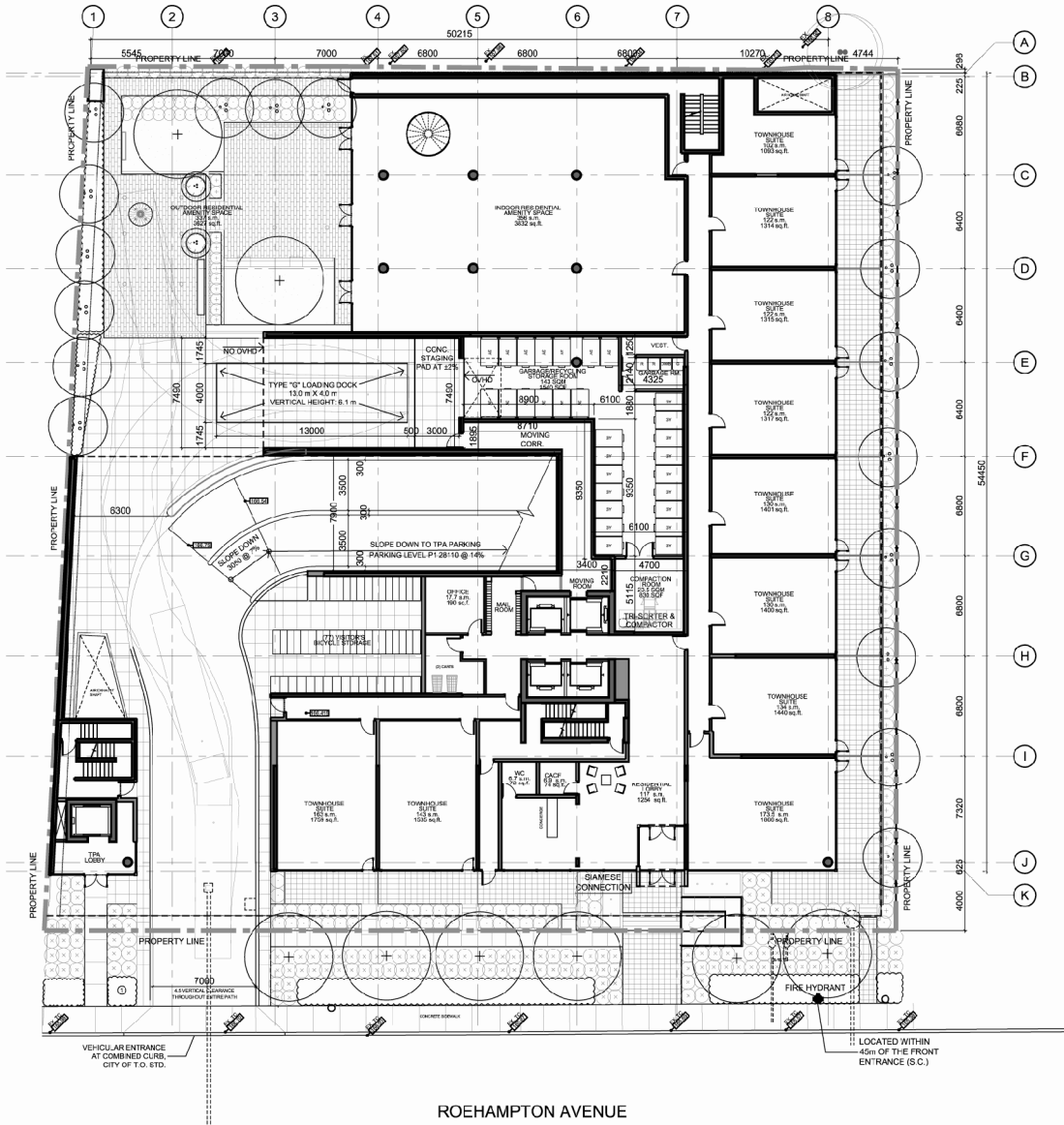
Attachment 6: West Elevation

Attachment 7: Zoning

Attachment 8: Application Data Sheet

Attachment 9: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

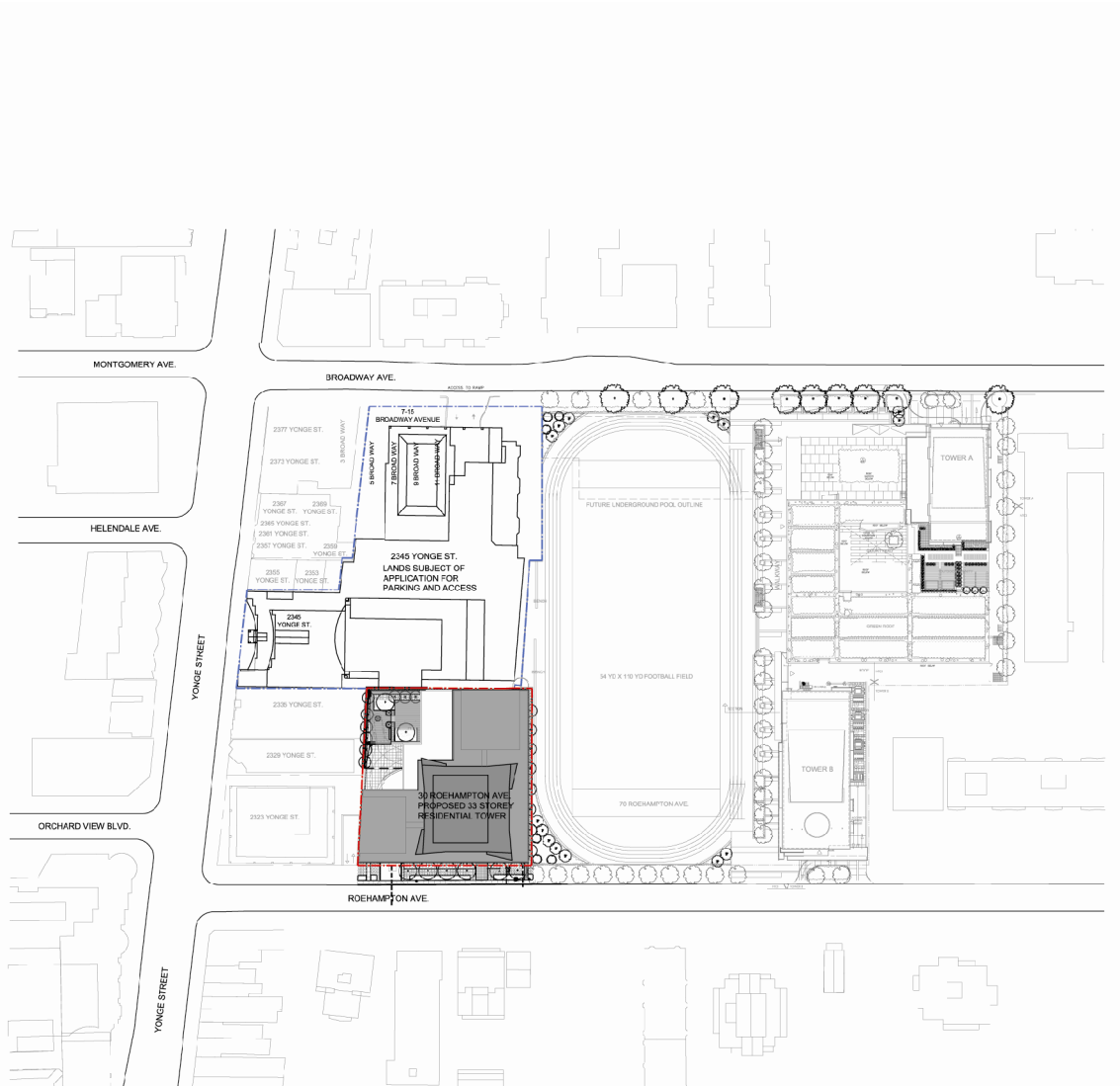
30 Roehampton Avenue

Applicant's Submitted Drawing

Not to Scale 

File # 11_106780_OZ

Attachment 2: Context Plan – Street Level



Context Plan

Applicant's Submitted Drawing

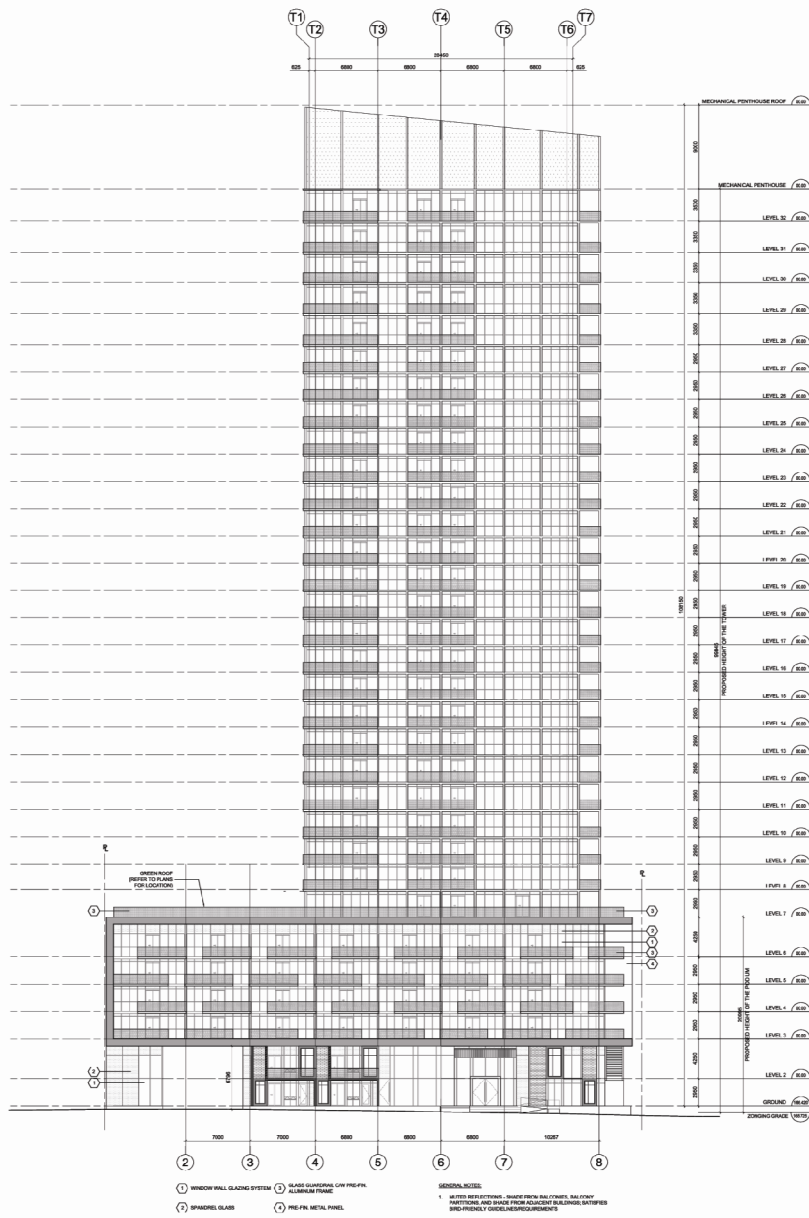
Not to Scale
09/28/2011



30 Roehampton Avenue

File # 11_106780_OZ

Attachment 3: South Elevation



Elevations

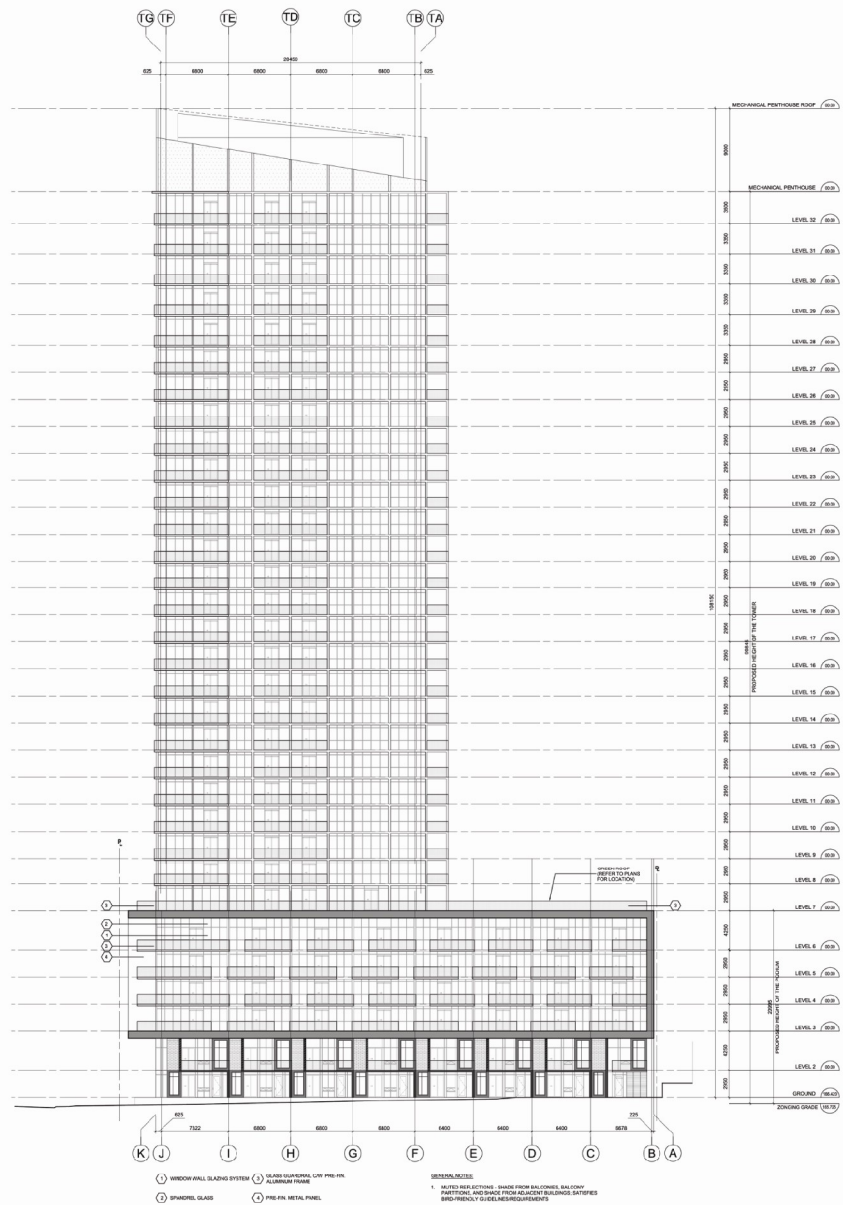
Applicant's Submitted Drawing

Not to Scale
09/28/2011

30 Roehampton Avenue

File # 11_106780_02

Attachment 4: East Elevation



Elevations

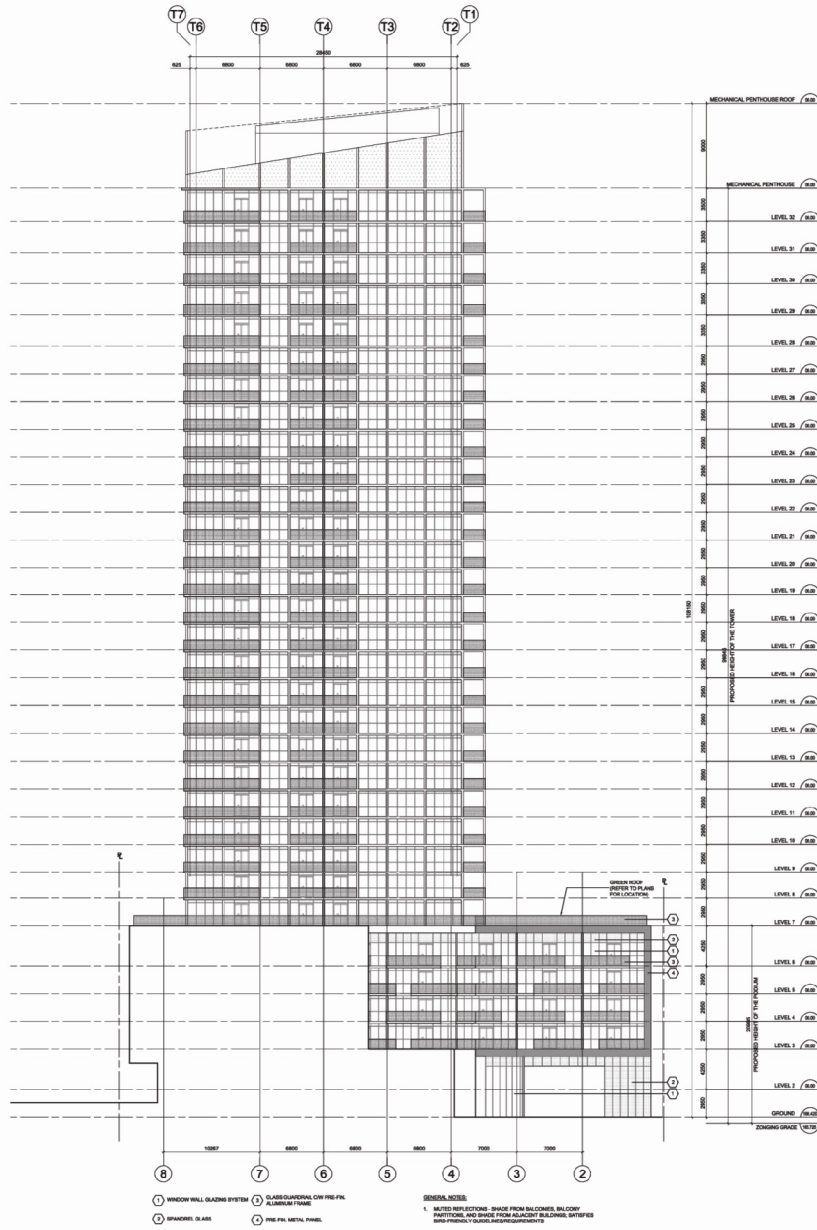
Applicant's Submitted Drawing

Not to Scale
09/28/2011

30 Roehampton Avenue

File # 11_106780_02

Attachment 5: North Elevation



NORTH Elevation

Elevations

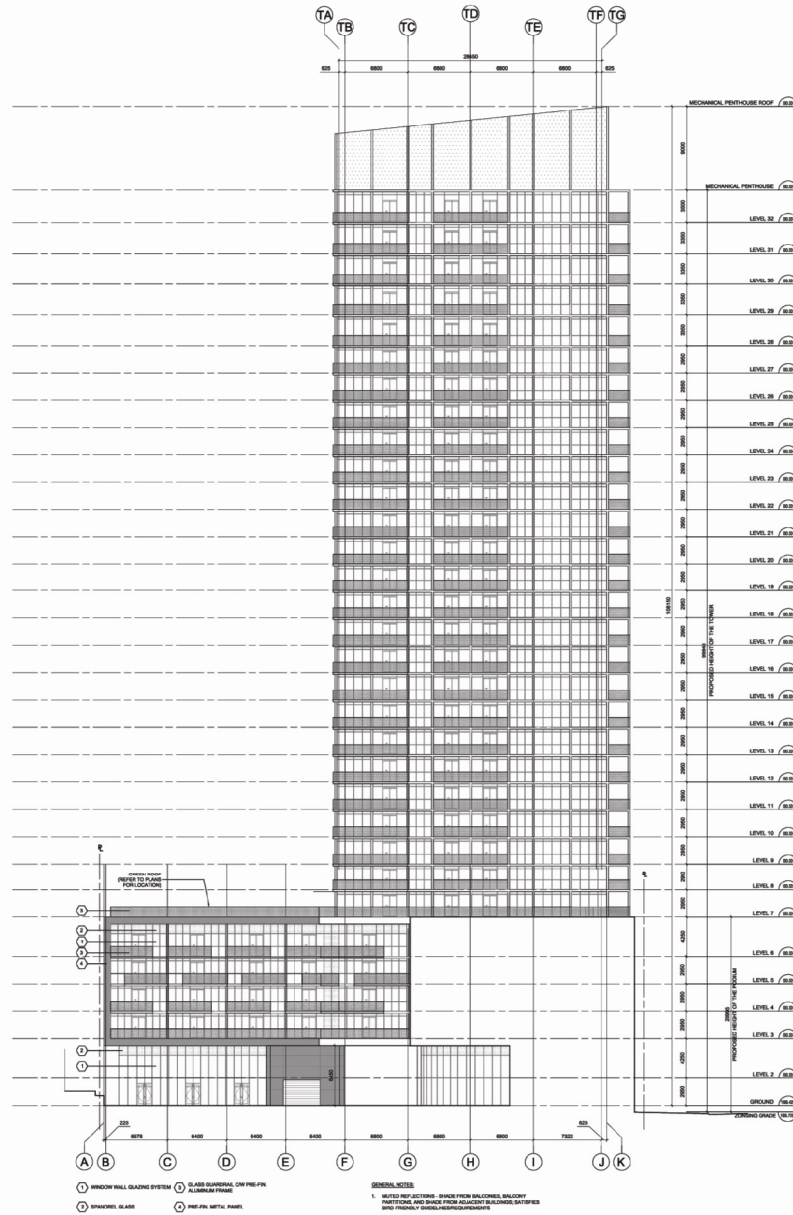
Applicant's Submitted Drawing

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09/28/2011

30 Roehampton Avenue

File # 11_106780_02

Attachment 6: West Elevation



WEST Elevation

Elevations

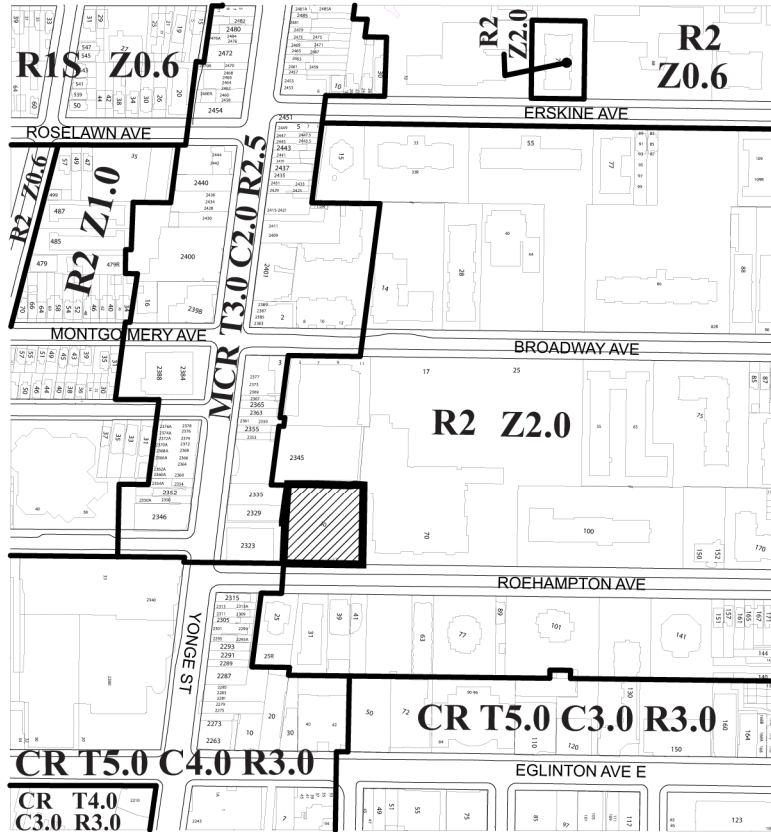
Applicant's Submitted Drawing

Not to Scale
09/28/2011

30 Roehampton Avenue

File # 11_106780_02

Attachment 7: Zoning



TORONTO City Planning
Zoning City of Toronto By-law 438-86

30 Roehampton Ave

File # 11_106780_OZ

R1S Residential District
 R2 Residential District
 CR Mixed-Use District
 MCR Mixed-Use District

↑
 Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 03/23/2011

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	11 106780 STE 22 OZ
Details	Rezoning, Standard	Application Date:	January 14, 2011
Municipal Address:	30 ROEHAMPTON AVE		
Location Description:	PLAN 639 LOT 1 PT LOT 2 PT BLK F & G **GRID S2201		
Project Description:	Rezoning application to permit the existing lands containing a surface (Green P) parking lot to be redeveloped for the purposes of a 33-storey mixed use building containing 361 above grade residential units and 4 levels of below grade parking, of which 2 levels are to be used exclusively for the purposes of a Green P parking garage. Also included in the proposal is the sub-surface conveyance of a portion of the p3 level of the adjacent building to the north, municipally known as 2345 Yonge Street, for additional parking to serve the residential component of the proposed building.		

Applicant:	Agent:	Architect:	Owner:
30 ROEHAMPTON LTD PARTNERSHIP		WALLMAN ARCHITECTS	30 ROEHAMPTON GP INC

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	
Zoning:	R2 Z2.0	Historical Status:	
Height Limit (m):	38	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3329	Height:	Storeys:	33
Frontage (m):	57.9		Metres:	113
Depth (m):	58.74			
Total Ground Floor Area (sq. m):	1745			
Total Residential GFA (sq. m):	29862		Parking Spaces:	Total 442 (including TPA)
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	29862			
Lot Coverage Ratio (%):	52.4			
Floor Space Index:	8.97			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	5
1 Bedroom:	234
2 Bedroom:	122
3 + Bedroom:	0
Total Units:	361

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	29859	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Tim Burkholder, Senior Planner
	TELEPHONE:	(416) 392-0412

Attachment 9: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item - as adopted by City of Toronto Council on _____, 2011

Enacted by Council: _____, 2011

CITY OF TORONTO

BY-LAW NO. xxx-2011

To amend the General Zoning By-law No. 438-86 of the former City of Toronto respecting the lands municipally known in the year 2011 as 30 Roehampton Avenue and 2345 Yonge Street

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law 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 or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the *lot* hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density and height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements by the owner of the *lot* and the City of Toronto; and

WHEREAS Council has required the owner of the *lot* to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2(1) with respect to the definitions of *'height'*, *'grade'*, *'lot'*, and *'parking space'* and Sections 4(2)(a), 4(4)(b), 4(16), 4(17), 6(1)(a), 6(3) Part I 1., 6(3) Part II 2., 6(3) Part II 3.F(II), 6(3) Part II 4, 6(3) Part II 5, 6(3) Part II 6(i), 6(3) Part II 8., 6(3) Part III 1.(b), 12(2)118.(iv) and 12(2)119.(iii) of Zoning By-law No. 438-86, 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 and use of a *mixed use building* containing *dwelling units* and a *commercial parking garage* including uses *accessory* thereto, on the *lot* provided that:
 - (a) the *lot* consists of those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) the total *residential gross floor area* erected or used on the *lot* does not exceed 29,900 square metres;
 - (c) the maximum number of *dwelling units* does not exceed 370;
 - (d) the total combined *non-residential gross floor area* and *residential gross floor area* erected or used on the *lot* does not exceed 36,250 square metres;
 - (e) no part of any building or structure erected or used above finished ground level is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2;
 - (f) no part of any building or structure erected or used above finished ground level shall exceed the *height* limits above *grade* in metres specified by the numbers following the symbol “H” as shown on Map 2;
 - (g) nothing in Sections 1(e) and 1(f) of this By-law shall prevent the following elements from projecting beyond the heavy lines and above the *heights* shown on Map 2:
 - (i) eaves, cornices, lighting fixtures, awnings, fences and safety railings, architectural features, parapets, trellises, balustrades, window sills, window washing equipment, privacy screens, mechanical and architectural screens, guardrails, chimneys, vents, stacks, terraces, platforms, transformer vaults, wheelchair ramps, retaining walls, landscape features, ornamental structures, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, underground garage ramps and their associated structures, stair landings, planters, and public art features, elevator overruns and elements or structures on the roof of the building used for outside

- or open air recreation, green roof, safety or wind protection purposes;
- (ii) balconies to a maximum horizontal projection of not more than 2.0 metres; and
 - (iii) canopies to a maximum horizontal projection of not more than 2.5 metres.
- (h) *parking spaces* for the *mixed-use building* shall be provided and maintained on the *lot* in accordance with the following:
- (i) bachelor dwelling unit – a minimum of 0.6 parking spaces per dwelling unit and a maximum of 0.9 parking spaces per dwelling unit;
 - (ii) one bedroom dwelling unit – a minimum of 0.7 parking spaces per dwelling unit and a maximum of 1.0 parking spaces per dwelling unit;
 - (iii) two bedroom dwelling unit – a minimum of 0.9 parking spaces per dwelling unit and a maximum of 1.3 parking spaces per dwelling unit;
 - (iv) three or more bedroom dwelling unit – a minimum of 1.0 parking spaces per dwelling unit and a maximum of 1.5 parking spaces per dwelling unit;
 - (v) *parking spaces* located within a *commercial parking garage* are permitted on the *lot*;
- (i) notwithstanding Section 1.(h) of this By-law, up to a maximum of 112 of the residential *parking spaces* required by Section 1(h) may be provided on the lands municipally known as 2345 Yonge Street in the year 2010 and no provisions of this By-law or By-law 438-86, as amended, shall apply to prevent the use of such *parking spaces* provided such *parking spaces* are maintained with the following minimum dimensions:
- (i) 2.6 metres in width, 5.9 metres in length, together with a drive aisle width of 5.4 metres, and
 - (ii) up to 44 *parking spaces* may be provided with minimum dimensions of 2.4 metres in width, 5.0 metres in length, together with a drive aisle of 5.4 metres.
- (j) notwithstanding any below grade connection between the *mixed-use building* on the *lot* and any buildings or structures on the lands

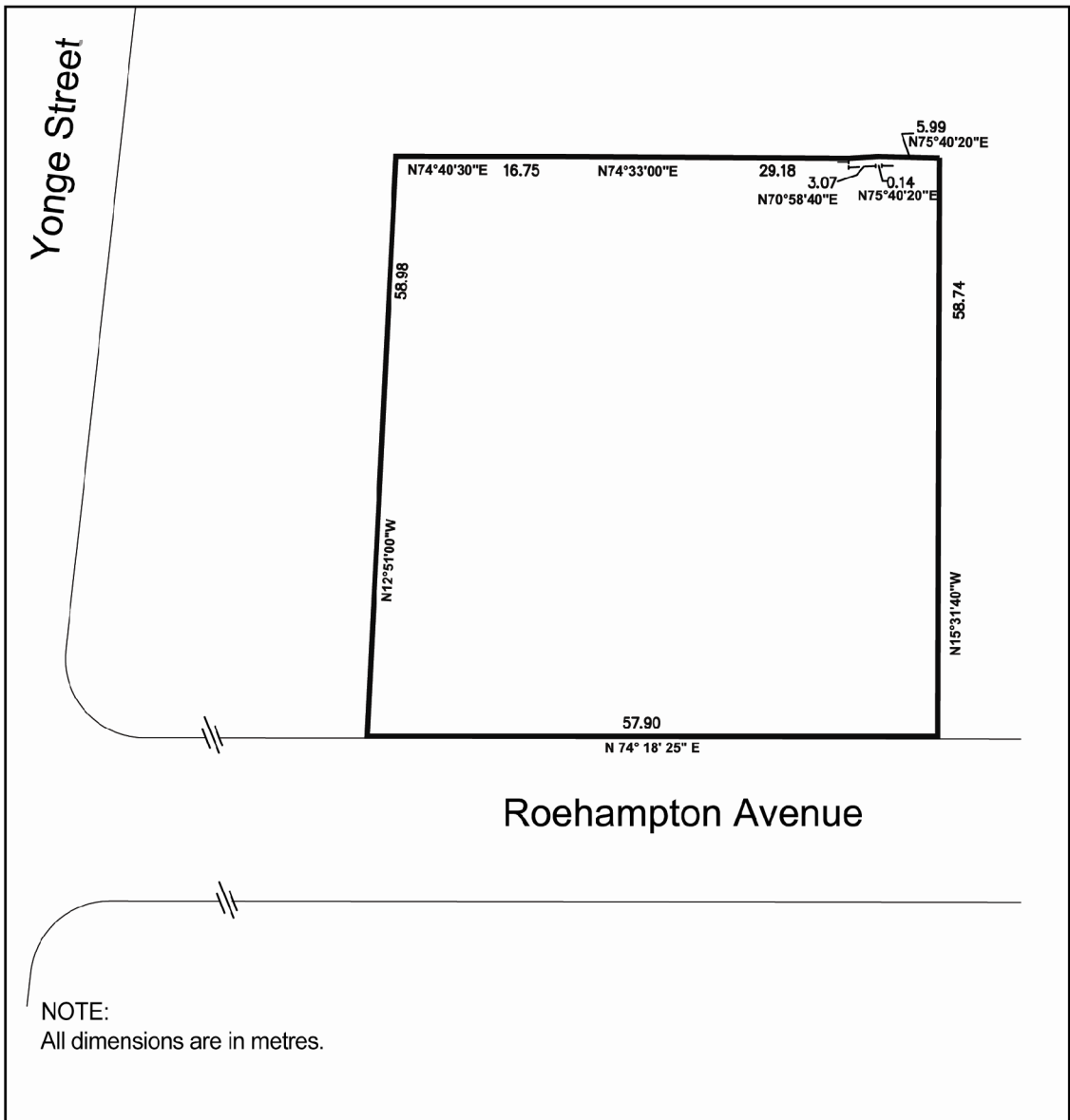
municipally known as 2345 Yonge Street in the year 2010, the *mixed-use building* on the *lot* shall be deemed to be a separate building;

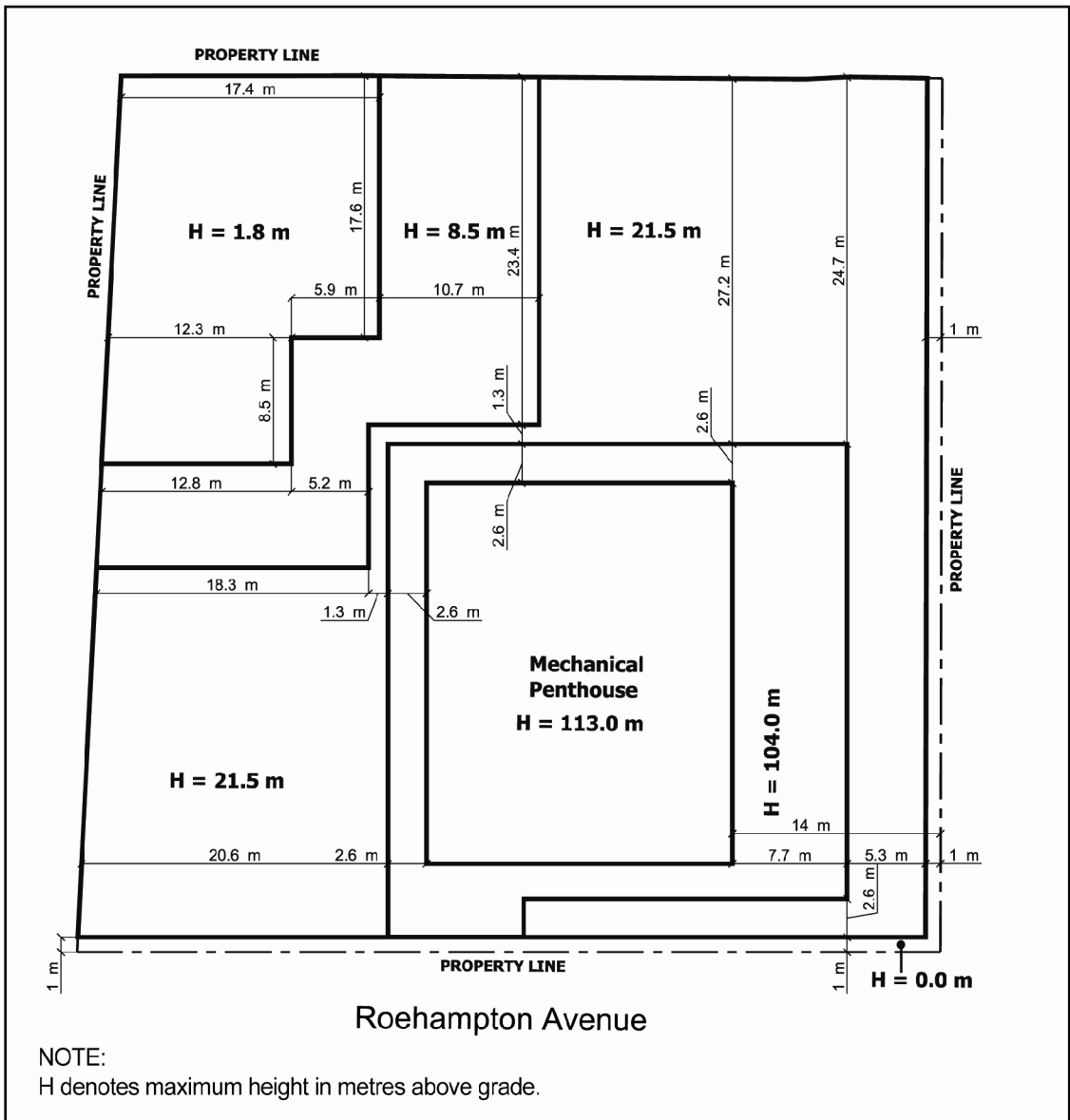
2. Pursuant to Section 37 of the *Planning Act* the *heights* and *density* of development permitted in the By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* expense and in accordance with and subject to the agreement referred to in Section 2 of this By-law.
3. Upon execution and registration of an agreement or agreements with the owner of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter of the payment of any monetary contribution as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the owner has satisfied the said requirements.
4. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
5. None of the provisions of By-law 438-86 shall apply to prevent a temporary *sales office* on the lot as of the date of the passing of this By-law.
6. Definitions

For the purpose of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law 438-86, as amended except that the following definitions shall apply:

- (i) “*sales office*” means a temporary building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*;
- (ii) “*height*” means the highest point of the roof above *grade*;
- (iii) “*grade*” means 165.7 metres Canadian Geodetic Datum;
- (iv) “*lot*” means those lands identified on Map 1 attached to this By-law; and
- (v) “*parking space*” means an unimpeded area, at least 2.6 metres in width, 5.6 metres in length and a vertical clearance of 2.0 metres, together with a drive aisle width of 6.0 metres, which is readily accessible at all times for the parking and removal of a motor

vehicle without the necessity of moving another motor vehicle, except that in the case of *parking spaces* provided in connection with a *commercial parking garage*, such *parking spaces* may have a minimum dimension of 2.6 metres in width, 5.2 metres in length and a vertical clearance of 2.0 metres, together with a drive aisle width of 7.0 metres;





Appendix "1"

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* and the owner with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. The *owner* shall pay to the *City* a payment of \$1,300,000.00 prior to the first above grade building permit. Such payment shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto for the period from the date of Council enactment of this by-law to the date of payment.

Such payment will be deposited to the Planning Act Reserve Fund and may be used for the capital construction of, or capital improvements to one or more of the following: the Northern Secondary School Northern Lakes Landscape Design Project; the new park which is to be developed south of the TTC bus barns at Yonge Street and Eglinton Avenue West; the establishment of a drop-in centre for neighbourhood youth; the purchase of a new location for Central Eglinton Community Centre; a crosswalk between St Monica's Elementary School and the North Toronto Collegiate sports field and/or other local area park or streetscape improvements.

The funds will be allocated amongst the listed community benefits as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.

2. The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - (i) the owner shall construct and pay for any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Technical Services should it be determined that improvements to such infrastructure is required to support this development.
 - (ii) As a precondition to the issuance of site plan approval, the owner shall acquire strata title to a portion of the lands known municipally in 2011 as 2345 Yonge Street to merge such lands with the subject land in order to provide sufficient parking spaces to comply with the parking ratio which is set out in the draft Zoning By-law attached as Attachment No. 9 to the report dated October 7, 2011.

- (iii) As a pre-condition to the issuance of site plan approval, the owner shall acquire an easement over the lands known municipally in 2011 as 2345 Yonge Street in order to provide access, to the satisfaction of the City Solicitor, to the parking spaces of the owner that will be located in lands known municipally in 2011 as 2345 Yonge Street.
- 3. The *owner* of the *lot* shall enter into and register on title to the *lot* and on title to the lands known municipally in the year 2011 as 30 Roehampton Avenue, one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities matters set forth in this Appendix.