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 ‘bicycle parking space – occupant’, ‘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., 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;

(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;

(i) parking spaces located within a commercial parking garage are permitted on the lot;

(j) 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 and access to 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 46 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.

(k) the gross construction area of any floor of the building erected on the lot above a height of 22.0 metres shall not exceed a maximum of 780 square metres;

(l) 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 3 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) “*gross construction area*” means the total aggregate floor area of any floor of a building measured from the exterior face of all exterior walls;

(v) “*lot*” means those lands identified on Map 1 attached to this By-law; and

(vi) “*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;

(vii) “*bicycle parking space – occupant*” means an area that is equipped with a bicycle rack, stacker or locker for the purpose of parking and securing bicycles, and;

A. where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;

B. where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
C. notwithstanding A. and B. above, where the bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have a length of at least 1.6 metres and the stacker shall be located in an area with a vertical dimension of at least 2.5 metres; and

D. in the case of a bicycle rack, is located in a secured room or area.

ENACTED AND PASSED this th day November, 2011.

FRANCES NUNZIATA, Speaker

ULLI S. WATKISS, City Clerk

(Corporate Seal)
NOTE:
All dimensions are in metres.

30 Roehampton Avenue

File # 11 106780 OZ

Not to Scale
08/10/2011
NOTE: 
H denotes maximum height in metres above grade.

Roehampton Avenue

30 Roehampton Avenue

Map 2

File # 11 106780 OZ

Not to Scale

09/30/2011
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 know 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.