

Authority: Toronto and East York Community Council Item 2.7,  
as adopted by City of Toronto Council on February 5, 6, 7 and 8, 2007  
Enacted by Council: July 19, 2007

## **CITY OF TORONTO**

### **BY-LAW No. 817-2007**

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 70 Roehampton Avenue.**

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 lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or 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 between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS Council has required the owner of the aforesaid lands 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 with respect to *lot, grade, height non-residential gross floor area and parking space* and Sections 4(2)(a), 4(6), 4(12), 4(16), 6(1)(a), 6(3) Part I 1., 6(3) Part II 2., 6(3) Part II 3., 6(3) Part II 4., 6(3) Part II 5., 6(3) Part II 6., 6(3) Part II 7., 6(3) Part II 8., and 12(2) 118, of 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 building containing residential and non-residential uses including a *public school* and a *below-grade parking garage*, and uses *accessory* thereto, on the *lot* provided:

- (1) the *lot* consists of the lands delineated by heavy lines on the attached Plan 1 attached to and forming part of this By-law;
- (2) the total combined *non-residential gross floor area* and *residential gross floor area* on the *lot* shall not exceed 62,130 square metres of which the *residential gross floor area* on the *lot* shall not exceed 46,335 square metres and the *non-residential gross floor area* on the *lot* shall not exceed 15,793 square metres;
- (3) no portion of any building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Plan 2 except for the following:
  - (i) cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps and their associated structures, fences, screens, landscape and public art features;
  - (ii) balconies which may extend to a maximum horizontal projection from an exterior building wall of approximately 1.5 metres beyond the heavy lines shown on Plan 2; and
  - (iii) canopies and roof-top architectural features which may project to a maximum of 4.0 metres from the wall where it is attached, provided the height of such *structure* is no higher than that portion of the building to which it is attached;
- (4) no person shall erect or use a building or structure on the *lot* having a greater *height* than the lesser of the *height* in metres specified by the numbers following the symbol H or the number of *storeys* specified by the numbers on the attached Plan 2 except for the following:
  - (i) a structure on the roof of the building used for outside or open air recreation, safety or wind protection may exceed the height limits shown on the attached Plan 2 by no more than 3.0 metres, provided no part of the structure is less than 2.0 metres from an adjacent outside wall or a vertical projection of the wall and that such structure does not enclose a space so as to constitute a form of penthouse or other room or rooms;
  - (ii) a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of Buildings A, B or C or a fence, wall, decorative feature or structure enclosing such elements may exceed the height limits shown on the attached Plan 2 by no more than 8 metres provided they are located within the area labelled Mechanical Penthouse on Plan 2; and

- (iii) the structural projections identified in section (3) of this By-law, subject to the limitations contained therein;
- (5) the minimum required number of *parking spaces* shall be provided and maintained on the *lot* in the below- *grade parking garage* in accordance with the following:

Use	<i>Parking Space Requirement</i>
<i>bachelor dwelling unit</i>	0.3 spaces per unit
One bedroom <i>dwelling unit</i>	0.7 spaces per unit
Two bedroom <i>dwelling unit</i>	1.0 spaces per unit
Three bedroom <i>dwelling unit</i>	1.2 spaces per unit
Visitor Parking	0.12 spaces per unit
Non-residential uses	75 spaces in total

- (6) a minimum of two *loading space-type “B”* and one *loading space-type “G”* shall be provided and maintained on the *lot*.
- (7) *residential amenity space* shall be provided in accordance with the following:
  - (i) for Buildings “A” and “B” shown on Plan 2 in accordance with the provisions of Section 4 (12) of By-law No. 438-86 except that said indoor *residential amenity space* need not be provided in a contiguous multi-purpose rooms;
  - (ii) a minimum of 340 square meters of outdoor *residential amenity space* shall be provided for Building “A” shown on Plan 2 in a location directly abutting or directly accessible from indoor *residential amenity space* in Building “A”;
  - (iii) a minimum of 250 square meters of outdoor *residential amenity space* shall be provided for Building “B” shown on Plan 2 in a location directly abutting or directly accessible from indoor *residential amenity space* in Building “B”; and
  - (iv) the total amount of indoor *residential amenity space* shall be excluded from any calculations of *residential gross floor area* and *non-residential gross floor area*; and

- (8) the owner of the *lot* is required to enter into one or more agreements pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor and that such agreement(s) be registered against the title to the *lot* as outlined in heavy lines on Plan 1 to secure the following facilities, services or matters:
- (i) a payment in the amount of \$400,000 towards the construction of a new public swimming pool on the site or towards other community facilities or services as may be determined by the Chief Planner and Executive Director, City Planning Division in consultation with the local Ward Councillor if the new pool has not become a bona fide City development project within 3 years (subject to extension) of the date of signing of the Section 37 Agreement;
  - (ii) a payment of half (\$200,000.00) of the funds specified in (i) above shall be made prior to the issuance of an above-grade building permit for Phase 1 of the development and a payment of the remaining half (\$200,000.00) shall be made prior to the issuance of an above-grade building permit for Phase 2 of the development;
  - (iii) the cash amounts secured in (i) and (ii) above shall increase in accordance with the increase in the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;
  - (iv) a public art contribution in accordance with the City of Toronto's public art program of a value not less than one percent of the construction costs of all residential buildings and structures to be erected on the *lot*;
  - (v) the construction and maintenance of a publicly accessible walkway through the site that will connect Roehampton Avenue and Broadway Avenue in the approximate location shown on Plan 2;
  - (vi) the sodding and maintenance of any undeveloped lands prior to the construction of Building B as landscaped open space;
  - (vii) a requirement that the owner enter into a registered Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the City respecting the conservation of architectural elements of the existing school; and
  - (viii) the provision and maintenance of a green roof on those areas of the new school roof that are not otherwise occupied by amenity area or mechanical equipment.

**2. Definitions**

- (i) For the purposes of this By-law, the terms set forth in italics, subject to Section 2 (i) and (ii) of this By-law, have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended; and

- (ii) the following definitions shall apply:

“*grade*” means 166.6 metres Canadian Geodetic Datum;

“*height*” means the highest point of the roof above *grade* except for those elements prescribed in this By-law;

“*lot*” means those lands outlined in heavy lines on Plan 1 attached hereto;

“*non-residential gross floor area*” shall have the same meaning as in By-law No. 438-86, as amended, except that any *non-residential gross floor area* located in a school building existing on the *lot* as of the date of passage of this By-law shall be excluded therefrom; and

“*parking space*” means

- (i) an unobstructed area, at least 5.6 metres in length, at least 2.6 metres in width and at least 2.0 metres in height that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle, provided that the minimum width of a driveway providing access to the *parking space* shall be not less than 6.0 m; and
- (ii) notwithstanding paragraph (i) above, where a parking space is a minimum of 2.9 m in width, the minimum width of a driveway providing access to the *parking space* shall be not less than 5.5 m.

- 3.** None of the provisions of By-law No. 438-86, as amended, or of this By-law shall apply to prevent the erection or use within the *lot* of a temporary sales showroom.
- 4.** None of the provisions of By-law No. 438-86, as amended, or of this By-law shall apply such that the erection of a building or structure in conformity with Sections 1, 2, 3 and 5 of this By-law would operate to prevent the preservation of, or the operation of, the school building which was in existence on the *lot* on the date of the passage of this By-law until such time as the school building is demolished.

- 5.** 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.

ENACTED AND PASSED this 19th day of July, A.D. 2007.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)



