

Authority: Toronto and East York Community Council Item 7.5,
as adopted by City of Toronto Council on June 14 and 15, 2011
Enacted by Council: June 15, 2011

CITY OF TORONTO

BY-LAW No. 814-2011

To repeal By-law No. 55-67 and to amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands municipally known as 299 Roehampton Avenue.

WHEREAS Council at its meeting held on June 14 and 15, 2011, adopted Toronto and East York Community Council Item TE7.5; 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 Council of the City may in a By-law passed under Section 34 of the *Planning Act*, authorize density and height increases not otherwise permitted in the by-law in return for the provision of facilities, services or matters as are set out in the By-law;

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

1. District Map 51L-312 contained in Appendix "A" of By-law No. 438-86, is amended by redesignating the lands delineated by heavy lines as shown on Map 1 attached hereto to R4A Z2.0.
2. Section 12(1) of the aforesaid By-law No. 438-86 is amended by adding the following exception:
 486. To prevent the erection or use of an *apartment building* and *accessory* uses and structures on the lands municipally known in 2011 as 299 Roehampton Avenue, provided:
 - (a) the *lot* comprises at least the lands shown on the map following this exception;
 - (b) the total *gross floor area* on the *lot* does not exceed 46,326 square metres, of which:
 - (i) no more than 125 square metres is located within *Area E*;
 - (c) the total *residential gross floor area* on the *lot* does not exceed 46,201 square metres, of which:
 - (i) no more than 13,623 square metres is located within *Area A*;
 - (ii) no more than 14,377 square metres is located within *Area B*;
 - (iii) no more than 17,270 square metres is located within *Area C*; and
 - (iv) no more than 931 square metres is located within *Area D*.

- (d) no portion of any building or structure above *grade* is located otherwise than wholly within one of the areas delineated by heavy lines and designated as *Area "A"*, *"B"*, *"C"*, *"D"* and *"E"* on the aforesaid map other than:
 - (i) ventilator housings for the ventilation of underground facilities and ramps and stairs (or railings or enclosures therefore) providing access to such facilities;
 - (ii) canopies over any main entrance, and in no case projecting more than 9.1 metres beyond such heavy lines; and
- (e) no portions of any building or structure exceed the *height limits* shown on the aforesaid map except for a mechanical penthouse having an additional height of 5.5 metres on a building within *Area C*;
- (f) no more than 210 *dwelling units*, divided both horizontally and vertically, are contained within the building located within *Area C* of which a minimum of 20 percent of the total *dwelling units* shall contain 2 bedrooms or more;
- (g) at least 368 square metres of *landscaped open space* is provided and maintained on the *lot*;
- (h) a minimum of 482 *parking spaces* are provided and maintained in an underground garage on the *lot*, of which no more than 363 existing parking spaces will be provided in accordance with the following:
 - (i) 7 *parking spaces* may have a minimum length of 4.4 metres;
 - (ii) 356 *parking spaces* may have a minimum length of 4.5 metres;
 - (iii) 2 *parking spaces* may have a minimum height of 1.7 metres;
 - (iv) 23 *parking spaces* may have a minimum width of 2.22 metres; and
 - (v) 340 *parking spaces* may have a minimum width of 2.4 metres.
- (i) the minimum number of parking spaces provided and maintained in an underground parking garage on the *lot* shall not be less than the number calculated in accordance with the following minimum ratios, (fractions to be rounded down to the closest whole number):

Areas A and B (Rental Apartment Buildings)

Residents parking	-	minimum of 243 spaces
Visitor parking	-	0.12 visitor spaces per unit

Area C (Residential Apartment Building)

bachelor <i>dwelling unit</i>	-	0.3 spaces per <i>dwelling unit</i>
one bedroom <i>dwelling unit</i>	-	0.7 spaces per <i>dwelling unit</i>
two bedroom <i>dwelling unit</i>	-	1.0 spaces per <i>dwelling unit</i>
three bedroom <i>dwelling unit</i>	-	1.2 spaces per <i>dwelling unit</i>
Visitor parking	-	0.12 spaces per <i>dwelling unit</i>

- (j) a minimum of 128 *bicycle parking spaces* are provided and maintained on the *lot*;
- (k) a minimum of two *loading spaces* – *type G* which each have a minimum width of 3.6 metres and minimum depth of 13.0 metres, are provided and maintained on the *lot*;
- (l) with the exception of sections 4(2), 4(4), 4(6), 4(12), 4(13), 6(1)(f)(a)(i) and 6(3) PARTS I, II, III, all other provisions of this by-law are complied with.

For the purposes of this exception:

- (m) "*lot*" means the lands outlined on the map following this exception, and the provisions of this exception shall apply to the whole of the *lot* despite any existing or future severance, partition or division of any part of the *lot*.
- (n) *Area A, Area B, Area C, Area D and Area E* means those areas outlined with heavy lines on Map 2 following this exception.

3. Section 37:

Pursuant to Section 37 of the *Planning Act* and subject to compliance with provisions of this By-law, the increase in height and density of development on the site is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's sole expense:

- (1) Before the end of the fifteenth (15th) business day following the Final Confirmation Date of the Zoning By-law Amendment, the owner shall:
 - (i) Pay to the City \$500,000 for deposit to a dedicated fund for the construction of improvements to the Northern Secondary School playing field with such improvements to be determined by the Chief Planner in consultation with the Toronto District School Board. The use of these funds for the purpose of playing field improvements is contingent upon securing for the general public, reasonable access to the playing field for recreational purposes outside of school hours. In the event that reasonable public access cannot be secured, or in the event that playing field improvements have not commenced within 5 years of the by-law coming into force and effect, Council authorizes the use of these funds to acquire new parklands or to fund other improvements in Ward 22.

- (2) Prior to the issuance of an above grade building permit for a building within Area C, the owner shall:
- (i) Pay to the City \$500,000 for deposit into the parkland acquisition and development fund that is to be established to purchase, design and construct a new *public park* in Yonge – Eglinton Centre.
 - (ii) The cash amount identified in "2 (i)" above shall be indexed in accordance with 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.
- (3) The Owner shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which shall be registered on title to the land by the City to secure the following:
- (i) The matters provided for in 1) and 2) above;
 - (ii) The owner shall maintain the two apartment buildings with 431 existing rental *dwelling units* as rental housing for a minimum period of twenty (20) years commencing from the date this by-law comes into effect, with no application for demolition without replacement, or for conversion to non-rental housing purposes to be made for these units during the twenty year period;
 - (iii) Prior to, or in conjunction with, the construction of a building within *Area C*, the owner shall construct and maintain a recreation centre for the exclusive use of all the residents of the *lot*, located within *Area D*, which shall contain a minimum of 900 square metres of *residential amenity space*, and the owner agrees that it shall not pass through any of the costs to construct the recreation centre to the tenants of the 431 existing rental dwelling units, including in the form of an increase in rent above the provincial Guideline established under the Residential Tenancies Act;
 - (iv) The owner shall provide assistance for the tenants of the 7 residential rental units to be demolished as required under the Tenant Relocation and Assistance Plan, to the satisfaction of the Chief Planner;
 - (v) The owner shall develop and implement, to the satisfaction of Director, Community Planning for the Toronto and East York District, an appropriate Construction Mitigation Plan and a Tenant and Resident Communication Strategy prior to demolition of the existing townhouse dwellings;

- (vi) The owner pay all costs associated with the installation of a southbound left-turn advance phase at the intersection of Eglinton Avenue East and Mount Pleasant road, as assessed by iTRANS Consulting in their August 2007 report;
- (vii) Require the owner to incorporate in the construction of the building, exterior materials to be shown on 1:50 scale drawings of the Rawlinson Avenue building frontage that form part of the approved Site Plan for the development;
- (viii) The owner agrees to comply with the requirements of the City of Toronto Wet Weather Flow Management Plan for this project;
- (ix) The owner will ensure that the site grading complies with the City of Toronto Standards and is designed to provide appropriate overland route/s through the site; and
- (x) The owner will provide 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 upgrades to such infrastructure is required to support this development.

4. By-law No. 55-67, being a by-law to amend By-law No. 20623 respecting certain lands on the west side of Rawlinson Avenue, between Roehampton Avenue and Eglinton Avenue East is hereby repealed.

ENACTED AND PASSED this 15th day of June, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



