

Authority: Toronto and East York Community Council Item 11.7,
as adopted by City of Toronto Council on November 29, 30 and December 1, 2011
Enacted by Council: December 1, 2011

CITY OF TORONTO

BY-LAW No. 1361-2011

To amend the General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands municipally known 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 '*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; 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*;
 - (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 No. 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 No. 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 No. 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;

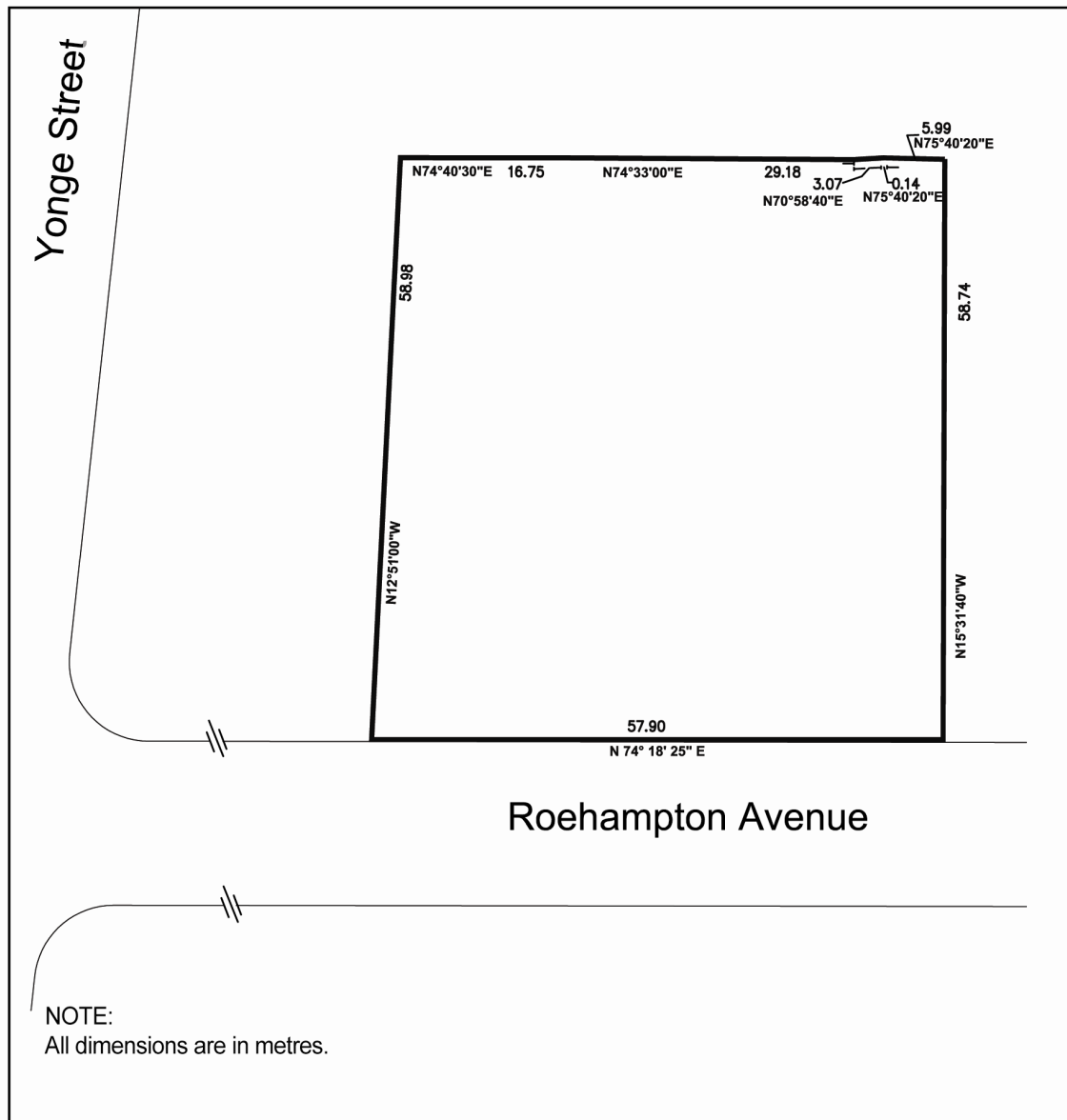
- C. notwithstanding A. and B. above, where the bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have a length of at least 1.6 metres and the 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.

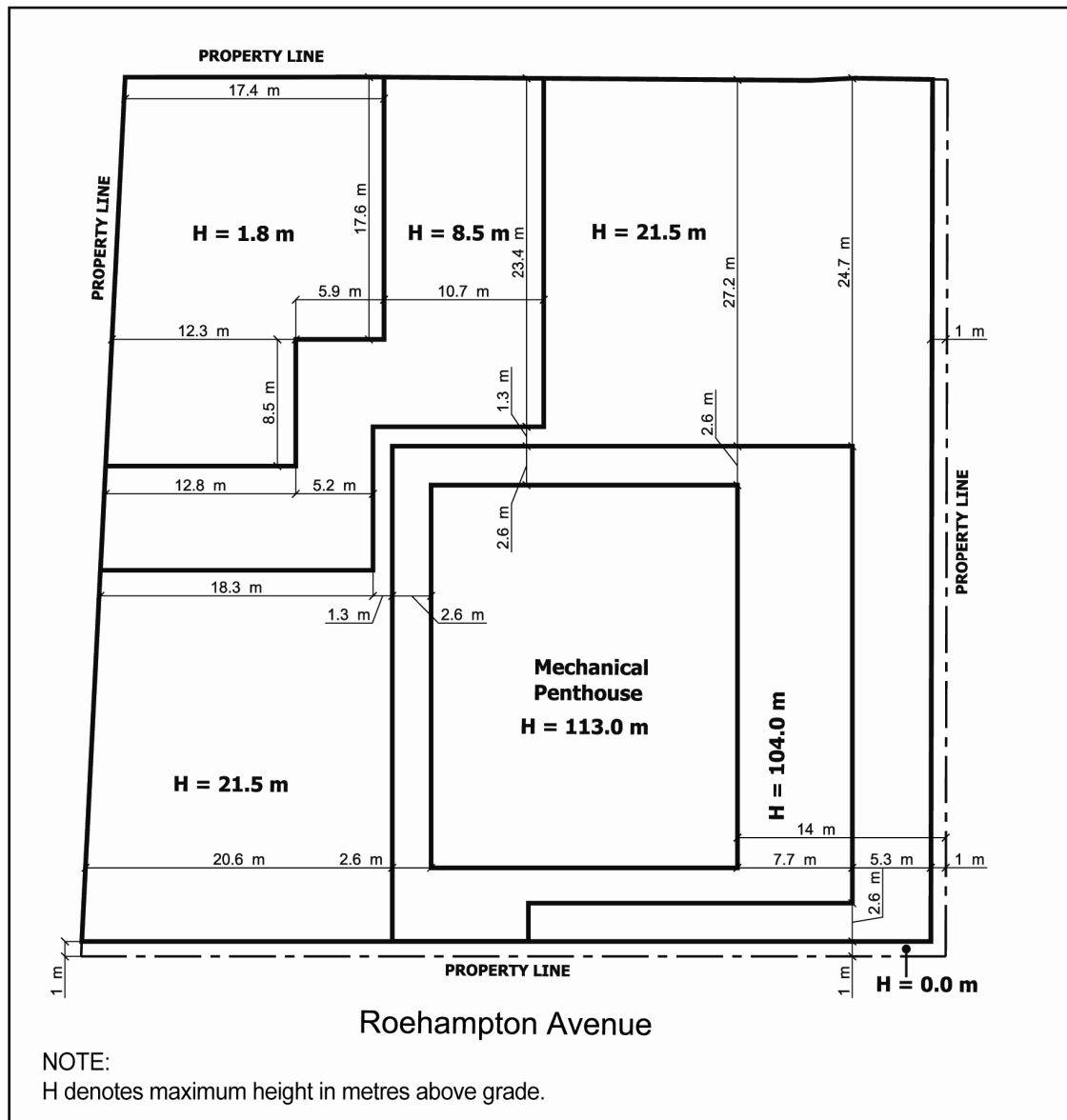
ENACTED AND PASSED this 1st day of December, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





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.