

Authority: Toronto and East York Community Council Item 34.20,
as adopted by City of Toronto Council on August 25, 26, 27 and 28, 2014

CITY OF TORONTO

BY-LAW No. 1029-2014

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands known as 183-195 Roehampton Avenue and 139-145 Redpath Avenue.

Whereas the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally as 183-195 Roehampton Avenue and 139-145 Redpath Avenue; and

Whereas the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act* may authorize increase in the height of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law; and

Whereas the *owner* of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is permitted in return for the provision of facilities, services and matters set out in this By-law which are secured by one or more agreements between the *owner* of the land and the City of Toronto; and

Whereas the Council of the City of Toronto has determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

The Council of the City of Toronto enacts:

1. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the *lot*.
2. None of the provisions of Section 2(1) with respect to the definition of '*height*', '*grade*', '*lot*', '*sales office*', and '*bicycle parking space - visitor*' and Sections 4(2)(a), 4(4), 4(12), 4(16), 6(1), 6(2)8, 6(3) PART I 1, 6(3) PART II, 6(3) PART III, 12(2) 118 and 12(2) 119 of Zoning By-law No. 438-86, as amended, shall apply to prevent the erection and use of an '*apartment building*' with underground parking and, retail and restaurant floor area at grade on the *lot* shown delineated by heavy lines on Map 1 attached hereto, provided that all of the provisions of this By-law are complied with.
3. The *lot* on which the uses are located are comprised of the lands delineated by heavy lines on Map 1 attached to this By-law.
4. The *height* of each portion of the building or structure erected above *grade* within the *lot*, shall in respect of the building envelope area, have a maximum *height* in metres as shown

following the symbol H on the attached Map 2 for the corresponding building envelope area.

5. The preceding section of this By-law does not apply to prevent the erection or use above the *height* limits of those structural projections permitted to be outside a building envelope area by Section 10 hereof provided the restrictions set out therein are complied with.
6. The total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 29,070 square metres, which area is allocated as follows:
 - (a) the *residential gross floor area* erected or used on the *lot* shall not exceed 29,070 square metres; and
 - (b) the *non-residential gross floor area* erected or used on the *lot* shall not exceed 257 square metres.
7. The total number of *dwelling units* erected or used on the *lot* shall not exceed 446 units.
8. A *restaurant* shall be a permitted use within the *apartment building* on the *lot*.
9. A *retail store* with direct entry from Redpath Avenue and with window display of goods and advertising shall be a permitted use within the *apartment building* on the *lot*.
10. No part of any building or structure erected within the *lot* shall be located above *grade* otherwise than wholly within the building envelope as shown on Map 2, except for the type of structures listed in the column entitled "STRUCTURE" in the following chart, provided that the restrictions set out opposite the structure in the columns entitled "MAXIMUM PERMITTED PROJECTION" and "OTHER APPLICABLE QUALIFICATIONS" are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A. cornices, lighting fixtures, window washing equipment, vents, awnings, canopies, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, architectural features, railings, wheelchair ramps, underground garage ramps and their associated structures, underground garage stair enclosures, fences, retaining walls, terraces including terrace guards and dividers, planters, decorative screens, landscape and public art features and safety or wind protection, elements or structures on the roof of the building used for outside or open air recreation, green roof or safety or wind protection purposes.	No restriction	Provided the height of such "STRUCTURE" is not greater than 2.0 metres above the height limits established in this By-law.

STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
B. balconies and balcony piers.	Maximum 2.0 metres projection.	Provided the height of the "STRUCTURE" is no higher than that portion of the building to which it is attached.

11. *Parking spaces* shall be provided and maintained on the *lot* according to the following minimum requirements:
 - (a) a minimum of 156 resident *parking spaces*;
 - (b) a minimum of 24 visitor *parking spaces*; and
 - (c) a minimum of 3 *car-share parking spaces*.
12. Notwithstanding the definition of *bicycle parking space-visitor* in Section 2(1) of *By-law No. 438-86* as amended, *bicycle parking space-visitor* may be located within a secured room, enclosure or bicycle locker.
13. A minimum of 1.3 square metres of indoor *residential amenity space* per dwelling unit shall be provided.
14. A minimum of 1.2 square metres of outdoor *residential amenity space* per dwelling unit shall be provided.
15. A minimum of 13 percent of the area of the *lot* shall be provided as *landscaped open space*.
16. 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*.
17. 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 an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act*.
18. 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.

19. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

20. Definitions

For the purpose of this By-law, the following expressions shall have the following meaning:

- (a) "*bicycle parking space - visitor*" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles; and:
 - (i) 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; and
 - (ii) 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.
- (b) "*car-share*" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or not be refundable;
- (c) "*car-share parking space*" means a *parking space* that is exclusively reserved and actively used for car-sharing;
- (d) "*height*" means the vertical distance between *grade* and the highest point of the building or structure;
- (e) "*grade*" means 160.25 metres Canadian Geodetic Datum;
- (f) "*lot*" means those lands identified on Map 1 attached to this By-law;
- (g) "*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*; and
- (h) Each other word or expression, which is italicized in this by-law shall have the same meaning as each such word or expression as defined in *By-law No. 438-86*.

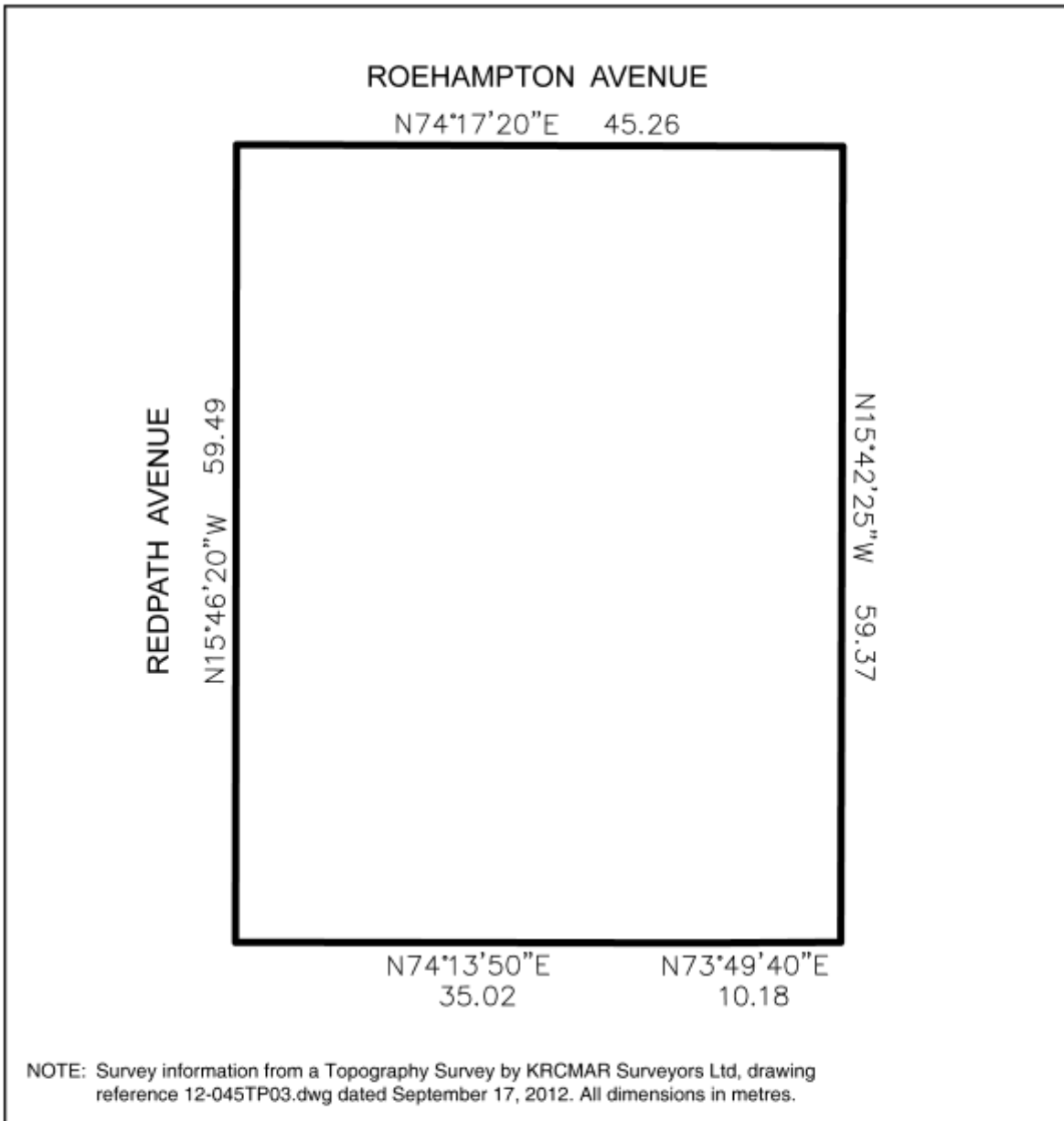
- 21.** Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.

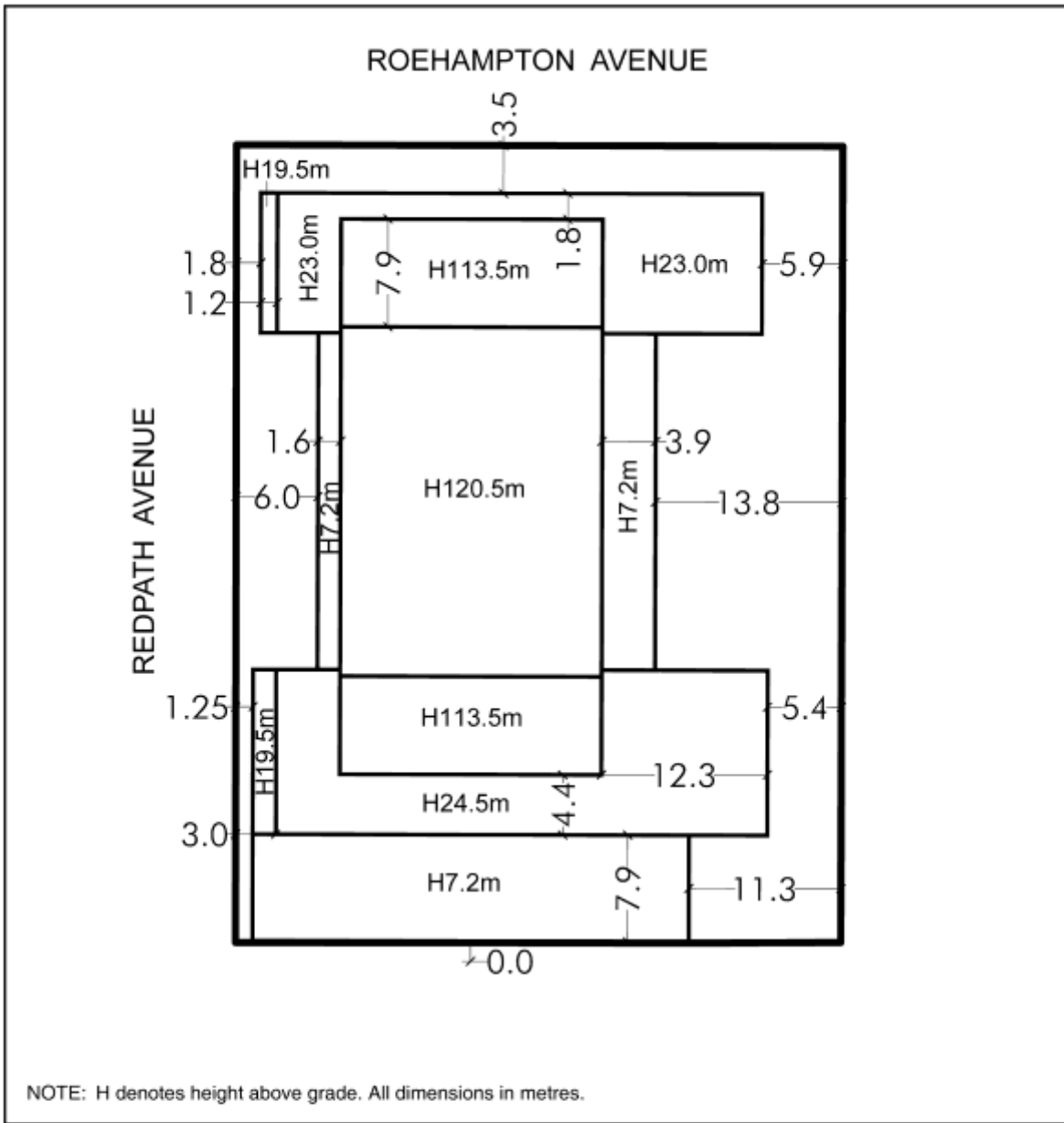
Enacted and passed on August 28, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





Appendix 1

Section 37 Provisions

1. The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *site* 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* with conditions providing for no credit for development charges, indemnity, insurance, HST, termination and unwinding, the ability to modify the agreement in future upon the consent of the parties without amendment of the zoning by-law and registration and priority of the agreement whereby the *owner* shall agree as follows:
 - (a) contributions in the amount of \$1,400,000.00, payable (or, in the case of public art, secured by a letter of credit) prior to the first above-grade building permit to be applied as directed by the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor for the following local community improvement initiatives or towards other local area park or streetscape improvements, as appropriate:
 - (i) \$700,000.00 for improvements to Redpath Avenue Parkette and for the acquisition, design and construction of additional parklands which could potentially be a Redpath Avenue Parkette expansion or the development of other parkland in the area; and
 - (ii) \$700,000.00 for public art to be designed and constructed on the site at 183 - 195 Roehampton Avenue and 139 - 145 Redpath Avenue in accordance with the 'Percent for Public Art Program and Guidelines'.

Such total amount is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment.

2. The *owner* shall enter into an agreement with the *City* pursuant to Section 37 of the *Planning Act*, to secure the provision of said facilities, services and matters, in a form satisfactory to the *City's* Solicitor as set forth in this Appendix 1.