

Authority: Toronto and East York Community Council Item TE12.4, as adopted by City of Toronto Council on December 9 and 10, 2015

CITY OF TORONTO

BY-LAW No. 1355-2015

To amend former City of Toronto Zoning By-law No. 438-86 respecting the lands municipally known in the year 2015 as 151-177 Roehampton Avenue and 140-144 Redpath Avenue.

Whereas authority is given to Council has the authority to pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this by-law; and

Whereas Council 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*, a by-law under Section 34 of the *Planning Act* may authorize increase in the height and density 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 subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; 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 Zoning 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 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. None of the provisions of Section 2(1) with respect to the definition of *bicycle parking space - occupant*, *bicycle parking space - visitor*, 'height', 'grade', 'lot' and 'residential amenity space' and Sections 4(2)(a), 4(4), 4(10), 4(12), 4(16) 6(3) PART I 1, 6(3) PART II, 6(3) PART III, 6(3) PART IV 2, 12(2) 118 iv. and 12(2) 119 of Zoning By-law No. 438-86, as amended, 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", shall apply to prevent the erection and use on the lands shown delineated by heavy lines on Map 1 attached hereto of a *mixed-use building*, a *non-residential building* and a *commercial parking garage*, including uses accessory thereto provided:

- (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached hereto;
- (b) no portion of any building or structure erected or used above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 attached hereto;
- (c) no portion of any building or structure erected or used above *grade* shall exceed the *height* limits above *grade* in metres specified by the numbers following the symbol "H" as shown on Map 2 attached hereto;
- (d) nothing in Sections 1(b) and 1(c) 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, mechanical penthouse, 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.
- (e) the following uses are permitted on the *lot*:
 - (i) a *mixed-use building*;
 - (ii) a *non-residential building*;
 - (iii) a *commercial parking garage*;
 - (iv) *artist or photographers studio, bake-shop, branch of a bank or financial institution, caterer's shop, clinic, club, day nursery, dry cleaning shop, laundry shop, performing arts studio, personal grooming establishment, pet shop, private academic, philanthropic or religious school, private art gallery, retail store, restaurant, service rental or repair shop, showroom, software and design establishment, tailoring shop, take out restaurant;* and

- (v) *guest suites*;
- (f) the total combined *residential gross floor area* and *non-residential gross floor area* of the *mixed-use building* shall not exceed 34,250 square metres, provided that:
 - (i) the *non-residential gross floor area* within the building does not exceed 530 square metres; and
 - (ii) the calculation of *non-residential gross floor area* shall not include any portion of the building used for the purposes of a *commercial parking garage*;
- (g) the *non-residential gross floor area* within the *non-residential building* shall not exceed 400 square metres;
- (h) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) a minimum of 0.11 *parking spaces* per bachelor *dwelling unit*;
 - (ii) a minimum of 0.15 *parking spaces* per one-bedroom *dwelling unit*;
 - (iii) a minimum of 0.76 *parking spaces* per two-bedroom *dwelling unit*;
 - (iv) a minimum of 0.05 *parking spaces* per *dwelling unit* for visitors to the building;
 - (v) the total number of parking spaces required to be provided under subsection (iv) above may be provided within a *commercial parking garage*;
 - (vi) a maximum of 3 of the resident *parking spaces* required to be provided under subsections (i) (ii) and (iii) above may be small car parking spaces, being those that satisfy the by-law dimensional requirements but are obstructed on one side. The side of a *parking space* is obstructed if any part of a fixed object such as a wall, column, bollard, fence or pipe is situated: i) within 0.3 metres of the side of the *parking space*, measured at right angles; and ii) more than 1.0 metre from the front or rear of the *parking space*;
 - (vii) the maximum number of *car-share parking spaces* shall be 3; and
 - (viii) for each *car-share parking space* provided on the *lot*, the minimum number of required residential *parking spaces* shall be reduced by 4 *parking spaces*;

- (i) ramps that lead directly to the underground parking levels shall have maximum slopes of 15% and transition areas at the top and bottom with maximum slopes of 7.5% for a minimum distance of 6.0 metres;
 - (j) drive aisles which provide direct access to all *parking spaces* shall have maximum slopes of 5.0%;
 - (k) the minimum indoor *residential amenity space* shall be 1.25 square metres per *dwelling unit*;
 - (l) the minimum outdoor *residential amenity space* shall be 1.63 square metres per *dwelling unit*; and
 - (m) a minimum of 10 percent of the area of the *lot* shall be provided as *landscaped open space*.
2. None of the provisions of Zoning 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.
3. 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 Zoning By-law No. 438-86, as amended, except that the following definitions shall apply:

- (a) "*bicycle parking space - occupant*" means an area that is equipped with a bicycle rack, locker or *bicycle stacker* for the purposes of parking and securing bicycles, and:
 - (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in 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; and
 - (iii) where the bicycles are to be parked in a *bicycle stacker*, has a horizontal dimension of at least 0.6 metres, by 1.8 metres and has a vertical dimension for each bicycle parking space of at least 1.2 metres;
- (b) "*bicycle parking space - visitor*" means an area that is equipped with a bicycle rack, locker or *bicycle stacker* for the purposes of parking and securing bicycles; and:
 - (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;

- (ii) where the bicycles are to be parked in 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;
 - (iii) where the bicycles are to be parked in a *bicycle stacker*, has a horizontal dimension of at least 0.6 metres, by 1.8 metres and has a vertical dimension for each bicycle parking space of at least 1.2 metres; and
 - (iv) may be located outdoors or indoors;
- (c) "*bicycle stacker*" means a device where by a bicycle parking space is positioned above or below another parking space and is accessed by means of an elevating device;
- (d) "*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;
- (e) "*car-share parking space*" means a *parking space* that is reserved and actively used for car-sharing;
- (f) "*height*" means the highest point of the roof above *grade*;
- (g) "*grade*" means 161.22 metres Canadian Geodetic Datum;
- (h) "*guest suite*" means a suite, other than a *dwelling unit*, that has no kitchen facilities and is available for use on a temporary basis as overnight accommodation for persons visiting residents of a *mixed use building*;
- (i) "*lot*" means those lands identified on Map 1 attached to this by-law;
- (j) "*residential amenity space*" means a common area or areas within a *lot* which are provided for the exclusive use of residents of a building for recreational or social purposes, and shall include area used as *guest suites*; and
- (k) "*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*.
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. Within the lands shown on Map 1 attached to this by-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
6. Section 37 of the *Planning Act*
- (a) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this by-law, the increase in height of development on the *lot* is permitted in return for the Owner's election to provide, at the Owner's expense, the facilities, services and matters set out in Schedule "A" hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form satisfactory to the City Solicitor and registered on title to the *lot*;
 - (b) Where Schedule "A" of this by-law requires the Owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
 - (c) The Owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this by-law unless all provisions of Schedule "A" are satisfied.

Enacted and passed on December 10, 2015.

Frances Nunziata,
Speaker

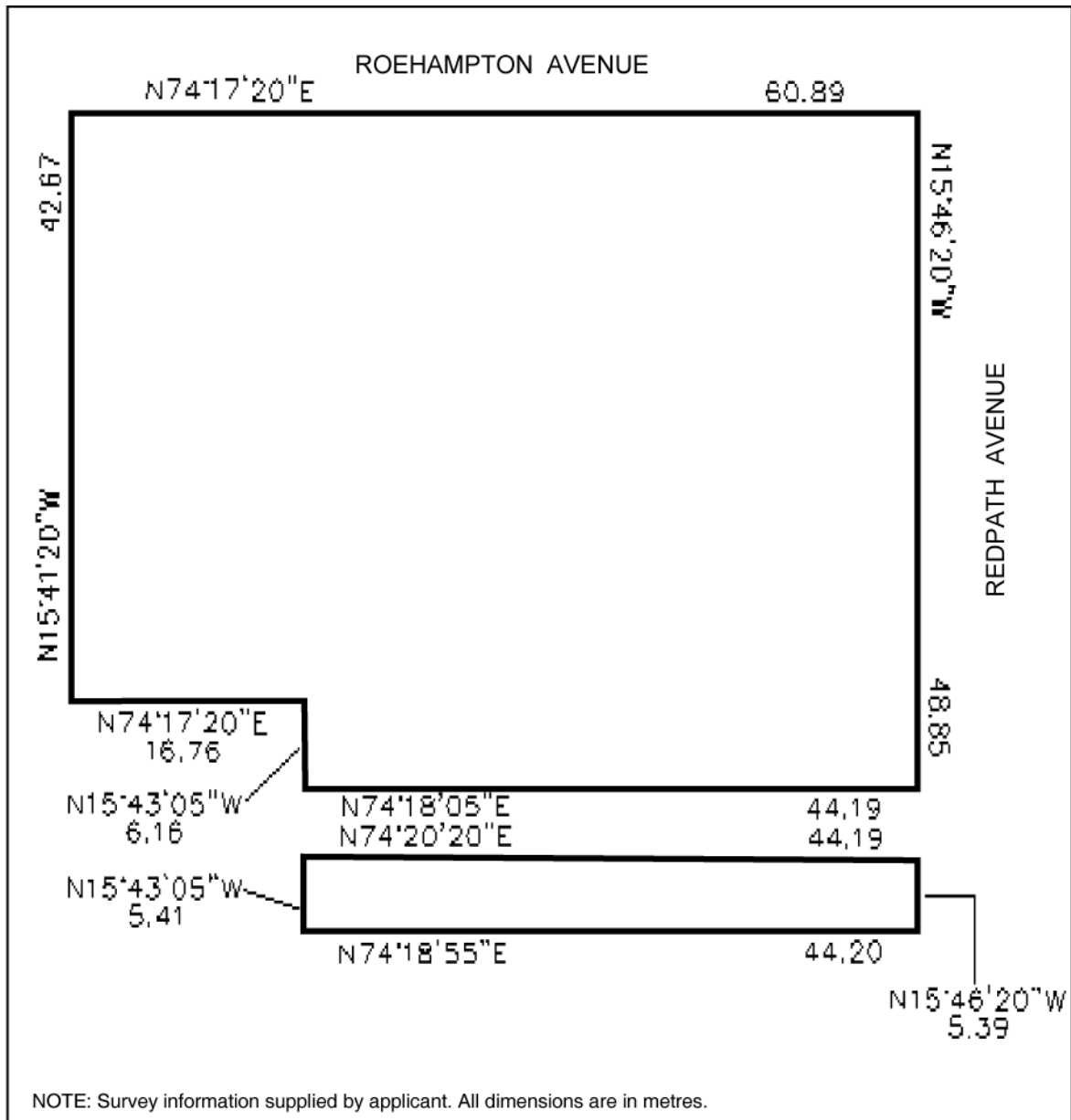
Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE "A"
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the *owner's* expense in return for the increase in height and density of the proposed development on the *lot* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the *owner* agrees as follows:

1. Prior to the issuance of the first above-grade building permit, the owner shall provide, to the satisfaction of the Chief Planner and Executive Director of City Planning a cash contribution in the amount of \$1,700,000, such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment, to be allocated as follows:
 - i. \$1,000,000 for public art to be constructed on the site of 151-177 Roehampton Avenue and 140-144 Redpath Avenue in accordance with the "Percent for Public Art Program and Guidelines"; and
 - ii. \$700,000 towards improvements in the Yonge-Eglinton Secondary Plan Area that may include streetscape improvements along Eglinton Avenue and Redpath Avenue, above base parkland improvements, parkland acquisition and construction or improvement of community services and facilities.
2. In the event the cash contribution has not been used for the intended purpose within three (3) years of the by-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
3. Prior to the issuance of the first above-grade building permit, the owner is required to provide and maintain an Open Space at the southwest corner of Redpath Avenue and Roehampton Avenue with a minimum area of 130 square metres that will be secured as a privately owned publicly accessible open space with all necessary easements to the satisfaction of the Chief Planner and Executive Director of City Planning and the City Solicitor.
4. Upon the Zoning by-law coming into full force and effect, the Owner shall withdraw his site specific appeal to the Ontario Municipal Board of OPA 239, to the satisfaction of the City Solicitor, subject to the City amending such OPA to permit setbacks as permitted by this Zoning by-law.



151-177 Roehampton Avenue &
140-144 Redpath Avenue

Map 1

File #13 257584 STE 22 0Z



Not to Scale
10/22/2015



File #13 257584 STE 22 0Z