

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. 1356-2015

**To amend Zoning By-law No. 569-2013, as amended, with respect to 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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases 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 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 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 and density permitted beyond that otherwise permitted on the aforesaid lands by Zoning By-law No. 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this by-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this by-law are outlined by the black lines on Diagram 1 attached to this by-law.
2. The words highlighted in bold type in this by-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to R (d11.0) (x14) as shown on Diagram 2 attached to this by-law.

4. Zoning By-law No. 569-2013, as amended, is further amended by adding Exception Number 14 so that it reads:

A building or structure may be erected on the area covered by this exception and used for the uses permitted if the whole of the premises covered by this exception collectively comply with the following:

- (a) None of the regulations of 5.10.40.70; 10.10.40.10; 10.10.40.20; 10.10.40.30; 10.10.40.40; 10.10.40.50; 10.10.40.70; 10.10.40.80; 10.5.100.1; 200.5.10.1; Table 200.5.10.1; 800.50(420); 900.2.10(912) shall prevent the use or erection of a **mixed-use building**, a **non-residential building** and a **commercial parking garage**, including uses accessory thereto that complies with the following:
- (i) the **lot** comprises the lands delineated by heavy lines on Diagram 1 attached hereto;
  - (ii) no portion of any building or structure erected or used above **grade** is located otherwise than wholly within the areas delineated by heavy lines on the attached Diagram 2 attached hereto;
  - (iii) 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 Diagram 2 attached hereto; and
  - (iv) nothing in Sections a(ii) and a(iii) of this by-law shall prevent the following elements from projecting beyond the heavy lines and above the heights shown on Diagram 2:
    - (A) 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;
    - (B) balconies to a maximum horizontal projection of not more than 2.0 metres; and
    - (C) canopies to a maximum horizontal projection of not more than 2.5 metres.

- (v) the following uses are permitted on the **lot**;
  - (A) a **mixed-use building**;
  - (B) a **non-residential building**;
  - (C) a **commercial parking garage**;
  - (D) artist or photographers studio, bake-shop, branch of a bank or financial institution, caterer's shop, clinic, club, day nursery, dry cleaning shop, fitness club, fitness studio, laundry shop, office, performing arts studio, personal grooming establishment, pet shop, private academic, philanthropic or religious school, private art gallery, retail store, eating establishment, service rental or repair shop, showroom, software and design establishment, tailoring shop, take eating establishment, theatre uses and yoga studio; and
  - (E) **guest suites**.
- (vi) the total combined residential **gross floor area** and non-residential **gross floor area** of the **mixed-use building** does not exceed 34,250 square metres, provided that:
  - (A) **the non-residential gross floor area** within the building does not exceed 530 square metres; and
  - (B) 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**.
- (vii) the **gross floor area** of the **non-residential building** does not exceed 400 square metres.
- (viii) **parking spaces** for the **apartment building** shall be provided and maintained on the **lot** in accordance with the following:
  - (A) a minimum of 0.11 **parking spaces** per bachelor **dwelling unit**;
  - (B) a minimum of 0.15 **parking spaces** per one-bedroom **dwelling unit**;
  - (C) a minimum of 0.76 **parking spaces** per two-bedroom **dwelling unit**;
  - (D) a minimum of 0.05 **parking spaces** per **dwelling unit** for visitors to the building;

- (E) the total number of parking spaces required to be provided under subsections (D) above may be provided within a **commercial parking garage**;
  - (F) A maximum of 3 of the resident **parking spaces** 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**;
  - (G) the maximum number of **car-share parking spaces** shall be 3; and
  - (H) 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**.
- (ix) ramps that lead directly to the underground parking levels to 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.
  - (x) drive aisles which provide direct access to all **parking spaces** to have maximum slopes of 5.0%.
  - (xi) the minimum indoor **amenity space** shall be 614 square metres.
  - (xii) the minimum outdoor **amenity space** shall be 846 square metres.
  - (xiii) a minimum of 10 percent of the area of the **lot** shall be provided as **landscaped open space**.
  - (xiv) None of the provisions of Zoning By-law 569-2013, as amended, shall apply to prevent a temporary **sales office** on the lot as of the date of the passing of this by-law.

## 5. Definitions

For the purpose of this by-law, the terms set forth in **Bold** shall have the same meaning as such terms have for the purposes of Zoning By-law No. 569-2013, as amended, except that the following definitions shall apply:

- (a) **amenity space** means indoor or outdoor space on a **lot** that is communal and available for use by the occupants of a **building** on the lot for recreational or social activities and shall include area used as **guest suites**;
- (b) **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.
- (c) **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.
- (d) **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;
- (e) **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;

- (f) **car-share parking space** means a **parking space** that is reserved and actively used for car-sharing;
  - (g) **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 an **mixed use building**;
  - (h) **grade** means 161.22 metres Canadian Geodetic Datum;
  - (i) **height** means the highest point of the roof above **grade**;
  - (j) **lot** means those lands identified on Map 1 attached to this bylaw; 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**.
6. 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.
7. Section 37 Provisions
- (a) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this by-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule "A" hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
  - (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.
  - (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

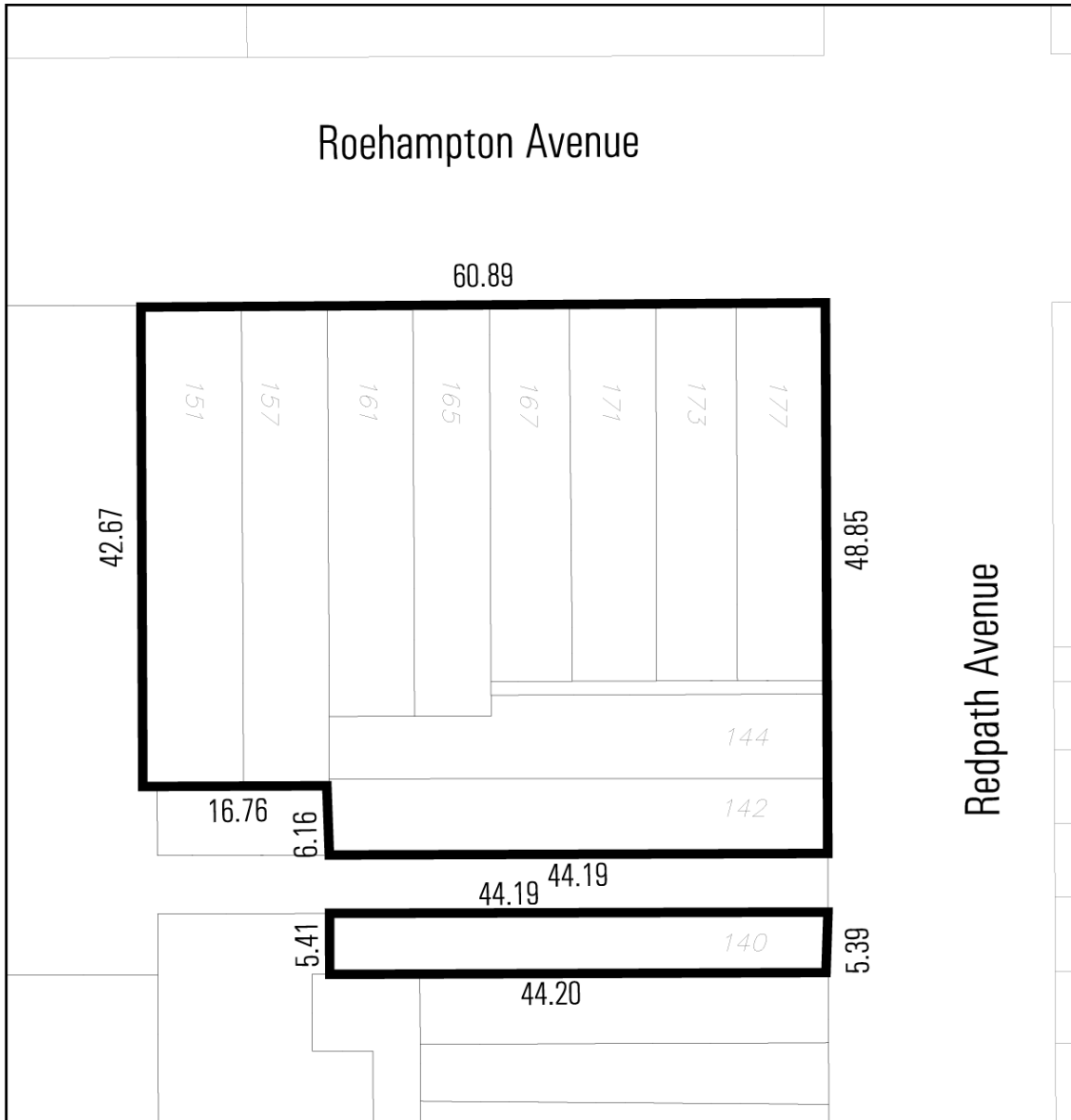
Ulli S. Watkiss,  
City Clerk

(Seal of the City)

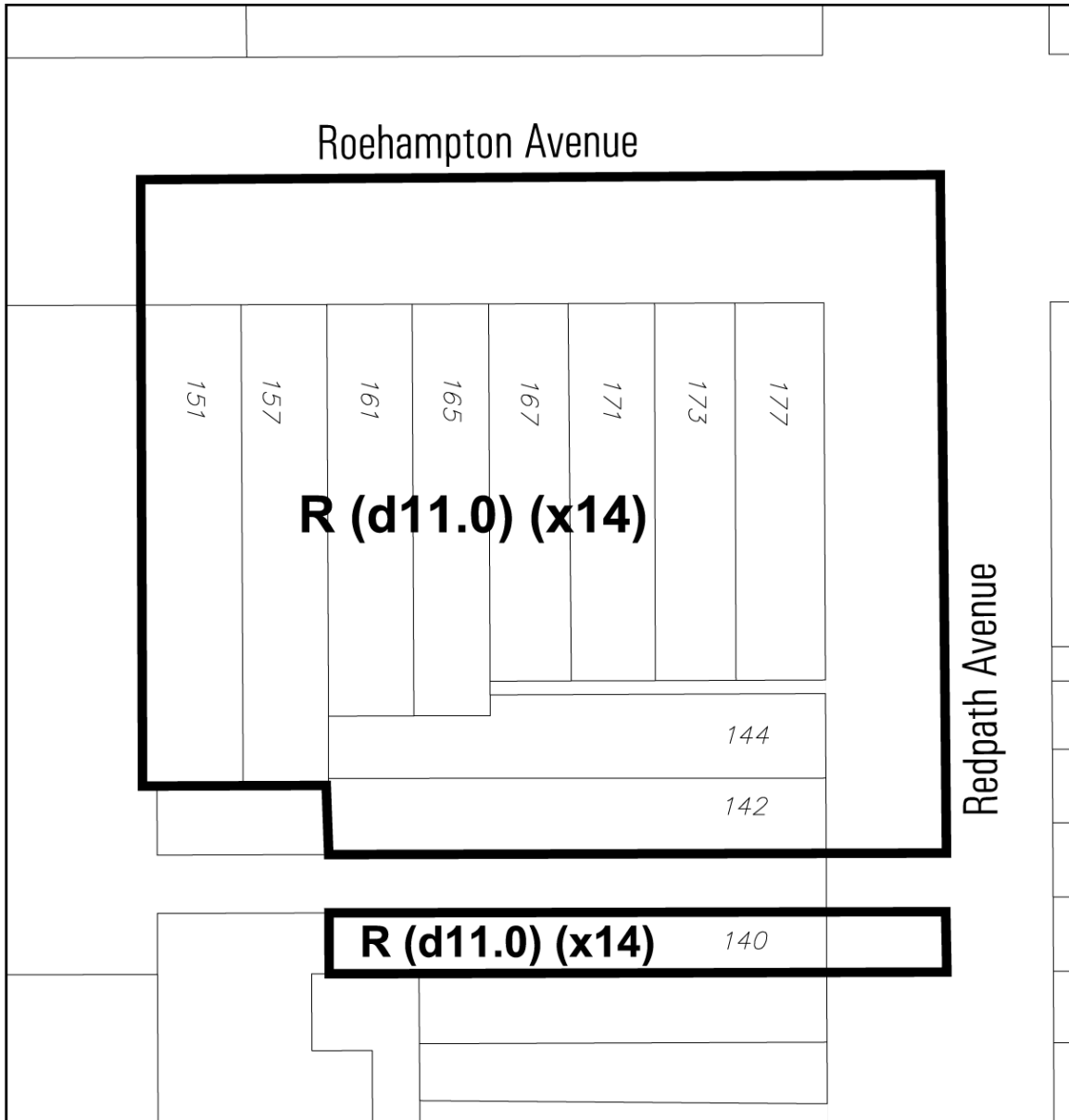
**SCHEDULE "A"**  
Section 37 Provisions

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 lands as shown in Diagram 1 in this by-law 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.







 **TORONTO** City Planning  
**Diagram 2**

**151-177 Roehampton Avenue &  
140-144 Redpath Avenue**

File # 13 257584 STE 22 0Z