



STAFF REPORT ACTION REQUIRED

151, 157, 161, 165, 167, 171, 173 and 177 Roehampton Avenue and 140, 142 & 144 Redpath Avenue - Zoning Amendment Application – Rental Housing Demolition & Conversion- Final Report

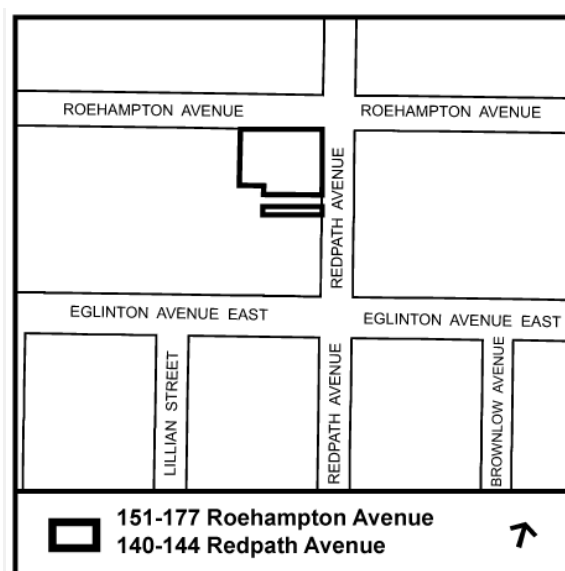
Date:	October 16, 2015
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	13 257584 STE 22 OZ

SUMMARY

This application proposes a 38-storey mixed-use building at 151, 157, 161, 165, 167, 171, 173 and 177 Roehampton Avenue and 140, 142 & 144 Redpath Avenue. The building will have retail use at grade along Redpath Avenue and townhouses fronting on Roehampton Avenue. A separate small commercial office building is proposed at the south property line.

The proposal represents an appropriate amount of intensification on an underutilized site in the Yonge-Eglinton Centre. The proposed density of 11 times coverage is supportable. The proposal is scaled appropriately for the site, implements important public realm improvements and transitions in height towards Yonge Street and Eglinton Avenue.

A Rental Housing Demolition and Conversion application was submitted under Section 111 of the City of Toronto Act to demolish the 8 detached and semi-detached houses containing 11 dwelling units on the subject lands, of which 3 are rental units.



This report recommends approval of the rental housing demolition application under Municipal Code Chapter 667. Replacement of the rental units is not required. This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 and 569-2013, as amended, for the lands at 151, 157, 161, 165, 167, 171, 173 and 177 Roehampton Avenue and 140, 142 and 144 Redpath Avenue substantially in accordance with the draft Zoning By-law Amendments attached as Attachment Nos. 8 and 9 to the report (October 16, 2015) from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into an Agreement to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor pursuant to Section 37 of the *Planning Act*, to secure the following facilities, services and matters:
 - a. a cash contribution in the amount of \$1,700,000 payable prior to the issuance of the first above-grade building permit, 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, 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.
 - b. 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.

- c. 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.
 - d. 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.
- 4. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to submit a revised Functional Servicing Report and Hydrogeology Report to the satisfaction of the Executive Director, Engineering and Construction Services.
- 5. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue Preliminary Approval of the application under Municipal Code Chapter 667 for the demolition of the 3 rental dwelling units at 167 and 171 Roehampton Avenue once the following have occurred:
 - a. the Zoning By-law Amendment (File No. 13 257584 STE 22 OZ) has come into full force and effect;
 - b. the issuance of the Notice Of Approval Conditions for site plan approval by the Chief Planner or her designate, pursuant to Section 114 of the *City of Toronto Act*, 2006; and
 - c. the issuance of the excavation and shoring permits for the development of the site.
- 6. City Council authorize the Chief Building Official to issue a Section 111 permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 5 for the demolition of the rental dwelling units.
- 7. City Council authorize the Chief Building Official to issue a demolition permit under Section 33 of the *Planning Act* for the existing residential units at 151, 157, 161, 165, 167, 171, 173 and 177 no earlier than issuance of the first building permit for excavation and shoring of the development, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 5, which permit may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code, on condition that:
 - a. the owner erect a residential building on site no later than three (3) years from the date the permit under Section 33 of the *Planning Act* is issued; and

- b. should the owner fail to complete the new building within the time specified in condition 7.a., the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On September 10, 2013, Toronto and East York Community Council adopted the recommendations contained in the Preliminary Report for 151, 157, 161, 165, 167, 171, 173 and 177 Roehampton Avenue and 140, 142 & 144 Redpath Avenue, from the Director, Community Planning, Toronto and East York District with a motion requiring expanded notification of the community consultation meeting.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE30.51>

ISSUE BACKGROUND

Proposal

The proposal is a 38-storey mixed use building with retail use along Redpath Avenue and a small commercial office building at the south property line. The mixed use building has a 5-storey base building and a 33-storey residential tower.

The proposal has been revised significantly since the original submission in 2013.

	Original Submission	Revised Proposal
Floor Space Index	11.3	11.0
Height of Base Building	6 storeys	5 storeys
# of Units	520	544
# of Parking Spaces	183	184
# of Bicycle Parking Spaces	518	553
Indoor Amenity Area	823 m2	700 m2
Outdoor Amenity Area	655 m2	846 m2

The applicant acquired an additional property at the southwest corner of Roehampton and Redpath Avenues after the application was submitted. The site now includes all properties on the south side of Roehampton Avenue from the west boundary of the site to Redpath Avenue to enhance retail programming on Redpath Avenue. Townhouses proposed initially at the south property line have been replaced by a proposed small office building. Some townhouse units have been incorporated into the mixed use building along Roehampton Avenue.

The acquisition of the corner property has enabled the applicant to substantially increase the width of the sidewalk on Redpath Avenue to 6.71 metres and create a new Privately Owned, Publicly Accessible Space (POPS). In addition, it has allowed the tower to be shifted east, increasing the distance between the tower and the west property line from 22 metres to 33.57 metres. The tower is also set back 8.5 metres from Roehampton Avenue, 6 metres from Redpath Avenue and 12.5 metres from the south property line. The base building is set back one metre from the west property line, 10 metres from Roehampton Avenue, 13.5 metres from Redpath Avenue and 12.5 metres from the south property line.

The applicant proposes to demolish all 8 existing detached and semi-detached houses on the site, containing 8 owner occupied dwelling units and 3 rental dwelling units. At the time of application, all 3 rental dwelling units and 7 of the 8 owner occupied dwelling units were vacant.

Site and Surrounding Area

The square-shaped site is located on the southwest corner of Roehampton and Redpath Avenues. It comprises an assembly of lots currently occupied by three 2-storey single detached dwellings (nos. 151, 157 and 161 Roehampton Avenue) and two 2-storey semi-detached dwellings (nos. 165-167 and 171-173 Roehampton Avenue).

The site also includes 140 – 144 Redpath Avenue which is currently used as a 42-space, surface parking lot. That portion of the site is separated from the main property by a private lane which is not owned by the applicant.

Surrounding Uses are as follows:

North: Directly across Roehampton Avenue is an older 7-storey apartment building and a 16-storey apartment building (built in 2007). North of those buildings, fronting on Redpath Avenue, is a row of 4-storey townhouses and an 8-storey residential building at 188 Redpath Avenue (built in 2000).

South: On the west side of Redpath Avenue and the north side of Eglinton Avenue East, are primarily 2 and 3-storey mixed use buildings that include retail and service uses at grade with some residential units above. On the southwest corner of Eglinton Avenue East and Redpath Avenue is a 17-storey apartment building at 123 Eglinton Avenue East. A rezoning application for a 30-storey apartment building with commercial uses at grade has been approved for the southeast corner of Eglinton Avenue East and Redpath Avenue (161 Eglinton Avenue East).

East: At the southeast corner of Roehampton and Redpath Avenues is an approved rezoning application (183 – 195 Roehampton Avenue and 139 – 145 Redpath Avenue) under the same ownership as the subject lands. The applicant has approval for a 34-storey tower (referred to as the "east tower") at 183 Roehampton Avenue.

West: A 10-storey residential building set back approximately 10 metres from Roehampton Avenue. Further west along the south side of Roehampton Avenue are several residential buildings up to 19 storeys (e.g. 101 Roehampton Avenue).

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City of Toronto Official Plan contains a number of policies that apply to the proposed development.

Chapter 2 – Shaping the City

Section 2.2.2 Centres: Vital Mixed Use Communities

The proposed development is located in the *Yonge-Eglinton Centre* in midtown Toronto. The *Centre* is at the crossroads of the Yonge subway line and the Eglinton Crosstown Light Rail Transit line under construction.

Due to the strategic location of the *Yonge-Eglinton Centre*, it should continue to develop as both an office centre and a desirable living area. The *Yonge-Eglinton Centre* has potential for new development through infill and development. Through new development, new and improved public realm, parks and other open spaces will be created.

Centres in the Official Plan are a priority for managing growth in the City. They should be vibrant, mixed-use and supported by public transit. Each *Centre* in the Official Plan will have a secondary plan. Secondary Plans for *Centres* will, among other things, provide a supportive environment for residential and employment growth, including new commercial office space and transit oriented development. The plan will also delineate the boundaries of the growth centre, provide a strategy for public realm and parks improvements, support the use of public transit and other transportation models (e.g. cycling and walking) and ensure that an appropriate transition is created between high growth areas and lower scale development, particularly *Neighbourhoods*.

Chapter 3 – Built Form

Section 3.1.2 Built Form

The Official Plan states that architects and developers have a civic responsibility to create buildings that meet the needs of the people who live and work in the area who will encounter the buildings in their daily lives. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by: generally locating buildings parallel to the street or along the edge of a park or open space, having a consistent front yard setback, acknowledging the prominence of corner sites, locating entrances so they are clearly visible, and providing ground floor uses with views into and access from streets. New development will also locate and organize vehicle parking and access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility.

New development will also be massed to define the edges of streets, parks and open spaces to ensure adequate access to sky view for the proposed and future uses. New development will also provide public amenity, enhance the public realm through streetscape improvements and ensure that significant new multi-unit residential development provides indoor and outdoor amenity space for residents of the new development.

Section 3.1.3 Built Form – Tall Buildings

The applicant is proposing to construct a tall building. Policy 3.1.3 states that tall buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to specific built form characteristics, proposals for tall buildings should clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

Chapter 4 – Land Use Designations

Section 4.2 Apartment Neighbourhoods

The proposed development is located in an area designated *Apartment Neighbourhoods* in the Official Plan. *Apartment Neighbourhoods* are made up of apartment buildings, parks, local institutions, cultural and recreation facilities, small scale retail service and office uses. *Apartment Neighbourhoods* are generally not intended for significant growth. Compatible infill, however, is contemplated on sites containing existing apartment buildings that have underutilized land. New and infill development will improve the quality of life for both new and existing residents.

New and infill development in *Apartment Neighbourhoods* will contribute to the quality of life by massing new buildings to transition between areas of different development intensity and scale. In particular, *Neighbourhoods* will be protected through setbacks and/or stepping down of heights. New and infill development will also frame the edges of streets and parks, screen service areas, limit shadow and mitigate wind on parks and open spaces as well as *Neighbourhoods*. It will also enhance the safety, amenity and animation of adjacent streets and open spaces.

Infill development will also maintain an appropriate residential amenity on the site, provide existing residents with access to community benefits, maintain adequate sunlight, privacy and areas of landscaped open space, front onto public streets and provide pedestrian entrances from adjacent public streets. Furthermore, infill development in *Apartment Neighbourhoods* will provide adequate on-site, below grade, shared vehicular parking for both new and existing development, screen surface parking, preserve important landscape features and walkways, consolidate loading, servicing and delivery facilities, and preserve or provide adequate alternative on-site recreational space for residents.

Yonge-Eglinton Secondary Plan

The proposed development is located in the Yonge-Eglinton Secondary Plan Area (See attachment 5 – Official Plan) . The primary objective of the Yonge-Eglinton Secondary Plan is to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among *Mixed Use Areas*, *Apartment Neighbourhoods*, *Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement. The Secondary Plan requires that a full range of housing options (form, tenure) be provided in the Yonge-Eglinton Area suitable for family and other households that are "contextually appropriate and compatible with existing residential uses and residential built form."

The Secondary Plan states that the *Mixed Use Areas* in the Official Plan will contain a mix of retail, service commercial, office and residential uses with the highest concentration at Yonge Street and Eglinton Avenue and a smaller concentration at the Yonge/Davisville subway station. Commercial development will be strengthened in the Yonge-Eglinton Area, specifically, the following will be supported:

- street related retail and service uses in the *Mixed Use Areas* except Area 'E';
- office commercial uses in the *Mixed Use Areas* 'A', 'B', 'C'; and 'D'; and
- restricted retail uses in *Mixed Use Area* 'E'.

New development in the Yonge-Eglinton Secondary Plan Area will protect the lower scale of development in *Neighbourhoods* while minimizing impacts (shadowing, overlook, loss of sky view). New development will transition in height and scale from developments in *Mixed Use Areas* and *Apartment Neighbourhoods* to *Neighbourhoods*, particularly when higher density designations abut a *Neighbourhood*.

The Yonge-Eglinton Secondary Plan states that the highest densities will be located in *Mixed Use Area* 'A', with developments of a lesser scale located in *Mixed Use Areas* 'B', 'C' and 'D'. Higher density development is permitted in *Apartment Neighbourhoods* with nearby subway station access. Reduced parking requirements are permitted in the Yonge-Eglinton Secondary Plan Area where it can be demonstrated that projected travel can be accommodated by means other than the automobile. Bicycle linkages, facilities and new pedestrian connections will also be encouraged.

New development will promote architectural excellence while also providing for improvements in the public realm. New, flexible, community services facilities and social infrastructure will be provided in a timely manner in the Yonge-Eglinton Secondary Plan Area. New parks and open spaces will be secured in the Yonge-Eglinton Secondary Plan Area along with improvements to the existing parks and open spaces as well as the public realm.

Development within the Yonge-Eglinton Secondary Plan will satisfy the requirements of the Growth Plan for the Greater Golden Horseshoe, transition down in height from Yonge Street and Eglinton Avenue east towards Mount Pleasant Avenue, be compatible with the character of existing *Neighbourhoods* and maintain a high quality of residential amenity. Investment in public transit infrastructure will be a priority in the Yonge-Eglinton *Centre*.

Tall Building Design Guidelines

In May 2013, City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use them to evaluate tall building applications. The Guidelines establish a unified set of performance measures for the evaluation of tall buildings to ensure they fit within their context and minimize their local impacts. The Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Midtown in Focus

On August 25, 2014, City Council adopted the report from the Chief Planner and Executive Director, City Planning on Midtown in Focus – the Parks, Open Space and Streetscape Plan ("Public Realm Plan") for the Yonge-Eglinton Area.

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=d421bf26585a2410VgnVCM10000071d60f89RCRD>

The Midtown in Focus Public Realm Plan is a framework for improvements within the Yonge-Eglinton area to the network of parks, open spaces, streets and public buildings to create an attractive, safe, and comfortable network of public spaces. The urban design framework of Midtown in Focus is supported by the public realm policies of the Official Plan as well as the Yonge-Eglinton Secondary Plan.

On June 10, 11, 12, 2015, City Council adopted Official Plan amendments to the Yonge Eglinton Secondary Plan (OPA 289) that implement, among other matters, the urban design and public realm policies of the Midtown in Focus Public Realm Plan. The proposed Secondary Plan amendments are currently under appeal at the Ontario Municipal Board.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG4.2>

The adopted Secondary Plan amendments outline a comprehensive public realm strategy and a system of improvements that will be implemented as part of any new development in the Yonge Eglinton Secondary Plan Area. Section 2.16 requires that improvements be made to both the private and public realm as part of any new development including: enhancements to streetscapes and the provision of wider sidewalks and the establishment of multi-purpose promenades. Another objective of the Secondary Plan is to maintain and enhance the open, green, landscaped character of the area, improve and expand the network of parks, open spaces

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and streetscapes and create a high-quality public realm to ensure the continued vitality and quality of life in the area. All development in the Midtown Character Area will advance the implementation of the five place-making moves (see attachment 6 of this report), which includes the Park Street Loop and Redpath Revisited.

Furthermore, development applications will demonstrate that they: respect, reinforce and extend the landscaped open space setbacks of buildings from streets that are prevalent in the Midtown Character Area and contribute to the open space system, provide sufficient space within the public street rights-of-way for pedestrian and cycling infrastructure and encourage community activities in the public realm through programming, activation and the provision of safe, accessible and inviting spaces.

This particular application falls within the Park Street Loop and Redpath Revisited, two of the five place-making moves in the Yonge-Eglinton Secondary Plan. The park street loop is a trail that is intended to be designed as a publicly-accessible, multi-purpose green promenade with wide pedestrian clearways, cycling facilities and landscaping. Building are required to be set back 7.5 metres from the property line, any underground structures will be designed to allow for permanent high-branching trees.

Redpath revisited is a program to change Redpath Avenue to accommodate outdoor commercial uses, public art and opportunities for community activities as well incorporate a fine grain of active retail uses and universally-accessible building entrances. On the block between Eglinton Avenue and Roehampton Avenue, opportunities will be explored to reduce vehicular speed, improve pedestrian and cycling safety and include shared street use elements.

The subject application was submitted before the adoption of the Midtown in Focus Public Realm Plan and the amendments to the Secondary Plan. The application, however, responds positively to address the specific public realm requirements and place-making moves of the Secondary Plan as outlined below.

Yonge-Eglinton Secondary Plan Review

The City Planning Division is leading an inter-divisional review of growth, built form and infrastructure issues in the Yonge-Eglinton area. The Growth, Built Form and Infrastructure Review will inform the development of up-to-date policy that will guide growth in the area and, in combination with necessary capital upgrades identified through the review, support the vitality and quality of Midtown Toronto.

The review began in mid-2015 and has three key activities:

1. Growth Analysis which includes completing a demographic and economic profile of the area, undertaking an evaluation of growth trends, and completing an analysis of potential near, medium and longer term growth estimates.

2. Built Form Study which will analyse built form character, trends and impacts and develop a built form vision to guide the area's evolution. In addition, a Cultural Heritage Resource Assessment is being undertaken which will identify properties of cultural heritage value or interest and outline recommendations for further study, conservation, listings and designations.

3. Infrastructure Review of the performance and capacity of key infrastructure – community services and facilities, transportation, water, wastewater and stormwater – and a gap analysis informed by the growth estimates to identify emerging infrastructure priorities.

City staff anticipates reporting to City Council in early 2016 with a Proposals Report that identifies key findings and emerging directions from the study. Following a Council decision on the Proposals Report, further consultation will occur on recommended directions and proposed amendments to the Yonge-Eglinton Secondary Plan.

Zoning

The site is zoned R2 Z2.0 under By-law 438-86. That classification permits a range of residential uses including detached and semi-detached houses, townhouses and apartment buildings up to a total density of 2.0 times the lot area. The height restriction is 38 metres.

City-wide Zoning By-law 569-2013, enacted by Council on May 9, 2013 and currently under appeal to the Ontario Municipal Board also applies to the site. By-law 569-2013 zones the site as R(d2.0)(x689). (Refer to Attachment 6: Zoning.).

Rental Demotion and Conversion By-law

The Rental Housing Demolition and Conversion By-law, contained in Chapter 667 of the City's Municipal Code, implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the *City of Toronto Act, 2006*.

Proposals involving the demolition of six or more rental housing units, or those involving the demolition of at least one rental housing unit and a related application for a Zoning By-law amendment, require a decision by City Council. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the OMB.

The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the 3 rental dwelling units.

Site Plan Control

An application for site plan control was submitted by the applicant on October 28, 2013.

Reasons for Application

The applicant is requesting to amend the provisions of By-laws 438-86 and 569-2013 and applicable performance standards to permit the proposed building height of 132 metres (including mechanical penthouse) and a density of 11 times the lot area.

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A permit under Section 111 of the City of Toronto Act and Chapter 667 of the Municipal Code is required as there are six or more existing residential dwelling units and at least one residential rental dwelling unit.

Community Consultation

A community consultation meeting was held on February 5, 2015 at Northern District Library. Approximately 70 people attended the community consultation session. Primary issues with the proposed development were the height, density and potential traffic impacts. The community also expressed frustration with the fast pace of development in the Yonge-Eglinton Centre, and the amount of construction and associated inconveniences (e.g. narrowed sidewalks and roadways). The community raised the concern that the infrastructure serving the cannot support the amount of development and asked City Planning Division to plan Yonge-Eglinton comprehensively and as a "complete community".

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement, 2014 ("PPS") states in Section 1.1.1 b) that municipalities shall create sustainable communities by: "accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial, and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs". Furthermore, the PPS states, in Section 4.7, that the Official Plan is the most important vehicle for implementing the PPS. The proposal is consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe directs growth to 5 Urban Growth Centres in the City. The site is located within the Yonge-Eglinton Growth Centre. The proposed development is compatible with development anticipated in the Centre. The proposal conforms to the Growth Plan.

Land Use

The proposal is located in an area designated *Apartment Neighbourhoods* in the Official Plan. The policies of the *Apartment Neighbourhoods* permit residential uses including apartment buildings, and small scale retail, service and office uses that serve the immediate area. The proposed uses comply with the Official Plan.

Height, Density and Massing

The proposed height of the mixed use building is 38 storeys, consisting of a 5-storey base and a 33-storey tower. The height of the tower is compatible with its context, which includes a 34-storey building across the street and transitions upward in height toward Yonge Street/Eglinton Avenue intersection, in keeping with the intent of the Yonge Eglinton Secondary Plan. The

height of the tower does not impact the public realm in a significant manner due to massing and setbacks outlined below.

The proposed height of the base building provides an acceptable relationship to pedestrians. At 22 metres, the height of the base building is approximately the same as the width of the rights-of-way on Redpath Avenue and Roehampton Avenue and provides an appropriate street proportion, in keeping with the heights recommended for base buildings in the Tall Building Guidelines.

The proposed Floor Space index of 11 is in keeping with the density of adjacent new development in the *Apartment Neighbourhood*. The building on the southeast corner of Redpath and Roehampton has a similar density of 10.8. The proposed density responds appropriately to the planned and built context of the area and is appropriate for the proposal.

The proposed small commercial office building is in keeping with the scale and context of base buildings on Redpath Avenue and the proposed future treatment of Redpath Avenue as a pedestrian-oriented street.

Setbacks and Stepbacks

The proposed tower is set back 33.57 metres from the west property line, 5.42 metres from the north property line (Roehampton Avenue), 12.5 metres from the south property line and 7.79 metres from the east property line (Redpath Avenue). The proposed setbacks comply with or exceed those recommended in the Tall Building Guidelines. The proposed tower is separated by 25 metres or more from any neighbouring tall buildings which also meets or exceeds the recommendations in the Tall Building Guidelines.

The proposal does not comply fully with the setbacks on Broadway Avenue required by the Midtown in Focus Public Realm Plan. City Staff, however, have worked closely with the applicant to make the condition on Broadway Avenue as open and spacious as possible and have paid special attention to the building setbacks and treatment along Redpath Avenue where a new public gathering space (POPS) will be created free and clear of all obstruction.

Staff asked the applicant to explore the possibility of complying with the 7.5 metre setbacks along Roehampton Avenue in the Midtown in Focus Public Realm Plan, although the application was submitted before adoption of the Public Realm Plan by City Council.

Full compliance with the 7.5 metre setback would have required a substantial cantilever of the base building with a colonnade for support. This would create an undesirable built form condition on the ground floor consisting of a recessed walkway that is almost unusable by pedestrians and negates the benefit of having grade-related townhouse units on Roehampton Avenue. Furthermore, the new apartment building on the southeast corner of Redpath and Roehampton does not have similar setbacks, so the widened sidewalk would not continue further east along Roehampton Avenue and would create an inconsistent street wall.

Staff are of the opinion that achieving a more modest setback on Roehampton Avenue than on Redpath Avenue is preferable. Staff have worked closely with the applicant to provide a public space on the west side of Redpath Avenue free of all obstruction for a width of 6.73 metres and a height of more than 3 storeys. This more generous and usable space will be secured for public use with an easement. Along with the proposed public art program on the Redpath frontage of

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this site and the new development across Redpath, the evolution of Redpath Avenue into the special street called for in the Midtown in Focus Public Realm Plan will be advanced significantly.

Sun, Shadow, Wind

The proposal does not generate any significant new shadow in the area. With the exception of a small incremental shadow impact on the north end zone of the playing field at North Toronto Collegiate Institute at 9.15 a.m., there are no incremental shadow impacts on parks or other open spaces generated by the proposed development.

Staff has evaluated the pedestrian level wind study submitted by the applicant. The proposal does not generate significant winds on the private outdoor amenity space or the sidewalks along Roehampton Avenue or Redpath Avenue.

Pedestrian Amenity

The revised proposal is much improved in terms of pedestrian amenity. The original proposal did not have a full frontage on Redpath Avenue and, as a result, the sidewalk could not be widened or improved. In the revised scheme, City staff will be securing a new public space that will be 6.73 metres wide with a length of almost 30 metres.

Building setbacks along Roehampton Avenue have been increased from 3 metres to 3.65 metres. The introduction of 3 townhouse units on that frontage provides for a landscaped setback in keeping with the character of Roehampton Avenue.

Traffic Impact, Access, Parking

The proposed servicing and parking access for the retail/residential building will be from Roehampton Avenue. Engineering and Construction Services staff has reviewed the applicant's Traffic Impact Assessment and concurs with the conclusion that impacts created by the proposal will be minimal. Staff has also reviewed the proposed parking supply of 184 parking spaces which consists of 152 resident spaces, zero visitor spaces and 32 spaces located in a commercial parking lot. Staff concurs with the conclusions of the applicant's consultant that the parking demand can be satisfied with this amount of parking and that using the commercial parking garage to accommodate both residential visitors and non-residential uses is acceptable.

Servicing

The proposal will be serviced with a Type G loading space to be used by both the residential and commercial office/retail uses. This is acceptable providing the applicant schedules office/retail collection on different days than the residential collection.

A functional servicing report has been submitted by the applicant. Engineering and Construction Services has requested a revised study that incorporates an analysis of the groundwater displaced by the proposal. It is requesting that the bills for the zoning amendment be held until the revised study has been accepted.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The subject site is in an area with 0.42 to 0.79 hectares of local parkland per 1,000 people, which is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

For a building with 913 m² of retail gross floor area and 543 residential units, at the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 7,240 m² or 239 % of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 304 m².

The site is located in the Midtown in Focus Public Realm Plan area as well as an area where there is currently a low parkland provision. As the site is less than 400 metres from the Redpath Avenue Parkette, is constrained by a laneway to the south and the applicant has not expressed interest in pursuing off-site parkland dedication, Parks, Forestry and Recreation has determined that the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

The Toronto Green Standard (TGS) is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Applicable TGS performance measures will be secured through the Site Plan Approval process.

Section 37

Section 37 of the *Planning Act* allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site; Heritage Conservation District studies identified in the Official Plan; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan.

The community benefit recommended to be secured in the Section 37 Agreement is a cash contribution in the amount of \$1,700,000 payable prior to the first above-grade building permit to be allocated as follows:

- \$1,000,000 towards a public art installation that may include artistic elements not considered structural or architectural features at the corner of Redpath Avenue and Roehampton Avenue; and

- \$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; and

It is also recommended that a provision be included in the by-law to provide for reallocation in the event that the cash contribution has not been used for the intended purposes within three (3) years of the Zoning Amendment coming into full force and effect at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor.

Tenure

The proposed tenure of the residential building is Condominium.

Rental Housing

A Rental Housing Demolition Application under Chapter 667, pursuant to Section 111 of the *City of Toronto Act* was filed on April 16, 2015 and was deemed complete in May 2015. Based on the information provided by the applicant, a review of historical property records and a site visit, Staff determined that the site contained 11 dwelling units within 8 detached and semi-detached dwellings at the time of application.

Based on the occupancy history of the 8 detached and semi-detached houses, staff determined that 3 of the 11 dwelling units had been used for residential rental purposes for an extended period of time. These 3 rental units meet the definition of a residential rental dwelling unit as defined in Chapter 667. The remaining 8 dwelling units were owner occupied prior to being purchased by the applicant for the purpose of redevelopment. Currently, all 3 rental dwelling units are vacant and 7 of the 8 owner occupied dwelling units are vacant.

As there are six or more existing dwelling units and at least one dwelling unit that was used for residential rental purposes, a permit under Section 111 of the *City of Toronto Act* and Chapter 667 of the Municipal Code is required. With only 3 rental dwelling units within this related group of buildings, the City's Official Plan policy requiring replacement where six or more rental dwelling units would be demolished does not apply.

Tenant Relocation and Assistance

The City's policy is to provide tenant relocation assistance to affected tenants and to avoid premature vacating. When the Section 111 application was filed in April 2015, all 3 residential rental dwelling units were vacant. As such, no tenant relocation assistance is required.

Conclusion

The applicant has addressed Staff concerns including the need for a larger consolidated property, a pedestrian-scaled massing and treatment of the base building, and the implementation of enhanced streetscapes in the Midtown in Focus Public Realm Plan. The proposal also addresses specific elements of the Yonge-Eglinton Secondary Plan such as providing enhancements to streetscapes, providing wider sidewalks and multi-purpose promenades, respecting and reinforcing the landscaped setbacks of buildings, providing sufficient space within the public

street and rights-of way for pedestrian and encouraging community activities in the public realm through programming, activation and the provision of safe, accessible and inviting spaces. Although the application does not provide 7.5 metres on Roehampton Avenue, the base building is setback from the property line allowing for a more generous public realm that also promoted the growth of permanent high-branching trees. Lastly, on Redpath Avenue, the proposal implements the Redpath Revisited place-making move. The provision of public art, a generous open space, retail and commercial uses, will allow for Redpath Avenue to transition to the important public space envisioned in the Midtown in Focus Public Realm Plan. The proposal is scaled appropriately for the site, implements important public realm improvements and transitions in height towards Yonge Street and Eglinton Avenue.

City Planning Staff have completed its review of the proposal and is satisfied that the proposal represents good planning and is in the public interest. For these reasons, Staff recommends that the application be approved.

CONTACT

Giulio Cescato, Senior Planner
Tel. No. 416-392-0459
E-mail: gcescat@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

(P:\2015\Cluster B\pln\TEYCC\27958591015.doc) - vc

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North and East Elevations
Attachment 3: South and West Elevations
Attachment 4: Zoning
Attachment 5: Official Plan
Attachment 6: Yonge-Eglinton Secondary Plan
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment (438-86)
Attachment 9: Draft Zoning By-law Amendment (569-2013)

ROEHAMPTON AVENUE

Attachment 2: North and East Elevations



Elevations

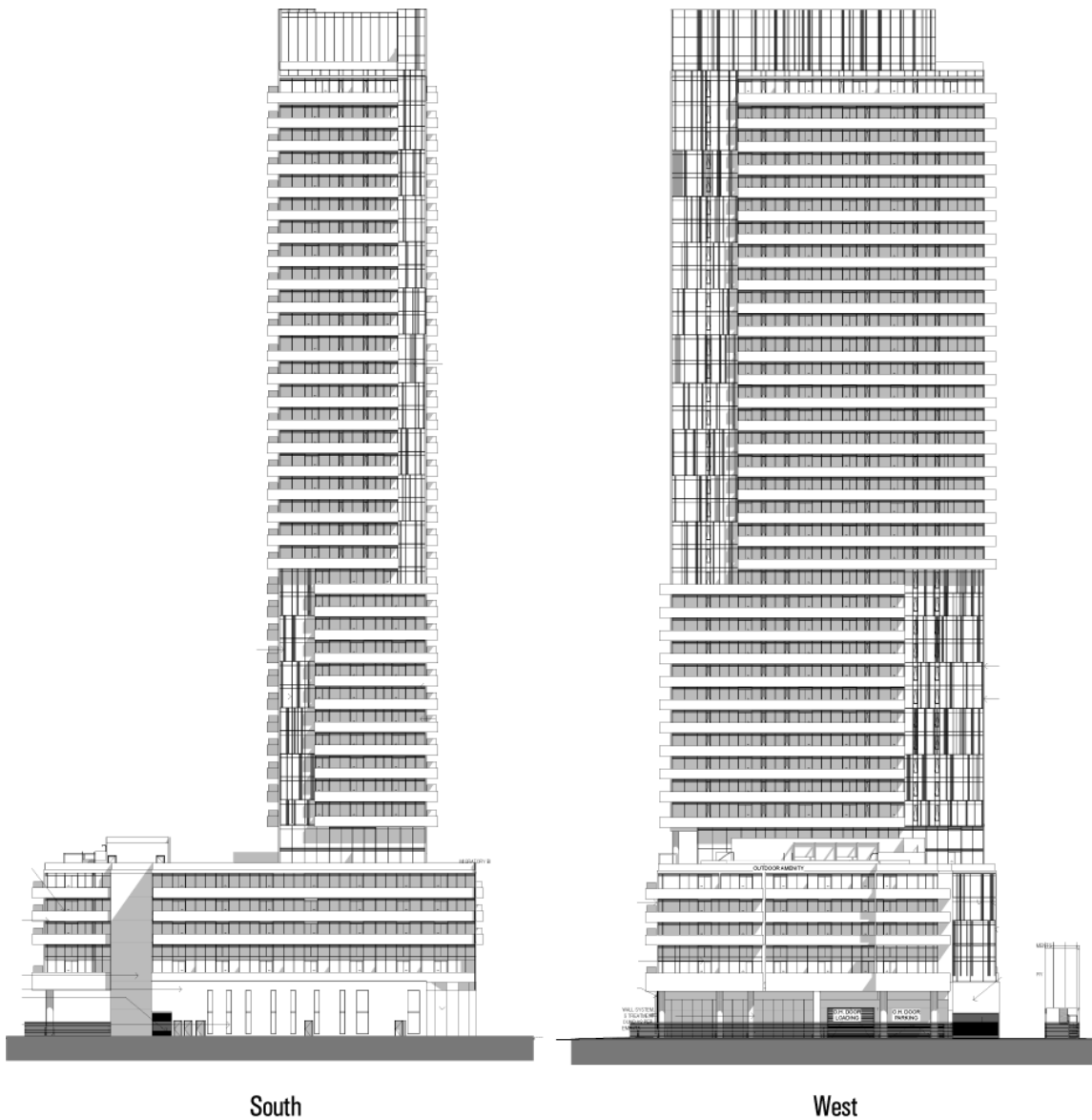
Applicant's Submitted Drawing

Not to Scale
10/13/15

151-177 Roehampton Avenue &
140-144 Redpath Avenue

File #13 257584 STE 22 OZ

Attachment 3: South and West Elevations



Elevations

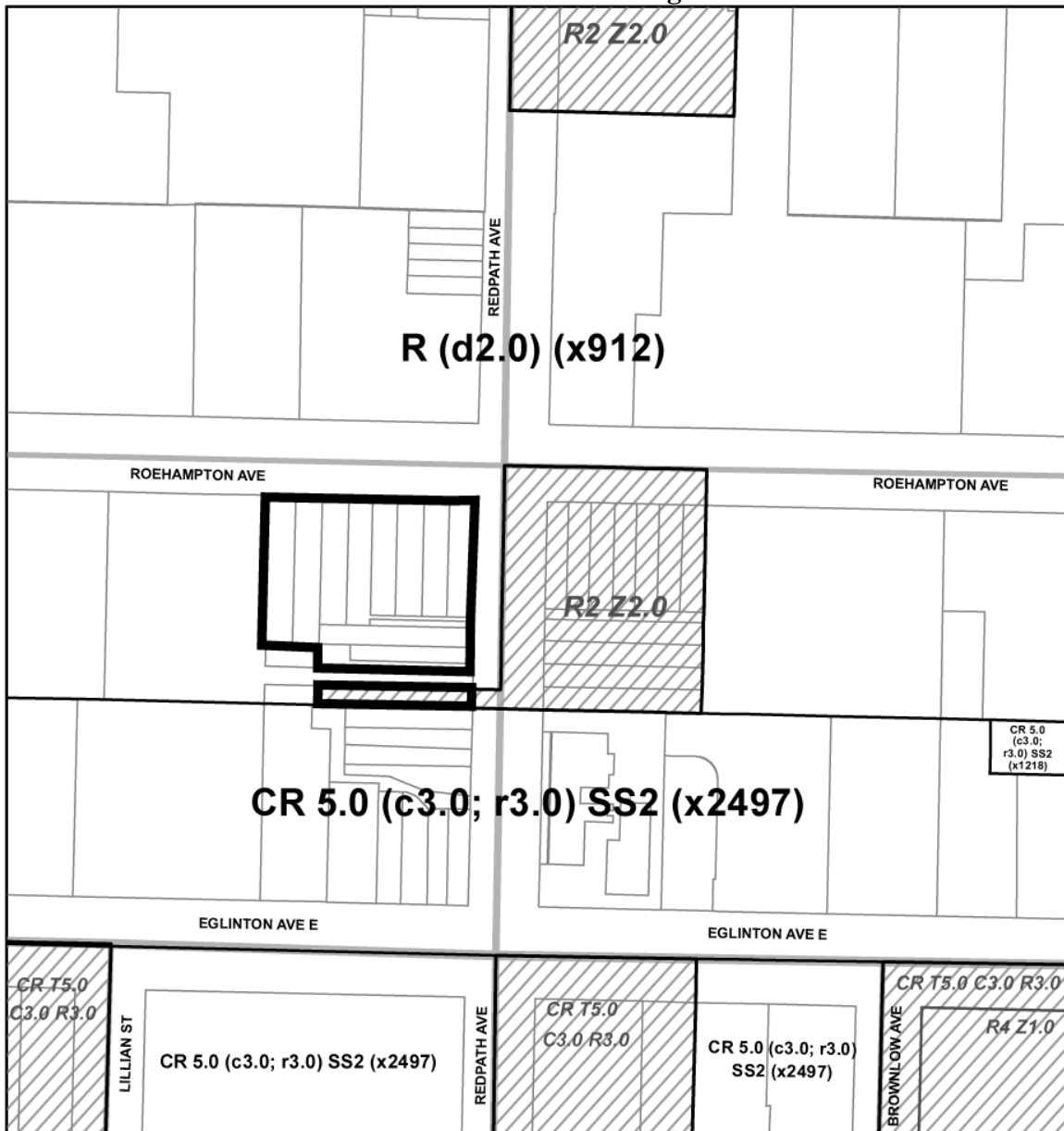
Applicant's Submitted Drawing

Not to Scale
10/20/15

151-177 Roehampton Avenue &
140-144 Redpath Avenue

File #13 257584 STE 22 OZ


Attachment 4: Zoning




151-177 Roehampton Avenue
140-144 Redpath Avenue
 File # 13 257584 STE 22_02

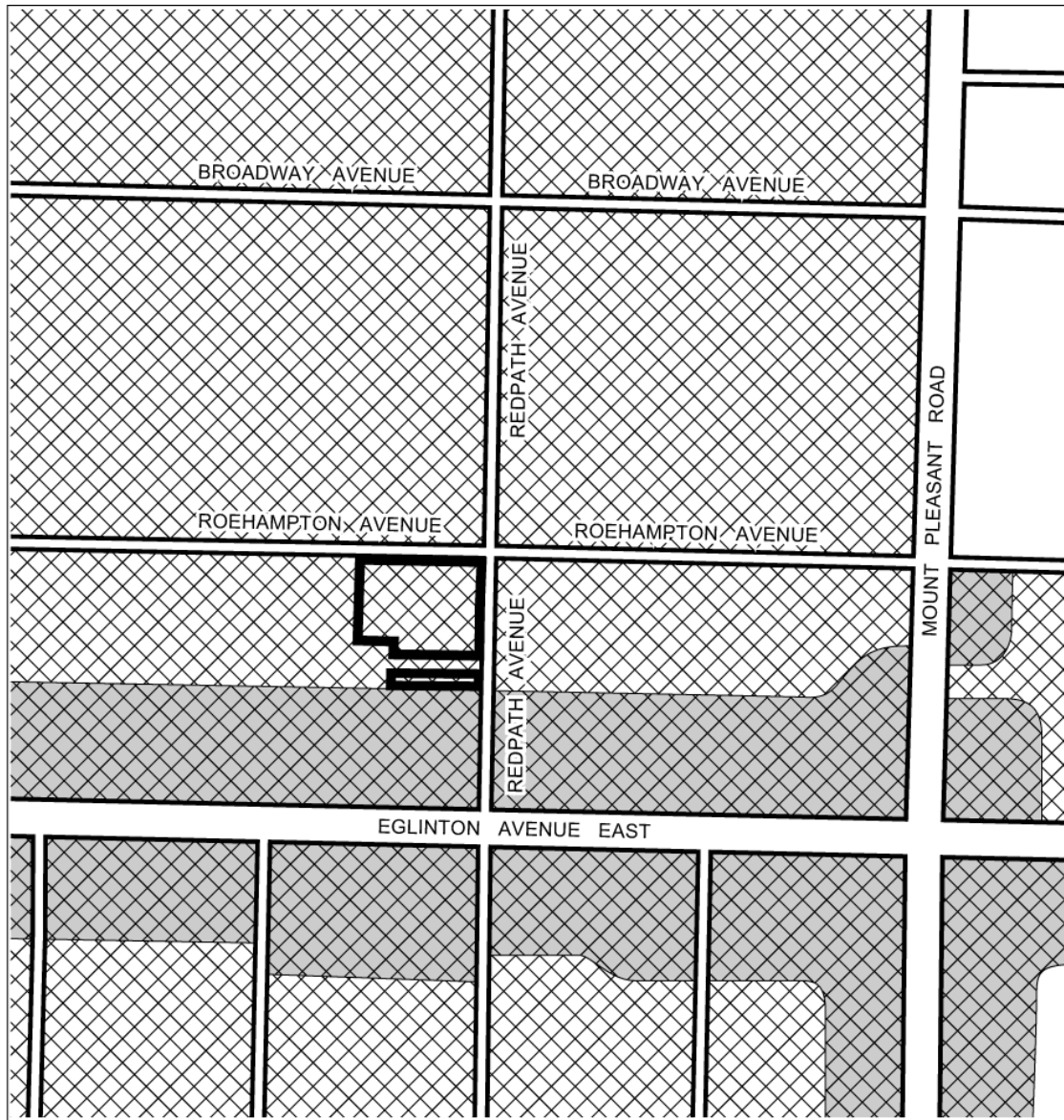
Zoning By-law 569-2013

 Location of Application
R Residential
CR Commercial Residential

 See Former City of Toronto Bylaw No. 438-86
R2 Residential District
R4 Residential District
CR Mixed-Use District


 Not to Scale
 Extracted 01/13/2014

Attachment 5: Official Plan



151-173 Roehampton and 140-144 Redpath Avenue

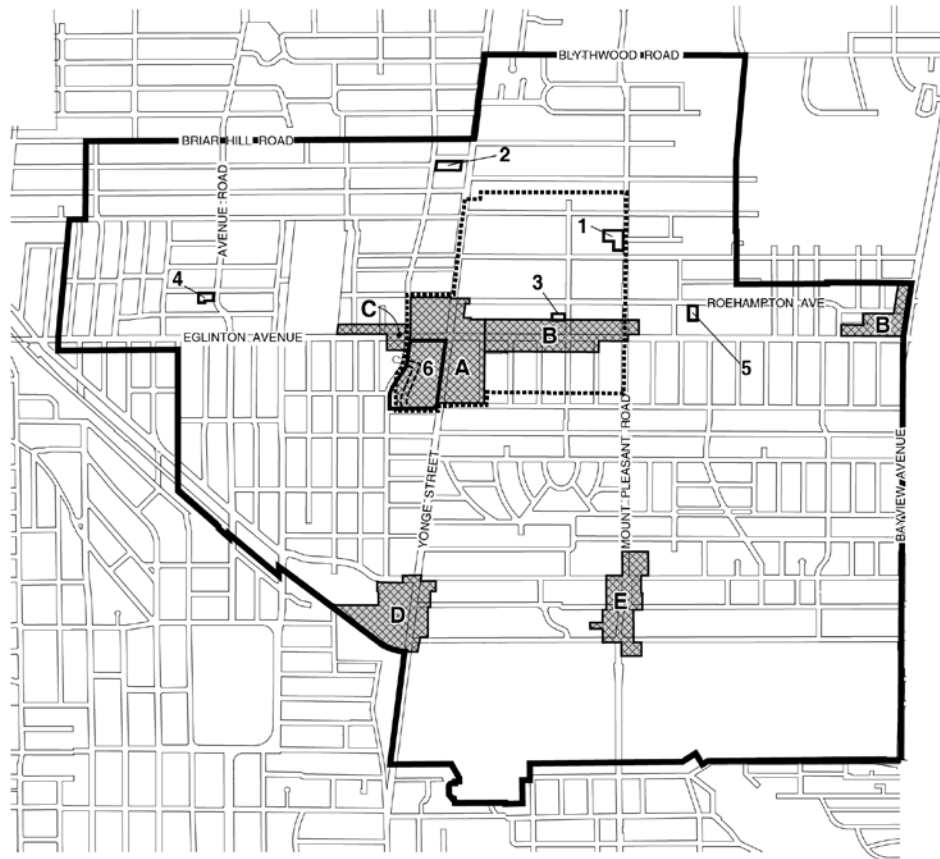
Official Plan

File # 13 257584 02

	Site Location		Natural Areas		Institutional Areas		Utility Corridors
	Neighbourhoods		Parks		Regeneration Areas		
	Apartment Neighbourhoods		Other Open Space Areas		Employment Areas		
	Mixed Use Areas						

↑
Not to Scale
01/13/2014

Attachment 6: Yonge-Eglinton Secondary Plan



Not to Scale

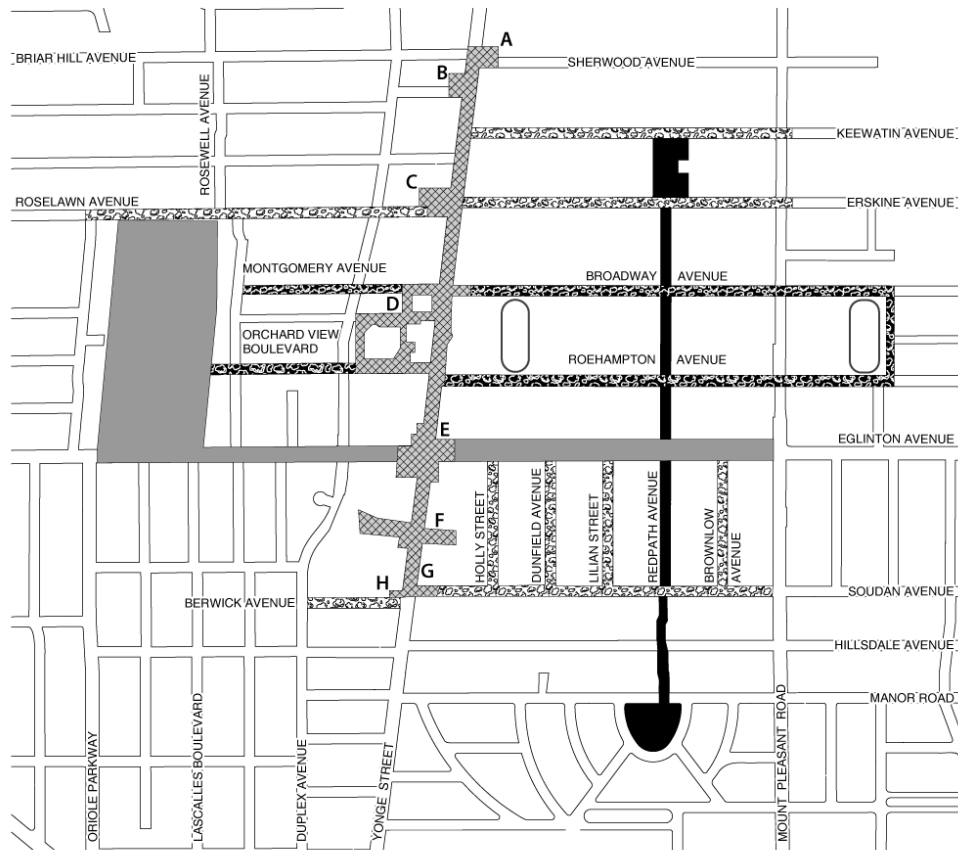


Yonge-Eglinton Secondary Plan

MAP 21-1 Land Use Plan

- Secondary Plan Boundary
- Yonge-Eglinton Centre
- Mixed Use Areas
- Site and Area Specific Policies
- Proposed Road

December 2010



Not to Scale

Yonge-Eglinton Secondary Plan

MAP 21-3 Five Place-Making Moves for the Midtown Character Area

	Eglinton Green Line	Yonge Street Squares	
	Yonge Street Squares	A Sherwood Square	E Yonge-Eglinton Crossroads
	Park Street Loop	B St. Clemens Square	F Quantum Square
	Greenways	C Erskine Square	G Soudan Square
	Redpath Revisited	D Montgomery Square	H Berczy Square

April 2015

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	13 257584 STE 22 OZ
Details	Rezoning, Standard	Application Date:	October 28, 2013
Municipal Address:	151, 157, 161, 165, 167, 171, 173, and 177 ROEHAMPTON AVENUE and 140 to 144 REDPATH AVENUE		
Location Description:	PLAN 639 PT LOT 10 **GRID S2201		
Project Description:	38-storey mixed-use building and small retail/office building at 151, 157, 161, 165, 167, 171, 173, and 177 Roehampton Avenue and 140,142 and 144 Redpath Avenue. The mixed use building has a 33-storey residential tower on top of a 5-storey base with 2 retail units and 5 townhouse units.		

Applicant:	Agent:	Architect:	Owner:
Sherman Brown 5075 Yonge St., Ste. 900 Toronto, ON M2N 6C6	Sherman Brown 5075 Yonge St., Ste. 900 Toronto, ON M2N 6C6	Architects Alliance 317 Adelaide St. W. Toronto, ON M5V 1P9	CDF Roehampton Inc. 552 Wellington St. W. Ste. 1500 Toronto, ON M5V 2V5

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	N
Zoning:	R (d2.0) (x912)	Historical Status:	N
Height Limit (m):	38	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3110.3	Height:	Storeys:	38
Frontage (m):	54.2		Metres:	132
Depth (m):	60.9			
Total Ground Floor Area (sq. m):	1884			Total
Total Residential GFA (sq. m):	33250		Parking Spaces:	184
Total Non-Residential GFA (sq. m):	913		Loading Docks	1
Total GFA (sq. m):	34163			
Lot Coverage Ratio (%):	60.6			
Floor Space Index:	11			

DWELLING UNITS

Tenure Type:	Condo	FLOOR AREA BREAKDOWN (upon project completion)	
		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	33250
Bachelor:	28	Retail GFA (sq. m):	585
1 Bedroom:	459	Office GFA (sq. m):	328
2 Bedroom:	56	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	543		

CONTACT:	PLANNER NAME:	Giulio Cescato, Senior Planner
	TELEPHONE:	416-392-0459
	EMAIL:	gcescat@toronto.ca

Attachment 8: Draft Zoning By-law Amendment (438-86)

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 2015

Enacted by Council: ~, 2015

CITY OF TORONTO BY-LAW NO. xxx-2015

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

Whereas Council of the City of Toronto 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 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*, 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 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. 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 By-law 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 By-law 438-86, as amended except that the following definitions shall apply:

“*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;
- (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.

“*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.
- (iv) May be located outdoors or indoors;

“*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;

“*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;

“*car-share parking space*” means a *parking space* that is reserved and actively used for car-sharing;

“*height*” means the highest point of the roof above *grade*;

“*grade*” means 161.22 metres Canadian Geodetic Datum; and

“*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*.

“*lot*” means those lands identified on Map 1 attached to this Bylaw.

“*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*.

“*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
Frances.

Speaker

ULLI S. WATKISS
City Clerk

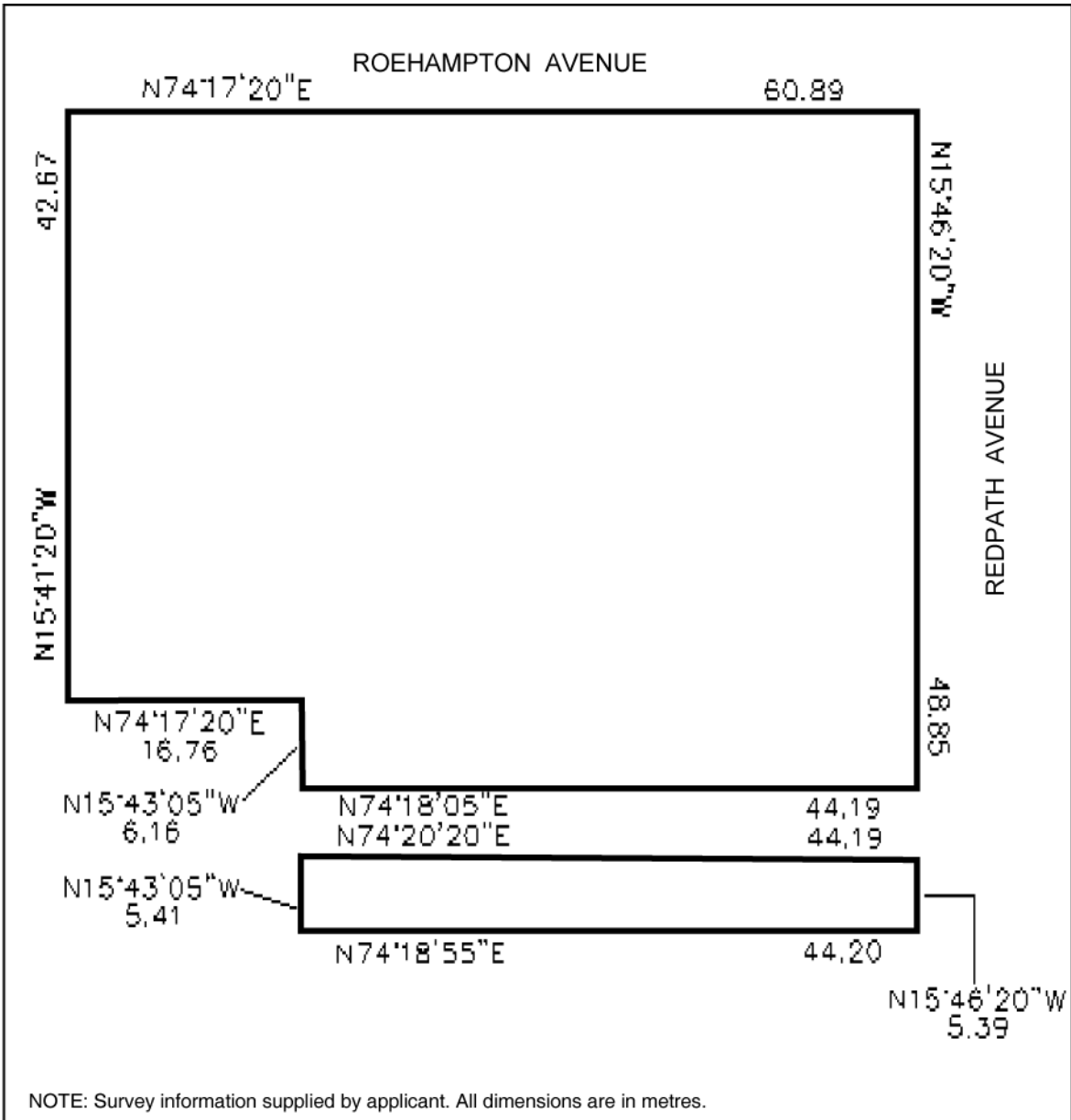
(Corporate Seal)

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 02



Not to Scale
10/22/2015

Attachment 9: Draft Zoning By-law Amendment (569-2013)

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-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 Council of the City of Toronto 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 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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

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 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:

- (iv) The lands subject to this By-law are outlined by the black lines on Diagram 1 attached to this By-law.

- (v) The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
- (vi) 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; and
- (vii) 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:
 - (1) the **lot** comprises the lands delineated by heavy lines on Diagram 1 attached hereto;
 - (2) 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;
 - (3) 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;
 - (4) nothing in Sections A(2) and A(3) of this By-law shall prevent the following elements from projecting beyond the heavy lines and above the heights shown on Diagram 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.
- (5) the following uses are permitted on the **lot**:
- (vi) a **mixed-use building**;
 - (vii) a **non-residential building**;
 - (viii) a **commercial parking garage**;
 - (ix) 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;
 - (x) **guest suites**
- (6) 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:
- (ii) 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**;
- (7) the **gross floor area** of the **non-residential building** does not exceed 400 square metres;
- (8) **parking spaces** for the **apartment building** shall be provided and maintained on the **lot** in accordance with the following:
- (ii) 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 subsections (iv) above may be provided within a **commercial parking garage**;
 - (vi) 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**.
 - (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**.
- (9) 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;
 - (10) drive aisles which provide direct access to all **parking spaces** to have maximum slopes of 5.0%;
 - (11) the minimum indoor **amenity space** shall be 614 square metres;
 - (12) the minimum outdoor **amenity space** shall be 846 square metres; and
 - (13) a minimum of 10 percent of the area of the **lot** shall be provided as **landscaped open space**.
 - (14) None of the provisions of By-law 569-2013 shall apply to prevent a temporary **sales office** on the lot as of the date of the passing of this By-law.

(B) 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 By-law 569-2013, as amended except that the following definitions shall apply:

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**;

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:

5. 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;
6. 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;
7. 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.

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:

- (v) 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;
- (vi) 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;
- (vii) 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.
- (viii) May be located outdoors or indoors;

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;

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;

car-share parking space means a **parking space** that is reserved and actively used for car-sharing;

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**;

grade means 161.22 metres Canadian Geodetic Datum;

height means the highest point of the roof above **grade**;

lot means those lands identified on Map 1 attached to this Bylaw.

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**;

- (C) 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.
- (viii) 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 [--] 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 month ##, 20##.

Francis Nunziata
Speaker

Ulli S. Watkiss,
City Clerk

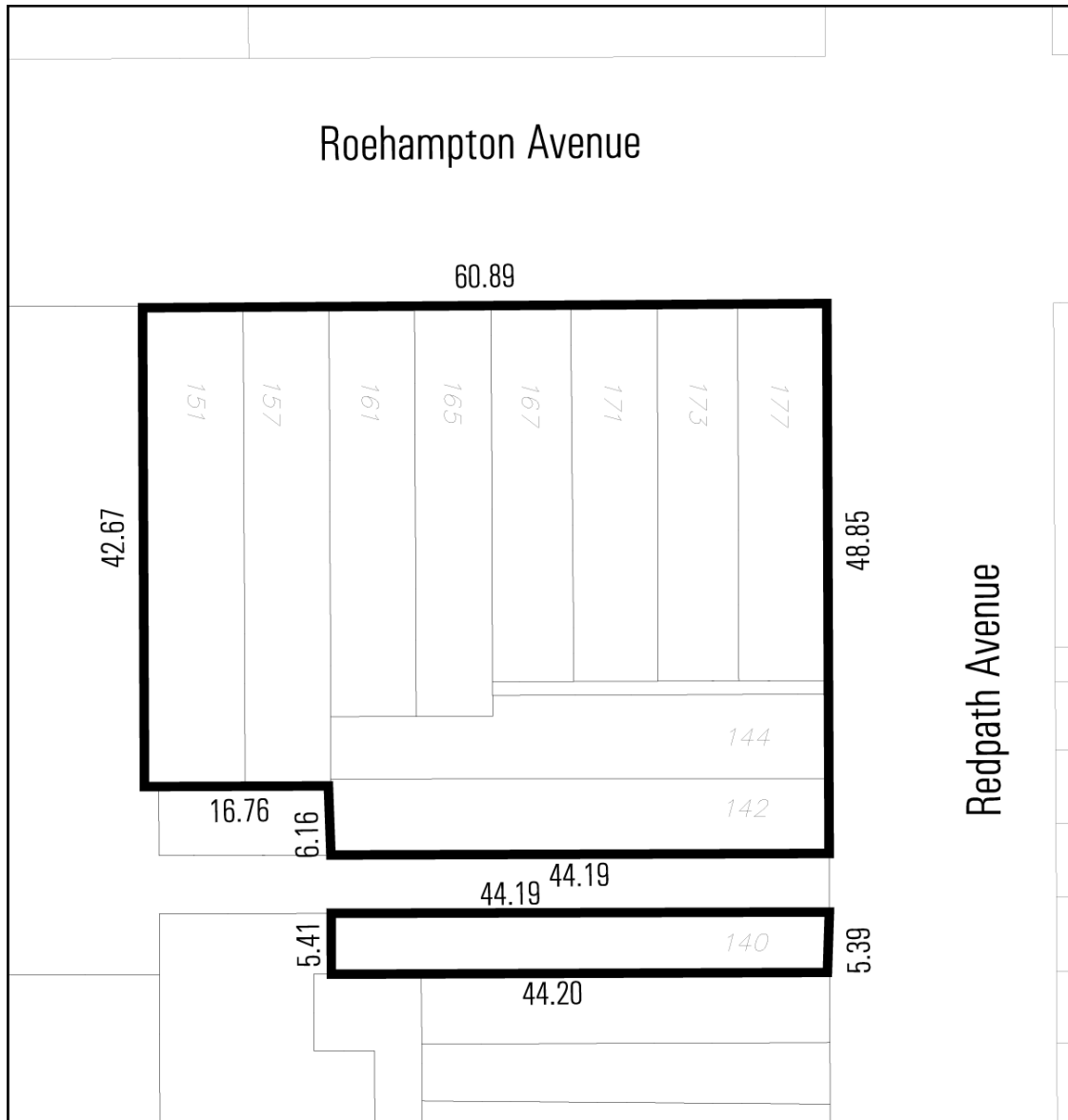
(Seal of the City)

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:

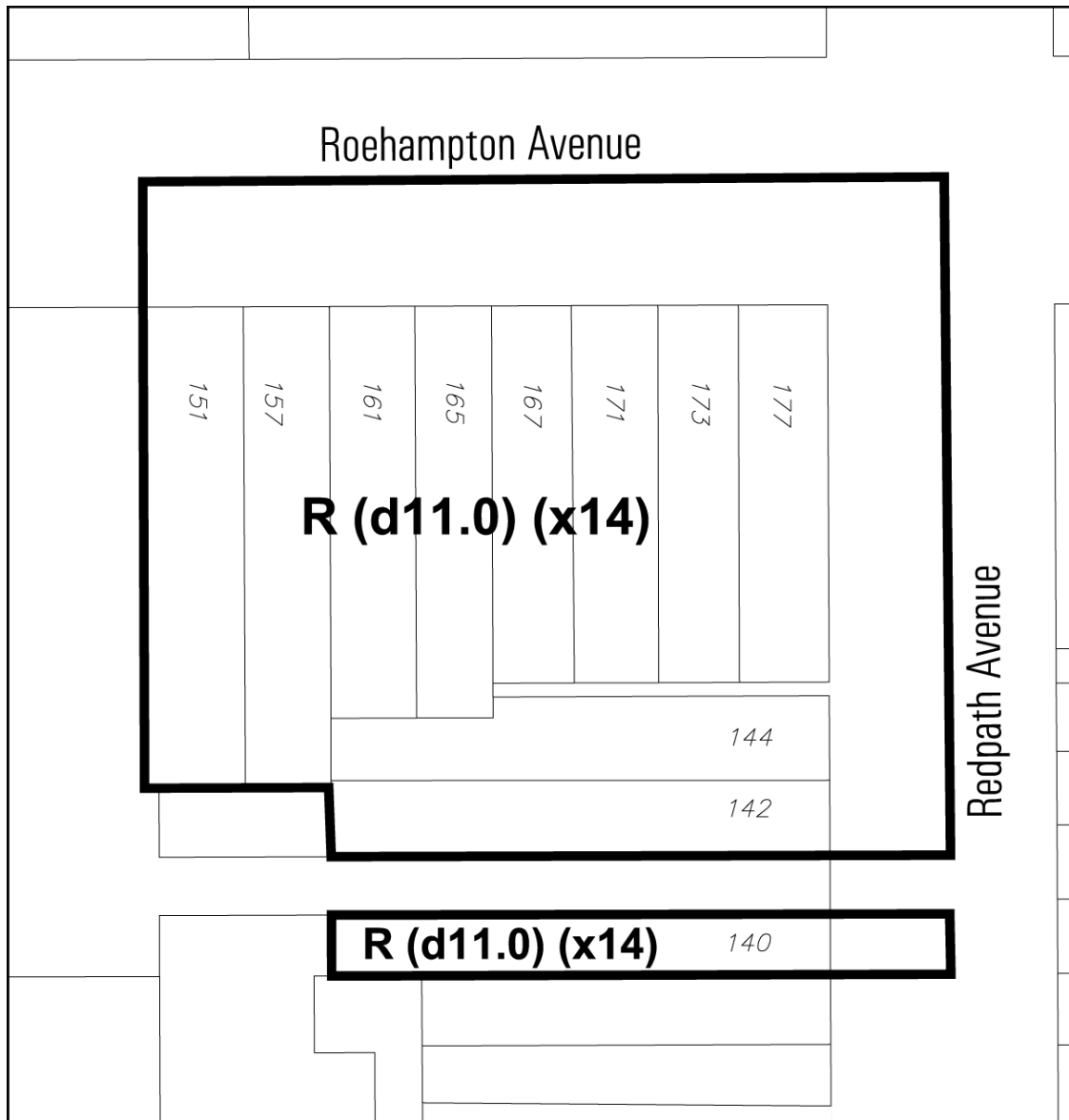
1. Prior to the issuance of the first above-grade building permit, the owner shall provide, to the satisfaction of the Chief Planner and Executive Director of City Planning a cash contribution in the amount of \$1,700,000, such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential 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 1

**151-177 Roehampton Avenue &
140-144 Redpath Avenue**
File # 13 257584 STE 22 02

City of Toronto By-Law 569-2013
Not to Scale
10/23/2015



Toronto City Planning
Diagram 2

**151-177 Roehampton Avenue &
140-144 Redpath Avenue**
File # 13 257584 STE 22 02

City of Toronto By-Law 569-2013
Not to Scale
10/23/2015

