

TORONTO STAFF REPORT

April 22, 2003

To: Midtown Community Council

From: Director, Community Planning, South District

Subject: Final Reports
Application to amend the Official Plan and Zoning By-law and for Site Plan Approval
150 Roehampton Avenue
The Roehampton Corporation (Page & Steele Architects)
Application No. 202004, TDCMB 2002 0004
St. Paul's Ward 22

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law to allow a 16-storey residential condominium building at 150 Roehampton Avenue.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) authorise City Legal Services and appropriate staff to appear at the Ontario Municipal Board to support the application as set out in this report;
- (2) request that the Ontario Municipal Board approve amendments to the Official Plan and Zoning By-law of the former City of Toronto



substantially in accordance with the draft By-laws attached in Appendices 12 and 13 of this report;

- (3) request that the Ontario Municipal Board withhold its order until the owner of 150 Roehampton Avenue enters into an agreement with the City authorised under Section 37 of the Planning Act regarding the provision of public benefits in exchange for the increase in permitted building height and density on the property as set out in this report;
- (4) authorize the removal of two (2) street trees in accordance with Section 813-1 of the Toronto Municipal Code on condition that the trees not be removed prior to the issuance of a building permit for the proposed development;
- (5) request that the Ontario Municipal Board approve the plans and drawings submitted with this application, namely Plan Nos. 4, 5, 6, 7, 8, 9, 9A and 9B date stamped as received March 11, 2003, prepared by Page and Steele Architects and Planners, and Plan Nos. 2, 3 and 15 prepared by Page and Steele Architects and Planners as redlined on April 4, 2003 and Plan Nos. L1, L2 and L3 date stamped as received April 14, 2003 prepared by Terraplan Landscape Architects all as on file with the Commissioner of Urban Development Services;
- (6) request that the Ontario Municipal Board, prior to the issuance of an Order, require the owner to enter into an Undertaking under Section 41 of the Planning Act requiring that:
 - (a) the proposed development (including all landscaping thereto) shall be undertaken and maintained substantially in accordance with the drawings referred to above;
 - (b) the owner shall provide and maintain a minimum of 133 parking spaces on the site to serve the project, of which 6 spaces can have a minimum length of 5.0 metres, including a minimum of 117 parking spaces for the exclusive use of the residents of the project and at least 16 parking spaces for the residential visitors;
 - (c) the owner shall provide and maintain a physical separation between the residents' and the residential visitor parking of the underground garage to secure the availability of the residents' parking;
 - (d) the owner shall designate individually the substandard parking spaces by means of clearly visible signs for use by small cars only;
 - (e) the owner shall provide and maintain a "Caution: Vehicles Turning At Top of Ramp" sign (or other appropriate wording) at the bottom of the access ramp for outbound traffic;
 - (f) the owner shall provide and maintain a convex mirror at the intersection of the access driveway and the access ramp;

- (g) the owner shall provide and maintain an inside 1 metre by 1 metre splay at the top of the access ramp;
- (h) the owner shall provide and maintain 1 modified Type G loading space with dimensions of 4 metres by 13 metres by 6.4 metres (vertical overhead clearance) within an enclosed area with a generally level surface, as shown on Drawing No. 2 prepared by Page and Steele Architects and Planners, date stamped by the Commissioner of Urban Development Services on March 11, 2003 and as redlined by the applicant on April 4, 2003;
- (i) the owner shall design and construct all driveways and passageways providing access to and egress from the modified Type G loading space with a minimum width of 3.5 metres (4 metres where enclosed), a modified minimum vertical clearance of 4.4 metres and a minimum inside and outside turning radii of 9 metres and 16 metres so that trucks can enter and exit the site in a forward motion;
- (j) the owner shall design and construct the modified Type G loading space and all driveways and passageways providing access thereto to the requirements of the Ontario Building Code, including allowance for City of Toronto bulk lift and rear bin vehicle loading with impact factors where they are to be built as supported structures;
- (k) the owner shall provide and maintain a garbage room of at least 25 square metres in size and a recycling room of at least 20 square metres floor area and install and maintain a stationary compactor in the garbage room or alternatively, a combined garbage/recycling room with a minimum size of 45 square metres equipped with an automated recycling and waste system (i.e., tri sorter type). If an automated recycling waste system is not being installed, convenient storage space for recycling material must be provided on each floor of the project for collection by building maintenance staff;
- (l) the owner shall install and maintain 2.2 metre wide double or overhead doors to accommodate the movement of container bins between the garbage and recycling rooms and the modified Type G loading space;
- (m) the owner shall provide and maintain level access corridor(s) between the garbage and recycling rooms and the modified Type G loading space for the transportation of the container bins;
- (n) the owner shall provide and maintain a reinforced concrete storage collection pad immediately adjacent to the loading space with a maximum slope of approximately 2% and 15 square metres in size where a total of 3 containers can be placed on collection days only and manoeuvred for safe and efficient collection;

- (o) the owner shall be aware that a trained staff member must be present to transfer the bins on collection days to the collection pad and at all times during collection to manoeuvre the bins onto the collection vehicle as well as act as a flagperson when the vehicle is reversing onto the driveway;
- (p) the owner shall designate the one-way operations of the circular driveway, by means of clearly visible signs and pavement markings;
- (q) the owner shall provide and maintain a minimum width of 5 metres for the circular driveway;
- (r) the owner shall restore all existing vehicular access ramps that are no longer required, to City standards, at no cost to the City;
- (s) the owner shall submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the issuance of any permit, a Noise Impact Statement in accordance with City Council's requirements;
- (t) the owner shall have a qualified architect/acoustical consultant certify, in writing, to the Commissioner of Works and Emergency Services that the development has been designed and constructed in accordance with the Noise Impact Statement accepted by the Commissioner of Works and Emergency Services;
- (u) the owner shall provide, maintain and operate the noise impact measures, facilities and strategies stipulated in the plan accepted by the Commissioner of Works and Emergency Services;
- (v) the owner shall submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the issuance of any permit, a site servicing assessment to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate;
- (w) the owner shall pay for any improvements of the municipal infrastructure in connection with Recommendation No. 1(v), should it be determined that upgrades are required to the infrastructure to support this development, according to the plans accepted by the Commissioner of Works and Emergency Services;
- (x) the owner shall submit to the Commissioner of Works and Emergency Services, prior to the issuance of a building permit:
 - (i) a Grading and Drainage Plan to show existing and proposed elevations, surface drainage, infiltration areas within the site and any overland flow routes;

- (ii) a Site Servicing Plan to show existing and proposed details of the site services, service connections to municipal infrastructure, location of fire hydrants, fire department connections and fire access route;
 - (iii) all relevant calculations or reports to support the site servicing design; and
 - (iv) a Stormwater Management Report indicating how the storm run-off from the site is to be addressed;
- (y) the owner shall erect and maintain signs, at points of egress and ingress of the development site advising that:

“Despite the best efforts of the Toronto District School Board, sufficient accommodation might not be locally available for all students anticipated from the development area. Students may be accommodated in facilities outside the area, and may later be transferred.

For information regarding designated school(s), please call (416) 397-2833”;

- (z) the owner shall include the following warning clauses in all offers of purchase and sale of residential units (prior to registration of the plan and for a period of ten years following registration), that:

“Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area, and further, that students may later be transferred.

Purchasers agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board in accordance with the Board’s policy, that students will not be bussed home to school, but will meet the bus at designated locations in or outside of the area”;

- (aa) the owner shall protect at all times the 1 City owned tree identified as Tree 2 on the Tree Survey Plan by NAK Design Group dated 22 Nov. 1998, in accordance with the City of Toronto’s Tree Protection Policy and Specifications for Construction Near Trees and to the satisfaction of the Commissioner of Economic Development, Culture and Tourism;
- (bb) the owner shall, prior to the issuance of any permit, provide a tree protection security deposit in the form of an irrevocable Letter of Credit or certified cheque payable to Treasurer, City of Toronto, in the amount of \$3,340.00 to cover the appraised tree value, removal and replacement costs of City owned trees. This deposit shall be drawn upon to cover all costs incurred by the City of Toronto if the City owned trees require maintenance or removal and replacement as a result of construction activities associated with this project;
- (cc) the owner shall, prior to the issuance of any permit, provide tree removal payment in the form of a certified cheque or money order payable to Treasurer, City of

Toronto, in the amount of \$3,600.00 to cover the appraised tree value, and set fees of City owned trees to be removed as part of this project, identified as trees 1 and 3 on the Tree Survey Plan by NAK Design Group dated 22 Nov. 1998. This tree removal payment must be submitted to the attention of Mark Procnier, Supervisor of Urban Forestry Planning and Protection;

- (dd) the owner shall remove City owned trees only upon the receipt of the required tree removal payment by Mark Procnier, Supervisor of Urban Forestry Planning and Protection and the building and/or demolition permits have been obtained and the permitted construction and/or demolition related activities associated with this project warrant the removal of the trees;
- (ee) the owner shall conduct an investigation of underground utilities prior to new tree planting within the City road allowance. If planting is not possible due to a utility conflict, a utility locate information sheet from the respective utility company must be provided to the Supervisor of Urban Forestry Planning and Protection;
- (ff) the owner shall plant 4 new trees within the City road allowance as shown on plan L-1 Landscape Plan date stamped received on 14 April 2003 to the satisfaction of the Commissioner of Economic Development, Culture and Tourism and in accordance with the following details:

Street Trees in Turf: In accordance with Planting Detail No. 101 for Balled and Burlapped Trees in Turf Areas, dated June 2002;
- (gg) the owner shall ensure a clearance of 1.2 metres from the edge of a tree's root ball to the edge of the underground utility(s). For clearance less than 1.2 metres but greater than or equal to 0.6 metres, a root deflector must be installed in the tree pit between the tree's root ball and the utility(s);
- (hh) the owner shall provide a two-year renewable guarantee for all new tree plantings within the City road allowance and shall notify Mark Procnier, Supervisor of Urban Forestry Planning and Protection in writing, of the planting date prior to planting. This date is used to establish the anniversary date of the required two-year renewable guarantee;
- (ii) the owner shall maintain all new tree plantings within the City road allowance in good condition. Trees will be inspected during and prior to the end of the renewable guarantee period. If the trees are in good condition at the end of the renewable guarantee period, the City will assume maintenance and ownership of the trees;
- (jj) the owner shall be responsible for the maintenance or replacement of all new tree plantings within the City road allowance if during or at the end of the renewable guarantee period the trees are not in good condition, require maintenance or require replacement. The owner will be responsible for rectifying the problem as determined by and to the satisfaction of the Commissioner of Economic Development, Culture and Tourism;

- (kk) the owner shall maintain all newly replanted trees within the City road allowance in good condition and shall provide an additional two-year renewable guarantee;
 - (ll) the owner shall, prior to the issuance of a Landscape Permit (by Works and Emergency Services, Transportation Services, Right of Way Management), provide a tree planting security deposit in the form of an irrevocable Letter of Credit or certified cheque payable to the Treasurer, City of Toronto, in the amount of \$ 2,352.00 (\$588 per tree subject to change) for new tree planting within the City Road allowance. The tree planting security deposit must be submitted to the attention of Mark Procnier, Supervisor of Urban Forestry Planning and Protection. The deposit will be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year guarantee period; and
 - (mm) an irrigation system with automatic timer be included at the applicant's expense and that the irrigation system be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Commissioner of Works and Emergency Services, including requirements to maintain in good order and operation.
- (7) advise the owner:
- (a) of the need to make a separate application to the Commissioner of Works and Emergency Services for permits to carry out any works involving construction in, or occupancy of, the abutting public right-of-way;
 - (b) that the storm water runoff originating from the site should be disposed of through infiltration into the ground and that storm connections to the sewer system will only be permitted subject to the review and acceptance by the Commissioner of Works and Emergency Services of an engineering report detailing that site or soil conditions are unsuitable, the soil is contaminated or that processes associated with the development on the site may contaminate the storm run-off;
 - (c) of the City's requirement for payment of a service charge associated with the provision of City containerised garbage collection;
 - (d) that in the event the on-site person is not available at collection time, the vehicle will leave the site and not return until the next scheduled collection day;
 - (e) of the need to contact the Solid Waste Management Services Section of Works and Emergency Services to complete the necessary application and waiver forms prior to the commencement of city waste collection;
 - (f) that the proposal requires conveyance of land for parks purposes, or payment in lieu thereof pursuant to Section 42 of the Planning Act;

- (g) that the issuance of any permit by the Chief Building Official will be conditional upon the proposal's full compliance with all relevant provisions of the Ontario Building Code;
- (h) that the proposal is subject to Development Charges pursuant to By-law 476-1999 as amended. For additional information please refer to the said by-law;
- (i) that the proposal is subject to Education Development Charges, pursuant to the Toronto Catholic District School board by-law 2001 No. 148. For additional information please refer to the said by-law; and
- (j) that the Commissioner of Economic Development, Culture and Tourism shall hold the tree planting security deposit for the duration of the renewable guarantee period.

Background:

Proposal

This application is to permit the construction of a 16-storey, 143 unit condominium apartment building fronting onto Roehampton Avenue. The proposed height and density is 44.25 metres and 5.35 times the lot area respectively. The proposed building is to replace the previously approved (but unbuilt) plan for a 14-storey condominium and 2 townhouse units.

The application was submitted in February of 2002 and has undergone a number of revisions as a result of discussions between City staff and the applicant. The most recent submission was March 11, 2003 with red line revisions on April 4, 2003.

On March 6, 2003 the applicant appealed (under Section 22(7) of the Planning Act) the failure of the City of Toronto Council to adopt the requested amendments to the Official Plan and Zoning By-law within 90 days after the application was received. The Site Plan Approval application has also been appealed. As of the date of the drafting of this report, no hearing date has been set.

Site History

This site has been the subject of two previous development applications.

In 1990, City Council adopted OPA 515 and By-law 41-90 which permitted the construction of a 14-storey residential apartment building and a church on the site. By-law 41-90 permitted a total density of 2.3 times the lot area and a height of 44.25 metres rather than the 2.0 times the lot area and a height of 38.0 metres as permitted by By-law 438-86. The apartment building was to be set back from Roehampton Avenue and sited to the rear of the new church building. The church was constructed on the site in 1992 but the apartment building was left unbuilt.

In 1999 the Committee of Adjustment granted minor variances to permit the construction of a 14-storey, 13 unit condominium and two 2-storey townhouses which were to replace the church.

The church was no longer in use by a congregation. The variances were required to permit the condominium to be constructed to a height of 49.25 metres and to permit a total density of 2.6 times the lot area.

Site and Surrounding Area

The site has an area of 1,848.12 square metres and is located on the north side of Roehampton Avenue, east of Yonge Street and just west of Redpath Avenue. The existing church remains unused.

The site is within proximity of the Yonge Street and Mount Pleasant Avenue retail commercial strips, a number of public schools and the Yonge-Eglinton subway station as well as major TTC surface routes.

The site is located within a high density residential area of North Toronto which consists primarily of apartment form buildings and which extends north of Eglinton Avenue to Keewatin Avenue between Yonge Street and Mount Pleasant Avenue.

The site is surrounded by a 7-storey 48 unit apartment building to the east, a 14-storey 211 unit apartment building to the west, a 10-storey 204 unit apartment building to the north, a 10.5-storey 36 unit building to the south and a row of 8 single family houses extending from that building to the corner of Roehampton and Redpath Avenues. There are two apartment buildings in the immediate area that exceed 16 storeys (101 Roehampton Ave. and 177 Redpath Ave.).

Official Plan

The Part I Official Plan of the former City of Toronto, as amended by OPA 515, designates this site as High Density Residence Area and permits residential uses to a maximum density of 2.3 times the lot area. The site is also designated as High Density Residence Area in the Yonge-Eglinton Part II Plan.

At its meeting commencing November 26, 2002, Toronto City Council adopted a new Toronto Official Plan. Under the Council adopted Plan, the subject site is designated 'Apartment Neighbourhoods'. This designation permits apartment buildings, a range of commercial uses and all land uses provided for in the 'Neighbourhoods' designation.

The policies of the Apartment Neighbourhood designation sets out development criteria which include directions for new development to: locate and mass new buildings to minimize shadow impacts on properties in adjacent lower-scale Neighbourhoods during the spring and fall equinoxes; locating and massing new buildings to frame the edge of streets and parks with good proportion and maintaining sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and include sufficient off-street motor vehicle and bicycle parking for residents and visitors. The proposed development will not require an amendment to these or any of the policies of the new Official Plan.

Zoning By-law

Zoning By-law 438-86 classifies the site as R2 Z2.0 which permits a range of residential uses up to a maximum density of 2.0 times the area of the lot. The height limit under By-law 438-86 is 38.0 metres. The site is subject to site-specific zoning by-law 41-90 which increased the maximum permitted density and height to 2.3 times the lot area and 44.25 metres respectively. In 1999, the Committee of Adjustment granted variances which allowed a density of 2.6 times the area of the lot and a height of 49.25 metres.

Site Plan Control

This proposal is subject to site plan control. The applicant has filed a site plan application to be reviewed concurrently with the Official Plan and Zoning By-law amendment applications. The Ward Councillor has requested that site plan approval be dealt with at City Council through Midtown Community Council.

Reasons for Application

The proposed 16-storey apartment building has a density of 5.3 times the lot area and a height of 44.25 metres. The Official Plan and the underlying zoning (By-law 438-86) for the site allows for a maximum density of 2.0 times the lot area. This application exceeds the permitted density by 3.3 times the area of the lot. At 44.25 metres, the proposed building exceeds the the permitted height limit of 38 metres in the base zoning (By-law 438-86) by 6.25 metres.

Other areas of non-compliance are identified in the letter from Urban Development Services (Buildings Division) dated February 6, 2003 found in Attachment 11 and are discussed in various sections of this report.

Community Consultation

At the direction of Midtown Community Council, a community consultation meeting was held in the neighbourhood on Wednesday July 24, 2002. Approximately 35 members of the public were in attendance. The major concerns with the proposal as expressed at the meeting and in written comments subsequent to the meeting were with respect to the proposal's, height, shadow and privacy impact, the number of units, parking, landscaped open space and density.

Agency Circulation

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

Comments:

(i) Height

The proposed 16-storey building is in a midtown apartment district. The site is surrounded primarily by apartment buildings that range in height from 7 storeys (170 Roehampton) to 11 storeys (141 Roehampton) to 14 storeys (at 100 Roehampton) to 17 storeys (at 177 Redpath) to 19 storeys (at 101 Roehampton). Consequently, the proposed building height does not represent an anomaly within the neighbourhood.

Building height for this site is set at 38 metres by By-law 438-86. That height limit has been amended on two occasions. First by site specific By-law 41-90 which increased the permitted height to 44.25 metres to allow the construction of a 14-storey apartment building (never built).

In 1999 a new proposal sought a further amendment to the height limit for the site. A variance was granted by the Committee of Adjustment to permit a 49.25 metre high apartment building.

At 44.25 metres, the current proposal is within the amended height limit previously allowed for the site in By-law 41-90 and it is 5 metres under the height variance which was granted by the Committee of Adjustment in 1999. The current proposal has a different building envelope than the previous two approved schemes. If this proposal is approved by the OMB, By-law 41-90 (including its height permission of 44.25 metres) will be rescinded by a new site specific by-law and the Committee of Adjustment decision will not apply. A height exception for 6.25 metres above the 38 metres permitted by By-law 438-86 is included in the new site specific draft by-law.

(ii) Density and Unit Count

As with the proposed height, neither is the building an anomaly in the neighbourhood with respect to its total gross floor area or its total number of units.

Buildings in the local area range from approximately 5,472 m² in gross floor area (170 Roehampton) to approximately 16,358 m² (100 Roehampton). At 9,879.72 m², the gross floor area of the proposed development is between the high and low g.f.a.'s of the buildings which are immediately adjacent to it and is considerably less massive than the largest building in the area.

Similarly, the proposed 143 units are not out of character with respect to the total numbers of units in the surrounding buildings. Unit counts range from 36 at 141 Roehampton to 229 units two doors down at 200 Roehampton. Immediately to the west, 100 Roehampton has 211 units.

The number of units on a site are a measure of the expected intensity of use and the impact that results from the occupancy of the building rather than from the physical structure itself. For example, the applicant's traffic engineer provided a traffic study (the results of which have been reviewed and accepted by Works and Emergency Services) that concluded that the building, with 143 units, would generate a total of 35 week day peak hour vehicular trips. Most trips would be

outbound in the morning peak hour and inbound during the afternoon peak. This is considered a minimal additional load that can be handled by the existing local streets and arterials.

(iii) Light, View and Privacy

Some of the residents of the surrounding apartment buildings have expressed concern that the light, view and privacy that they currently enjoy in their units will be diminished with the construction of the proposed 16-storey building. In particular, some of the residents of west side units in 170 Roehampton (the 7-storey apartment abutting the subject site to the east) are potentially most impacted by the proposed new building.

Any new building built to the minimum required side yard setbacks on the subject lands will impact some or all of these existing west facing units. The architect has designed the building to ensure that any light, view and privacy impacts on the surrounding buildings (170 Roehampton in particular) are within reasonable expectations for the redevelopment of this site within an apartment district.

The applicant's video shadow study, which has been reviewed and accepted by the City's Urban Design Division, demonstrates that the new shadows generated by the proposed development move quickly across the effected buildings and will not cause undue impact. The study shows, that during the vernal equinox (March 21) which typically represents the worst case shadowing period of the calendar year, no parts of 188 Redpath or 170 Roehampton will receive less than 6 hours of sunlight in their units. Shadows cast by the proposed building during the summer solstice (June 21) do not reach 188 Redpath and do not fall on 170 Roehampton until approximately 3 pm.

The rear (north) face of the building also steps back at the 4th, 15th and 16th floor levels. The proposed stepping back of floor plates on the north face will have the effect of reducing the shadow cast on the neighbouring buildings to the north at 188 Redpath and at 65 – 75 Broadway. It should be noted that most of the building at 188 Redpath is built within the area of shadow cast by 75 Broadway, making it difficult to distinguish between new and existing shadow.

With respect to views, the proposed building has a convex, semi-circular front wall from the first floor to the top of the 14th storey. The convex shape of the front face of the building allows it to be brought forward to the street to match the front setback of 170 Roehampton at the midpoint of the front wall and yet provides progressively deeper setbacks as the wall arcs back towards the east and west property lines.

Using this design, the first through the third floors are setback 6 metres from the front property line on Roehampton to the midpoint of the wall (closest to the street) and 8.5 metres to the east and west corner unit bays. This semi-circular front profile allows similar west looking views across the subject site from 170 Roehampton as would be possible if the building was constructed using the more typical squared-off front façade and if it uniformly adhered to the required 9 metre front setback on all floors.

With respect to maintaining a reasonable amount of privacy in adjacent units, the proposed building complies with the Urban Design standards of 11 metres of separation distance between window walls of adjacent buildings.

(iv) Parking and Access

All parking is provided in an underground garage which is accessed from the driveway to the rear of the west face of the building.

By-law 438-86 requires that the applicant provide 133 parking spaces based on a standard of 1 space per 102 m² for residents of the building plus 1 space for each 4 units for visitors. The applicant is proposing 128 spaces that satisfy the By-law's minimum parking space dimensions (2.6m x 5.9m) and a total of 134 spaces when including 6 to be provided for small cars (2.4m x 4.9m).

The proposed total of 134 spaces exceeds the total (133 spaces) required by By-law 438-86 and meets the condominium standard (134 spaces) which has been applied by Works and Emergency Services. The allocation of 17 of those spaces for visitors and 117 for the residents of the building is acceptable to Works and Emergency Services.

Zoning amendments for parking will still be required to allow the use of the 6 undersized spaces and to permit the allocation of 17 spaces for visitors and 117 for residents rather than the By-law standard of 36 spaces for visitors and 97 for residents.

(v) Open Space

By-law 438-86 requires that an apartment building provide 50% of the lot as landscaped open space. Fifty percent of the area of 150 Roehampton is approximately 924 m². The applicant is proposing 647 m² or 35% of the lot as landscaped open space.

The landscaping is concentrated on the lot where it is most needed, at the front of the site adjacent to the public realm and on the east side adjacent to the apartment at 170 Roehampton. Although the building is optimally located on a constrained site, most of the west side of the lot is necessarily dedicated to resident and service vehicle access. However, the impact of the proposed driveway on the west side of the lot is negated by the location of the driveway and surface parking for 100 Roehampton which parallels this lot line.

The proposed landscaped open space is not out of character with that which has been provided on adjacent properties. None of the abutting 4 apartments have provided 50% of their lots as landscaped open space and only 1 (188 Redpath Ave) has provided more (43%) than the 35% proposed for 150 Roehampton.

The proposed landscape plan acknowledges 3 significant City-owned trees situated in the road allowance adjacent to the site on the north side of Roehampton. Of these, 2 are proposed to be cut and 1 is to be protected. Three new trees are proposed to be planted on site to replace the

two being cut. One new tree is proposed to be planted in the Roehampton Boulevard off-site (also as a replacement).

(vi) Section 37 Agreement

The applicant has agreed to provide funding for community benefits as can be requested by the City under Section 37 of the Planning Act.

At the time of issuance of a building permit the applicant will provide \$287,000.00 (escalated in accordance with the Consumer Price Index (CPI) from the date of this report to the date of payment) to the City, above the standard 5% parks contribution, for use in improving community services and facilities within the neighbourhood as deemed appropriate by the Commissioner of Urban Development Services.

Conclusions:

The applicant's proposal contemplates a building in excess of the current planning permissions respecting height and density. However, in consideration of the site's location within an apartment neighbourhood and its proximity to the Yonge/Eglinton subway line, the proposed height and density increase represents an increase which is in keeping with the existing developments in the area. Through careful consideration of the built form and massing of the development, the proposed increase in height and density is supportable. Potential negative impacts of this proposal, particularly with regard to shadowing are minimal or have been mitigated through the building design.

The landscaping, streetscape and building elements to be provided are acceptable. A monetary contribution for use in improving neighbourhood community facilities will result from the project.

For the reasons stated above staff recommend approval of the requested amendments to the Official Plan and Zoning By-law. It is further recommend that authority be granted to staff to appear at the Ontario Municipal Board in support of the proposal.

Contact:

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Ted Tyndorf
Director, Community Planning, South District

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List of Attachments:

Application Data Sheet
Attachment 1: Site Plan
Attachment 2: Roof Plan
Attachment 3: Parking Plan
Attachment 4: North Elevation
Attachment 5: South Elevation
Attachment 6: East Elevation
Attachment 7: West Elevation
Attachment 8: Section
Attachment 9: Zoning
Attachment 10: Official Plan
Attachment 11: Agency Comments
Attachment 12: Draft Official Plan Amendment
Attachment 13: Draft Zoning By-law Amendment

APPLICATION DATA SHEET

Site Plan Approval: Yes File Number: **202004**
Rezoning: Yes Application Number: **TD CMB 2002 0004**
O.P.A.: Yes Application Date: 02/19/2002
Municipal Address: 150 Roehampton Ave Revised Date: 03/11/2003
Project Description: Construct 143 unit residential condominium building

Agent: Stan Makuch Cassels Brock & Blackwell Scotia Plaza Suite 2100 40 King St West Toronto, M5H 3C2	Architect: Sol Wassermuhl Page + Steele Architects Planners 95 St. Clair Ave. W. Toronto, Ontario M4V1N6	Owner: The Roehampton Corporation 162 Cumberland Street Toronto, Ontario M5R3N5
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PLANNING CONTROLS (For verification refer to Chief Building Official)

Official Plan Designation: HDRA	Site Specific Provision: 41-90
Zoning District: R2 Z2.0	Historical Status: No
Height Limit (m): 38	Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area: 1848.12	Height: Storeys: 16
Frontage: 30	Meters: 44.25
Depth: 60	

	Indoor Type	OutdoorType
Ground Floor GFA:331.37	Parking Spaces: 134	
Residential GFA: 9879.73	Loading Docks: 1 G	0
Non-Residential GFA:0		
Total GFA: 9879.73		

DWELLING

Tenure Type: Condominium
Rooms: 0
Bachelor: 0
1 Bedroom: 86
2 Bedroom: 57
3+ Bedroom: 0
Total Units: 143
Total Proposed Density: 5.35

FLOOR AREA BREAKDOWN

Above Grade
Residential GFA: 9879.73
Retail GFA: 0
Office GFA: 0
Industrial GFA: 0
Industrial/Other GFA: 0

COMMENTS

Current Status:	Open	<u>Latest Event</u>	<u>Actual Date</u>
		Revision	03/11/2003
		Red Line	04/042003
Data Valid:	Apr 8, 2003	Planner: Burkholder, Tim	Phone: (416) 392-0412
Area:	District - C	Planning Office:	Toronto - North (TD)

Agency Comments

1. Urban Development Services, Building Division, April 4, 2003

Our comments concerning this proposal are as follows:

Description: Build apartment building containing 143 dwelling units with underground parking.

Zoning Designation: R2 Z2.0 Map: 51L-311

Applicable By-law(s): 438-86 as amended

Plans prepared by: Page and Steele Architects Plans dated: November 12, 2002 and March 11, 2003

Gross Floor Area (GFA): 9880 m²

Residential GFA: 9880 m²

Zoning Review

The list below indicates where the proposal does not comply with the City's Zoning By-law 438-86, as amended, unless otherwise referenced. This review is based on the understanding that By-law 41-90 will be repealed.

1. The by-law requires a parking space to have minimum unobstructed dimensions of at least 5.9 metres in length by 2.6 metres in width. Four of the required parking spaces will dimensions of 5.0 metres by 2.4 metres. (Section 2, definition of 'parking space'.)
2. The building will have a height of 44.25 metres in lieu of the maximum permitted 38.0 metres. Section 4(2) a.
3. The proposed indoor residential amenity space will not be located in contiguous rooms, and will not contain a kitchen. (Section 4(12))
4. The by-law limits the residential gross floor area in an area zoned Z2.0 to 2.0 times the area of the lot: 3696 square metres. The proposed residential gross floor area of the building exceeds the maximum permitted by approximately 6184 square metres. (Section 6(3) PART I 1)
5. The by-law requires a building on an inside lot to have a minimum front lot line setback of 9.0 metres. The proposed front lot line setback is 6.35 metres. (Section 6(3) PART II 2(ii))
6. The by-law requires an apartment building in a Z2.0 zone to have a minimum side lot line setback of 7.5 metres. The proposed side lot line setback is 5.0 metres on the east side and 5.0 metres on the west side. (Section 6(3) PART II 3.F(II))

7. The by-law limits a building in a Z2.0 zone to a maximum depth of 14.0 metres. The proposed depth is 46.5 metres. (Section 6(3) PART II 5(i))
8. The by-law requires an apartment building to provide a minimum landscaped open space of 50% of the area of the lot: 924 square metres. The proposed landscaped open space is 647 square metres, which is deficient by approximately 277 square metres. (Section 6(3) PART III 1(b))
9. The proposed building will be located 0.25 metres from the rear lot lone, in lieu of the minimum required 7.5 metres. Section 6 (3) Part II (4).

Other Applicable Legislation and Required Approvals

1. The proposal requires conveyance of land for parks purposes, or payment in lieu thereof pursuant to Section 42 of the Planning Act.
2. The proposal DOES NOT require the approval of Heritage Preservation Services under the Ontario Heritage Act.
3. The issuance of any permit by the Chief Building Official will be conditional upon the proposal's full compliance with all relevant provisions of the Ontario Building Code.
4. The proposal is subject to Development Charges pursuant to By-law 476-1999 as amended. For additional information please refer to the said by-law.
5. The proposal is subject to Education Development Charges, pursuant to the Toronto Catholic District School Board By-law 2001 No. 148. For additional information please refer to the said by-law.

2. Works and Emergency Services, April 4, 2003

This is in reference to the application made on behalf of the owner, The Roehampton Corporation, for the construction of a residential condominium at 150 and 152 Roehampton Avenue, consisting of 143 units and a 3-level underground parking garage with 134 parking spaces to serve its residents.

This site was the subject of a Site Plan Review Application No. 398114, resulting in Statement of Approval/Undertaking No. U398114 that secures the Departmental requirements for this site and a subsequent Rezoning and Site Plan Application No. 202004, the comments and recommendations for which were provided on January 28, 2003 and April 1, 2003, respectively.

In response to Recommendation 1(x) contained in the memorandum of April 1, 2003, the applicant has revised, by way of red-lining the drawings (date stamped by your Department as March 11, 2003) on April 4, 2003, the vertical height clearance of the loading space to 6.4 m, which is acceptable.

Please advise us if any changes or modifications are required to the conditions identified in this memorandum.

RECOMMENDATIONS:

As a result of the foregoing, the recommendations noted below have been consolidated with those contained in the memorandum of April 1, 2003, to delete reference to Recommendation No. 1(x), as follows:

1. That the owner be required to:

- (a) Provide and maintain a minimum of 133 parking spaces on the site to serve the project, of which 6 spaces can have a minimum length of 5.0 m, including a minimum of 117 parking spaces for the exclusive use of the residents of the project and at least 16 parking spaces for the residential visitors;
- (b) Provide and maintain a physical separation between the residents' and the residential visitor parking of the underground garage to secure the availability of the residents' parking;
- (c) Designate individually the substandard parking spaces by means of clearly visible signs for use by small cars only;
- (d) Provide and maintain a "Caution: Vehicles Turning At Top of Ramp" sign (or other appropriate wording) at the bottom of the access ramp for outbound traffic;
- (e) Provide and maintain a convex mirror at the intersection of the access driveway and the access ramp;
- (f) Provide and maintain an inside 1 m x 1 m splay at the top of the access ramp;
- (g) Provide and maintain 1 modified Type G loading space with dimensions of 4 m x 13 m x 6.4 m {vertical overhead clearance} within an enclosed area with a generally level surface, as shown on Drawing No. 2, prepared by Page & Steele Architects Planners, date stamped by the Commissioner of Urban Development Services as November 12, 2002;
- (h) Design and construct all driveways and passageways providing access to and egress from the modified Type G loading space with a minimum width of 3.5 m (4 m where enclosed), a modified minimum vertical clearance of 4.4 m and a minimum inside and outside turning radii of 9 m and 16 m, so that trucks can enter an exit the site in a forward motion;
- (i) Construct the modified Type G loading space and all driveways and passageways providing access thereto to the requirements of the Ontario Building Code, including allowance for City of Toronto bulk lift and rear bin vehicle loading with impact factors where they are to be built as supported structures;

- (j) Provide and maintain a garbage room of at least 25 m² in size and a recycling room of at least 20 m² floor area and install and maintain a stationary compactor in the garbage room, or alternatively, a combined garbage/recycling room with a minimum size of 45 m² equipped with an automated recycling and waste system (i.e. tri-sorter type). If an automated recycling waste system is not being installed, convenient storage space for recycling material must be provided on each floor of the project for collection by building maintenance staff;
- (k) Install and maintain 2.2 m wide double or overhead doors to accommodate the movement of container bins between the garbage and recycling rooms and the modified Type G loading space;
- (l) Provide and maintain level access corridor/s between the garbage and recycling rooms and the modified Type G loading space for the transportation of the container bins;
- (m) Provide and maintain a reinforced concrete storage collection pad immediately adjacent the loading space with a maximum slope of 2% (\pm) and 15 m² in size where a total of 3 containers can be placed on collection days only and manoeuvred for safe and efficient collection;
- (n) A trained staff member must be present to transfer the bins on collection days to the collection pad and at all times during collection to manoeuvre the bins onto the collection vehicle as well as act as a flagperson when the vehicle is reversing onto the driveway;
- (o) Designate the one-way operations of the circular driveway, by means of clearly visible signs and pavement markings;
- (p) Provide and maintain a minimum width of 5 m for the circular driveway;
- (q) Restore all existing vehicular access ramps that are no longer required, to City standards, at no cost to the City;
- (r) Submit to Commissioner of Works and Emergency Services, for review and acceptance, prior to the introduction of Bills in Council, a Noise Impact Statement in accordance with City Council's requirements;
- (s) Have a qualified Architect/Acoustical Consultant certify, in writing, to the Commissioner of Works and Emergency Services that the development has been designed and constructed in accordance with the Noise Impact Statement accepted by the Commissioner of Works and Emergency Services;
- (t) Provide, maintain and operate the noise impact measures, facilities and strategies stipulated in the plan accepted by the Commissioner of Works and Emergency Services;

- (u) Submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the introduction of Bills in Council for the Rezoning Application, a site servicing assessment to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate;
- (v) Pay for any improvements of the municipal infrastructure in connection with Recommendation No. 1(u), should it be determined that upgrades are required to the infrastructure to support this development, according to the plans accepted by the Commissioner of Works and Emergency Services;
- (w) Submit to the Commissioner of Works and Emergency Services, prior to the issuance of a building permit:
 - (i) A Grading and Drainage plan to show existing and proposed elevations, surface drainage, infiltration areas within the site and any overland flow routes;
 - (ii) A Site Servicing plan to show existing and proposed details of the site services, service connections to municipal infrastructure, location of fire hydrants, fire department connections and fire access route;
 - (iii) All relevant calculations or reports to support the site servicing design;
 - (iv) A Stormwater Management Report indicating how the storm run-off from the site is to be addressed; and

2. That the owner be advised:

- (a) Of the need to make a separate application to the Commissioner of Works and Emergency Services for permits to carryout any works involving construction in, or occupancy of, the abutting public right-of-way;
- (b) The storm water runoff originating from the site should be disposed of through infiltration into the ground and that storm connections to the sewer system will only be permitted subject to the review and acceptance by the Commissioner of Works and Emergency Services of an engineering report detailing that site or soil conditions are unsuitable, the soil is contaminated or that processes associated with the development on the site may contaminate the storm runoff;
- (c) Of the City's requirement for payment of a service charge associated with the provision of City containerized garbage collection;
- (d) That in the event the on-site person is not available at collection time, the vehicle will leave the site and not return until the next scheduled collection day; and

- (e) Of the need to contact the Solid Waste Management Services Section of Works and Emergency Services to complete the necessary application and waiver forms prior to the commencement of City waste collection.

3. Economic Development, Culture and Tourism, April 14, 2003

This will acknowledge the REVISED plans pertaining to the above noted development application which were circulated to Urban Forestry on 14 April 2003. I have reviewed the circulated plans and advise that:

There are 3 City owned trees involved with this project, which are situated on the City road allowance adjacent to the development site. All trees on City property are protected under Chapter 813 of the City of Toronto Municipal Code. These trees must be protected at all times in accordance with this Department's Tree Protection Policy and Specifications for Construction near Trees.

The protection of all Privately owned trees over the diameter of 30 cm DBH, within the borders of the former City of Toronto, is the responsibility of Mr. Andrew Pickett (416 392-1891) Forestry Specialist, City Foresters Office. Please ensure that all required conditions have been met in relation to any Private trees, which may qualify for protection.

It is Urban Forestry's understanding that this proposal will be put before City Council for Council's decision on the project as a whole, therefore the requirement under Toronto Municipal Code 813-I for Ward Councillor approval may not be applicable. Please note in your report that Ward Councillor approval was not obtained as the Council decision would supersede such an agreement.

Conditions

City Owned Trees - Protection or Removal

1. The owner shall protect at all times the 1 City owned tree identified as Tree 2 on the Tree Survey Plan by NAK Design Group dated 22 Nov. 1998, in accordance with the City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees and to the satisfaction of the Commissioner of Economic Development, Culture and Tourism
2. Prior to Site Plan Approval the owner shall provide a tree protection security deposit in the form of an irrevocable Letter of Credit or certified cheque payable to Treasurer, City of Toronto, in the amount of \$3,340.00 to cover the appraised tree value, removal and replacement costs of City owned trees. This deposit shall be drawn upon to cover all costs incurred by the City of Toronto if the City owned trees require maintenance or removal and replacement as a result of construction activities associated with this project.
3. Prior to Site Plan Approval the owner shall provide tree removal payment in the form of a certified cheque or money order payable to Treasurer, City of Toronto, in the amount of \$3,600.00 to cover the appraised tree value, and set fees of City owned trees to be removed as part of this project, identified as trees 1 and 3 on the Tree Survey Plan by NAK Design Group dated 22 Nov. 1998. This tree removal payment must be submitted to the attention of Mark Procunier, Supervisor of Urban Forestry Planning and Protection.

4. The owner shall remove City owned trees only upon the receipt of the required tree removal payment by Mark Procnier, Supervisor of Urban Forestry Planning and Protection and the building and/or demolition permits have been obtained and the permitted construction and/or demolition related activities associated with this project warrant the removal of the trees.

City-owned Trees - Planting

5. The owner shall conduct an investigation of underground utilities prior to new tree planting within the City road allowance. If planting is not possible due to a utility conflict, a utility locate information sheet from the respective utility company must be provided to the Supervisor of Urban Forestry Planning and Protection.
6. The owner shall plant 4 new trees within the City road allowance as shown L-1 Landscape Plan date stamped received on 14 April 2003 to the satisfaction of the Commissioner of Economic Development, Culture and Tourism and in accordance with the following details:

Street Trees in Turf: In accordance with Planting Detail No. 101 for Balled and Burlapped Trees in Turf Areas, dated June 2002.
7. The owner shall ensure a clearance of 1.2 metres from the edge of a tree's root ball to the edge of the underground utility(s). For clearance less than 1.2 metres but greater than or equal to 0.6 metres, a root deflector must be installed in the tree pit between the tree's root ball and the utility(s).
8. The owner shall provide a two-year renewable guarantee for all new tree plantings within the City road allowance and shall notify Mark Procnier, Supervisor of Urban Forestry Planning and Protection in writing, of the planting date prior to planting. This date is used to establish the anniversary date of the required two-year renewable guarantee.
9. The owner shall maintain all new tree plantings within the City road allowance in good condition. Trees will be inspected during and prior to the end of the renewable guarantee period. If the trees are in good condition at the end of the renewable guarantee period, the City will assume maintenance and ownership of the trees.
10. The owner shall be responsible for the maintenance or replacement of all new tree plantings within the City road allowance if during or at the end of the renewable guarantee period the trees are not in good condition, require maintenance or require replacement. The owner will be responsible for rectifying the problem as determined by and to the satisfaction of the Commissioner of Economic Development, Culture and Tourism.
11. The owner shall maintain all newly replanted trees within the City road allowance in good condition and shall provide an additional two-year renewable guarantee.
12. Prior to the issuance of a Landscape Permit (by Works and Emergency Services, Transportation Services, Right of Way Management), the owner shall provide a tree planting security deposit in the form of an irrevocable Letter of Credit or certified cheque payable to the Treasurer, City of Toronto, in the amount of \$ 2,352.00 (\$588 per tree subject to change) for new tree planting within the City Road allowance. The tree planting security deposit must be submitted to the attention of Mark Procnier, Supervisor of Urban Forestry Planning and Protection. The deposit will be drawn upon to cover all costs incurred by the City of

Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year guarantee period.

13. The Commissioner of Economic Development, Culture and Tourism shall hold the tree planting security deposit for the duration of the renewable guarantee period.

I advise that the plans prepared by Terraplan, date stamped as received by Urban Development Services on 14 April 2003, and on file with the Commissioner of Urban Development Services will be acceptable provided that the above noted conditions are fulfilled.

Attachment 12

DRAFT OFFICIAL PLAN AMENDMENT

CITY OF TORONTO

BY-LAW No. - 2003

**To adopt an amendment to the Official Plan for the former City of Toronto
respecting lands known as No. 150 Roehampton Avenue.**

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The text and map annexed hereto as Schedule "A" are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No.
3. Official Plan Amendment No. 515, as enacted by By-law No. 40-90, is hereby repealed.

ENACTED AND PASSED this day of , A.D. 2003.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE "A"

1. Section 18 of the Official Plan, for the former City of Toronto is hereby amended by adding the following Section 18 and the attached Map 18 .

"18 Lands municipally known in the year 2002 as No. 150 Roehampton Avenue.

Notwithstanding any of the provisions of this Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18 , to permit increases in the density and height of development otherwise permitted, to permit the erection and use of an apartment building, provided:

- (1) the *residential gross floor area* of the apartment building does not exceed 9,880 square metres and contains not more than 143 dwelling units;
- (2) pursuant to Section 37 of the *Planning Act*, such by-law requires the owner of the lands to provide the City of Toronto, in return for the residential density and height permission thereby granted, the following facilities, services and matters:
 - A. provides a payment of \$287,000.00 (escalated in accordance with the Consumer Price Index (CPI) from the date of the final Planning Report to the date of payment) to the City for use in improving neighbourhood community facilities;
 - B. shall provide and maintain those services, facilities and matters collateral to those secured by site plan approval pursuant to Section 41 of the *Planning Act*.
- (3) the owner of the lands is required to enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure the provision of the said facilities, services and matters required to be provided by subsection (2) and with conditions providing for: indexed escalation of financial contribution, no credit for development charges or parks contributions under the *Planning Act*, indemnity, termination and unwinding, and registration and priority of agreement."

Attachment 13

DRAFT ZONING BY-LAW

CITY OF TORONTO

BY-LAW No. - 2003

**To amend By-law No. 438-86 of the former City of Toronto, as amended,
respecting lands known as No. 150 Roehampton Avenue.**

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law;

AND WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters;

AND WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth;

AND WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto;

AND WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 4(2)(a), 4(12), 6(3) PART I 1, 6(3) PART II 2(ii), 6(3) PART II 3 F(II), 6(3) PART II 5(i) and 6(3) PART III 1(b) 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 an *apartment building*, provided:

- (1) the *lot* comprises the lands delineated by heavy lines on Map 1 attached hereto;
- (2) no portion of any building or structure erected and used above *grade* is located otherwise than wholly within the heavy lines on Plan 2 attached hereto except eaves, cornices, canopies, ornamental elements, fences, ramps to underground garages, chimney breasts, stairways and railings;
- (3) the *height* of any building to be erected shall not exceed those *heights*, in metres, following the symbol “H”, shown on Plan 2 exclusive of rooftop facilities, elements and structures otherwise permitted in Section 4(2)(a)(i) of By-law No. 438-86, as amended;
- (4) the *residential gross floor area* of the *apartment building* does not exceed 9,880 square metres and contains not more than 143 *dwelling units*;
- (5) the owner or occupant of the buildings to be erected provides and maintains at least 134 *parking spaces* on the *lot* in an underground parking facility for the exclusive use of the residents and of which at least 17 *parking spaces* are for residential visitors and of which not more than 5 (notwithstanding the definition of *parking space* contained in Section 2 of By-law No. 438-86) may have minimum dimensions of 4.9 metres by 2.4 metres;
- (6) *landscaped open space* to the extent of at least 647 square metres is provided and maintained on the *lot*;
- (7) the height and density of development hereinbefore set out is permitted subject to compliance with the conditions of this By-law and the provision by the owner of the *lot* of the following facilities, services and matters to the City of Toronto:
 - C. provides a payment of \$287,000.00 (escalated in accordance with the Consumer Price Index (CPI) from the date of the final Planning Report to the date of payment) to the City for use in improving neighbourhood community facilities;
 - D. shall provide and maintain those services, facilities and matters collateral to those secured by site plan approval pursuant to Section 41 of the *Planning Act*.
- (8) the owner of the lands is required to enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure the provision of the said facilities, services and matters required to be provided by subsection (7) and with conditions providing for: indexed escalation of financial contribution, no credit for development charges or parks contributions under the *Planning Act*, indemnity, termination and unwinding, and registration and priority of agreement.

