

Consolidated Clause in Toronto and East York Community Council Report 5, which was considered by City Council on June 14, 15 and 16, 2005.

10

Final Report - Avenues Study Zoning Review and Interim Control By-law Study - College Street between Bathurst Street and Ossington Avenue (Trinity-Spadina, Ward 19)

City Council on June 14, 15 and 16, 2005, adopted this Clause without amendment.

The Toronto and East York Community Council recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (May 17, 2005) from the Director, Community Planning, South District.

Action taken by the Committee:

The Toronto and East York Community Council held a statutory public meeting on May 31, 2005 and notice was given in accordance with the *Planning Act*.

The Toronto and East York Community Council submits the report (May 17, 2005) from the Director, Community Planning, South District:

Purpose:

This report presents the conclusions and recommendations of the Avenues Study zoning review and the interim control by-law study for lands within the Mixed Commercial Residential (MCR) district zone on College Street between Bathurst Street and Ossington 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) amend Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment included as Attachment 4 to this report;
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required; and

- (3) adopt the urban design guidelines set out in Attachment 2 to this report for use in evaluation of all development applications for lands within the Mixed Commercial Residential (MCR) district zone on College Street between Bathurst Street and Ossington Avenue.

Background:

Avenues Study

An Avenues study for College Street between Spadina Avenue and Ossington Avenue was completed in 2004 by Brook McIlroy/ Pace Architects and Totten Sims Hubicki transportation consultants. The purpose of the study was to recommend an urban design framework to guide future development in the area. The framework recommended by the study includes urban design principles and guidelines and an intensification strategy that identifies 'typical' intensification sites and conditions for which building height, setbacks and upper level stepbacks are recommended.

The Avenues study report was received by City Council at its meeting of April 12-14, 2005 and directed for use as background information and reference for implementation initiatives in the area, including a zoning review and future public realm initiatives. As well, at this meeting, City Council directed that a submission of the Palmerston Area Residents Association (PARA) dated March 29, 2005 also be considered as background information and reference for implementation initiatives in the study area.

This report comments on the zoning review for that portion of the Avenues study area between Bathurst Street and Ossington Avenue.

Interim Control By-law

City Council, at its meeting of October 27, 2004 enacted Interim Control By-law 882-2004 to prohibit the establishment of restaurant and related uses (restaurant, take-out restaurant, patio, bake-shop, place of amusement, place of assembly or club) within the MCR district zone on College Street between Bathurst Street and Ossington Avenue. The purpose of the by-law is to allow City staff an opportunity to complete a review of land use policies regarding these uses. The interim control by-law was enacted on the basis of community and Council concerns related to:

- the increasing number and concentration of restaurants on this section of College Street;
- the impact of restaurant and related uses on residential uses in the area and the potential for the establishment of such uses on lots wholly located on residential streets;
- the expansion of these uses onto upper floors;
- restaurant and related uses operating more like lounges and bars where entertainment and alcohol service are the primary activities rather than the serving of food; and
- noise, garbage and traffic congestion in the area.

An interim control by-law study addressing similar concerns was completed along this section of College Street between 1995 and 1997. The outcome of that study was an amendment to the

zoning by-law for the area to limit the size of restaurants and related uses to a maximum of 300 m² for any one or combination of these uses within a building or structure. As well, in 1995 a citywide amendment to the zoning by-law was enacted limiting floor area permissions for entertainment type uses. This amendment limits dance floor, stage, teletheatre gambling, disc jockey sound room, electronic games and any other entertainment area in association with a restaurant to a maximum of 21 m² for restaurants of 350 m² or less.

Official Plan

The former City of Toronto Official Plan designates this area as Low Density Mixed Commercial-Residential Area (LDMCRA). This designation is generally applied to main streets throughout the former City of Toronto and is intended to provide for a variety of commercial and residential uses at more intense development levels than adjacent residential areas.

On November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Official Plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Plan is now at the Ontario Municipal Board.

The new Official Plan designates College Street as Mixed Use Areas and identifies this area as Avenues on Map 2. Similar to the LDMCRA designation, the Mixed Use Areas designation permits a broad range of commercial, residential, cultural, and institutional uses and provides for intensification. Development criteria for this designation are intended to minimize the impact of new development on neighbouring established residential uses and include matters such as location and massing of buildings and minimizing shadow impacts.

The Avenues identification reflects the City's broad intention for the area to accommodate growth. Although the Plan anticipates that Avenues studies will eventually be completed for all identified areas to assist in the assessment of urban design, transit and service delivery issues, it does note that those Avenues that already perform a main street function may not need further study at all. As well, the Plan notes that some Avenues already have zoning in place to guide mixed use development in a way that fits with neighbourhoods.

Zoning By-law

The lands are zoned Mixed Commercial Residential (MCR) District Zone by By-law 438-86 as amended. This zone category permits a range of uses. As noted above, zoning by-law 97-0258 applies to this section of College Street, limiting the size of restaurant and related uses to 300 m².

The MCR zone was enacted by the former City of Toronto in 1994 (By-law 94-0178) following the City's 'Housing on Main Streets' study. The purpose of the zoning is to facilitate the intensification of the City's main streets at a scale that is compatible with the characteristics of the street and the surrounding residential community.

Zoning provisions for the section of College Street between Bathurst Street and Manning Avenue permit a maximum height of 18 metres (approximately 6 storeys) subject to front and rear yard angular plane provisions, and a maximum density of 3.0 times the area of the lot for

either commercial or residential uses. West of Manning Avenue to Ossington Avenue, the zoning permits development to a maximum height of 16 metres (approximately 5 storeys), subject to front and rear yard angular plane provisions. The maximum density permission is 3.0 times the area of the lot, of which commercial uses are permitted up to 1.0 times the area of the lot and residential uses up to 2.5 times the area of the lot.

Consultation

As part of this zoning review and interim control by-law study, the following meetings were held:

- Working group meetings of City staff and Deputy Mayor Pantalone were held on February 23, March 17 and April 4, 2005. The purpose of these meetings was to discuss how issues raised by Council and the community might be addressed, including how they may be addressed through zoning amendments under the Planning Act, and through licensing and noise regulations under the Municipal Act.
- City staff and Deputy Mayor Pantalone met with the 17 members of the executive of the Little Italy Business Improvement Area (BIA), the College West BIA, the Little Italy Ratepayers Association (LIRA) and the Palmerston Area Ratepayers Association (PARA) on April 6, 2005. The purpose of this meeting was to brief these organizations on the zoning review and the interim control by-law study and update on a review of heritage buildings underway in the area. As well, Municipal Licensing and Enforcement staff explained their areas of responsibility and authority relative to community concerns regarding the operating characteristics of restaurant and related uses. Zoning by-law amendments under consideration were circulated at this meeting for information and comment.
- A community meeting was held on April 11, 2005, to which all properties within the MCR zone between Ossington Avenue and Bathurst Street were sent notice. Approximately 40 people attended this meeting. Similar to the April 6th meeting, City staff and Deputy Mayor Pantalone summarized the work undertaken relative to the zoning review, interim control by-law study and heritage building review, and presented draft zoning by-law amendments for comment. MLS staff also provided an overview of licensing and enforcement matters.

Written comments were also received at and following these meetings. These comments and the comments from each of the meetings were considered in developing the recommendations of this report.

Comments:

1. Avenues Study Zoning Review

The intensification strategy recommended by the Avenues study report for the area west of Bathurst Street focussed on preservation of the existing scale and form of development, recommending height limitations more restrictive than those currently in place for most of this

portion of the study area. The effect of this recommendation is that development and redevelopment consistent with the objectives of the former City of Toronto Official Plan, the new Toronto Official Plan and the existing MCR zoning would be constrained or prohibited. The noted exception to this strategy approach is the southwest corner of Bathurst and College where a significant increase in building height is recommended.

In considering the Avenues study recommendations it is noted that the principles and guidelines used to develop the recommended intensification strategy are similar to those used in the Housing on Main Streets study that resulted in the existing MCR zone provisions for the area. Both of these studies used criteria such as right of way width, the presence of a rear lane, lot depths, existing built form and impacts on residential neighbourhoods to recommend appropriate built form conditions.

The built form conditions recommended in the Avenues intensification strategy are fairly consistent in this section of the study area relative to setbacks, stepbacks and the need to reference surrounding built form in considering appropriate development scale and massing. These recommended conditions are similar to those in the existing MCR zoning which permits development to the street line, requires a rear yard setback relative to the R district zone and imposition of an angular plane to create upper level stepbacks.

The primary difference between the Avenue study recommendations and MCR zoning relates to building heights. The Avenues study makes fine grain distinctions, recommending varying heights on the basis of differences in site and block development attributes. Generally, the Avenues study recommended building heights of 3 and 3 to 5 storeys west of Manning Avenue and 4 and 4 to 6 storeys east of Manning Avenue. The noted exception is the southwest corner of Bathurst and College where heights of 9 to 15 storeys are recommended. By comparison, the MCR zoning has a fairly uniform height permission of 16 metres (approximately 5 storeys) west of Manning Avenue and 18 metres (approximately 6 storeys) east of Manning Avenue.

This section of College Street is a traditional main street with buildings located along the street edge supporting commercial uses on the ground floor and residential or other commercial uses on the upper floors. The right-of-way width between Bathurst Street and Manning Avenue is approximately 30 metres and narrows to between 19 and 25 metres west of Manning Avenue to Ossington Avenue. Building heights vary along the street, but generally range between 3 and 6 storeys. In considering the existing character of the street and the intent of the current planning framework to provide for modest intensification along this main street, staff are of the opinion that the introduction of variable building height permissions along this section of the street cannot be justified.

The zoning by-law cannot and is not expected to anticipate and account for individual differences in lots. Distinctions at this scale are most effectively addressed through a site specific application process. Staff consider the current MCR zoning provisions to continue to be relevant and appropriate in providing for a modest level of intensification in a manner that will respect the existing character of College Street and be sensitive to impacts of development on the residential areas directly north and south.

The draft zoning amendments circulated for discussion at the April 6th and 11th community meeting proposed an amendment for a rear yard upper level stepback. Based on comments received through the community consultation process staff concur that this provision is likely ineffective at anticipating and responding to site specific conditions and is more appropriately determined through shadow impact analysis as part of a site specific development application. As a result, this proposed amendment is not recommended.

Built Form Principles

Although not recommended as an appropriate basis for undertaking zoning amendments, staff do recommend the continued use of the Avenues study as an urban design framework to guide the evaluation of future development applications in the area.

Attachment 2 to this report sets out the key urban design principles of the Avenues study. Staff are recommending that Council endorse these principles, “Built Form Principles: College Street – Bathurst Street to Ossington Avenue” for use in evaluating all development applications for lands within the MCR zone on this portion of College Street. The principles set out expectations regarding how building height, building setbacks and building stepbacks should respond to the character of College Street, and be sensitive to rear yard residential situations and heritage buildings.

The Official Plan and Zoning By-law provisions will continue to apply, however the built form principles will convey Council’s commitment to maintaining the character of the area through the development process.

Heritage

Another important component of the Avenues study was the emphasis on heritage buildings and their characterization as an asset that should be protected as the area develops and redevelops. Currently, 2 buildings are designated under the Ontario Heritage Act R.S.O. 1990 (452 College Street - College St. Presbyterian Church and 542 College Street - Loyal Orange Lodge) and 2 buildings are listed on the City’s Inventory of Heritage Resources (491 College Street - Freemason’s Hall and 506 College Street - College St. Baptist Church).

Since the completion of the Avenues study, Heritage Preservation Services staff have initiated an update review of this section of College Street in order to determine if any additional buildings should be recommended for inclusion on the City’s Inventory of Heritage Properties. Preliminary findings of this review were presented at the April 6th and 11th community meetings. Fourteen additional buildings have been identified for possible inclusion (See Attachment 3). This review will be completed over the summer and reported on to the City’s Historic Preservation Board and then City Council in fall of this year.

2. Interim Control By-law

Based on ongoing community concerns regarding the impact of restaurant and related uses on the surrounding residential community and the diversity of uses on College Street, City Council enacted Interim Control By-law 882-2004 on October 27, 2004 to revisit this issue. In re-evaluating issues surrounding these uses on this section of College Street staff reviewed

building permit records, undertook site visits of the area, and compared inventories of restaurant establishments completed between 1997 and 2005.

Inventory of Restaurant Establishments

The table below presents a summary of restaurant establishment inventories completed for this area between 1997 through 2005. The City's inventory information is based on a compilation of land use database and employment survey information and site visits.

The City inventories identify what establishments were existing at the time of the inventory. To try and make the City and PARA/LIRA inventory information directly comparable, the PARA/LIRA submission has been adjusted. The PARA/LIRA submission totalled 104 establishments. Based on the information provided in their submission, the actual number of existing establishments is 86 after removing potential and vacant establishments, and establishments at 10, 11, 12 & 14 Clinton (south of the MCR zone). Also, in some instances establishments over 2 floors were identified as 2 establishments.

Inventory of Existing Restaurant Establishments 1997 to 2005

Date of Inventory (completed by)	Total # Establishments	# East of Manning	# Manning to Crawford	# Crawford to Ossington
February 1997 (City)	55	10	36	9
June 2001 (City)	81	14	50	16
May 2004 (PARA/ LIRA)	86	17	55	14
April 2005 (City)	87*	16	57	14

*The 2005 City information does not include 1 establishment that is temporarily closed.

The inventory summary table indicates that there was a significant increase in the number of restaurants in the area between 1997 and 2001. Since 2001, the number of establishments has increased slightly. The increase in number of establishments has primarily been concentrated in the area between Manning Avenue and Crawford Street.

Building Permit Activity 1999 to 2004

Building permit data for restaurants for the period January 1, 1999 through to December 31, 2004 was reviewed to assist in understanding the location and level of activity in this area over the past 5 years. No distinction was made on the type of permit activity given the difficulty in identifying exactly what the permit application was for. However, of the total 64 permit applications, 40 were for interior alterations which typically indicates a change in use or a change in ownership. The remaining applications were for matters such as ventilation, fire alarms, new windows and other similar matters.

This data suggests that permit activity increased significantly between 1999 and 2001 and has remained constant since that time. As well, the level of permit activity appears to have been primarily in the Manning Avenue to Crawford Street area.

Restaurant Building Permit Activity 1999 to 2004

Year	Total # Permit Applications	# East of Manning	# Manning to Crawford	# Crawford to Ossington
1999	4	1	2	1
2000	11	1	7	2
2001	11	5	1	5
2002	14	0	10	3
2003	13	0	9	4
2004	11	3	6	2
Total	64	10	35	18

Number and concentration of uses

The community has expressed ongoing concern with the concentration of restaurant establishments in this area and the desire for a broader range of uses. The objective of a range and mix of uses along main streets is reflected in the MCR zone use permissions. Placing limits on the number and/ or concentration of any use is difficult to implement, monitor and enforce. As well, zoning provisions that specifically attempt to influence uses do not always remain relevant given changes in market conditions over time. The recent introduction of large retail establishments (Shoppers Drug Mart and American Apparel) suggests that the commercial market is evolving on this section of College Street. Accordingly, no amendments to the zoning by-law are recommended to try and control the number and location of restaurant uses on this section of College Street.

Proposed Amendments to the MCR Zone

(i) Uses on MCR lots located on residential streets

A public lane runs along the rear of most of the properties fronting onto College Street and generally forms the zone boundary between the mixed commercial (MCR) zone on College and the residential (R) zone on the side streets. This pattern is interrupted in some locations where the rear lane shifts further north or south from the College street properties and, as a result, some residential lots are located within the MCR zone. These residential lots almost exclusively support residential uses.

The MCR zone does not distinguish between lots fronting on College Street and lots wholly located and fronting on residential side streets. However, the characteristics of restaurant and related uses present potential conflicts with residential uses in terms of their operating hours, and noise from patrons, music, outdoor patios and garbage and ventilation systems. For this reason, it is recommended that the MCR zone be amended for this section of College Street to prohibit restaurant and related use (restaurant, take-out restaurant, place of assembly, place of amusement, bake-shop, and club) on those lots which do not have lot frontage on College Street. All other use permissions of the MCR zone will continue to apply.

(ii) Upper Storey Uses

Currently, the MCR zone does not limit the location of restaurant and related uses within buildings and, for the most part, these uses are on the ground or lower levels. Ground floor and lower level locations for these uses are considered desirable and appropriate as they provide direct access from the street and animate the street throughout the day and evening. However, the qualities that are desirable at street level are not the same for upper floors of buildings along main streets that back onto residential neighbourhoods given the potential for noise, overlook, privacy and lighting impacts. To address the potential impact on the abutting R zone, it is recommended that the MCR zone be amended to limit the location of restaurant and related uses to the ground floor and lower level of buildings.

(iii) Patios – Rear Yard, Rooftop and Flankage

Outdoor patios are a popular and common accessory use to restaurants and related uses and are used for a considerable portion of the year. Similar to issues associated with upper storey uses, outdoor patios present possible issues related to noise, overlook, privacy, and lighting on adjacent residential uses. Most properties in the study area currently have outdoor patios in the boulevard on College and/ or on the flankage. Few properties have rear yard and/ or rooftop patios.

Currently, the MCR zone prohibits any patio in the rear yard or on a rooftop of a building if they are located within 10 metres of an R zone and this provision addresses the lot characteristics of the majority of the properties in the area. The intent of this provision is to minimize impacts of outdoor patios on residential uses. To address those lots which are not captured by this provision, it is recommended that the zoning by-law be amended to prohibit all rear yard and rooftop patios.

It is also recommended that outdoor patios on a flankage be subject to a 10 metre setback from the rear lot line. This amendment will address potential impacts on residential uses. Patios will continue be permitted in the front yard, the public boulevard and on the flankage beyond 10 metres from the rear lot line.

(iv) Windows and Doors on Flanking Walls

Concern has been raised about the noise levels on residential streets resulting from the number and size of windows and doors on flanking walls of buildings that front onto College Street. When these windows and doors are opened during the summer months, music and patron noise is considerably increased. The draft zoning by-law recommends a maximum area for doors and windows on flanking walls. This amendment is intended to balance the desirability of doors and windows on flanking walls, Ontario Building Code requirements regarding the location and size of doors and windows on flanking walls, and the concerns of the community regarding impacts on residential streets.

Lawful Non-Conforming Status

These recommended amendments to the MCR zone for this section of College Street are set out in the draft Zoning By-law Amendment included as Attachment 4 to this report. The intent of these amendments is to refine the intent of existing provisions of the zoning by-law and strike a balance between objectives for a vibrant and successful main street and sensitivity to adjacent residential neighbourhoods.

Establishments which currently have legally existing restaurant and related uses on lots that do not have a front lot line on College Street, on upper floors of buildings, rear yard and/ or rooftop patios, and doors and windows on flanking walls in excess of the recommended zoning amendments will continue to be permitted under the authority of Section 34(9) of the Planning Act which addresses lawful non-conforming uses.

3. Other Matters

Municipal Licensing and Enforcement

Some of the issues raised relative to restaurant and related uses have to do with business operating hours, noise from establishments and patrons, restaurants operating more like lounges and bars with a focus on alcohol service, and increased traffic and garbage. These issues are not under the authority of the zoning by-law, which relates to use permissions and development standards under the Planning Act. Rather, they relate to various by-laws and regulations under the Municipal Code.

Municipal Licensing and Enforcement staff attended both the April 6th and 11th community meetings and explained in-force rules and regulations regarding issues and concerns related to restaurant and related uses in the area. The community was also advised that, given these issues and concerns are City wide a City wide review is being initiated regarding licensing matters related to these uses.

Future Public Realm Initiatives

This section of College Street is currently completing modifications to the right-of-way that were undertaken to coincide with TTC track reconstruction. These modifications include narrowing the pavement at intersections, introducing decorative paving and boulevard tree planting.

Generally, where a BIA is in place, the BIA is the lead agency in developing and initiating changes to the public realm. This section of College Street has both the Little Italy BIA which represents the area between Euclid and Shaw, and the newly formed College West BIA which represents the area west of Shaw to Rusholme, beyond the study area.

Established community groups in the area have expressed an ongoing interest in the public realm. These groups are encouraged to work with the BIAs in the area to develop and implement public realm initiatives and to use the Avenues study urban design framework as a guide in these efforts. City staff will continue to be available to assist the BIAs and the community in this regard.

Conclusions:

This report relates to the Avenues study zoning review and interim control by-law study for College Street between Bathurst Street and Ossington Avenue.

No recommendations are proposed relative to the Avenues study zoning review, however design principles are included in Attachment 2 and recommended for Council endorsement. As well, this report updates on the status of an update review of heritage buildings underway in the area. Amendments to the zoning by-law relative to the interim control by-law study intended to address impacts of restaurant and related uses on the surrounding residential neighbourhoods are recommended for enactment as set out in Attachment 4 to this report.

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Attachment 2

BUILT FORM PRINCIPLES: College Street – Bathurst Street to Ossington Avenue

Authority: City Council, Clause ___ of Report ___, June 14-16, 2005

Purpose: These built form principles relate to the College Street Avenues Study completed in 2004 and received by City Council at its meeting of April 14-16, 2005. These principles are intended to guide the review and evaluation of development applications for lands within the MCR District zone category between Bathurst Street and Ossington Avenue. The requirements of the Official Plan and Zoning By-law 438-86, as amended, and any other applicable legislation shall continue to apply.

1. **Setbacks and Massing:** Development should consider and be sensitive to the setbacks and massing of adjacent buildings in the block and, where existing, residential uses in the rear yard.
2. **Light, View and Privacy:** Development should stepback at a height and in a manner that responds to surrounding buildings and address shadow impacts on the street and shadow and overlook issues on residential properties.
3. **Maximum Building Height:** The existing MCR District zone permits maximum heights along this section of College Street of 16 metres west of Manning Avenue and 18 metres east of Manning Avenue, subject to angular plane provisions related to the street and rear yard. Rooftop mechanicals are permitted to rise above the maximum height permission to

a maximum of 5 metres, subject to location and size provisions. The existing zoning is considered to be appropriate to provide for a level of development that is in keeping with the character of the area. Where specific site circumstances warrant consideration of amendments to the existing zoning, particularly as it relates to building height, applications shall include evaluation of the following principles:

- (i) no additional shadow impact to the street and to an R District beyond the as-of-right height permission; and
 - (ii) no additional overlook impact on an R District beyond the as-of-right height permission, including the angular plane provisions of the zoning by-law.
4. Corner Sites: Development should seek opportunities to establish landmarks and/ or view termini for corner sites to assist in neighbourhood identification and orientation along the street.
 5. Heritage: Development that is proposed adjacent to or within the same block as a listed or designated heritage building or structure shall be sensitive to the built form and/ or characteristics of the heritage element.
 6. Streetwall: All development is expected to reinforce the existing streetwall condition on College Street.

Attachment 4

Draft Zoning By-law

Authority: _____
Enacted by Council: _____

CITY OF TORONTO

BY-LAW No. _____-2005

To amend By-law No. 438-86 respecting restaurants and related uses on
College Street between College Street and Ossington Avenue.

WHEREAS authority is given to Council by 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 held at least one public meeting in accordance with the *Planning Act*;

THEREFORE, the Council of the City of Toronto hereby enacts as follows:

1. By-law No. 438-86, as amended, is further amended by adding to Section 12(2) as exception _____ the following text:

No person shall, on lands within the MCR District Zone on College Street between Bathurst Street and Ossington Avenue, use land or erect or use a building, addition, or structure for a bake-shop, club, place of amusement, place of assembly, restaurant, take-out restaurant or patio provided in connection therewith unless:

- (i) The *front lot line* of such *lot* is on College Street;
- (ii) Any such use located at or above *grade* is limited to the ground floor only;
- (iii) The aggregate area of all operable windows and doors located in any ground floor wall facing a street other than College Street shall not be greater than 3.3 square metres, except to the extent a greater area is required by the Ontario Building Code, as amended; and
- (iv) The *patio* is:
 - (a) located between the *front wall* of the building or structure housing the principal use and the *front lot line* of the *lot*; or,
 - (b) located,
 - (i) between the wall facing the *side lot line* of the building or structure housing the principal use and the *side lot line* of the *lot*, and
 - (ii) not closer than 10 metres from the *rear lot line* of the *lot*.

2. By-law No. 882-2004 being “A By-law to effect interim control in the MCR district along College Street between Bathurst Street and Ossington Avenue” is repealed.

ENACTED AND PASSED this _____ day of June, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

(Copies of Attachment 1: Study Area and Attachment 3: Heritage Properties in the report were forwarded to all Members of the Toronto and East York Community Council with the agenda for its meeting on May 31, 2005, and copies are on file in the City Clerk's Office).

The Toronto and East York Community Council also had before it the following communications and copies are on file in the City Clerk's Office:

- Communication (May 17, 2005) from Barnet H. Kussner, WeirFoulds, LLP;
- Communication (April 17, 2005) from Astra Burka;
- Communication (May 31, 2005) from Palmerston Area Residents Association; and
- Communication (May 31, 2005) from Astra Burka.

The following appeared before the Toronto and East York Community Council:

- Guiseppe Di Marco, First Union;
- Astra Burka;
- Sean Cragata, Chair, PARA;
- Amy Walton; and
- Fareeza Ali.