

Authority: Toronto and East York Community Council
Item TE6.2, as adopted by City of Toronto Council on June
18 and 19, 2019

CITY OF TORONTO

Bill 1178

BY-LAW -2019

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2018 as 871 to 899 College Street.

Whereas the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, with respect to the lands known municipally in the year 2018 as 871 to 899 College Street; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas pursuant to Section 37 of the Planning Act, the Council of the Municipality may, in a by-law passed under Section 34 of the Planning Act, authorize increases in the height or density of development beyond that otherwise permitted by By-law 438-86, as amended, 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 any increase in the height or density of development, the Municipality may require the *owner* to enter into one or more agreements with the Municipality dealing with the facilities, services or matters; and

Whereas the *owner* of the lands hereinafter referred to has elected to provide the facilities, services or matters as are hereinafter set forth; and

Whereas the increase in the height and density permitted hereunder, beyond that otherwise permitted on the lands by By-law 438-86, as amended, is to be permitted subject to the provision of the facilities, services or matters set out in this By-law and to be secured by one or more agreements between the *owner* of the lands and the City of Toronto (hereinafter referred to as the "City"); and

Whereas the Official Plan of the City of Toronto contains provisions relating to the replacement of rental housing; and

Whereas Council has required the *owner* of the aforesaid lands to enter into one or more agreements to secure certain facilities, services or matters in connection with the aforesaid lands set forth in the By-law;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the Planning Act, the *heights* and density of development permitted in this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the lot of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreement's pursuant to Section 37(3) of the Planning Act.

2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the lot is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the *owner* has satisfied the said requirements.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the *City* pursuant to Section 37 of the Planning Act, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of By-law 438-86, as amended shall continue to apply to the *lot*.
5. None of the provisions of Sections 2(1) height, 2(1) grade, 2(1) lot, 4(2), 4(3)(a), 4(3)(d), 4(4), 4(6), 4(7), 4(10), 4(12), 4(13), 4(14), 4(17)(b), 8(3) Part I, 8(3) Part II, 8(3) Part IV, 8(3) Part VIII, 8(3) Part XI(2), 12(2)68 and 12(2)270 of By-law 438-86 of the former City of Toronto, 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", as amended, shall apply to prevent the erection or use of a mixed-use building or a temporary sales office on the lot provided that:
 - (a) the *lot* on which the proposed building is to be located comprises at least those lands delineated by the dashed lines on Map 1, attached to and forming part of this By-law;
 - (b) No portion of the building or structure erected on the lot above grade is located otherwise than wholly within the areas delineated by solid lines on the attached Map 2 with the exception of the following permitted projections:
 - (i) building cornices, ornamental elements, wind mitigation features, window sills, eaves, lighting fixtures, vents and parapets may encroach a maximum distance of 0.5 metres;
 - (ii) balconies may encroach a maximum distance of 1.5 metres; and,
 - (iii) canopies, awnings, trellises, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, underground garage ramps, landscape and green roof elements, and public art features may encroach a maximum distance of 2.2 metres;
 - (c) Despite (b) above, a minimum of 3 notches must be provided within the 'Building Articulation Zone' as shown on Map 2 and each notch:
 - (i) must be at least 1 metre wide and 0.4 metres deep; and,

- (ii) must be no closer than 8 metres to one of the other notches;
- (d) The *height* of any building, structure or portion thereof shall not exceed those *heights* as indicated by the HT symbol on Map 2 with the exception of the following permitted projections:
 - (i) structures and elements related to outdoor flooring and roofing assembly may project above the height limits by no more than 0.5 metres;
 - (ii) window washing equipment, safety anchors, lightning rods, elevator overrun, safety railings, guard rails, railings, parapets, terraces, patios, planters, balustrades, bollards, ladders, stairs, accessory structures, retaining walls, wheelchair ramps, ornamental or architectural features may project above the height limits by no more than 1.5 metres;
 - (iii) elements on the roof of the building or structure used for *green roof* technology and related roofing material may project above the height limits by no more than 2.0 metres;
 - (iv) mechanical elements, garbage chutes, vents, screens, emergency generators, mechanical and electrical elements that service the building, lighting fixtures may project above the height limits by no more than 2.5 metres;
 - (v) landscape features, privacy screens, wind mitigation features, terrace dividers, covered stairs or stair enclosures, and fences may project above the height limits by no more than 2.75 metres;
 - (vi) satellite dishes, flagpoles, antennae, acoustical barriers, cabanas and trellises may project above the height limits by no more than 3.6 metres;
 - (vii) cooling tower may project above the height limits by no more than 5.0 metres; and
 - (viii) within the 'Mechanical Zone' as shown on Map 2, mechanical and electrical elements that service the building, emergency generators, heating vents, cooling vents, other venting, fences, acoustical barriers, covered stairs, and mechanical penthouse may project above the height limits by no more than 3.45 metres;
- (e) the number of *dwelling units* shall not exceed 112;
- (f) the total combined *residential gross floor area* and *non-residential gross floor area* erected on the *lot* does not exceed 12,500 square metres, of which:
 - (i) the *residential gross floor area* of the building erected on the *lot* does not exceed 11,000 square metres;

- (ii) the *non-residential gross floor area* of the building erected on the *lot* does not exceed 1,750 square metres and must be comprised of at least 3 non-residential units;
- (g) *residential amenity space* must be provided on the *lot* in accordance with the following:
- (i) a minimum of 224 square metres of indoor *residential amenity space*;
 - (ii) a minimum 224 square metres of outdoor *residential amenity space*; and,
 - (iii) no more than 25 percent of the outdoor component may be a *green roof*;
- (h) the minimum number of *parking spaces* shall be 61, of which:
- (i) a minimum of 48 *parking spaces* shall be for occupants of the *dwelling units*;
 - (ii) a minimum of 13 *parking spaces* shall be shared between the visitors of the *dwelling units* and the non-residential use; and,
 - (iii) a maximum of 2 of the required visitor/non-residential *parking spaces* may be *car share parking spaces*;
- (i) Despite 4(17) of by-law 438-86, a maximum of 6 parking spaces may have a minimum dimension of 5.6 metres by 2.6 metres with a height of 2.0 metres when obstructed on one or two sides;
- (j) *Bicycle parking spaces* shall be provided in accordance with the following:
- (i) at least 0.9 *bicycle parking spaces* per *dwelling unit* shall be allocated as *bicycle parking space – occupant* for the residential use;
 - (ii) at least 0.1 *bicycle parking spaces* per dwelling unit shall be allocated as *bicycle parking space – visitor* for the residential use;
 - (iii) at least 22 *bicycle parking spaces* shall be allocated as *bicycle parking space – occupant* for the non-residential uses;
 - (iv) at least 0 *bicycle parking spaces* shall be allocated as *bicycle parking space – visitor* for the non-residential uses;
 - (v) *bicycle parking spaces* may be provided in any combination of vertical, horizontal or stacked positions;
 - (iv) *bicycle parking spaces* may be located anywhere above or below grade in the mixed-use building;

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- (vii) notwithstanding the definition of *bicycle parking space - occupant* and *bicycle parking space - visitor* in Section 2 of By-law 438-86, if *bicycle parking spaces* are provided in a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*, the minimum vertical clearance for each bicycle parking space must be at least 1.2 metres; and
 - (viii) notwithstanding the definition of *bicycle parking space - visitor* in Section 2 of By-law 438-86, *bicycle parking spaces - visitor* may be provided in a secured room;
 - (k) At least one (1) *loading space - Type "G"* must be provided on the lot;
 - (l) In addition to the elements mentioned in section 2(1) of By-law 438-86, the *residential gross floor area* of a *mixed use building* is also reduced by the areas in a building used for *residential amenity space* that exceed the by-law requirement;
6. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86 of the former City of Toronto, as amended, with the exception of the following:
- (a) "*lot*" means those lands outlined on Map 1 attached hereto;
 - (b) "*grade*" means the established grade at 105.73 metres Canadian Geodetic Datum; and
 - (c) "*green roof*" means an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code;
 - (d) "*car-share or car-sharing*" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (e) "*car-share parking space*" means a parking space that is reserved and actively used for car-sharing;
 - (f) "*temporary sales office*" means a building, structure, facility or trailer on the lot used for the purpose of the sale of dwelling units to be erected on the lot.
7. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Map 2 in return for the provision by the owner, at the

owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

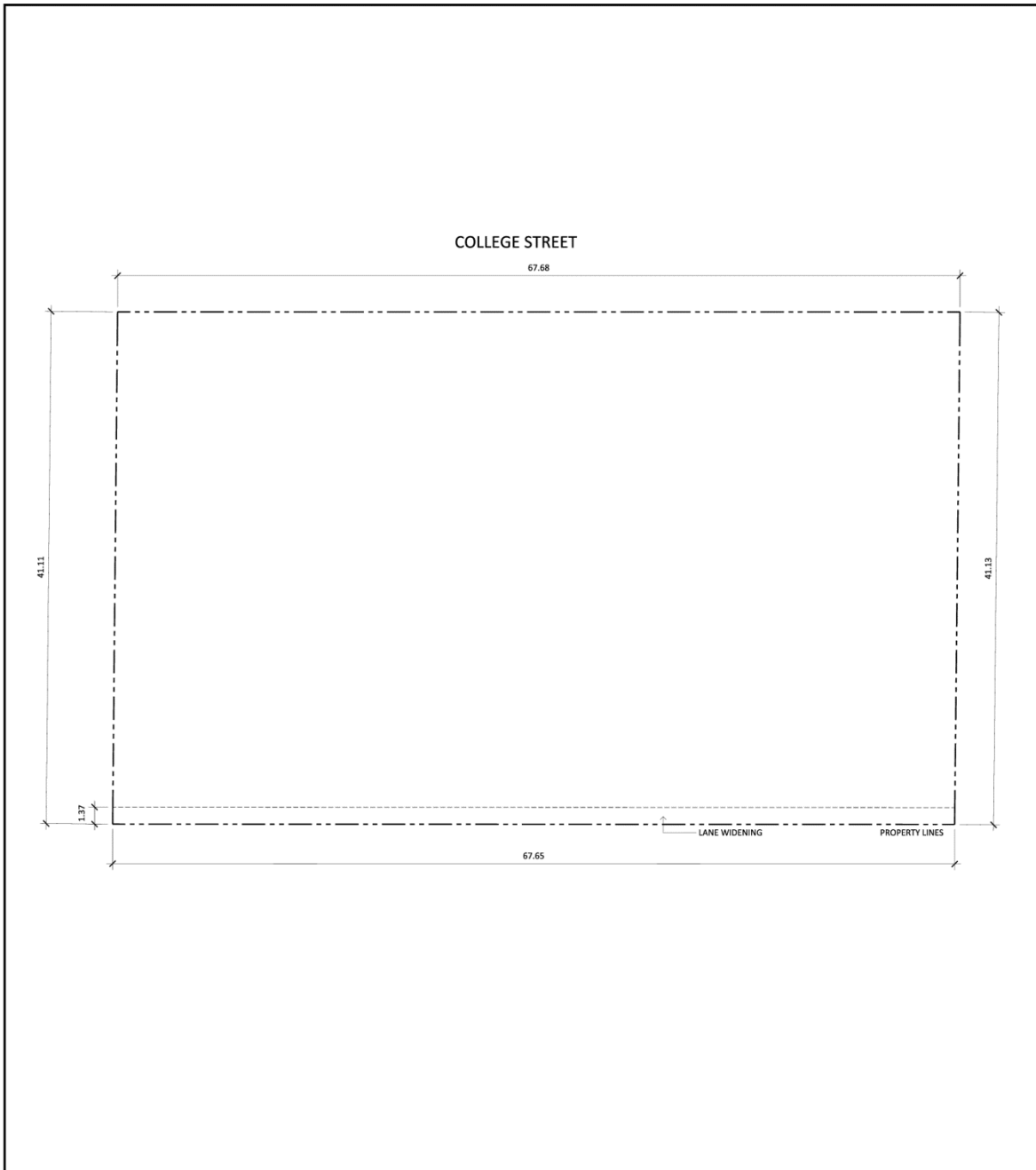
8. Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
9. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.
10. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

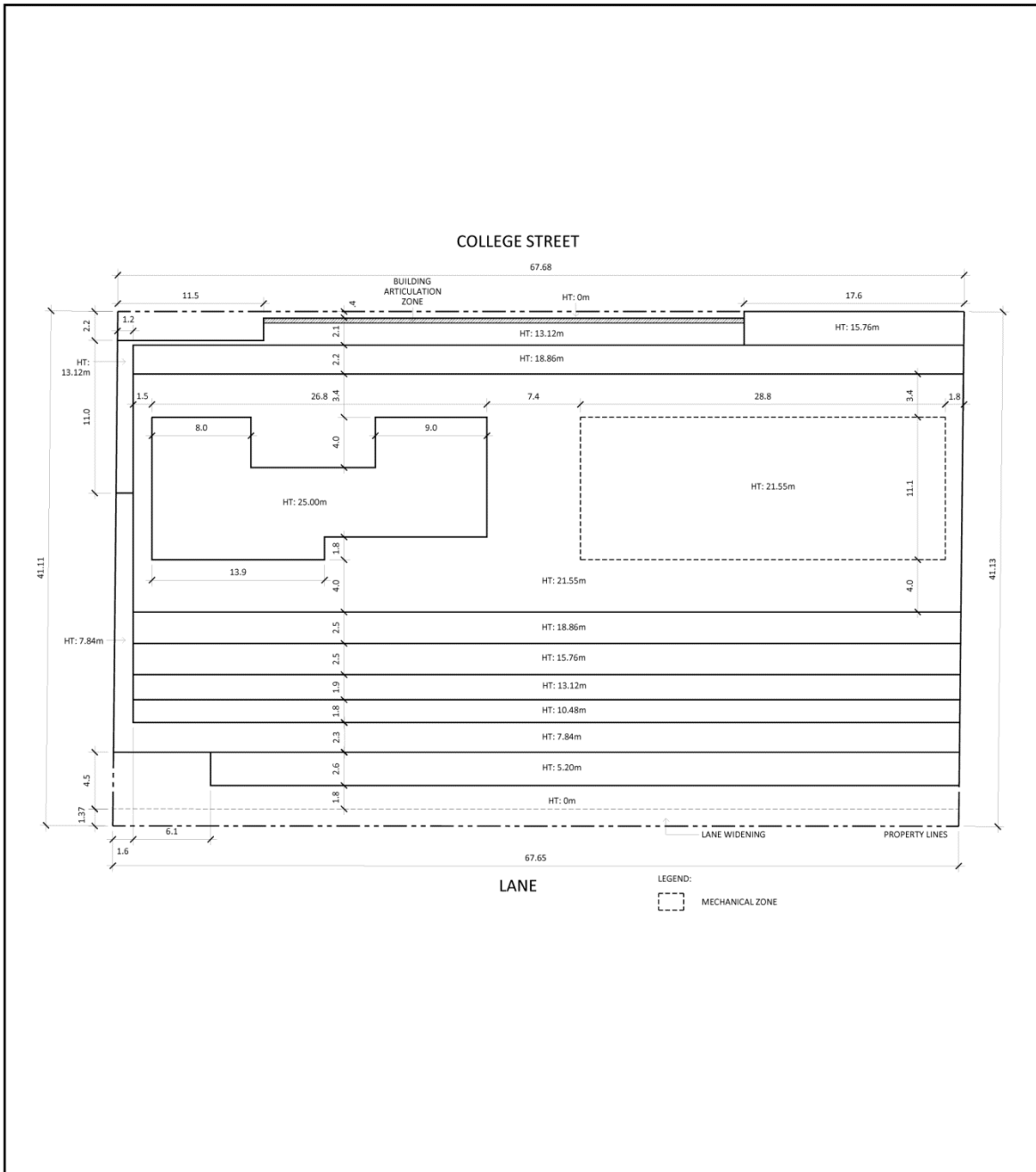
Enacted and passed on July , 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





SCHEDULE A
Section 37 Provisions

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

- (1) Prior to the issuance of the first above-grade building permit, a cash contribution of \$600,000 towards park improvements within the proximity of the site within the boundaries of Ward 9, and \$35,000 towards the implementation of a mural on the east main wall of the proposed building, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

Such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

- (2) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - (a) Replacement of 13 rental dwelling units with rents secured at affordable and mid-range rent categories;
 - (b) Securing a tenant relocation and assistance plan to mitigate adverse impacts on existing tenants and provide existing eligible tenants the right to return to a replacement rental dwelling unit at similar rent; and
 - (c) Submission, and thereafter implementation, of a construction management plan by the owner of 871-899 College Street to address such matters as wind, noise, dust, street closures, parking and laneway uses and access. Such plan to be to the satisfaction of the Chief Planner and Executive Director City Planning Division in consultation with the local Councillor and shall be completed prior to issuance of any below-grade building permits.