

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 1179

BY-LAW -2019

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 871 to 899 College Street.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

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

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

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

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

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by dashed black lines on Diagram 1 attached to this By-law;
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions;
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by dashed lines to CR 3.0 (c1.0; r2.5) SS2 (x179), as shown on Diagram 2 attached to this By-law;

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 exception Number 179, so that it reads;

Exception CR 179

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 871 to 899 College Street, if the requirements in Section 6 and Schedule A of by-law [Clerks to insert by-law #] are complied with, then regulations 40.10.40.10(2), 40.10.40.70(2), and 40.10.40.40(1) shall not apply to prevent the erection or use of a **building or structure permitted** in compliance with the clauses below;
- (B) Despite regulations 40.5.40.10(1) and for the purpose of this exception, the height of a **building or structure** is measured from the Canadian Geodetic Datum elevation of 105.73 metres to the elevation of the highest point of the **building**;
- (C) Despite regulation 40.10.40.10(2), 40.10.40.70(2)(B)-(C), 40.10.40.70(2)(E) and 40.10.40.70(2)(G) the height for any portion of a **building or structure** must not exceed the maximum height permitted by the letter "HT" as shown on Diagram 3 of By-law [Clerks to insert By-law#];
- (D) Despite (C) above and 40.5.40.10(3)-(7), the following may exceed the height indicated by the numbers following the letter "HT" as shown on Diagram 3 of By-law [Clerks to insert by-law #]:
 - (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 Diagram 3, 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) Despite regulation 40.5.40.70, 40.10.40.70(2)(B)-(C), 40.10.40.70(2)(E), 40.10.40.70(2)(G) the minimum **building setbacks** for each level of the **building** are shown on Diagram 3 of By-law [Clerks to supply by-law #]:
- (F) Despite clause 40.10.40.60 and (E) above, the following elements of a **building** are permitted to encroach into the required **building setbacks** as follows:
- (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;
- (G) Despite (E) above, a minimum of 3 notches must be provided within the 'Building Articulation Zone' as shown on Diagram 3 and each notch:
- must be at least 1 metre wide and 0.4 metres deep; and
- must be no closer than 8 metres to one of the other notches;
- (H) The maximum number of permitted **dwelling units** is 112.
- (I) Despite regulation 40.10.40.40(1), the **gross floor area** must not exceed 12,250 square metres, of which:
- (i) a maximum of 10,750 square metres may be used for residential uses; and

- (ii) a maximum of 1,750 square metres may be used for non-residential uses and must be comprised of at least 3 non-residential units;
- (J) Despite 40.10.40.10(5), the minimum height of the first storey must be at least 2.75 metres;
- (K) Despite regulation 40.10.40.50(1), **amenity space** must be provided and maintained as follows:
 - (i) a minimum of 224 square metres of indoor **amenity space**;
 - (ii) a minimum of 224 square metres of outdoor **amenity space**; and,
 - (iii) no more than 25 per cent of the outdoor component may be a **green roof**;
- (L) Despite **200.5.10.1(1)** and 900.11.10(2), the minimum number of required **parking spaces** is 61, of which:
 - (i) a minimum of 48 parking spaces must be provided for occupants of the residential **dwelling units**;
 - (ii) a minimum of 13 parking spaces must be provided and shared between visitors of the residential **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**;
- (M) Despite Section 200.15 and By-law 579-2017, accessible **parking spaces** must be provided as follows:
 - (i) of the required **parking spaces** in (L) above, a minimum of 2 must be accessible **parking spaces** and must be provided in the underground **parking garage**;
 - (ii) accessible **parking spaces** must have the following minimum dimensions:
 - (a) length of 5.6 metre;
 - (b) width of 3.9 metres; and
 - (c) vertical clearance of 2.1 metres;
 - (iii) accessible **parking spaces** may be located anywhere in the underground **parking garage**;
- (N) Despite regulation 200.5.1.10(2)(A), a maximum of 6 **parking spaces** may have minimum dimensions of 5.6 metres by 2.6 metres with a height of 2.0 metres, when obstructed on one of two sides;

- (O) Despite regulation 40.10.100.10(1)(c), 2 **vehicle** accesses are permitted;
- (P) Despite section 220.5.10.1(1), 1 type G **loading space** is required;
- (Q) Despite regulation 40.10.100.10.(1)(a), **vehicle** access can be from the **lane** and the **street**;
- (R) Despite regulation 230.5.1.10(10), long term and short term **bicycle parking spaces** for **dwelling units** or for non-residential uses may be provided in any combination of vertical, horizontal or stacked positions;
- (S) Despite regulations 230.5.10.1(1), (2) and (5):
 - (i) at least 0.9 **bicycle parking spaces** per **dwelling unit** must be allocated as long-term **bicycle parking spaces** for the **dwelling units**;
 - (ii) at least 0.1 **bicycle parking spaces** per **dwelling unit** must be allocated as short-term **bicycle parking spaces** for the **dwelling units**;
 - (iii) at least 22 **bicycle parking spaces** must be allocated as long-term **bicycle parking spaces** for the non-residential uses;
 - (iv) No short-term **bicycle parking spaces** are required for the non-residential uses;
- (T) Despite 230.40.1.20(2), a short-term **bicycle parking space** may be located more than 30 metres from a pedestrian entrance to the **building** on the lot;
- (U) Regulation 40.5.40.10(5) with respect to limits on Functional Operation of a Building does not apply;
- (V) Despite regulation 40.5.40.10(6), **structures** providing safety or wind protection to rooftop **amenity space** can be closer than 2 metres from an interior face of a **main wall**;
- (W) Despite regulation 40.10.40.1(1), residential use portions of the **building** may also be located on the same level as non-residential use portions;
- (X) Despite 40.5.40.40(3)(E) of By-law 569-2013, the residential **gross floor area** of a **mixed use building** is also reduced by the areas in a building used for **amenity space** that exceed the by-law requirement;
- (Y) Prevailing Sections 12(2)68 and 12(2)270 of By-law 438-86 of the former City of Toronto, as amended does not apply;

Prevailing By-laws and Prevailing Sections:

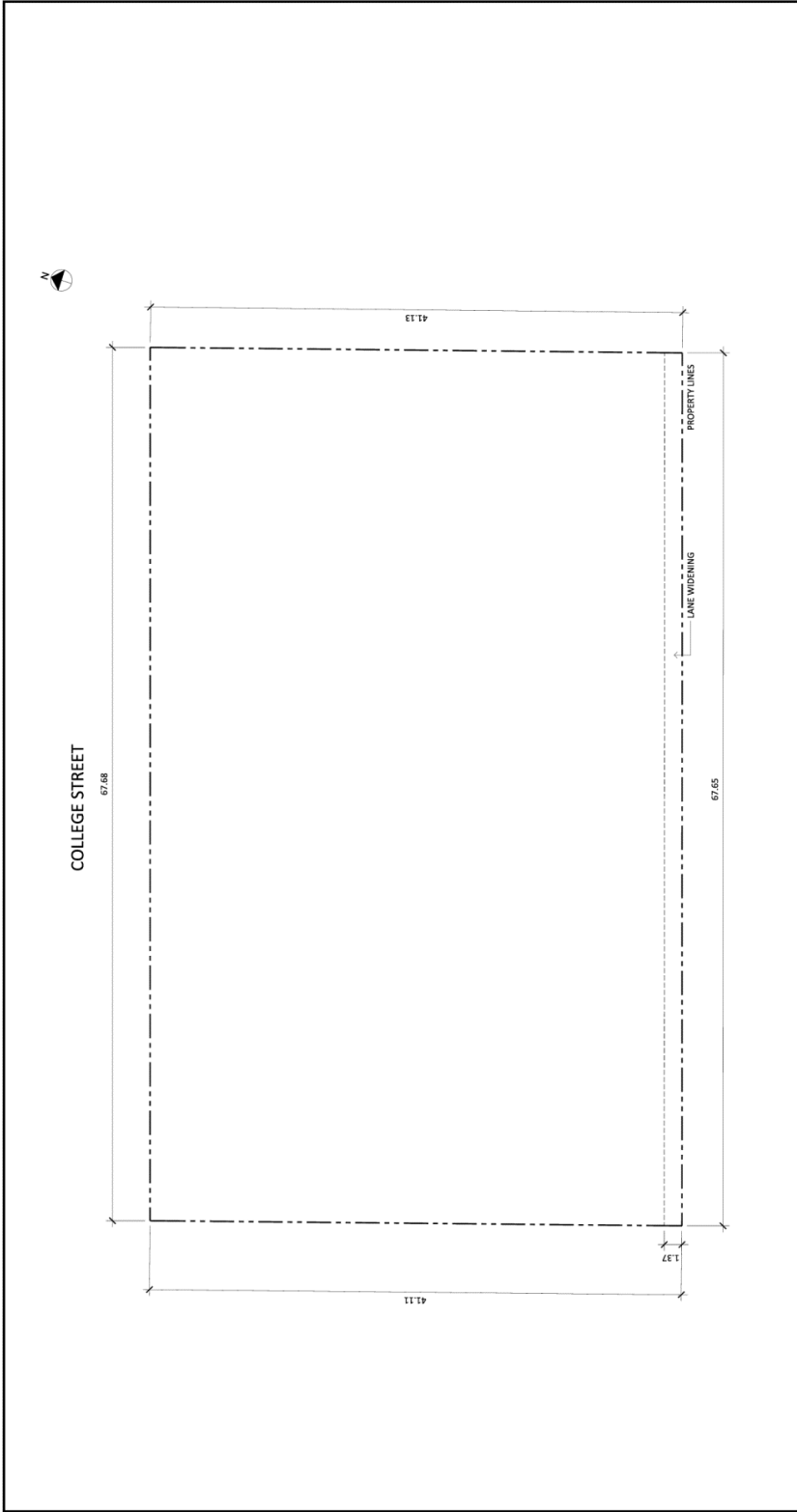
- (A) Section 12(2) 68 of former City of Toronto By-law 438-86;
 - (B) Section 12(2) 270(a) of former City of Toronto By-law 438-86;
5. For the purposes of this By-law, all bolded words and expressions have the same meanings as defined in By-law 569-2013, as amended, with the exception of the following:
- (A) "**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;
 - (B) "**car-share parking space**" means a parking space that is reserved and actively used for car-sharing;
6. Section 37 Provisions
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagrams 2 and 3 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
 - (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
 - (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July , 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

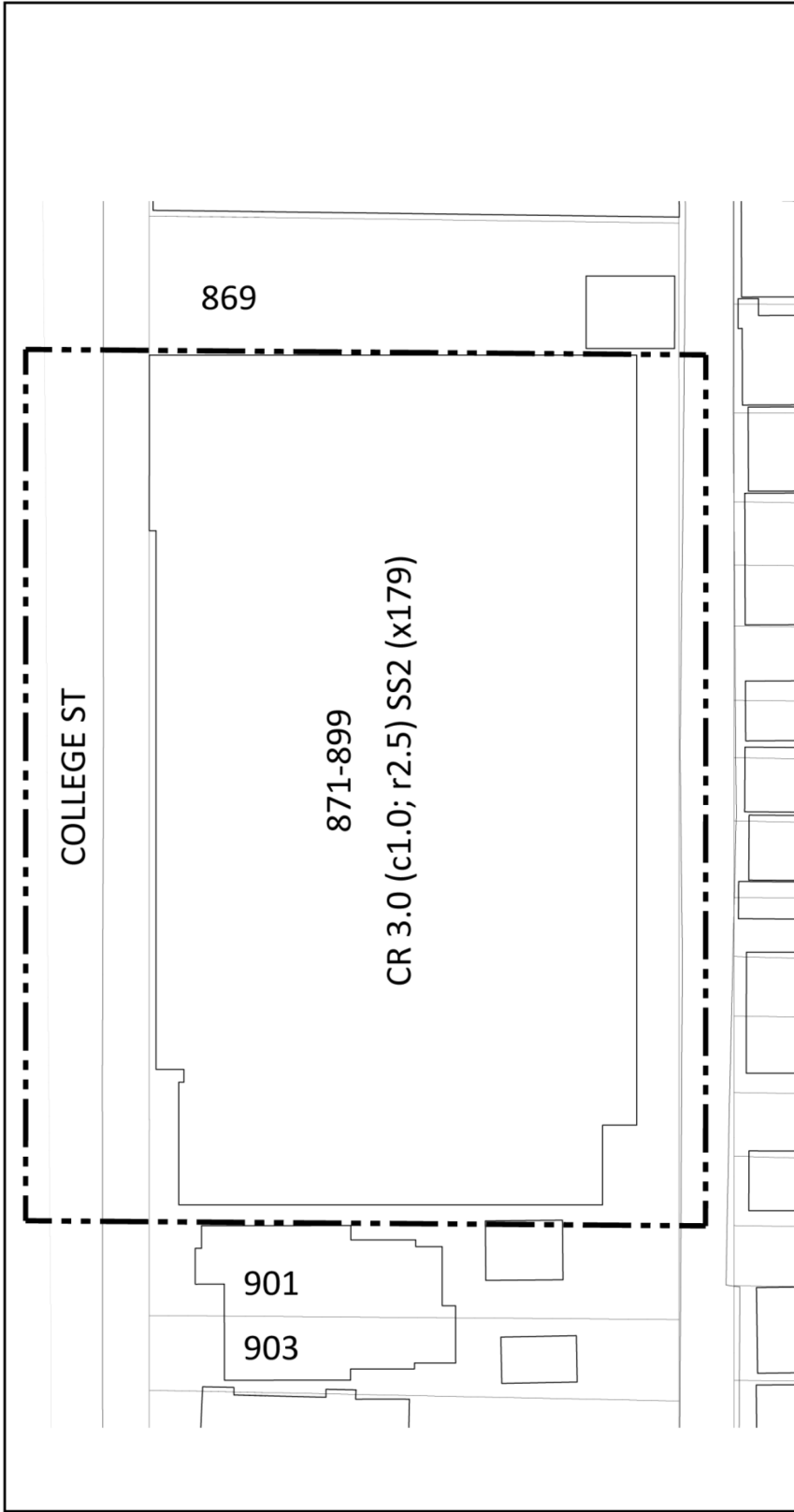


Toronto
Diagram 1

871-899 College Street

File # 17 196947 STE 19 0Z

City of Toronto By-law 569-2013
Not to Scale
02/20/2018

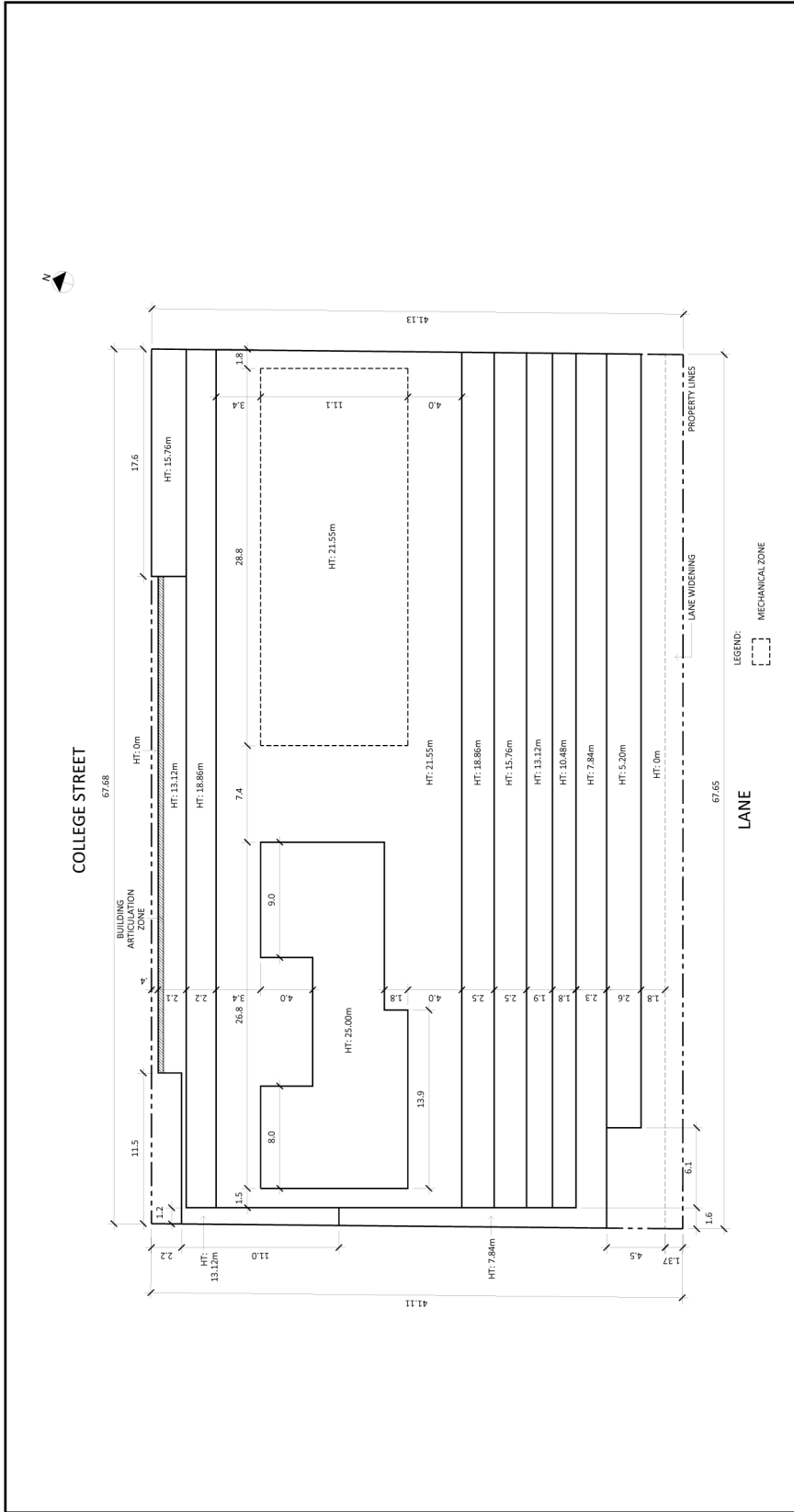


 **Toronto**
Diagram 2

871-899 College Street

File # 17 196947 STE 19 0Z

 City of Toronto By-law 569-2013
Not to Scale
02/20/2018



871-899 College Street

File # 17 196947 STE 19 0Z



City of Toronto By-law 569-2013
Not to Scale
02/20/2018

SCHEDULE A
Section 37 Provisions

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

- (1) Prior to the issuance of the first above-grade building permit, 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;
 - (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.