

CITY OF TORONTO

BY-LAW No. 1330-2008(OMB)

To amend By-law No. 20623 (as amended by By-law No. 840-78) and By-law No. 438-86, each of the former City of Toronto, insofar as they apply to the lands known as the College Park Block.

WHEREAS the owner of the lands defined herein as the *Yonge/Gerrard Parcel* has appealed a proposed zoning by-law amendment, in respect of the lands defined herein as the *College Park Block*, to the Ontario Municipal Board; and

WHEREAS the Ontario Municipal Board, by its Decision No. 2871 issued November 2, 2007, and by its Decision issued on March 3, 2008, and by its Order issued on October 27, 2008 in Board File No. PL060973, approved amendments to the City of Toronto zoning by-laws insofar as they apply to the *College Park Block*; and

WHEREAS Section 13 of By-law No. 438-86 (being the current general zoning by-law of the former City of Toronto) specifies that, “The by-laws set out in this schedule and each of the provisions thereof shall continue in full force and effect and wherever there is a conflict between a provision of this by-law and a provision of any of those by-laws, the latter provision shall prevail”; and

WHEREAS the by-laws set out within the said schedule include By-law No. 840-78, which was a site specific amendment regarding the *College Park Block* to By-law No. 20623, the then general zoning by-law of the former City of Toronto;

WHEREAS site specific By-law No. 840-78 specifies;

- a. in Section 1, that it applies to the *College Park Block* with the exception of the part defined herein as *382 Yonge Street*; and
- b. in Section 2, that, “Except as otherwise provided in this by-law, the provisions of By-law No. 20623 . . . continue to apply to the lands set out in section 1 of this By-law . . .”, being the said *College Park Block* with the exception of the said *382 Yonge Street*; and

WHEREAS with respect to the *College Park Block*;

- a. By-law No. 438-86 therefore applies but, with the exception *382 Yonge Street*, the provisions of By-law No. 20623 and the provisions of By-law No. 840-78 prevail wherever there is a conflict with the provisions of By-law No. 438-86; and
- b. only the provisions of By-law No. 438-86 apply to *382 Yonge Street*; and

WHEREAS the zoning amendments approved by the Ontario Municipal Board therefore affect provisions of each of By-law No. 20623, as amended by By-law No. 840-78, and By-law No. 438-86, each insofar as it applies to the *College Park Block*; and

THEREFORE pursuant to the Order of the Ontario Municipal Board issued on October 27, 2008 in Board File No. PL060973 the Ontario Board orders as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law within the *College Park – Yonge Gerrard Parcel* 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 *Yonge/Gerrard Parcel* of the facilities, services and matters set out in Appendix 1 of this By-law, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *Yonge/Gerrard Parcel* pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 of this By-law, the *College Park Block* 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. For clarity, except as otherwise provided herein, as stipulated in Section 13 of *By-law No. 438-86*, the provisions of *By-law No. 840-78* continue to apply to all of the *College Park Block* with the exception of *382 Yonge Street*, which continues to be subject to *By-law No. 438-86*, but provided the *proposed building* complies with the provisions of this By-law regarding height and non-residential gross floor area:
 - (a) Sections 4(2)(a), 8(3) Part I 2, and 8(3) Part III 1.(a) of *By-law No. 438-86* shall not apply to prevent the erection or use of the portion of the *proposed building* located within *382 Yonge Street*; and
 - (b) Section 17(a) and Schedule 5 of *By-law No. 840-78* shall not apply to prevent the erection or use of the portion of the *proposed building* located within the remainder of the *Yonge/Gerrard Parcel*.
4. Notwithstanding:
 - (a) those sections of *By-law No. 20623* and *By-law No. 438-86* that restrict the uses permitted within the *Yonge/Gerrard Parcel* and those provisions of *By-law No. 438-86* that restrict the uses permitted within *382 Yonge Street*, the uses permitted on the *Yonge/Gerrard Parcel*, including *382 Yonge Street*, are one or more of the uses permitted within a CR zone pursuant to Section 8(1) of *By-law No. 438-86*, which for clarity includes a *mixed-use building* and *accessory* uses thereto; and
 - (b) those sections of *By-law No. 20623* and *By-law No. 438-86* that restrict the uses permitted within the parts of the *College Park Block* designated as a G zone by *By-law No. 438-86*, the uses permitted within any such G zone are:
 - (i) all of the uses permitted within a G district by Section 5(1) of *By-law No. 438-86*; and

- (ii) below grade parking, below grade loading and garbage handling, below grade servicing, vehicular and pedestrian connections, and those uses identified in section 8(1)(f)(b)(iv) of *By-law No. 438-86* provided they are adjacent to a public pedestrian walkway.
- 5. Section 4(b) of *By-law No. 840-78* is amended by deleting the figure “1,836,858” and replacing it with the figure “1,100,000” and Section 4(c) of *By-law No. 840-78* is amended by deleting the figure “2,086,858” and replacing it with the figure “1,100,000”.
- 6. Section 8 of *By-law No. 840-78* is amended by deleting the figure “3,595,850” and replacing it with the figure “3,126,710”.
- 7. The maximums permitted under Section 4(b) and Section 4(c) of *By-law No. 840-78*, as amended by section 5 of this By-law, the maximum permitted under Section 7 of *By-law No. 840-78*, and the maximum permitted under Section 8 of *By-law No. 840-78*, as amended by section 6 of this By-law:
 - (a) shall prevail over any *minor variance*;
 - (b) shall exclude any buildings or structures erected or used, either prior to or after the enactment of this By-law, within the *Yonge/Gerrard Parcel*; and
 - (c) shall not apply to prevent the erection or use of any buildings or structures within the *Yonge/Gerrard Parcel*.
- 8. Notwithstanding those sections of *By-law No. 20623* and *By-law No. 438-86* that restrict the *non-residential gross floor area* and *residential gross floor area* of buildings or structures erected within the *Yonge/Gerrard Parcel*, the maximum combined *non-residential gross floor area* and *residential gross floor area* of all buildings or structures erected within the *Yonge/Gerrard Parcel*, after the coming into force of this By-law, shall not exceed 107,500 square metres, of which the maximum *residential gross floor area* shall not exceed 87,178 square metres and the maximum *non-residential gross floor area* shall not exceed 20,322 square metres.
- 9. Notwithstanding those sections of *By-law No. 20623* and *By-law No. 438-86* that restrict the location of buildings or structures erected within the *Yonge/Gerrard Parcel*, no part of any building or structure erected within the *Yonge/Gerrard Parcel*, after the coming into force of this By-law, shall be located above finished ground level other than within a *building envelope*.

10. Section 9 of this By-law does not apply to the type of structure listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” are complied with:

STRUCTURE		MAXIMUM PERMITTED PROJECTION
A.	parapets	maximum 1.0 metre projection, provided the height of such “STRUCTURE” is not greater than 1.0 metres above the height limits established in Section 11 of this By-law
B.	eaves, cornices, ornamental or architectural elements, balustrades, mullions, window sills, bay windows	maximum 1.0 metre projection, provided the height of the “STRUCTURE” is no higher than that portion of the building to which it is attached
C.	fences, safety railings, guardrails	no restriction on the extent of the projection provided the height of such “STRUCTURE” does not exceed 3.0 metres
D.	canopies adjacent to a street or public park	is contained within the area marked “Extent of Weather Protection (Canopies)” on Map 2A attached to this By-law
E.	ramps, wheelchair ramps and/or stairs (and associated structures) servicing an underground <i>parking garage</i>	no restriction, provided the height of such “STRUCTURE” does not exceed 2.0 metres above finished ground level
F.	balconies	maximum 1.5 metre projection, provided the balcony is no higher than that portion of the building to which it is attached
G.	stairs, stair enclosures, landings and associated railings	no restriction, provided the height of such “STRUCTURE” does not exceed 3.0 metres
H.	public art features and landscape features, including trellises	no restriction in extent of projection or height of “STRUCTURE”.

11. Notwithstanding those sections of *By-law No. 20623* and *By-law No. 438-86* that restrict the height of buildings or structures erected within the *Yonge/Gerrard Parcel*, after the coming into force of this By-law:
- (a) each component of a building or structure erected within the *Yonge/Gerrard Parcel* may, in respect of each corresponding area as identified and shown on Map 2 attached to this By-law, have the maximum *height* in metres above *grade* shown following the corresponding symbol “H” on Map 2; and
 - (b) no building or structure shall be erected above finished ground level within the *Yonge/Gerrard Parcel* outside a *building envelope*, other than a projection permitted outside a *building envelope* by Section 10 of this By-law.
12. The preceding Section 11 does not apply to prevent the erection or use above the said maximum *height* limits of:
- (a) the projections identified in Section 10 of this By-law, subject to the limitations contained therein; and
 - (b) a structure enclosing the mechanical penthouse provided;
 - (i) it is located within the area shown as having a height limit of H231.09 on Map 2 attached to this By-law; and
 - (ii) it has a maximum *height* of 252.09 metres as noted in the EAST ELEVATION BLOW UP on Map 2 attached to this By-law.
13. With respect to parking spaces required for motor vehicles:
- (a) the provisions of *By-law No. 20623* shall not apply to any building or structure erected within the *College Park Block*; and
 - (b) the provisions of *By-law No. 438-86* shall apply to any building or structure erected within the *College Park Block* except that;
 - (i) within the *Yonge/Gerrard Parcel*, *parking spaces* that would otherwise be required by Section 4(17) of *By-law No. 438-86* to have a minimum width of 3.0 as they are accessed by a drive aisle having a width between 6.0 and 5.5 metres, may have a minimum width of 2.6 metres, provided such *parking spaces* constitute no more than 20% of the *parking spaces* required to be provided within the *Yonge/Gerrard Parcel*; and
 - (ii) notwithstanding Section 4(5) of *By-law No. 438-86* the;
 - A. *parking spaces* required to be provided for non-residential uses within the *College Park Block* may be provided anywhere within the *College Park Block*; and

- B. *parking spaces* required to be provided for visitor parking for residential uses within the *College Park Block* may be provided anywhere within the *College Park Block*.

14. Notwithstanding any other provision of this By-law:
- (a) Section 4(9) of *By-law No. 438-86* applies to the *College Park Block*; and
 - (b) none of the provisions of Section 4(8) of *By-law No. 438-86* shall apply to the *College Park Block*.
15. Any building or structure erected within the *Yonge/Gerrard Parcel*, after the coming into force of this By-law, shall comply with the requirements of section 4(13) of *By-law No. 438-86*.
16. After the coming into force of this By-law:
- (a) any building or structure erected within the *Yonge/Gerrard Parcel* shall comply with the requirements of Section 4(12) of *By-law No. 438-86* respecting *residential amenity space*; and
 - (b) the provisions of Section 12A(4) of *By-law No. 20623* respecting recreation space shall not apply to any such building or structure.
17. Notwithstanding Section 16(a) of this By-law, if the *proposed building* contains a *fitness club* with at least 3,750 square metres of *non-residential gross floor area*, the total indoor *residential amenity space* required by section 4(12) of *By-law No. 438-86* to be provided indoors within the *proposed building* shall be reduced by 1,461.5 square metres, provided:
- (a) no residents of the *proposed building* are excluded from eligibility as members of the *fitness club*; and
 - (b) the remaining indoor *residential amenity space* otherwise required by Section 4(12) of *By-law No. 438-86*;
 - (i) is provided elsewhere within the *proposed building* for the exclusive use of its residents, in which event it need not be contiguous to the *fitness club*;
 - (ii) is not located within guest suites; and
 - (iii) is not less than 464.5 square metres.
18. None of the provisions of *By-law No. 20623*, *By-law No. 438-86* and this By-law, shall apply to prevent the erection or use within the *Yonge/Gerrard Parcel* of a sales showroom for the purposes of marketing *dwelling units*.

19. For clarity, all Appendices and Maps attached to this By-law are incorporated into this By-law and are deemed to be a part of this By-law.
20. For clarity, nothing in this By-law affects the operation of the following provisions of Sections 12(1) and 12(2) of *By-law No. 438-86* insofar as they apply to the *College Park Block* or any part thereof:
- (a) subsections 12(1)(3b), 12(1)(334), 12(1)(335), 12(1)(397) and 12(1)(431); and
 - (b) subsections 12(2)(132), 12(2)(208), 12(2)(259) and 12(2)(316).
21. For the purposes of the By-law, the following expressions shall have the following meaning:
- (a) “*building envelope*” means a building envelope as delineated by heavy lines on Map 2A attached to this By-law.
 - (b) “*By-law No. 438-86*” means By-law No. 438-86, as amended, of the former City of Toronto.
 - (c) “*By-law No. 840-78*” means By-law No. 840-78, as amended by By-laws Nos. 41-79, 245-79, 834-79 and 71-91, each of the former City of Toronto.
 - (d) “*By-law No. 20623*” means By-law No. 20623, as amended by *By-law No. 840-78*, each of the former City of Toronto.
 - (e) “*Chief Planner*” means the City of Toronto Chief Planner and Executive Director.
 - (f) “*City*” means the City of Toronto.
 - (g) “*College Park Block*” means collectively, all of the lands bounded by College Street, Yonge Street, Gerrard Street West and Bay Street, within the City of Toronto.
 - (h) “*fitness club*” means a commercial club containing exercise facilities for its members.
 - (i) “*grade*” shall mean, for the purposes of the *Yonge/Gerrard Parcel*, 96.0 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment).
 - (j) “*height*” shall mean the vertical distance between *grade* and the highest point of a building or structure.
 - (k) “*minor variance*” means any variance to the provisions of *By-law No. 20623* granted prior to the enactment of this By-law, pursuant to the provisions of Section 45 of the *Planning Act*.

- (l) “*owner*” means the owner of the fee simple of the *Yonge/Gerrard Parcel* or any part thereof.
- (m) “*proposed building*” means any building erected on the *Yonge/Gerrard Parcel* after the coming into force of this By-law, excluding any temporary sales showroom for the purposes of marketing *dwelling units*.
- (n) “*382 Yonge Street*” means the lands known in 1978 as 382 Yonge Street.
- (o) “*Yonge/Gerrard Parcel*” means the lands delineated by heavy lines on Map 1 attached to this By-law.
- (p) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in *By-law No. 438-86*.

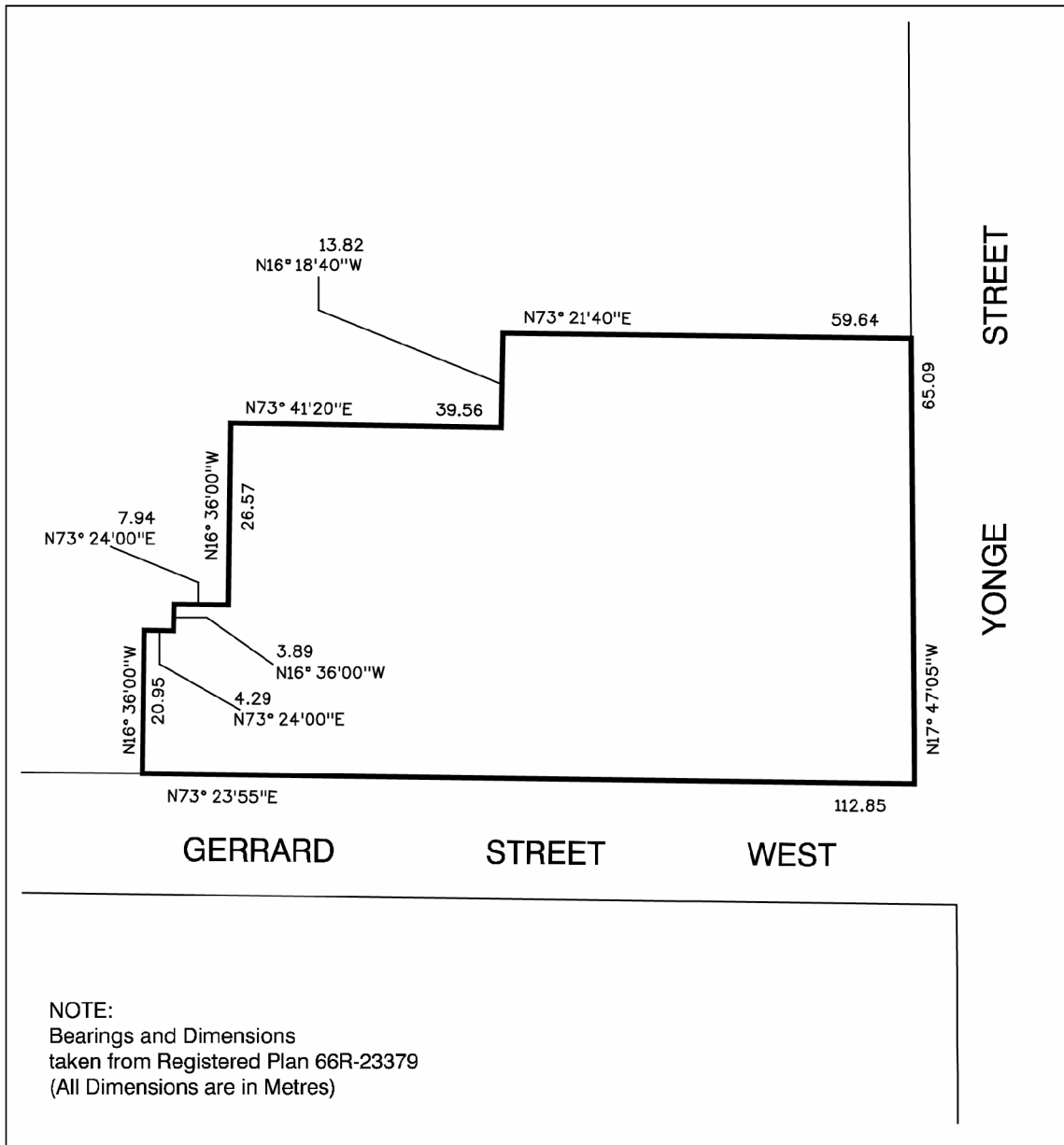
PURSUANT TO ONTARIO MUNICIPAL BOARD DECISION/ORDER NO. 2871 ISSUED NOVEMBER 2, 2007, AND DECISION/ORDER ISSUED ON MARCH 3, 2008, AND DECISION/ORDER ISSUED ON OCTOBER 27, 2008 IN BOARD FILE NO. PL060973.

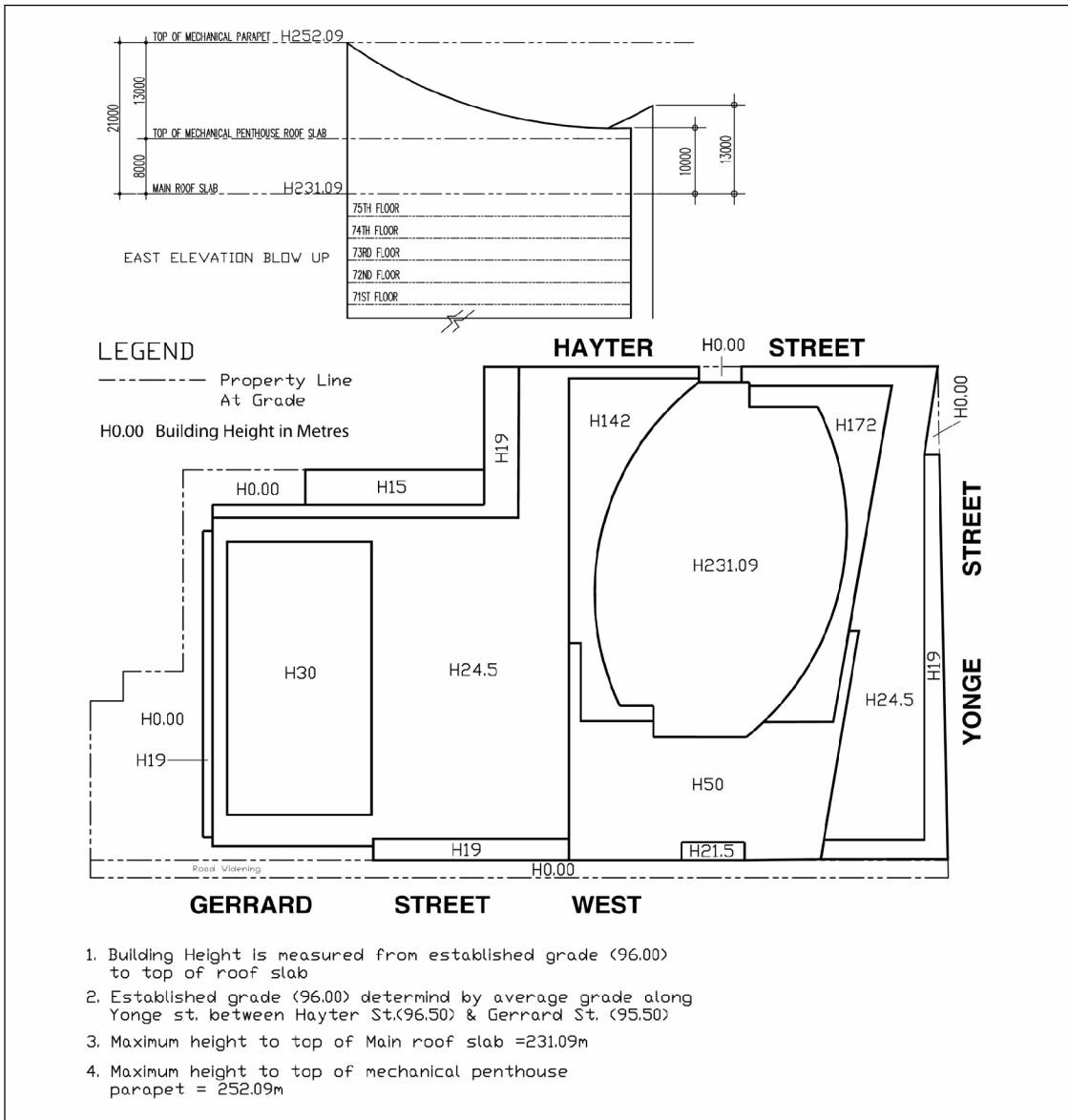
APPENDIX 1**SECTION 37 PROVISIONS**

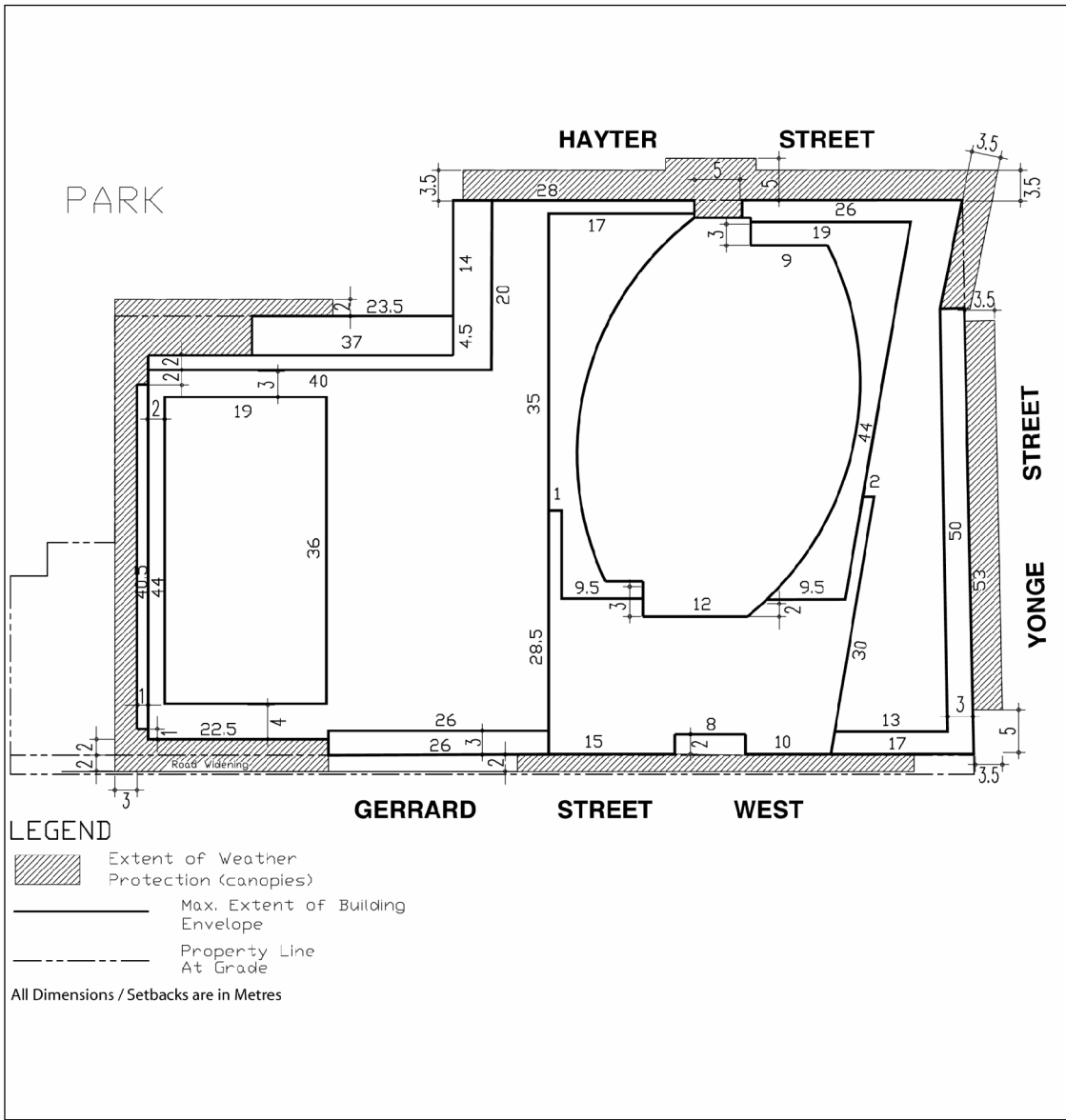
The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* to the *City* in accordance with an agreement or agreements pursuant to Section 37(1) of the *Planning Act*:

1. The *owner* shall construct the *proposed building* in accordance with approved elevations and approved exterior building materials, all as required to secure the details and materials of the exterior of development as noted in Exhibit 22 at the Ontario Municipal Board hearing (PL060973), or such alternate design details or building materials as the *owner* and the *Chief Planner* may agree.
2. The *owner* shall agree to provisions regarding: environmental sustainability; wind mitigation; municipal services; sidewalk and boulevard improvements including streetscaping, landscaping, street tree planting and street tree irrigation.
3. The *owner* shall design, construct and provide approved park improvements, at a cost to the *owner* of Two Million Dollars (\$2,000,000.00), less any streetscape/parkette contribution not exceeding \$100,000.00, all in accordance with a process satisfactory to the *City*.
4. The *owner* shall: provide pedestrian tunnels and associated public access easements; and, provide future PATH connections and enter into the *City's* Wayfinding Agreement.
5. The *owner* shall 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, in a form satisfactory to the City Solicitor with conditions providing for indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.




Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this By-law which identify the facilities, services and matters to be secured.







LEGEND

-  Extent of Weather Protection (canopies)
-  Max. Extent of Building Envelope
-  Property Line At Grade

All Dimensions / Setbacks are in Metres