

Authority: Toronto and East York Community Council Item TE26.7, as adopted by City of Toronto Council on October 2, 3 and 4, 2017

## CITY OF TORONTO

### BY-LAW 1443-2017

#### **To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 333 College Street and 303 Augusta 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 has held at least one public meeting in accordance with the *Planning Act*; 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 Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; 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 438-86 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. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
2. Height and Minimum Lot Frontage Map District Map No. 50H-311 contained in Appendix "B" of By-law 438-86, as amended, is further amended in accordance with Map 2 attached and forming part of this By-law.
3. Zoning Map District Map No. Maps 50H-311 contained in Appendix "A" of By-law 438-86, as amended, is further amended to rezone the lands shown within the heavy lines on Map 1 of this By-law from MCR T3.0 C2.0 R2.5 and R3 Z1.0 to MCR T3.0 C2.0 R2.5.

4. None of the provisions of Section 2 with respect to the definitions of *lot*, *grade*, – *height*, *bicycle parking space – occupant*, *bicycle parking space – visitor*, 4(2), 4(3)(a), 4(4)(b) and (c), 4(5)(b), 4(5) Schedule 1, 4(16), 8(3) Part I 1 and 3, and 4, 8(3) Part II 4, Part VII 1, Part XI (2)(ii), By-law 1107-2016, Section 12(2)56, 12(2)240, 12(2)270(a), and 12(2)380 of By-law 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 and to prohibit certain buildings and structures in various areas of the City of Toronto", shall apply to prevent the erection and use of an *mixed use building* which may contain *dwelling units* and non-residential uses including a parking garage below *grade* on the *lot* provided:
- (a) the *lot* consists of those lands delineated by the heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) no portion of any building or structure to be erected or used on the *lot* shall extend beyond the lines delineated by the heavy lines on Map 1 attached to and forming part of this By-law;
  - (c) nothing in subsection (b) above shall prevent the following elements from projecting beyond the lines:
    - (i) Window washing equipment, satellite dishes, eaves, cornices, lighting fixtures, window sills, landscape planters, trellises, stairs, stair enclosures, railings, awnings, and canopies shall be permitted to project no more than 0.6 metres; and
    - (ii) Balconies shall be permitted to project not more than 1.8 metres;
  - (d) no portion of a building or structure erected on the lot shall have a greater height in metres as measured from grade, than specified by the numbers following the letter "H" in the height areas delineated on Map 2 of this By-law;
  - (e) nothing in subsection (d) above shall prevent the following elements from projecting beyond the delineated *height* following the symbol H as shown on Map 2 of this By-law:
    - (i) Stair overrun above the *heights* indicated on Map 2 up to a maximum height of 3 metres;
    - (ii) Partitions dividing outdoor recreation areas, privacy screens above the *heights* indicated on Map 2 up to a maximum height of 2.0 metres;
    - (iii) Window washing equipment, chimney stacks, parapets, lightning rods, exhaust stacks, lighting fixtures, landscape elements and elements of a green roof, terraces, guardrails, safety railings above the *heights* indicated on Map 2 up to a maximum height of 1.5 metres; and

- (iv) In the hatched area identified as "Mechanical Penthouse" on Map 2, mechanical elements, elevator overrun, stair and stair enclosures are permitted above the *heights* indicated on Map 2 up to a maximum height of 5.0 metres;
- (f) a window of a *dwelling unit* (other than a window of a kitchen or bathroom) cannot be closer than 5.5 metres to the east and west property lines;
- (g) a maximum of 142 *dwelling units* shall be provided on the *lot*, of which at least 10 percent shall be three-bedroom units;
- (h) the total aggregate *residential* and *non-residential gross floor area* permitted on the *lot* is 9,999 square metres, subject to the following:
  - (i) The maximum permitted *residential gross floor area* is 9,765 square metres;
  - (ii) A minimum of 200 square meters of *non-residential gross floor area* is provided and each single retail unit can be no larger than 240 square metres;
- (i) a minimum 0.578 *parking spaces* per dwelling unit shall be provided for the exclusive use of residents and a minimum 0.10 *parking spaces* per dwelling unit shall be provided for visitors, all of which will be located within the below grade garage in the *mixed use building* on the *lot*;
- (j) no parking shall be required for the non-residential uses permitted in this mixed use building;
- (k) despite Section 4(17) of By-law 438-86:
  - (i) Three of the *parking spaces* may have a minimum length of 4.70 metres and may be at least 2.6 metres wide if obstructed on one side; and
  - (ii) Five of the *parking spaces* may have a minimum width of 2.6 metres when obstructed on one side;
- (l) one loading *space – type G* shall be provided and maintained on the *lot*;
- (m) despite Section 4(12) of By-law 438-86, *residential amenity space* shall be provided in the following manner:
  - (i) A minimum of 1.92 square metres per residential unit of indoor *residential amenity space* which is not required to be contiguous; and
  - (ii) A minimum of 2.08 square metres per residential unit of outdoor *residential amenity space*;

- (n) despite Section 4(13), at least 0.90 *bicycle parking spaces – occupant* per dwelling unit and 0.10 *bicycle parking spaces - visitor* per dwelling unit shall be provided which may be:
- (i) Provided in a manner that requires a person to park the bicycle in any combination of vertical and/or a horizontal positions;
  - (ii) Located in stacked positions; and
  - (iii) Located above or below *grade*
- (o) for the purposes of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law 438-86 as amended except that the following definitions shall apply:
- (i) "*Grade*" shall mean 103.92 metres Canadian Geodetic Datum;
  - (ii) "*Lot*" shall mean the lands outlined in the heavy lines on Map 1 attached to and forming part of this by-law;
  - (iii) "*Height*" means the vertical distance between *grade* and the highest point of the building;
  - (iv) "*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*;
  - (v) "*Bicycle parking space – occupant*" means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
    - 1. where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.4 metres by 1.2 metres and vertical dimension of at least 1.9 metres; and
    - 2. where the bicycles are to be parked in a horizontal position, has horizontal dimensions of at least 0.4 metres by 1.8 metres and vertical dimension of at least 1.4 metres; and
  - (vi) "*Bicycle parking space – visitor*" means an area that is equipped with bicycle rack or locker for the purpose of parking and securing bicycles, and:
    - 1. where the bicycles are to be parked in a vertical position, ha horizontal dimensions of at least 0.4 metres by 1.2 metres and vertical dimension of at least 1.9 metres; and

2. where the bicycles are to be parked in a horizontal position, have horizontal dimensions of a least 0.4 metres by 1.8 metres and a vertical dimension of at least 1.4 metres.
5. For the purposes of this By-law, all words, terms and phrases appearing in italics shall have the same meaning as they have for the purposes of the aforesaid By-law 438-86, as amended, except as herein provided.
6. 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.
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 1 in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule A 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 same.
9. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on December 8, 2017.

Frances Nunziata,  
Speaker

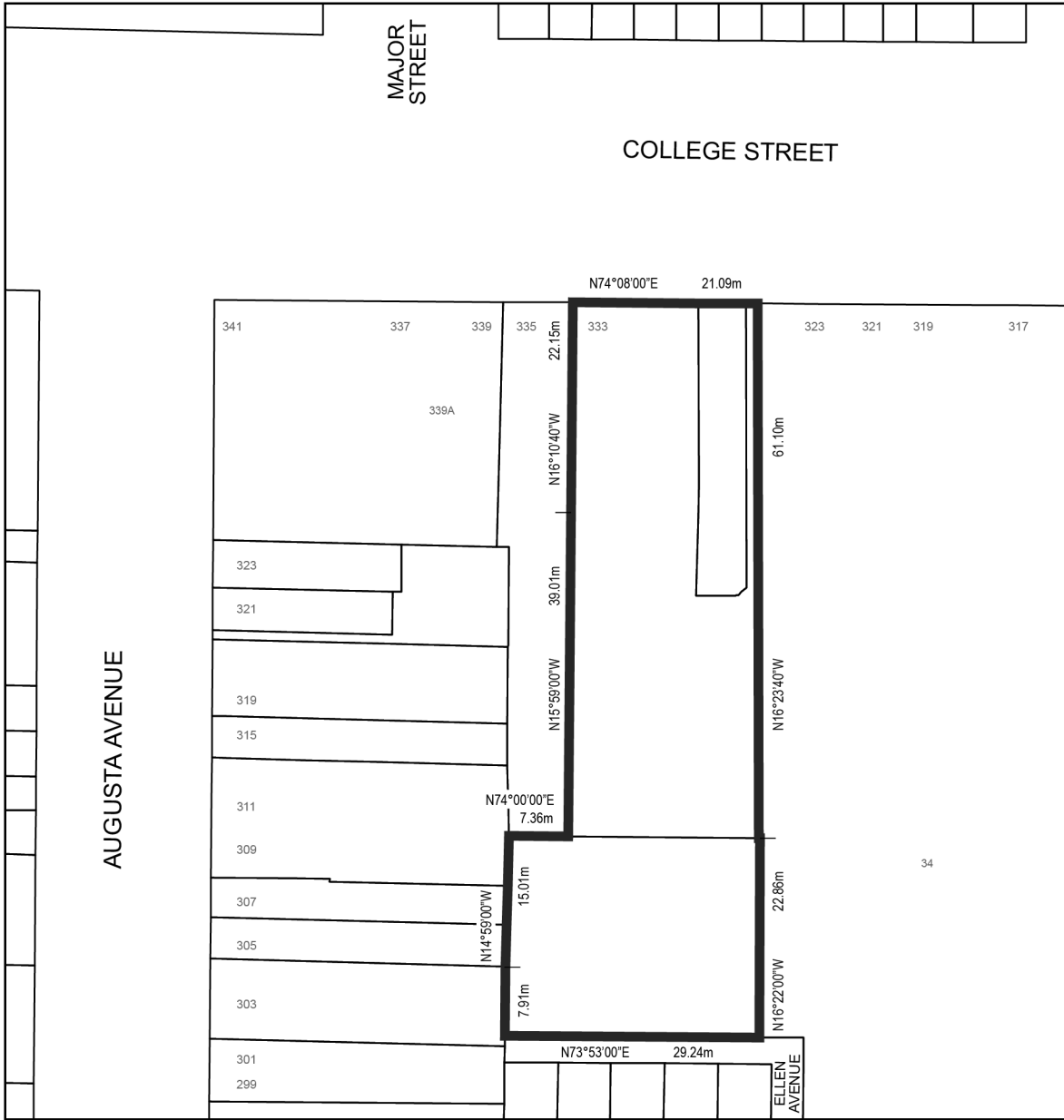
Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**SCHEDULE A****Section 37 Provisions**

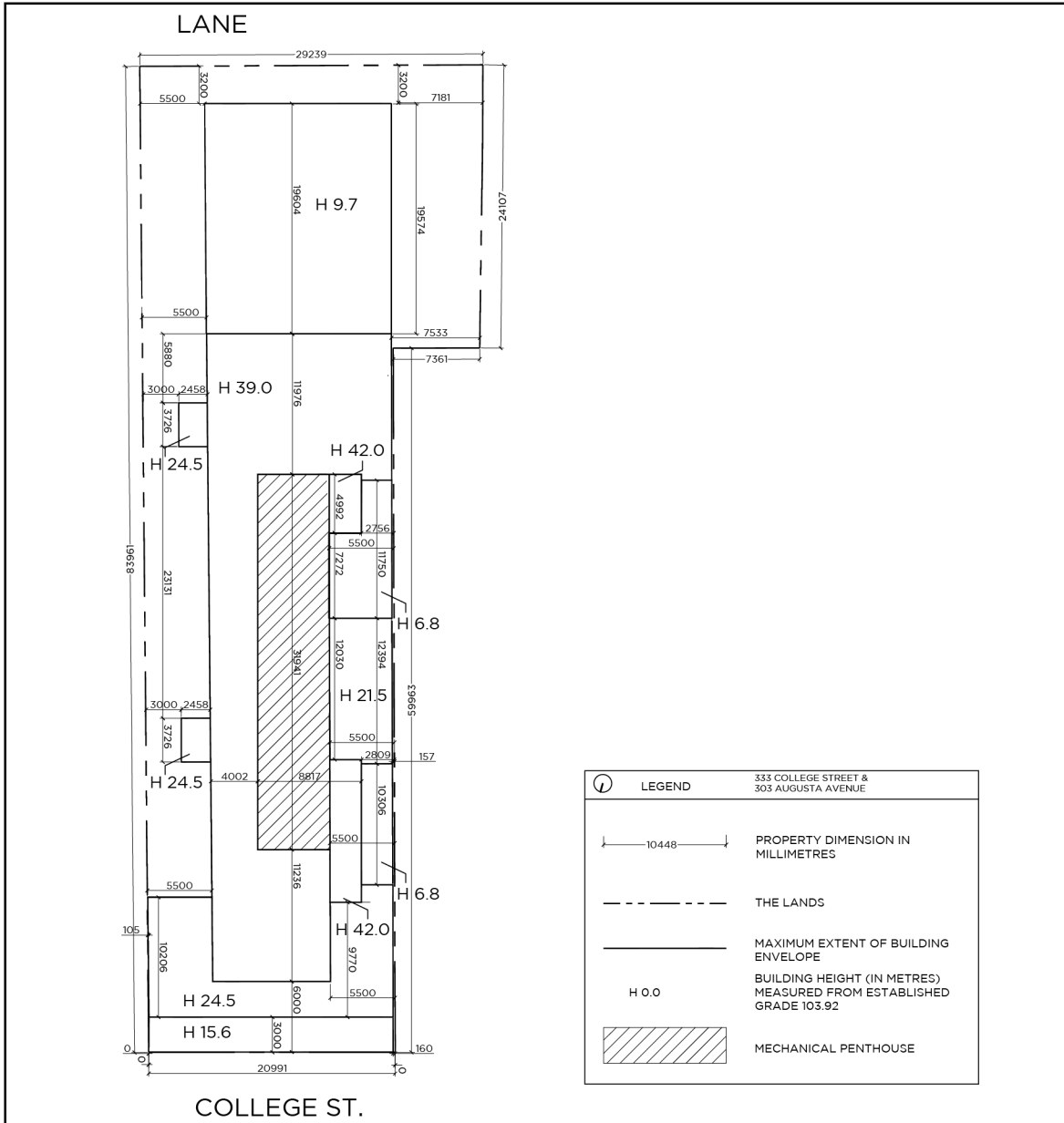
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height of the proposed development on the lands as shown on Map 1 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. An indexed financial contribution of \$50,000, payable prior to the first above-grade building permit, to be directed towards landscaping improvements for the Toronto Community Housing building located on the lands known municipally as 34 Oxford Street;
2. Prior to final site plan approval, the owner shall provide lighting plans demonstrating no light trespass beyond the property lines of the subject site to the satisfaction of the Chief Planner and Executive Director, City Planning;
3. Prior to the issuance of the first building permit, the owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official and Executive Director, Toronto Building, in consultation with local Residents Associations and the Ward Councillor and thereafter in support of the development, will implement the plan during the course of construction. The Construction Management Plan will include, but not limited to, vibration monitoring, details regarding size and location of construction staging areas, dates and significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary;
4. Prior to final site plan approval, the owner shall provide architectural plans, vehicle maneuvering diagrams, and parking and loading studies demonstrating that parking and loading will only be accessible via College Street, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services;
5. Prior to final site plan approval, the owner shall provide landscape plans demonstrating privacy and noise mitigation measures on outdoor amenity spaces to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with local Residents Associations and the Ward Councillor; and
6. Prior to final site plan approval, the owner shall provide a material sample board and elevations with a façade material acceptable to the Chief Planner and Executive Director, City Planning in consultation with local residents and the Ward Councillor.



### 333 College Street & 303 Augusta Avenue

File # 14 253221 STE 20 0Z



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