

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 1444-2017

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2017 as 333 College Street and 303 Augusta Avenue.

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 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 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 heavy 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 heavy black lines to: CR3.0(c2.0; r2.5)SS2 (x122) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013 is further amended by adding exception 122 to article 900.12.10 so that it reads:

Exception CR (122)

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 333 College Street and 303 Augusta Avenue, 40.5.40.10(5), 40.10.40.1.(1), 40.10.40.10(2)(A), 40.10.40.10.(5), 40.10.40.60(1)(C)(i), 40.10.40.70.(2), 40.10.50.10.(2), 40.10.50.10.(3), 40.10.90.40.(1), 40.10.100.10.(1) 200.15.1.4(1), 230.5.1.10.(9)(B), 230.40.1.20.(2), 600.10.10, 900.11.10(2) and 200.15.1.4(1) of By-law 579-2017, By-law 1107-2016 do not apply to prevent the erection or use of a **building** that complies with (B) to (Q) below;
- (B) Despite 40.10.40.40(1)(A) and 40.10.40.40(1)(C) the maximum permitted **gross floor area** of all **buildings** and **structures** on the **lot** must not exceed 9,999 square metres, of which:
 - (i) the maximum **gross floor area** for all residential uses must not exceed 9,765 square metres; and
 - (ii) a minimum of 200 square metres of **gross floor area** is provided for non-residential uses and each single retail unit can be no larger than 240 square metres;
- (C) A maximum of 142 **dwelling units** are permitted on the **lot**, of which at least 10 percent of all units must be 3-bedroom units;
- (D) No portion of a **building** or **structure** erected or used above ground will be located otherwise than wholly within the lines delineating the height areas on Diagram 3 of By-law 1444-2017;
- (E) Despite 40.5.40.10(1), the height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 103.92 metres;
- (F) A **building** or **structure**, and must not exceed the height in metres specified by the numbers following the letter H in the height areas delineated on Diagram 3 of By-law 1444-2017;
- (G) Despite (D) above, window washing equipment, satellite dishes, eaves, cornices, lighting fixtures, window sills, landscape planters, trellises, stairs, stair enclosures, railings, awnings, and canopies are permitted to project no more than 0.6 metres into a required **building setback**;
- (H) Despite (D) above, balconies are permitted to project not more than 1.8 metres beyond the heavy lines on Diagram 3 of By-law 1444-2017;
- (I) Despite (F) above the following elements of the **building** may project above the height limits specified on Diagram 3 of By-law 1444-2017 as follows:

- (i) stair overrun above the heights indicated on Diagram 3 up to a maximum of 3 metres;
 - (ii) partitions dividing outdoor recreation areas, privacy screens above the heights indicated on Diagram 3 of By-law 1444-2017 up to a maximum 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 Diagram 3 of By-law 1444-2017 up to a maximum height of 1.5 metres; and
 - (iv) in the hatched area identified as "Mechanical Penthouse" on Diagram 3, mechanical elements, elevator overrun, stair and stair enclosures are permitted above the heights indicated on Diagram 3 of By-law 1444-2017 up to a maximum height of 5.0 metres;
- (J) 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;
- (K) A single **loading space** – Type "G" must be provided and maintained;
- (L) Despite 40.10.40.50(1), at least 1.92 square metres for each **dwelling unit** of indoor **amenity space** and at least 2.08 square metres for each **dwelling unit** of outdoor **amenity space** shall be provided;
- (M) Despite 200.5.1.10(8) and 200.5.10.1(1), **Parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- (i) A minimum of 0.578 **parking spaces** for each **dwelling unit**;
 - (ii) A minimum 0.10 **parking spaces** for each **dwelling unit** and used for residential visitors; and
 - (iii) No **parking spaces** are required for the non-residential **gross floor area**;
- (N) Despite 200.5.1.10(2):
- (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;
- (O) Despite 230.5.1.10(4) and 230.5.1.10(5), **bicycle parking spaces** must comply with the following:

- (i) if a bicycle is parked in a vertical position, the **bicycle parking space** must have a horizontal dimension of at least 0.4 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (ii) if a bicycle is parked in a horizontal position, the **bicycle parking space** must have a horizontal dimension of at least 0.4 metres by 1.8 metres and a vertical dimension of at least 1.4 metres; and
 - (iii) **bicycle parking spaces** may be in stacked positions;
- (P) For the purpose of this exception, the lands of 333 College Street and 303 Augusta Avenue as outlined by heavy black lines on Diagram 2 of By-law 1444-2017 is the **lot**. Despite any existing or future severance, partition or division of the **lot**, the provisions of this By-law applies to the whole of the **lot** as if no severance, partition or division occurred.
- (Q) Despite 40.5.40.40(3)(B), the **gross floor area** of a **mixed use building** is reduced by the area in the **building** used for required **loading spaces** and the loading area around them, and required **bicycle parking spaces** below, at, or above-ground;

Prevailing By-law and Prevailing Sections:

- (A) Section 12(2)270(a) of former City of Toronto By-law 438-86

5. 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 Diagram 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 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 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

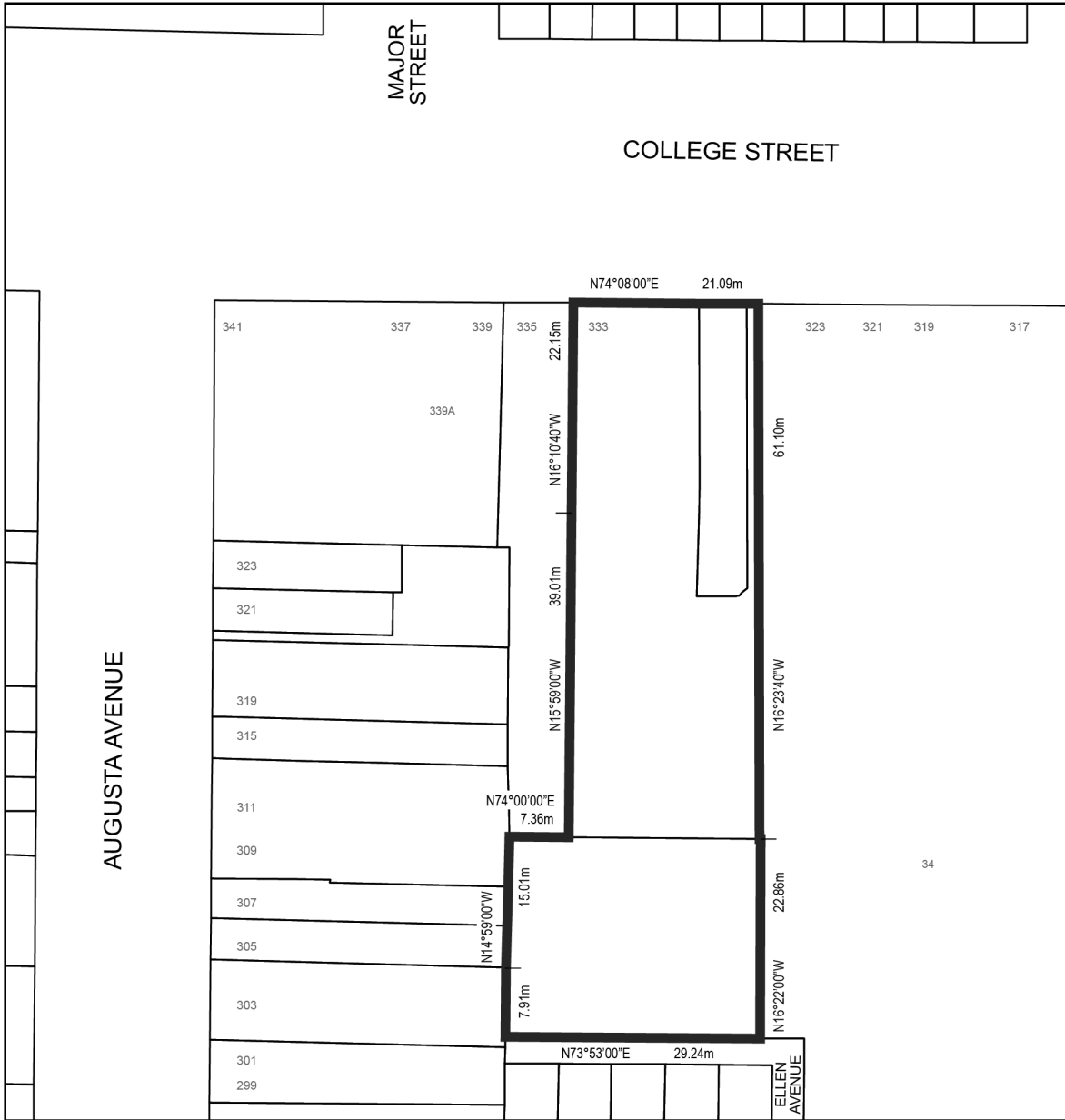
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SCHEDULE A

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 1 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:

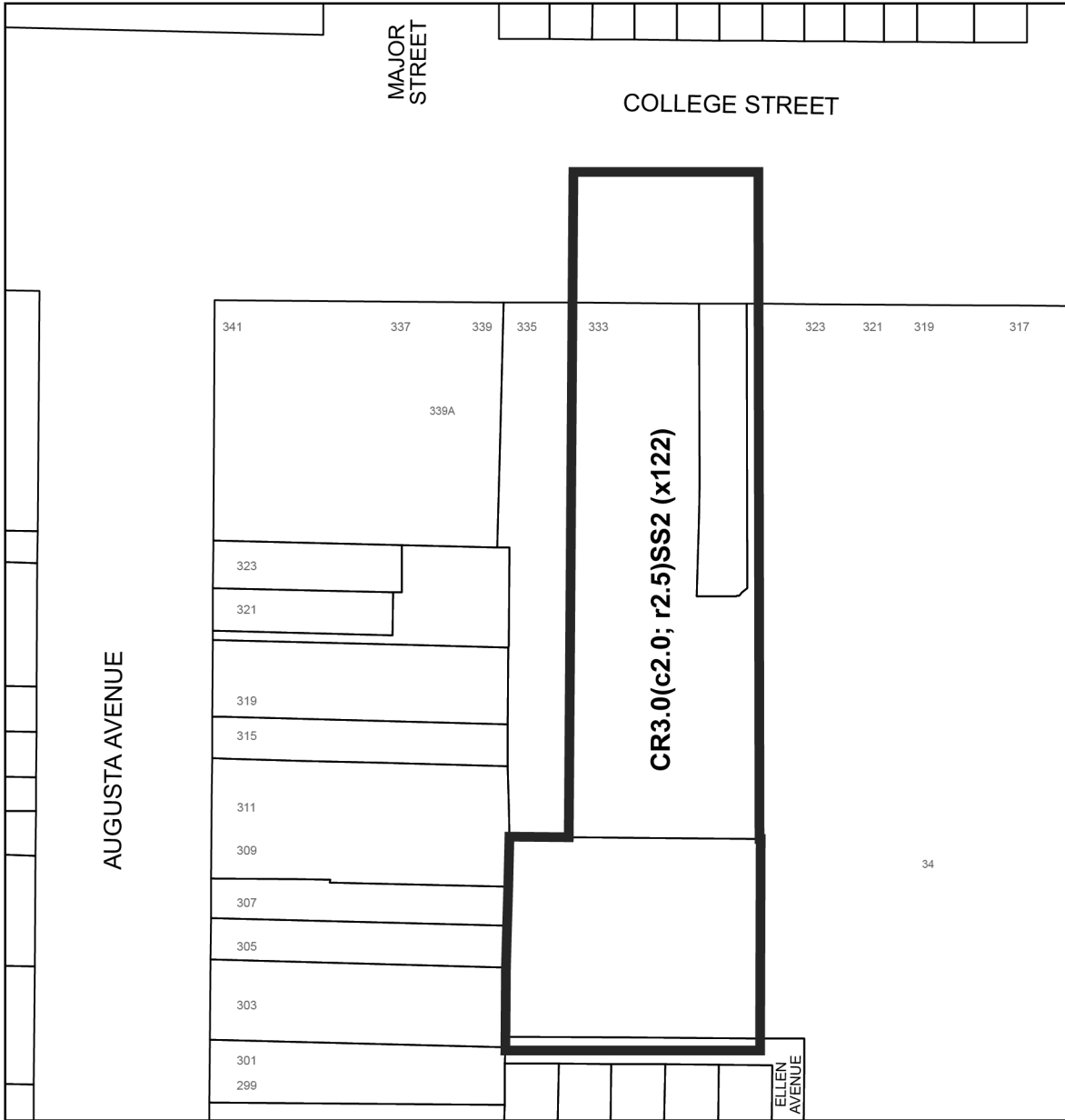
1. An indexed financial contribution of \$50,000, payable prior to the first above-grade building permit, to be directed towards landscaping improvements for the Toronto Community Housing building located on the lands known municipally as 34 Oxford Street;
2. Prior to final site plan approval, the owner 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.



 **TORONTO**
Diagram 1

333 College Street & 303 Augusta Avenue

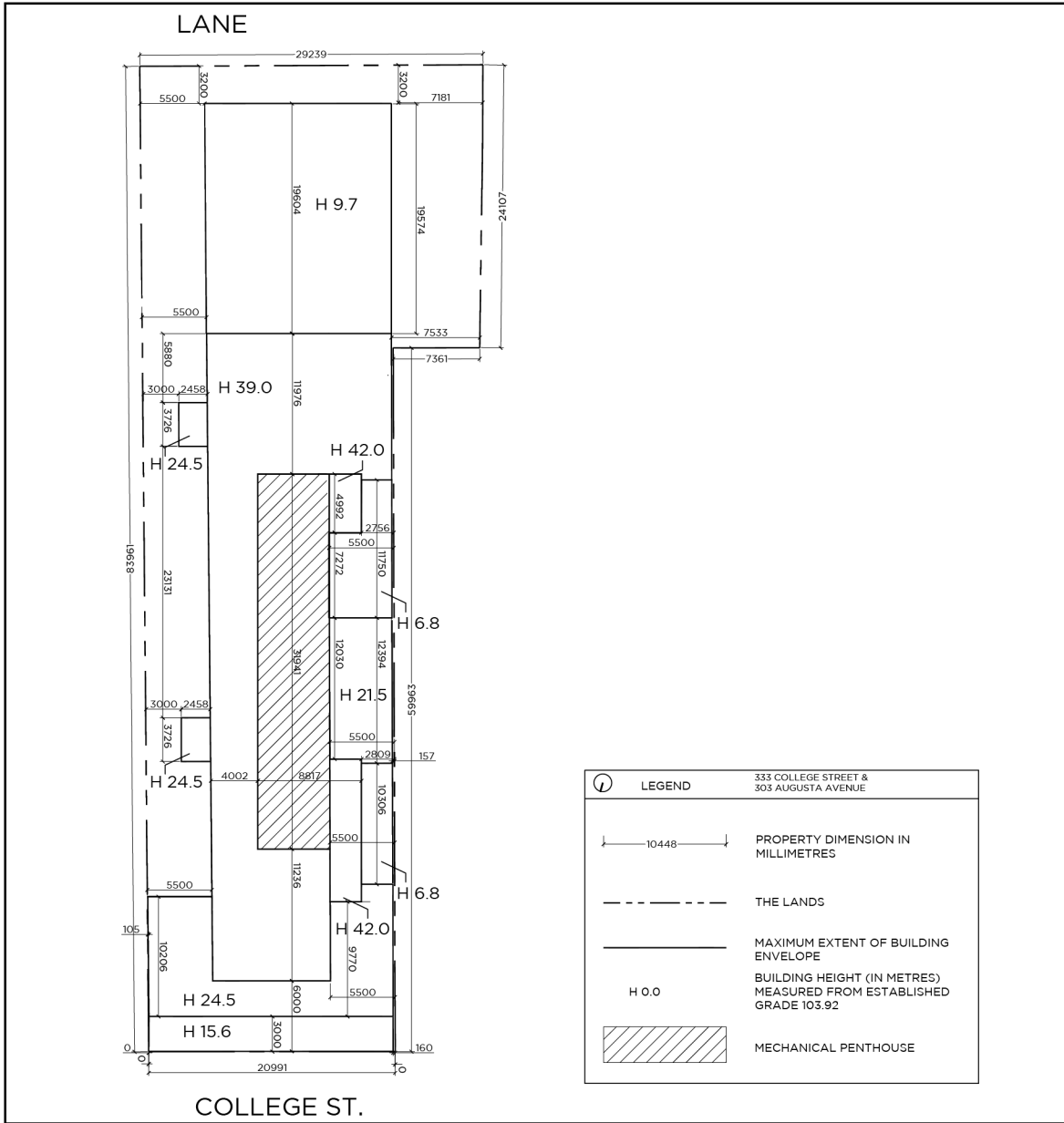
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 **TORONTO**
Diagram 2

333 College Street & 303 Augusta Avenue

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333 College Street & 303 Augusta Avenue

File # 14 253221 STE 20 02