

Authority: Toronto and East York Community Council Item 18.7,
as adopted by City of Toronto Council on October 2, 3 and 4, 2012
Enacted by Council: November 29, 2012

CITY OF TORONTO

BY-LAW No. 1631-2012

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 297 College Street.

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 the Council of the City of Toronto has provided adequate information to the public and has conducted at least one public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The lands subject to this By-law are those lands outlined by a heavy black line and identified as "297 College Street" as shown on Map 1 attached hereto.
2. Section 12(2) of Zoning By-law No. 438-86 is further amended by adding a new Section 12(2) 356 immediately after Section 12(2) 355 of the By-law as follows:

None of the provisions of Sections 4(2),(5),(12), 8(3) Part I (1),(3)(A), 8(3) Part II (A)(II), (4)(C)(I), of By-law No. 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 and use of a *mixed-use* building on the *lot*, provided that:

- (a) the *lot* on which the *mixed-use building* is located comprises the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
- (b) the total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 18,970 square metres, and the *non-residential gross floor area* shall be a minimum of 2,500 square metres;
- (c) a maximum of 226 *dwelling units* may be provided on the *lot*;
- (d) a minimum of ten percent (10%) of the total number of *dwelling units* shall be constructed in the building on the *lot* as three bedroom units in compliance with the provisions of the Ontario Building Code;
- (e) the *mixed-use building*, including all mechanical equipment, stair enclosures and elevator overruns, is located wholly within the areas delineated by heavy lines and the *height* limits specified by the numbers following the symbol "H" as shown on

Map 2, attached to and forming part of this By-law, with the following exceptions:

- (i) the maximum height for terraces and balcony guards, elements of a green roof and insulation and roof surface materials, planters, railings, parapets, window washing equipment, ornamental architectural features, chimney stacks and structures used for safety or wind protection purposes shall be the sum of 1.5 metres and the applicable height limit shown on Map 2;
 - (ii) the maximum height for divider screens shall be the sum of 2.0 metres and the applicable height limit shown on Map 2;
 - (iii) the maximum height for a ladder for maintenance purposes shall not exceed the sum of 1.2 metres and the applicable height limit shown on Map 2;
 - (iv) canopies, provided they extend no more than 2.0 metres beyond the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law;
 - (v) balconies, provided they extend no more than 1.8 metres beyond the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law; and
 - (vi) none of the building elements listed in (i), (ii), (iii) and (v) above may extend beyond the *lot* lines.
- (f) (i) a minimum of 55 residential *parking spaces* shall be provided on the lot, and no exclusive visitor parking for residents shall be provided; and
- (ii) *parking spaces* for the non-residential uses shall be provided on the *lot* in accordance with the following standards:

Use	Minimum Parking Requirement	Maximum Parking Requirement
Retail Uses	1.0 spaces per 100 square metres of gross floor area	3.5 spaces per 100 square metres of gross floor area
Grocery Store	1.0 spaces per 100 square metres of gross floor area	4.5 spaces per 100 square metres of gross floor area

- (iii) *parking spaces* for the non-residential uses may be provided for in a *commercial parking garage* located on the *lot*.

- (g) a minimum of 170 *bicycle parking spaces* shall be provided and maintained on the *lot*, of which:
 - (i) a total of 136 *bicycle parking spaces* shall be provided and maintained for the exclusive use of residents of the building, and shall be located on the parking levels below *grade* in the building located on the *lot*; and
 - (ii) a total of 34 *bicycle parking spaces* shall be provided and maintained for the exclusive use of visitors, and shall be located on parking level P1 or P2 below *grade* in the building located on the *lot*, and accessed via the building vestibule or lobby; and
 - (iii) notwithstanding Section 4(13)(d) of By-law No. 438-86, resident bicycle parking spaces may be provided in bicycle stacking units.
 - (h) a minimum of 300 square metres of indoor *residential amenity space* shall be provided in a multi-purpose room or rooms at least one of which contains a kitchen and a washroom;
 - (i) a minimum of 245 square meters of *outdoor amenity space* shall be provided on the third *storey* of the *mixed use building*, shall be contiguous with the *indoor amenity space*, and shall accessed via the *indoor amenity space* area; and
 - (j) one (1) Type G and two (2) Type B loading spaces shall be provided on the *lot*.
3. Pursuant to Section 37 of the Planning Act, the heights and density of the development contemplated by this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the owner of the *lot*, of the following facilities, services and matters to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in Section 3(k) herein:
- (a) A *cash* contribution in the amount of \$600,000, which shall be indexed and payable prior to the issuance of any above-grade building permit, to be used towards capital improvements to Toronto Community Housing Corporation projects in Ward 20.
 - (b) The conveyance of 38 square metres of gross floor area, at grade, at no cost to the Toronto Arts Council.
 - (c) A cash contribution of \$50,000 to the Toronto Arts Council, which shall *be* indexed and payable prior to the registration of the building as a condominium, to be used for any work necessary to finish the 38 square metres of community space referenced above.
 - (d) The provision of an open space/pedestrian linkage, landscaped to the satisfaction of the Chief Planner and Executive Director, City Planning Division, located adjacent to the Toronto Community Housing Development at 34 Oxford Street.

- (e) A cash contribution of \$150,000, which shall be indexed and payable prior to the issuance of any above-grade building permit, to be used towards streetscape improvements in the immediate area of the subject site and/or a heritage conservation district study for Spadina Avenue.

The following matters are secured for legal convenience:

- (f) The owner shall include 1:50 scale drawings for the first to seventh *storey* elevations with building materials labeled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by the pedestrian. The drawings shall be submitted to the City Planning Division, for review and acceptance by the Chief Planner and Executive Director, City Planning Division.
 - (g) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by the Council of the City of Toronto at its meeting held on October 26 and 27, 2009 through the adoption of Planning and Growth Committee Item 32.3.
 - (h) The payments required in clauses (a), (c) and (e) herein, shall be increased in accordance with any increase in the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement or, if the site specific by-laws for the project are appealed to the Ontario Municipal Board, from the date of the Board order approving the by-laws, to the date of submission of the funds by the owner to the City.
 - (i) The payments required in clauses (a) and (e) herein shall be paid prior to the issuance of the first above *grade* building permit to permit construction of a building or a portion of a building on the *lot*.
 - (j) The owner of the lands agrees to incorporate knock-out panels, where structurally feasible, to enable the conversion of units with fewer bedrooms to 3-bedroom units and to include appropriate provision(s) in the condominium documents to enable any such conversions in the future.
 - (k) The owner of the lands enters into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters required in Section 3(a) through (e) herein and registers such agreement against title to the *lot* as a first charge, all to the satisfaction of the City Solicitor.
4. 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.
5. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

ENACTED AND PASSED this 29th day of November, A.D. 2012.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



