

Authority: Toronto and East York Community Council Item 33.3,
adopted as amended, by City of Toronto Council on July 8, 9, 10 and 11, 2014

CITY OF TORONTO

BY-LAW No. 694-2014

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2014 as 547, 549 and 555 College Street.

Whereas authority is given to Council 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 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 authorization of increases in height and density of development; 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 Council has requested the owner of the aforesaid lands to enter into one or more agreements to secure certain facilities, services and matters in connection with the aforesaid lands set forth in the By-law as a mechanism to support development;

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 No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding a new (B) to Exception 900.11.10 (2512), under heading "Site Specific Provisions:" so that it reads:

Site Specific Provisions:

- (B) On 547, 549 and 555 College Street, if the requirements of section 4 of By-law No. 694-2014 are complied with, none of the provisions of 5.10.40.70 (1),

40.5.40.10 (1), 40.10.20.100 (17), 40.10.40.10 (2) (A), 40.10.40.40 (1) (A) and (C), 40.10.40.70 (2)(B) (ii) and (E) (i), 40.10.50.10 (2) and (3), 40.10.90.10 (1) (c), and 200.5.10 apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in By-law No. 694-2014 if the **building** or **structure** complies with the following:

- (i) the whole of the **building** or **structure** must be located within the areas delineated by heavy lines shown on Diagram 1 of By-law No. 694-2014;
- (ii) the height of any **building** or **structure**, as measured from the Canadian Geodetic Datum elevation of 106.6 metres, does not exceed the height in metres specified by the numbers following the symbol H on Diagram 2 of By-law No. 694-2014, with the exception of the following:
 - (a) 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 Diagram 2;
- (iii) the minimum **building setback** from the rear **lot line** is 4 metres;
- (iv) the total **gross floor area** on the **lot** must not exceed:
 - (a) 5,800 square metres for all **buildings**;
 - (b) 5,250 square metres for the total residential **gross floor area** of the **building**;
 - (c) 550 square metres for the total non-residential **gross floor area** of the **building**;
- (v) for a retail store less than 550 square metres no **parking spaces** are required for non-residential uses;
- (vi) the required **parking spaces** can be reduced at a rate of four **parking spaces** for each **car-share parking space** provided to a maximum of one **car-share** space on the **lot**;
- (vii) for the purpose of this exception **car-share** 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 kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

- (viii) for the purpose of this exception a **car-share parking space** shall mean a **parking space** that is reserved and actively used for car-sharing, including non-residents.

4. 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 2 in return for the provision by the owner, at the owner's expense, as a mechanism to support development, of the facilities, services and matters set out in Schedule A hereof 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 July 11, 2014.

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 and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

- (1) The following matters are recommended to be secured in the Section 37 Agreement as a mechanism to support development:
 - (a) Prior to issuance of an above grade building permit the owner shall submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor and thereafter in support of the development, shall implement the plan during the course of construction. The Construction Management Plan will include, but not limited to details regarding size and location of construction staging areas, dates of 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.
 - (b) The owner shall provide the following to support the development of the lands:
 - (i) A minimum of 10% of the total number of dwelling units to be constructed on the lot shall contain three bedrooms in compliance with the provisions of the *Ontario Building Code* with a minimum gross floor area of 79 square metres; and
 - (ii) A minimum of 15% of the total number of dwelling units to be constructed on the lot shall contain two bedrooms in compliance with the provisions of the *Ontario Building Code*.



