

Authority: Ontario Municipal Board Decision issued June 19, 2014 and Order issued January 30, 2015 in Board File No. PL120328

CITY OF TORONTO

BY-LAW No. 780-2016(OMB)

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands municipally known as 245, 251 and 255 College Street, 39 and 40 Glasgow Street.

Whereas the Ontario Municipal Board by its Decision issued on June 19, 2014 and Order issued on January 30, 2015 has determined to amend Zoning By-law No. 438-86 of the former City of Toronto, as amended, with respect to the lands known municipally as 245, 251 and 255 College Street, 39 and 40 Glasgow Street;

Pursuant to the Decision/Order of the Ontario Municipal Board, By-law No. 438-86 is further amended as follows:

1. None of the provisions of Section 2 with respect to the definitions of *grade* and *lot*, and Sections 4(2)(a); 4(3); 4(4); 4(5); 4(8); 4(12); 4(13); 4(14)(a); 4(17); 6(1); 6(2); 6(3) PARTS I – X; 8(1); 8(2); 8(3) PARTS I - XI; and 12(2)270 of former City of Toronto By-law No. 438-86, as amended, titled "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", shall apply to prevent the erection or use of a *private academic accommodations* on the *lot*, provided that:
 - (a) No above *grade* portion of a building or structure on the *lot* shall be located other than wholly within the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law, except for the following:
 - (i) Stairs, stair enclosures, wheelchair ramps, vents, bollards, privacy walls, bicycle racks, and landscape and public art features may be located outside the heavy lines shown on Map 2; and
 - (ii) Awnings, window sills, cornices, lighting fixtures and ornamental elements may extend beyond the heavy lines shown on Map 2.
 - (b) The *height* of any building or structure, or portion thereof, including mechanical penthouse and elevator/stair overrun, shall not exceed the *heights* indicated by the numbers following the symbol H on Map 2, except for the following:
 - (i) Safety railings, roof access hatches, vents, stacks, pipes, chimneys, parapets, privacy fences, privacy walls, telecommunications equipment and antennas, service towers, topping slabs, roof topping, rooftop perimeter parapets, maintenance access ladders and access ladder safety enclosures, building maintenance apparatus, mechanical exhaust and vent stacks, exterior mechanical ducting and utility distribution services, electrical emergency generator exhaust stacks, electrical grounding devices, and structures located on the roof used for outside or open air

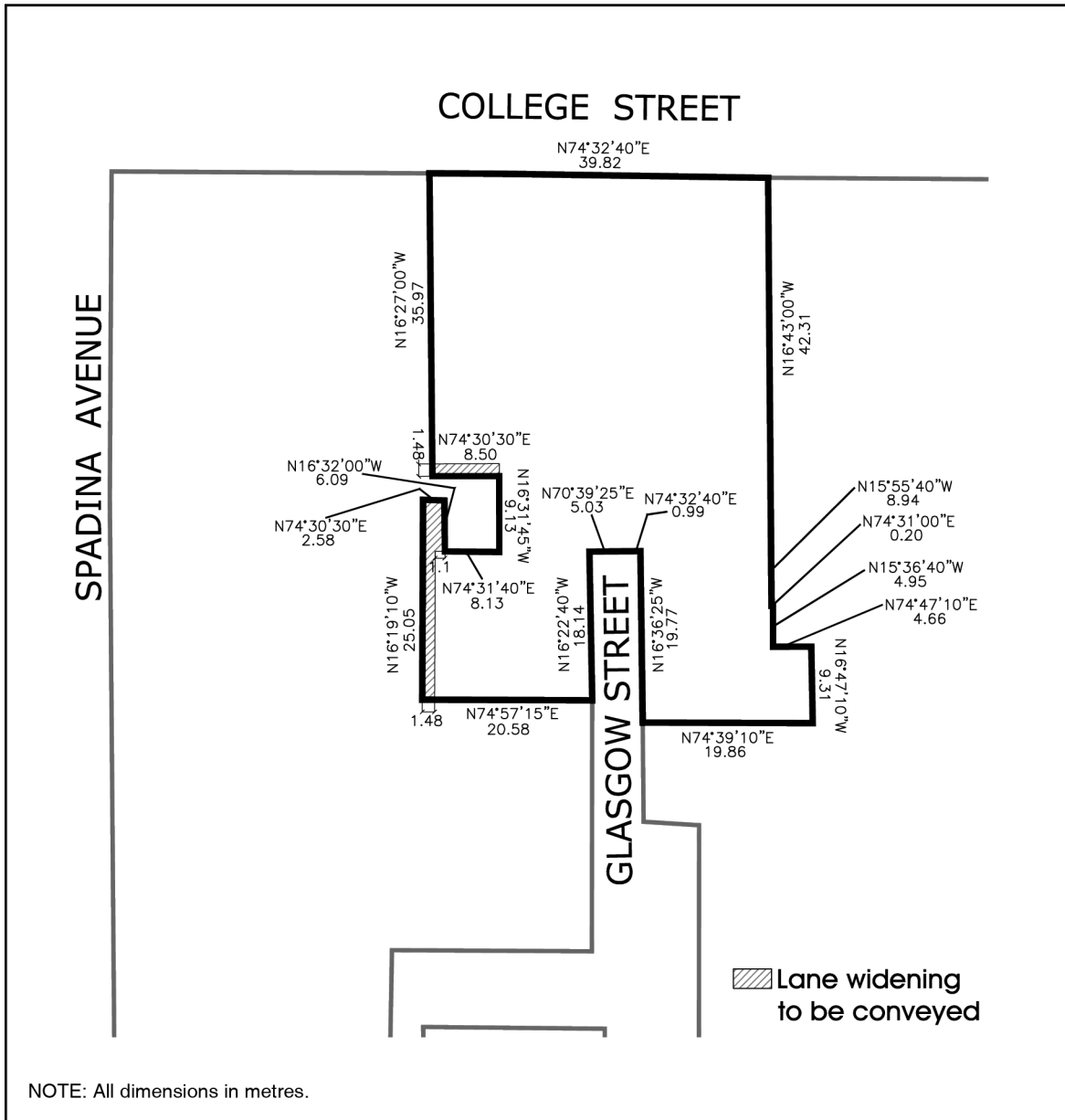
recreation, safety or wind protection purposes may extend above the *heights* shown on Map 2 to a maximum of 2.5 metres; and

- (ii) Screening for mechanical and electrical equipment may extend above the *heights* shown on Map 2 to a maximum of 6.0 metres.
- (c) Nothing in this By-law shall preclude the construction of a privacy wall along the south perimeter of that part of the *lot* known as 39 Glasgow Street to a maximum height of 2.4 metres.
- (d) The total *residential gross floor area*, inclusive of the indoor *residential amenity space* referenced in Section 1(j) below, shall not exceed 29,800 square metres.
- (e) The total *non-residential gross floor area* shall be a minimum of 1,500 square metres.
- (f) The total combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 32,000 square metres.
- (g) For the purpose of this By-law, the areas associated with the *hotel* use, as permitted within the definition of *private academic accommodations* in Section 4(d), shall be calculated as *residential gross floor area*.
- (h) A minimum of 20 percent of the *bedroom accommodations* in the *private academic accommodations* shall have access to kitchen facilities within their respective *residence units*.
- (i) Communal kitchen facilities located in common areas, and not within *residence units*, shall be provided, as a minimum, on every other floor containing *residence units*.
- (j) A minimum of 2,100 square metres of indoor *residential amenity space* shall be provided.
- (k) No outdoor *residential amenity space* shall be required.
- (l) No *parking spaces* shall be required on the *lot*.
- (m) A minimum of 294 *bicycle parking spaces* shall be provided, of which a minimum of 232 shall be for residents and a minimum of 62 shall be for non-residential occupants and visitors.
- (n) Loading spaces shall be provided as follows:
 - (i) One *loading space - type A*; and
 - (ii) Two *loading spaces - type B*.

- (o) No access for vehicles, bicycles or pedestrians shall be provided on the south side of the building, with the exception of vehicular, pedestrian and bicycle access to the grade-related *residence units* fronting onto Glasgow Street and in cases of emergency.
2. Despite any existing or future consent, severance, partition or division of the *lot*, the provisions of this By-law shall apply to the *lot* as if no consent, severance, partition or division occurred.
3. Section 37 of the *Planning Act*:
- (a) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *lot* is permitted in return for the Owner's election to provide, at the Owner's expense, 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 satisfactory to the City Solicitor and registered on title to the *lot*;
 - (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; and
 - (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 Clause 1 of Schedule "A" are satisfied.
4. For the purposes of this By-law:
- (a) "*Bedroom accommodation*" means a student bedroom accommodating a single person, not including kitchen or sanitary facilities, and forming part of a *residence unit*;
 - (b) "*Grade*" means 104.15 metres Canadian Geodetic Datum;
 - (c) "*Lot*" means the lands outlined by heavy lines on Map 1, attached to and forming part of this By-law;
 - (d) "*Private academic accommodations*" means a mixed-use building to be primarily rented on the basis of *bedroom accommodations* to students or employees of a post-secondary education institution; as well as common areas, dining areas, food preparation facilities, administration space, and other accessory uses; and during the months of May, June, July and August, such building or part of the building may be used as a *hotel*. The *private academic accommodations* may also include non-residential retail space; and
 - (e) "*Residence unit*" means living accommodation comprising *bedroom accommodations*, as well as common areas and sanitary facilities. A *residence unit* may also include kitchen facilities.

5. Except as provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

PURSUANT TO THE DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED
JUNE 19, 2014 AND ORDER ISSUED JANUARY 30, 2015 IN BOARD CASE NO. PL120328



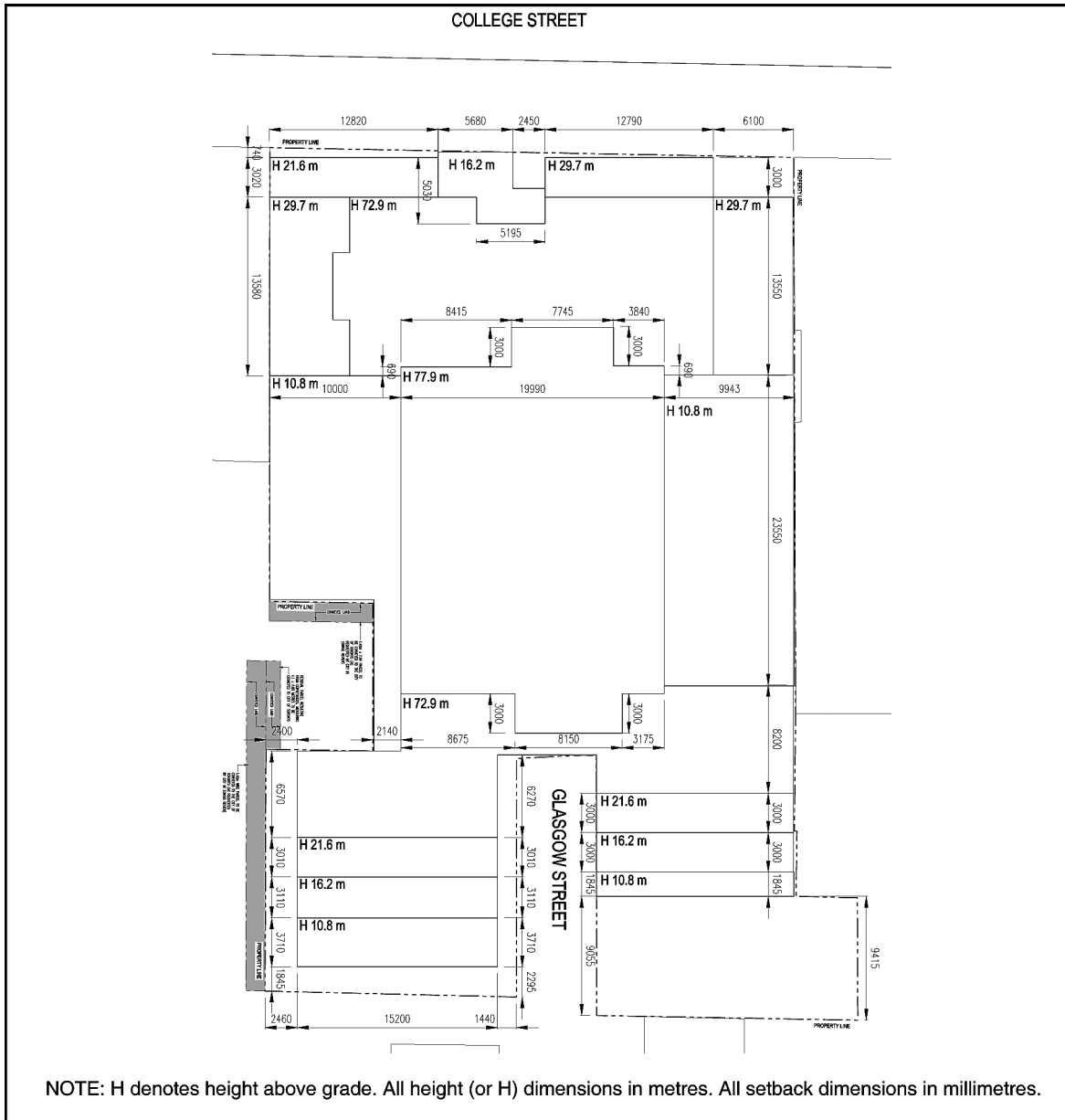
245-255 College Street and 39 & 40 Glasgow Street

Map 1

File # 10 239490 STE 20 0Z



Not to Scale
09/19/2014



245-255 College Street and 39 & 40 Glasgow Street

Map 2

File # 10 239490 STE 20 0Z



Not to Scale
01/14/2015

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

1. Prior to the issuance of the first above grade building permit, the owner shall provide to the satisfaction of the Chief Planner and Executive Director, City Planning Division, A cash contribution in the amount of \$1,000,000 which shall be indexed and payable prior to the issuance of any above-grade building permit, to be used towards:
 - (i) \$500,000 for capital improvements to Toronto Community Housing Corporation (TCHC) facilities in Ward 20;
 - (ii) \$150,000 for the sensory garden project at Beverly Junior Public School at 64 Baldwin Avenue; and
 - (iii) \$350,000 for streetscape improvements in Ward 20 including bicycle facilities.
2. In the event the cash contributions referred to in Section 1 (i) through (iii) above have not been used for the intended purpose within 3 years of the Zoning By-law coming into full force and effect, the cash contribution may be redirected to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the City of Toronto Official Plan and will benefit the community in the vicinity of the lands.
3. The payments required in Section 1 (i) through (iii) above, shall increase in accordance with the 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.
4. The sensory garden referenced in Section 1 (ii) above shall be subject to a community access agreement being entered into between the Toronto District School Board and the City of Toronto, failing which, the \$150,000 cash contribution may be redirected to another purpose, at the discretion of the Chief Planner, in consultation with the Ward Councillor, provided that the purpose is identified in the City of Toronto Official Plan and will benefit the community in the vicinity of the lands.
5. The following shall be secured as a matter of legal convenience:
 - (i) The mixed-use building proposed at 245-255 College Street and 39 and 40 Glasgow Street shall provide rental accommodation during the academic year for students, primarily from the University of Toronto, for a minimum of 20 years from the date of first occupancy.