

Authority: Ontario Municipal Board Decision issued on April 5, 2017 and Local Planning Appeal Tribunal Order issued on April 19, 2018 in File PL160264

## CITY OF TORONTO

### BY-LAW 1217-2019(LPAT)

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 203-205 College Street.**

Whereas the Ontario Municipal Board, by its decision issued on April 5, 2017 and the Local Planning Appeal Tribunal Order issued on April 19, 2018 in File PL106264 approved amendments to the former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in the height or 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 height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provisions 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, a 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 the increase in height and density permitted beyond the 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 the By-law which is secured by one or more agreements between the owner and the land and the City of Toronto;

Now therefore pursuant to the Order of the Local Planning Appeal Tribunal, City of Toronto Zoning By-law 438-86, as amended, is further amended as follows:

1. The provisions of Site Specific By-law 20821, as they relate to the *lot*, are hereby repealed.
2. Except as otherwise provided herein, the provisions of Zoning By-law 438-86, as amended, shall continue to apply to the *lot*.
3. None of the provisions of Section 2(1) with respect to the definition of '*grade*', '*height*', '*lot*' and 'bicycle parking space – visitor' and Sections 4(2)(a), 4(3)(a), 4(5)(b), 4(5)(g), 4(8), 4(12), 4(13)(a), (c) and (d), 4(16), 8(3) Part I, 8(3) Part II, 8(3) Part III, 8(3) Part XI 1 and 2(ii), 12(2)132, 12(2)380 and 12(2)270 of By-law 438-86, 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 or use of a *mixed-use building* on the lot may contain *dwelling units*, non-residential uses, a *commercial parking garage*, and uses *accessory* thereto, provided that:

- a. the *lot* consists of the lands delineated by heavy lines on the attached Map 1 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 18,200 square metres, of which a minimum of 1,650 square metres shall be reserved for office use or *education use*, and uses accessory thereto, and shall exclude the *gross floor area* associated with the *commercial parking garage*;
- c. no portion of a building or structure erected on the *lot* shall have a greater *height* in metres than the *heights* in metres specified by the numbers following the H symbol on the attached Map 2 except that:
  - i. Access ladder, architectural frames, balustrades, chimney and flue stacks, communications equipment, cooling towers, doors, eaves, elements of a green roof, guard rails, insulation and roof surface materials, landscaping features, light fixtures, lightning rods, parapets, railings and dividers, roof drainage, roof hatch, screens, trellises, vents and air intakes, and window washing equipment may have a height greater than the height in metres specified by the number following the H symbol as shown on the attached Map 2, up to a maximum height of 2.5 metres;
  - ii. Access stairs, safety or wind protection elements and structures for outside or open air recreation may be located up to a *height* of 26.0 metres above *grade*;
  - iii. A generator and make-up air unit that is beyond the portion of the roof labelled MPH on Map 2 may have a height greater than 94.5 metres above *grade*, up to a maximum height of 3.25 metres, provided that it is no closer than 3.0 metres from the south tower edge, 5.0 metres from the east tower edge and 5.0 metres from the west tower edge, as identified on Map 2;
  - iv. Notwithstanding any provisions of this by-law, a screen and parapet that is beyond the portion of the roof labelled "MPH" on Map 2 may have a height greater than 94.5 metres above *grade*, up to a maximum height of 3.25 metres; and
  - v. Notwithstanding any provision in this by-law, no *residential gross floor area* shall be located within a portion of *building* with a *height* that is equal to or greater than 94.5 metres above *grade*;

- d. no portion of a building or structure erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy solid lines on the attached Map 2 except that:
- i. Terraces, awnings, canopies, lighting features, parapets, art and landscape features, patios, pillars, trellises, eaves, window sills, planters, ventilation shafts, guard rails, frames, balustrades, railings, stairs, stair enclosures, doors, fences, screens, architectural features, window washing equipment and site servicing features may extend beyond the heavy solid lines shown on Map 2, up to a maximum distance of 0.6 metres; and
  - ii. Wheelchair ramps may extend into the required *building* setbacks;
- e. *residential amenity space* shall be provided on the *lot* at the minimum rate of:
- i. 2.1 square metres per *dwelling unit* of indoor *residential amenity space*; and
  - ii. 1.6 square metres per *dwelling unit* of outdoor *residential amenity space*;
- f. a minimum of 0.17 *parking spaces* per *dwelling unit* shall be provided and maintained on the *lot* for the use of residents, where 4 such spaces are *car-share parking spaces*;
- g. a minimum of 0.06 *parking spaces* per *dwelling unit* must be provided and maintained on the *lot* for the shared use of residential visitors and for patrons to the non-residential uses and may be provided in a *commercial parking garage*;
- h. for each *car-share parking space* provided on the *lot*, the minimum number of required residential *parking spaces* shall be reduced by 4 *parking spaces*;
- i. a maximum of 6 *parking spaces* may have the dimensions of 5.3 metres in length, 2.6 metres in width and 2.0 metres in vertical clearance;
- j. if the calculation of the number of required *parking spaces* by 3(f) and 3(g) results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one *parking space*;
- k. a minimum of one *loading space – type "C"* and one *loading space – type "G"* shall be provided and maintained on the *lot*;
- l. a minimum of 260 *bicycle parking spaces* shall be provided and maintained on the *lot*, and may be in the form of *stacked bicycle parking spaces*, of which:
- i. 219 *bicycle parking spaces – occupant* shall be provided for the use of residents;

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- ii. 25 *bicycle parking spaces – visitor* shall be provided for the use of residential visitors and these may be located within a secure room or enclosure; and
  - iii. 16 *bicycle parking spaces* shall be provided for office and retail uses;
  - m. the requirements of Section 8(3) Part XI 2(i) and (iii) of By-law 438-86, as amended, shall apply to a minimum of one pedestrian access to a unit containing commercial uses on the main floor level, but shall not be required to apply to all pedestrian accesses; and
  - n. a *sales office*, used exclusively for the initial sale/and or initial leasing of the non-residential *gross floor area* and *dwelling units* to be erected on the *lot*, shall be permitted.
4. For the purposes of this By-law, each word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law 438-86, as amended, with the exception of the following terms:
- a. "*car-share*" means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization. Such car-share motor vehicles are to be made available for short-term rental, including hourly rental. Car-share organizations may require that the car-share motor vehicles be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may not be refundable;
  - b. "*car-share parking space*" means a *parking space* exclusively reserved and only used for *car-share* purposes whereby the vehicle is accessible to at least the occupants of the building;
  - c. "*education use*" means the use of premises for education of training, other than:
    - i. A post-secondary school;
    - ii. A school regulated under the Education Act, R.S.O. 1990, c.E.2, as amended; or
    - iii. A religious education use;
  - d. "*grade*" means 102.5 metres Canadian Geodetic Datum;
  - e. "*height*" means the vertical distance between *grade* and the highest point of the roof, except for those elements prescribed in Section 2(c)(i) and (ii) of this By-law;
  - f. "*lot*" means the lands delineated by heavy lines on Map 1 attached to this By-law;

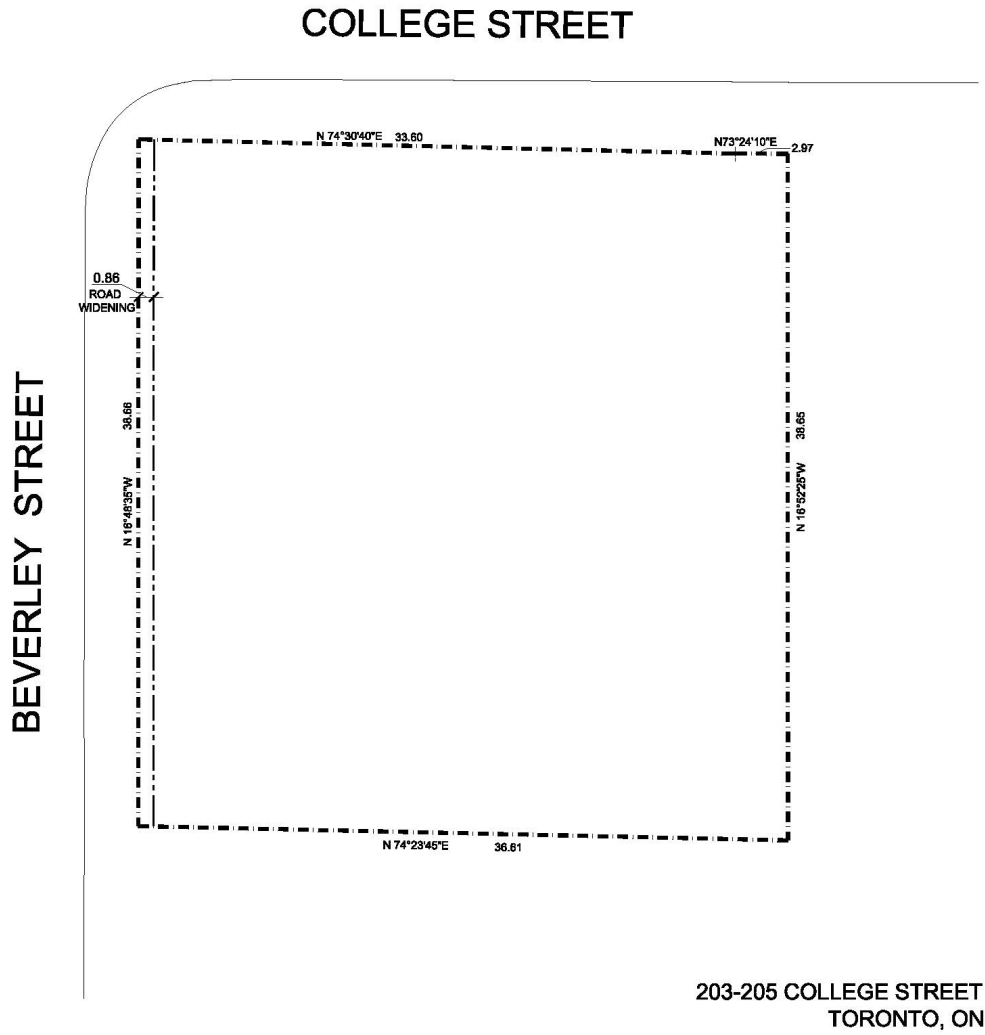
- g. "*sales office*" means a temporary building, structure, facility or trailer on the lot used for the purpose of the sale or leasing of dwelling units or non-residential gross floor area to be erected on the lot; and
  - h. "*stacked bicycle parking space*" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and may be equipped with a mechanical device providing floor level access to both bicycle parking spaces, with minimum dimensions of 0.45 metres in width, 1.8 metres in length and 1.2 metres in vertical clearance.
5. Notwithstanding any severance or division of the site, the regulations of this exception shall continue to apply to the whole of the site as if no severance or division has occurred.
6. 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 on the lot, as shown on Map 1 is permitted beyond what is otherwise permitted 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; 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 Schedule A of this By-law are satisfied.
7. 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 dedicated; and
  - b. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

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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 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 for a building on the *lot*, the owner shall enter into an agreement of purchase and sale for the conveyance of four (4) units to Cawthra Mansions Co-op, such agreement to be in a form and content satisfactory to the City solicitor in consultation with the Chief Planner and Executive Director, City Planning.
2. In the event that the above-noted agreement of purchase and sale is not concluded, for any reason, prior to the issuance of the first above-grade building permit for a building on the *lot*, the owner shall make a cash contribution to the City in the amount of ONE MILLION AND TWENTY-FIVE THOUSAND dollars (\$1,025,000.00 CAN) to be allocated at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the local Councillor, towards capital improvements for new or existing Toronto Community Housing and/or affordable housing in Ward 11, with such amount to be indexed upwardly in accordance with Statistics Canada Non-Residential Construction Price Index for the Toronto calculated from the date of execution of the Section 37 Agreement to the date of payment.
3. In the event the cash contribution referred to in Clause (2) of this Schedule has not been used for the intended purposes within three (3) years of this By-law coming into full force and effect, all or part of the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lot.

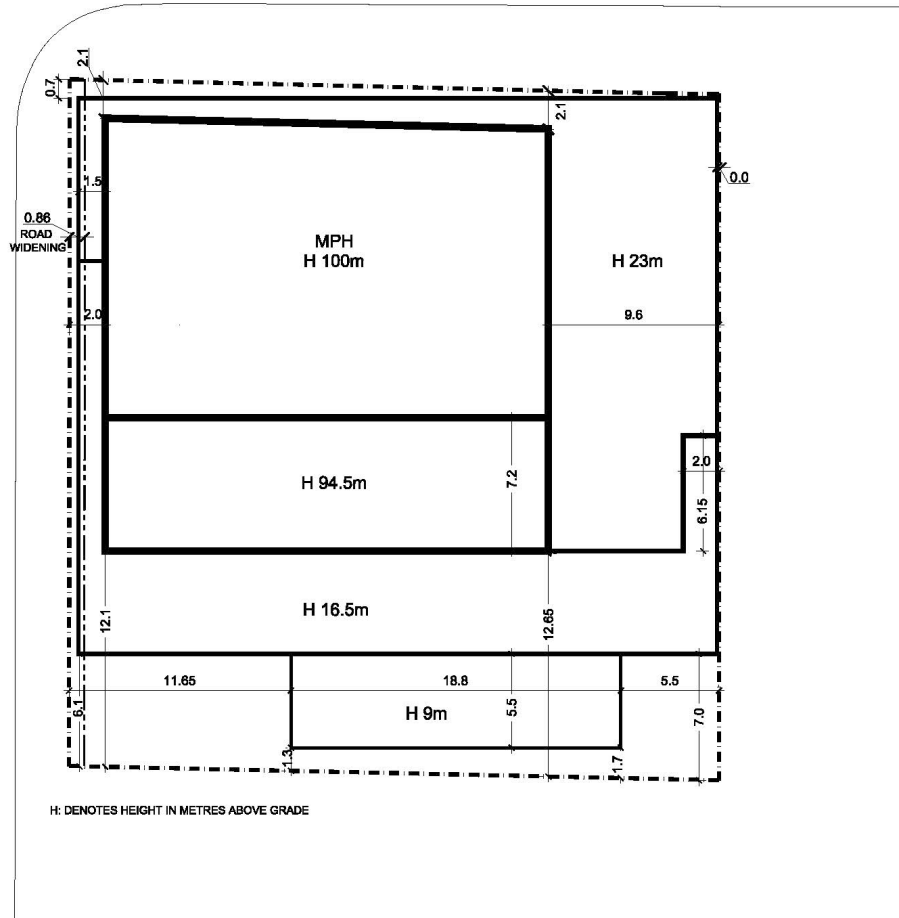


MAP 1



COLLEGE STREET

BEVERLEY STREET



203-205 COLLEGE STREET  
TORONTO, ON

MAP 2

