

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 1218-2019 (LPAT)

To amend the City of Toronto Zoning By-law 569-2013, as amended, with respect to lands known municipally as 203-205 College Street.

Whereas the Ontario Municipal Board Decision issued on April 5, 2017 and the Local Planning Appeal Tribunal Order issued on April 19, 2018, in File PL160264 approved amendments to the City of Toronto Zoning By-law 569-2013, 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 569-2013, 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 569-2013, as amended, is further amended as follows:

1. This By-law applies to the lands delineated by a heavy line on Diagram 1.
2. Except as otherwise provided herein, the Regulations of Zoning By-law 569-2013 continue to apply to the lands.
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 lot outlined by heavy black lines to CR 2.5(c1.0; r2.5) SS2 (x182), as shown on Diagram 2 attached.
4. Zoning By-law 569-2013, as amended, is further amended by adding Exception CR (x182) to Chapter 900.11.10, so that it reads:

Exception CR 182

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 203-205 College Street, if the requirements in Section 5 and Schedule A of By-law 1218-2019(LPAT) are complied with then a **building** or **structure**, including a **mixed-use building** with **public parking below grade**, may be constructed in compliance with regulations (B) to (S) below;
- (B) If the requirements of this exception are complied with, none of the provisions 40.10.40.1(1), 40.10.50.10, 40.10.90.40(1), 40.10.20.100(17), 200.15.1.5(1), 230.5.1.10(7) and 600.10 and apply to prevent the erection or use of a **building**, **structure**, addition or enlargement permitted in subsections (C) to (S) below;
- (C) Despite Regulation 5.10.40.70(1), (2) and (4) and clause 40.10.40.70, the required minimum building setbacks are as shown on Diagram 3 of By-law 1218-2019(LPAT);
- (D) Despite (C) above and Clause 40.10.40.60, the following **building** elements and structures are permitted to encroach into the required **building setbacks** up to a maximum distance of 0.6 metres: architectural features, terraces, awnings, canopies, light fixtures, parapets, art and landscape features, patios, decks, pillars, trellises, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, fences, frames, screens, window washing equipment, and site servicing features;
- (E) Despite (C) and (D) above and regulation 40.10.40.60(3)(B), wheelchair ramps may extend into the required **building setbacks**;
- (F) Despite Clause 40.5.40.10 and Clause 40.10.40.10, no portion of the **building** may exceed the height in metres specified by the numbers following the symbol H on Diagram 3 of By-law 1218-2019(LPAT);
- (G) For purposes of this exception, the height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 102.5 metres in the year 2017;
- (H) Despite (F) above and Clause 40.5.40.10, the following **building** elements and **structures** are permitted to extend above the heights shown on Diagram 3 of By-law 1218-2019(LPAT):
 - (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, up to a maximum height of 2.5 metres beyond the permitted **height**;
- (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 located on the roof outside of the portion of the roof labelled MPH on Diagram 3 may have a **height** greater than 94.5 metres, up to an additional 3.25 metres, if it is no closer than 3.0 metres from the inside edge of the **main wall** of the south tower edge, 5.0 metres from the inside edge of the **main wall** of the east tower edge and 5.0 metres from the inside edge of the **main wall** of the west tower edge, as identified on Diagram 3;
 - (iv) a screen and parapet that is beyond the portion of the roof labelled MPH on Diagram 3 may have a height greater than 94.5 metres, up to an additional 3.25 metres; and
 - (v) no **gross floor area** associated with residential uses may be located within a portion of a **building** or **structure** with a height that is equal to or greater than 94.5 metres above the Canadian Geodetic Datum elevation of 102.5 metres;
- (I) Despite clause 40.10.40.40, the total **gross floor area** of **buildings** or **structures** on the lands must not exceed 18,200 square metres, of which a minimum of 1,650 square metres must be reserved for office use or **education use**, and which does not include the **gross floor** area associated with **public parking**;
 - (J) Regulation 40.10.40.1(2) must apply to a minimum of one pedestrian access to a unit containing any non-residential use on the first **storey** of the building, but is not required to apply to all pedestrian accesses;
 - (K) Despite Regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of:
 - (i) 2.1 square meters for each **dwelling unit** for indoor **amenity space**; and
 - (ii) 1.6 square metres for each **dwelling unit** for outdoor **amenity space**;
 - (L) Despite clause 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following:
 - (i) a minimum of 0.17 **parking spaces** for each **dwelling unit** must be provided and maintained on the **lot** for the use of residents, of which 4 such spaces may be used as car-share **parking spaces**; and

- (ii) a minimum of 0.06 **parking spaces** for each **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 an area used for **public parking**;
- (M) Despite clause 200.5.1.10, a maximum of 6 of the required **parking spaces** may have a minimum length of 5.3 metres;
- (N) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
 - (i) length of 5.6 metres;
 - (ii) width of 3.4 metres; and
 - (iii) vertical clearance of 2.1 metres;
- (O) The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier-free aisle or path;
- (P) For each car-share **parking space** provided on the lands, the minimum number of required **parking spaces** for residential uses may be reduced by 4 **parking spaces**. For the purposes of By-law 1218-2019(LPAT), a "car-share vehicle" means a vehicle available for rent, including an option for hourly rental, for the use of at least the occupants of the building erected on the **lot**, and a "car-share parking space" means a **parking space** used exclusively for the parking of a car-share vehicle;
- (Q) Despite Chapter 220, minimum of one **loading space – Type C** and one **loading space – Type G** must be provided and maintained on the **lot**;
- (R) Despite Regulation 230.5.1.10(10), all **bicycle parking spaces** may be located in a **stacked bicycle parking space** with minimum dimensions of 0.45 metres in width, 1.8 metres in length and 1.2 metres in vertical clearance; and
- (S) A temporary sales presentation centre, which means an office, showroom or sales trailer used exclusively for the initial sale or leasing of **dwelling units** or non-residential units to be erected on the **lot**, is permitted on the **lot** for a period not to exceed three years commencing from the date of issuance of the Order approving By-law 1218-2019(LPAT) this by-law. and none of the other provisions of this By-law 1218-2019(LPAT) applies to such use.

Prevailing By-laws and Prevailing Sections: (None Apply)

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 attached to this By-law in return for the provisions by the owner, at the owner's expense 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 the 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 are satisfied.

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

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.

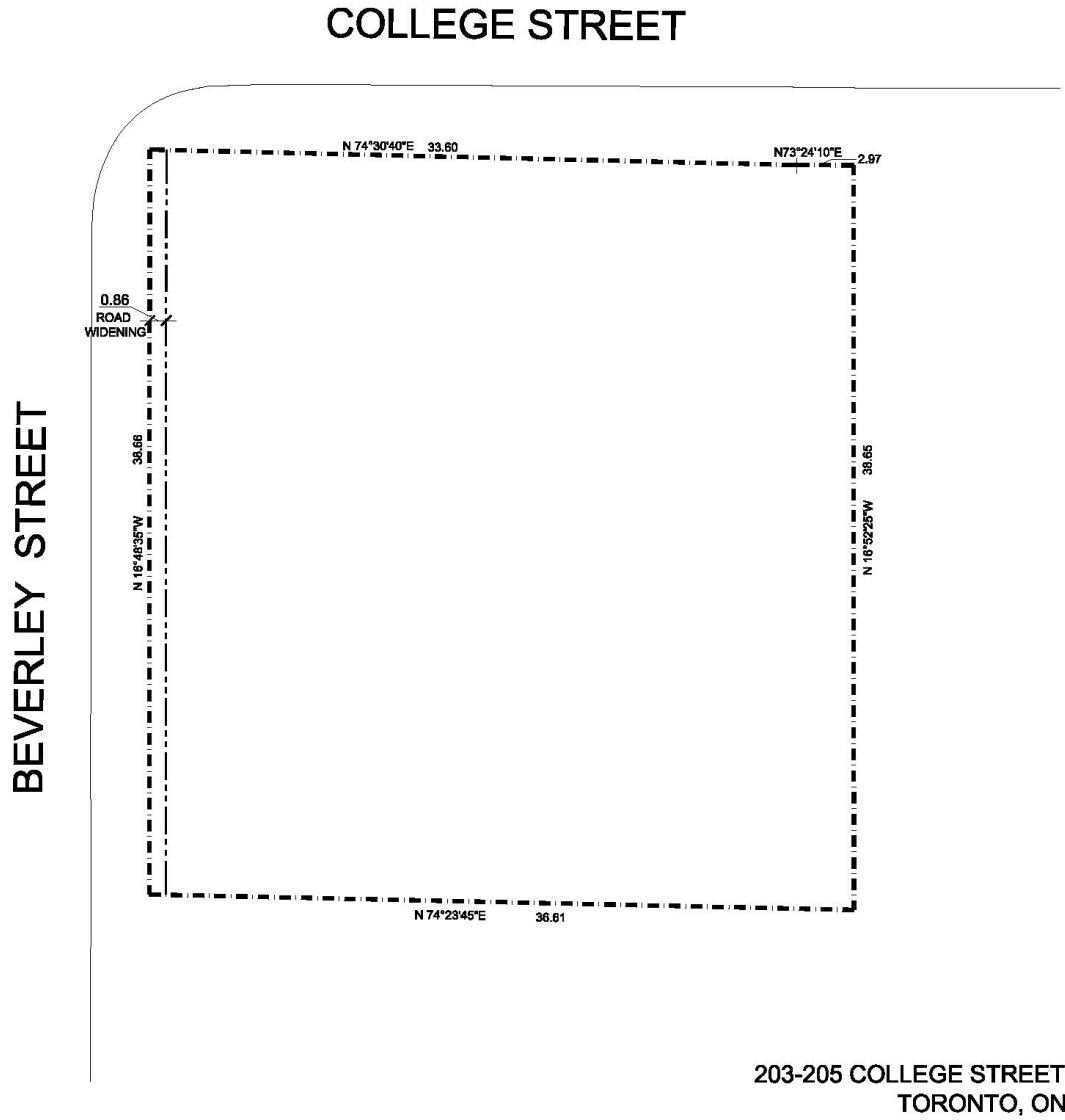
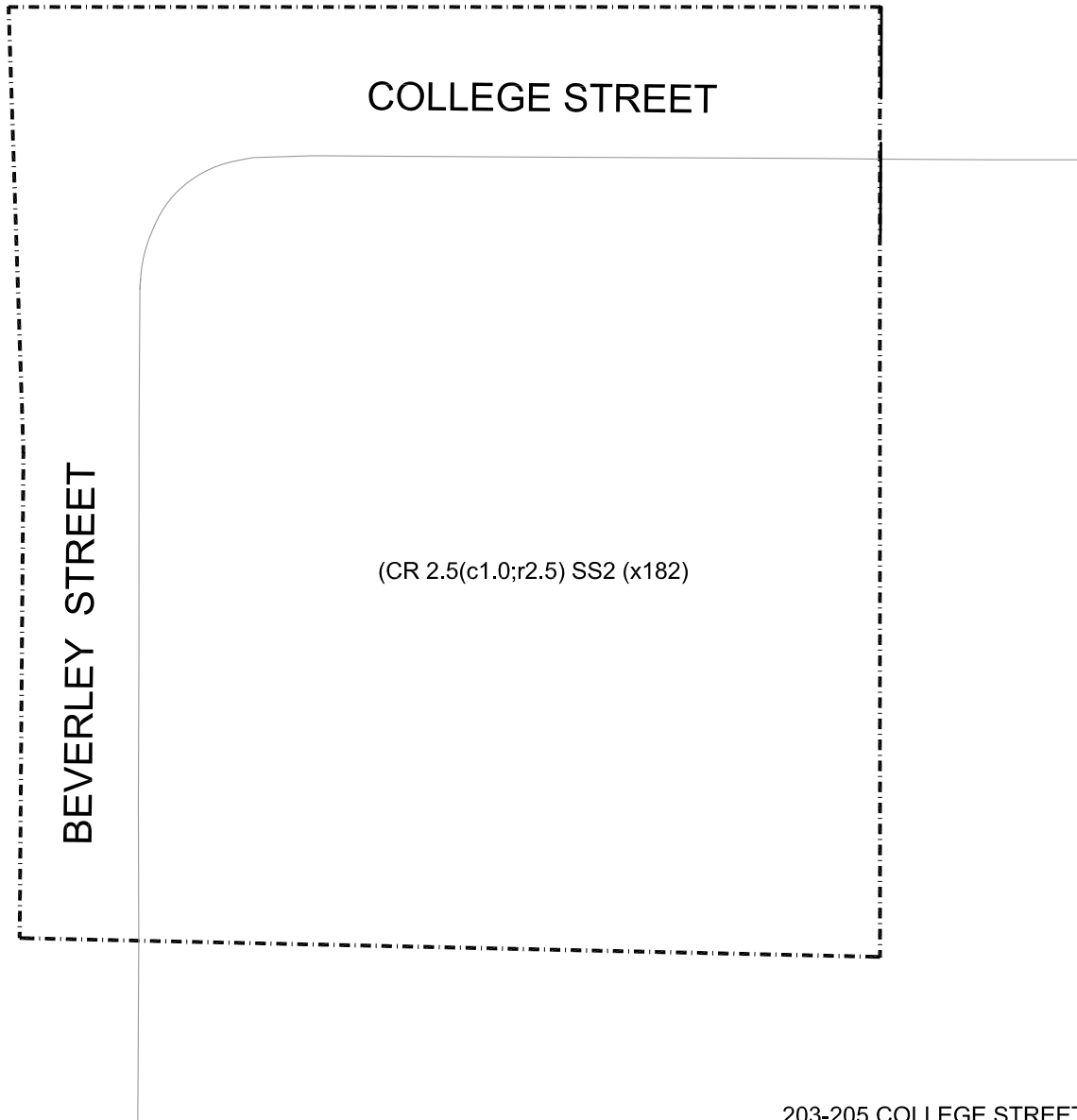


DIAGRAM 1

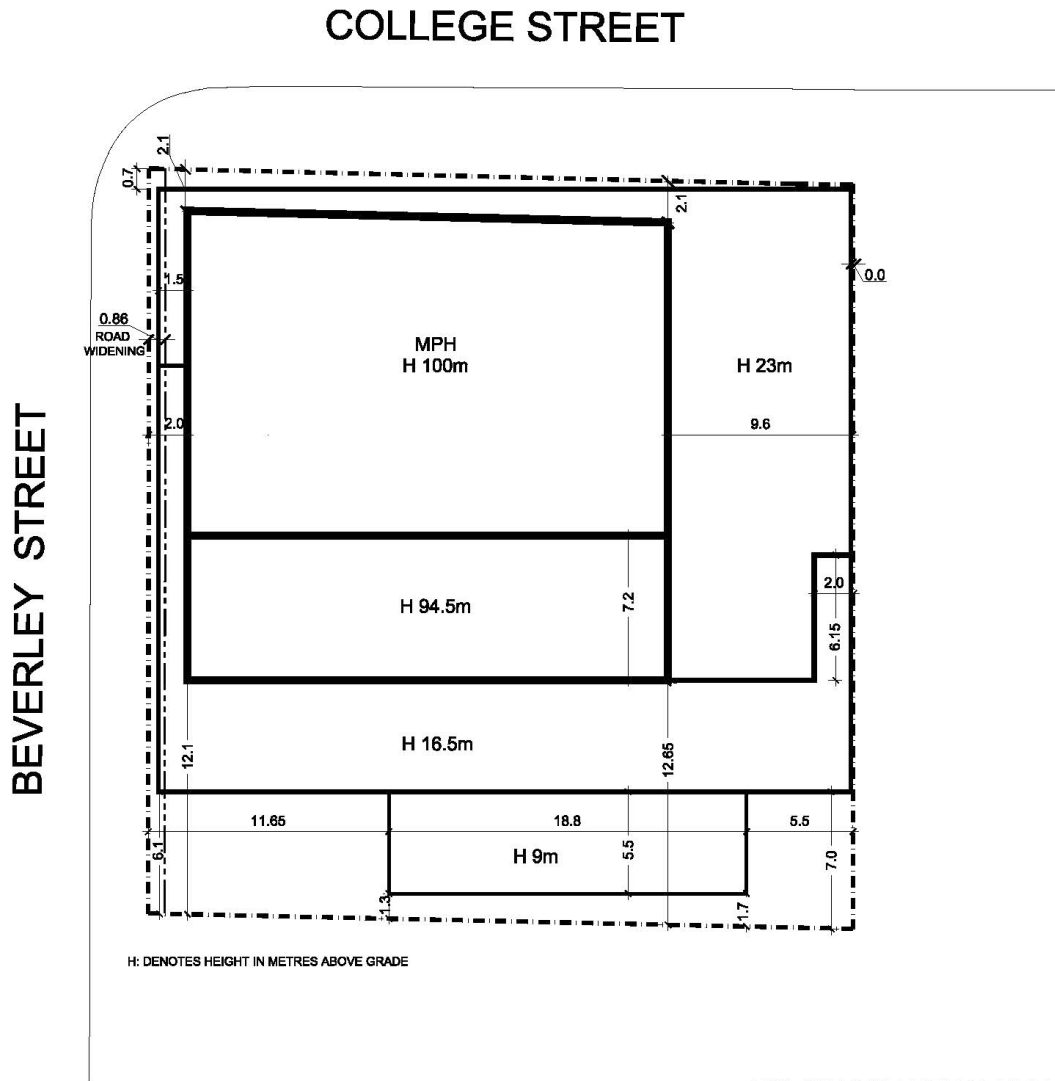




203-205 COLLEGE STREET
TORONTO, ON

DIAGRAM 2





203-205 COLLEGE STREET
TORONTO, ON

DIAGRAM 3

