

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~
Enacted by Council; ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. [0002, 2014]

To amend the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2014 as, 547, 549 and 555 College Street.

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

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;

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;

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 that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto.

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

1. This By-law applies to the lands delineated by a heavy line and identified as 547 to 555 College Street as shown on Map 1 attached to and forming part of this By-law.
2. None of the provisions of Sections 4(2), 8(3) Part I 1. and 3.(a) of By-law 438-86 of the former City of Toronto, being “A Bylaw 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:

1. the *lot* on which the *mixed-use building* is located comprises at least the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
2. the total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* does not exceed 6,100 square metres, provided:
 - a) the *residential gross floor area* shall not exceed 5,550 square metres;
and
 - b) the *non-residential gross floor area* shall not exceed 550 square metres.
3. no portion of the *mixed-use building* shall have a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, 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 Map “2”;
 - b) mechanical penthouse, indoor '*residential amenity space*' and outdoor '*residential amenity space*' uses shall only be permitted within the *height* area identified on Map 2 as H29.90; and
 - c) mechanical penthouse uses shall only be permitted within the height area identified on Map 2 as H 28.85.
4. Notwithstanding the provisions of Section 4(12) of Zoning By-law 438-86, as amended, indoor *residential amenity space* may not be provided in rooms that are not contiguous.
5. for the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:
 - a) “*lot*” shall mean the parcel of land outlined by heavy lines on Map 1 and known municipally as 547 to 555 College Street in the year 2013;
 - b) “*height*” shall mean, the vertical distance between *grade* and the highest point of the building; and
 - c) “*grade*” shall be measured from a geodetic of 106.6 [Canadian Geodetic Datum].
6. Despite any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
7. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the lot.

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.

8. 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 Map 2 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 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 this ~ day of ~, A.D. 20XX.

Name,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

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 lands as shown in Map 2 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (1) Prior to issuance of an above grade building permit the owner shall:
 - a) 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.

- (2) The owner shall provide the following to support the development of the lands;
 - a) 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.

 - b) 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*.



