

Authority: Toronto and East York Community Council
Item TE34.48, as adopted by City of Toronto Council on
July 19 and 20, 2022

CITY OF TORONTO

Bill 817

BY-LAW -2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 333-351 King Street East.

Whereas Council of the City of Toronto has the authority 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 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; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law; 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 Section 37.1 of the Planning Act provides that Subsections 37(1) to (4) of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 the increase in height or density permitted beyond that 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 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 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 569-2013, Chapter 800 Definitions.
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 lands outlined by heavy black lines to CR SS1 (x761) as shown on Diagram 2 attached to this By-law:

(761) Exception CR (761)

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 333-351 King Street East, if the requirements of this By-law [Clerks to insert By-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (BB) below:
- (B) The **lot** comprises the lands outlined by heavy lines and identified on Diagram 1 of By-law [Clerks to insert By-law ##];
- (C) For the purpose of this exception, the "North-West Office Building" is the **non-residential building** existing on the north-west portion of the **lot** on [Clerks to insert the date of enactment of By-law], and outlined by heavy black lines, illustrated with grey shading and labelled as "North-West Office Building" on Diagram 3 of By-law [Clerks to insert By-law ##];
- (D) For the purpose of this exception, the "East Office Tower" is the **non-residential building** existing on the east portion of the **lot** on [Clerks to insert the date of enactment of By-law], and outlined by heavy black lines, illustrated with grey shading and labelled as "East Office Tower" on Diagram 3 of By-law [Clerks to insert By-law ##];
- (E) For the purpose of this exception, the "Central Office Tower" is the proposed **non-residential building** permitted by By-law [Clerks to insert By-law ##] on the central portion of the **lot**, and outlined by heavy black lines and labelled as "Central Office Tower" on Diagram 3 of By-law [Clerks to insert By-law ##];
- (F) For the purpose of this exception, the "Residential Tower" is the proposed **mixed use building** permitted by By-law [Clerks to insert By-law ##] on the west portion of the **lot**, and outlined by heavy black lines and labelled as "Residential Tower" on Diagram 3 of By-law [Clerks to insert By-law ##];

- (G) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 80.595 metres and the elevation of the highest point of the **building** or **structure**;
- (H) Despite Regulation 40.10.40.1(1), **dwelling units** must be located above non-residential use portions of a **mixed-use building** in the "Residential Tower";
- (I) Despite Regulation 40.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 4 of By-law [Clerks to insert By-law ##];
- (J) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 4 of By-law [Clerks to insert By-law ##];
- (K) Despite Regulations 40.5.40.10(3) to (8) and (I) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 4 of By-law [Clerks to insert By-law ##]:
- (i) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 1.2 metres;
 - (ii) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.2 metres;
 - (iii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 4.0 metres;
 - (iv) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 5.0 metres; and
 - (v) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (iv) above, inclusive of a mechanical penthouse, by a maximum of 7.5 metres;
- (L) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 163,500 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 22,900 square metres;
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 140,600 square metres; and

- (iii) for the purposes of this exception, in addition to Regulations 40.5.40.40(1) and (3), the calculation of **gross floor area** of a **building** is also reduced by the area (plus the enclosing walls) in a **building** used for:
 - (a) above or below grade spaces used for heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment; and
 - (b) loading facilities above or below grade;
- (M) Despite Regulation 40.10.40.40(1) and (L) above, the permitted **gross floor areas** of the "Residential Tower" and the "Central Office Tower" are as follows:
 - (i) for the "Residential Tower" the permitted maximum **gross floor area** is 26,600 square metres, of which:
 - (a) the permitted maximum **gross floor area** for residential uses is 22,900 square metres;
 - (b) the permitted maximum **gross floor area** for non-residential uses is 3,700 square metres;
 - (ii) for the "Central Office Tower" the permitted maximum **gross floor area** is 62,150 square metres for non-residential uses;
- (N) For the "Central Office Tower" a **day nursery** must have a minimum **interior floor area** of 940 square metres;
- (O) Despite Regulation 40.10.40.50(1) and (2), the "Residential Tower" must provide **amenity space** on the **lot** at the following rate:
 - (i) at least 1.95 square metres for each **dwelling unit** as indoor **amenity space**; and
 - (ii) at least 1.09 square metres of outdoor **amenity space** for each **dwelling unit** of which a minimum of 236 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**; and
- (P) Despite Regulation 40.10.40.70(1) and Section 600.10, the required minimum **building setbacks** are as shown in metres on Diagram 4 of By-law **[Clerks to insert By-law ##]**;
- (Q) Despite (P) above, no portion of a **building** or **structure** will be located within the hatched areas shown on Diagram 5.
- (R) Despite Regulation 40.10.40.80(1) and Section 600.10, the required separation of **main walls** are as shown in metres on Diagram 4 of By-law **[Clerks to insert By-law ##]**;

- (S) Despite Clause 40.10.40.60 and (P), (Q) and (R) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.2 metres;
 - (ii) cladding added to the exterior surface of the **main wall** of a **building**, eaves, and a dormer, by a maximum of 1.2 metres;
 - (iii) decks, porches, balconies, canopies, awnings, and window projections, including bay windows and box windows, by a maximum of 2.0 metres;
 - (iv) exterior stairs, access ramps, elevating devices, air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 3.0 metres;
- (T) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.2 resident occupant **parking spaces** for each **dwelling unit** within the "Residential Tower";
 - (ii) a minimum of 277 **parking spaces** for the "North-West Office Building", "Central Office Tower", **non-residential** space within the "Residential Tower", and for visitors of the "Residential Tower";
 - (iii) a minimum of 134 **parking spaces** for the "East Office Tower";
 - (iv) for a **day nursery**, a minimum of five (5) **parking spaces** is required; and
 - (v) a minimum of five (5) car-share **parking spaces**;
 - (a) for the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
 - (b) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- (U) Despite Clause 220.5.10.1, **loading spaces** must be provided on the **lot** as follows:

- (i) for the "North-West Office Building", "Central Office Tower" and "Residential Tower":
 - (a) a minimum of three (3) Type "B" **loading spaces**; and
 - (b) a minimum of three (3) Type "C" **loading spaces**;
- (ii) for the "East Office Tower":
 - (a) a minimum of two (2) Type "B" **loading spaces**; and
 - (b) a minimum of three (3) Type "C" **loading spaces**;
- (V) Despite Regulation 230.5.1.10(7), 12 shower and change facilities are required on the **lot** in accordance with the following minimum requirements:
 - (i) 0 shower and change facilities within the "North-West Office Building";
 - (ii) 4 shower and change facilities within the "Central Office Tower"; and
 - (iii) 8 shower and change facilities within the "East Office Tower";
- (W) Despite Regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space**;
- (X) Despite Regulations 230.5.10.1(1)(3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
 - (i) 0.9 "long-term" **bicycle parking spaces** for each **dwelling unit**;
 - (ii) 0.1 "short-term **bicycle parking spaces** for each **dwelling unit**;
 - (iii) 0.2 "long term" **bicycle parking spaces** for each 100 square metres of **interior floor area** for all non-residential uses on the **lot**; and
 - (iv) 3 plus 0.2 "short-term" **bicycle parking spaces** for each 100 square metres of **interior floor area** for all non-residential uses on the **lot**;
- (Y) The provision of **dwelling units** is subject to the following:
 - (i) a minimum of 15 percent of the total number of **dwelling units** must have two or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;

- (iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and
 - (iv) if the calculation of the number of required **dwelling units** with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;
- (Z) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following dimensions:
- (i) a minimum length of 5.6 metres;
 - (ii) a minimum width of 3.4 metres; and
 - (iii) a minimum vertical clearance of 2.1 metres;
- (AA) The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (BB) Accessible **parking spaces** must be the **parking spaces** closest to a barrier free:
- (i) entrance to a **building**;
 - (ii) passenger elevator that provides access to the first **storey** of the **building**; and
 - (iii) the shortest route from the required entrances in (i) and (ii);
- (CC) A **building** or **structure** not constructed, used or enlarged in compliance with Regulations (B) to (BB) above, must comply with Regulation 900.11.10(339).

Prevailing By-laws and Prevailing Sections:

(None Apply)

4. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
5. Temporary Uses
 - (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office, which is a temporary **building, structure, facility, or trailer** on the lands used exclusively for the purpose of marketing or sale of **dwelling units** or non-residential gross floor area to be erected on the **lot** for a period of not more than three years from the date this By-law comes into full force and effect.

6. Section 37 Requirements:

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height or 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 provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law 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 attached to this by-law requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Requirements

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 or density of the proposed development on the lands as shown in Diagram 1 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:

Community Benefits

1. Prior to issuance of any first above-grade building permit, the Owner shall elect to provide one of the following:
 - (A) Prior to the issuance of the first above-grade building permit for any building on the Subject Site, the owner shall pay a cash contribution of five million dollars (\$5,000,000) to be allocated as follows:
 - (i) \$1,666,666.67 towards new and/or existing affordable housing within Ward 13, in consultation with the Ward Councillor;
 - (ii) \$1,666,666.67 towards local area park or streetscape improvements located within Ward 13 and within the vicinity of the subject lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, the General Manager, Parks, Forestry and Recreation and the General Manager, Transportation Services; and
 - (iii) \$1,666,666.67 towards community, cultural or recreational facilities capital improvements within Ward 13, in consultation with the Ward Councillor; or
 - (B) the provision of a non-profit licensed Child Care Centre to be located in the base building of the Central Office Tower on the lands, comprising a minimum of 942 square metres of interior space and approximately 308 square metres of exterior space adjacent to the interior space, including outdoor storage, and the provision for a child pick-up and drop-off area, with the precise location, capacity and related matters to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the General Manager, Children Services and such Child Care Centre shall generally be in accordance with the following:
 - (i) shall be constructed, finished, furnished and equipped by the owner, including a minimum of five (5) parking spaces for the use of the Child Care Centre for pick-up/drop-off operations with two (2) to three (3) spaces dedicated for staff and visitors. These spaces to be assigned accordingly, and their location will be identified through the site plan approval process for the development, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Children's Services;

- (ii) prior to the issuance of any above grade building permit for any portion of the lands, a letter of credit in the amount sufficient to guarantee 120% of the estimated cost of the design, construction and handover of the Child Care Centre, indexed upwardly and calculated from the date of the Agreement, complying with the specifications and requirements of the Section 37 Agreement, shall be provided to the City to the satisfaction of the General Manager, Children's Services and the Chief Financial Officer and Treasurer;
- (iii) prior to the earlier of occupancy of the building in which the Child Care Centre is located and/or registration of any condominium for the building in which the Child Care Centre is located, the Child Care Centre shall be conveyed to the City, at no cost to the City, in fee simple, in an acceptable environmental condition to the satisfaction of the Executive Director, Corporate and Real Estate Management and City Solicitor;
- (iv) the details of the other matters as described in these Recommendations, such as timing, location, obligations (including financial obligations), and any such matters to implement the Child Care Centre, in respect of the non-profit licensed Child Care Centre community benefit will be finalized between the owner and the City and will be substantially in accordance with the City of Toronto's Child Care Development Guidelines (2021) and to the satisfaction of the Executive Director, Corporate and Real Estate Management, the General Manager, Children's Services, and the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor; and
- (v) on, or prior to, the conveyance of the Child Care Centre, the City and the owner enter into, and register on title to, the appropriate lands an Easement and Shared Facilities Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Shared Facilities Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Child Care Centre, and the development to be constructed within the base building of the development;
- (vi) prior to the conveyance of the Child Care Centre, the owner shall provide one-time cash contributions in support of the Child Care Centre, allocated generally as follows:

- (a) a one-time cash contribution in the amount of \$250,000.00 to the City's Child Care Capital Reserve Fund to be used towards Start-Up Operating Costs, to replace appliances and large equipment due to wear and tear, and to support ongoing financial viability, to be paid prior to the child care facility being made available to the City;
 - (b) a one-time cash contribution in the amount of \$250,000.00 to the future child care operator towards toys, furnishing and equipment in accordance with provincial and municipal standards based on a mutually agreeable inventory list provided by the Child Care Centre Operator and/or the General Manager of Children's Services, which will be finalized and approved by the General Manager of Children's Services.
- 2. The cash contributions referred to in 1(A), 1(B)(vi)(a) and 1(B)(vi)(b) above and where applicable shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment.
- 3. The owner will construct streetscape improvements on Front Street East not adjacent to the Subject Site, generally as shown in the drawing titled "Final Layout Plan" attached as Attachment No. 1 to the report (December 14, 2021) from the Director, Planning and Capital Program, Transportation Services, and attached as Attachment No. 8 to the report (June 15, 2022) from the Director, Community Planning, Toronto and East York District, with the details of such improvements (including the location, dimensions, configuration and design) to be secured as part of and through the Site Plan Approval process for the Development to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager, Transportation Services, in consultation with the Ward Councillor in accordance with the following:
 - (A) a letter of credit in the amount of \$2,000,000, indexed upwardly and calculated from the date of the Agreement, shall be provided to the City prior to the first above-grade building permit with such improvements to be completed prior to occupancy or as otherwise agreed to by the Chief Planner and Executive Director, City Planning Division with any unused funds allocated towards capital facilities in the vicinity of the site at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.

Privately-Owned Publicly-Accessible Space (POPS)

4. The owner will construct, provide and maintain, at its own expense, two Privately-Owned and Publicly-Accessible Spaces ("POPS") on 333-351 King Street East and 200 Front Street East with minimum areas of 1,100 square metres and 400 square metres and fronting onto Front Street East with the specific location, configuration and design to be determined and secured in the context of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning.
5. The owner will prepare all documents and convey, free and clear of encumbrances and for nominal consideration, a public access easement, including support rights, in perpetuity in favour of the City over the Privately-Owned and Publicly-Accessible Spaces ("POPS"), on terms set out in the Section 37 Agreement, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

Streetscape Improvements

6. The owner will alter, at no cost to the City, the portion of the Front Street East right-of-way adjacent to the Subject Site, generally as shown in the drawing titled "Final Layout Plan" attached as Attachment No. 1 to the report (December 14, 2021) from the Director, Planning and Capital Program, Transportation Services, in Item 2022.TE30.17, and attached as Attachment No. 8 to the report (June 15, 2022) from the Director, Community Planning, Toronto and East York District, in Item 2022.TE34.48, with the details of such improvements (including the location, dimensions, configuration and design) to be secured as part of and through the Site Plan Approval process for the Development to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager, Transportation Services.

Construction Management Plan

7. The owner will submit a comprehensive Construction Management Plan for each stage of the construction process, to the satisfaction of the General Manager, Transportation Services, the Chief Building Official and Executive Director, Toronto Building and the Ward Councillor. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the General Manager, Transportation Services, in consultation with the Ward Councillor.

Transportation Demand Management

8. Prior to site plan approval the owner will submit documentation and financial contributions/payments in the form of a letter of credit or certified cheques (overall amount to be determined) for the implementation of a Transportation Demand Management ("TDM") plan to the satisfaction of the General Manager of Transportation Services. These provisions include, but are not limited to:

- (A) A payment of \$50,000 for a new bike-share station on-site;
- (B) A minimum of five (5) car-share spaces on-site;
- (C) One (1) bike-share membership per unit, offered for the first year of occupancy;
- (D) One (1) car-share membership per residential unit, offered for the first year of occupancy;
- (E) A minimum of two (2) bike repair stations provided on-site; and
- (F) Non-residential parking spaces provided beyond the minimum requirement are to include a combination of electric vehicle, carpooling and/or car-share parking spaces.

Servicing

- 9. The owner will design and submit financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted Engineering Reports to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades and/or new infrastructure are required to support the development.

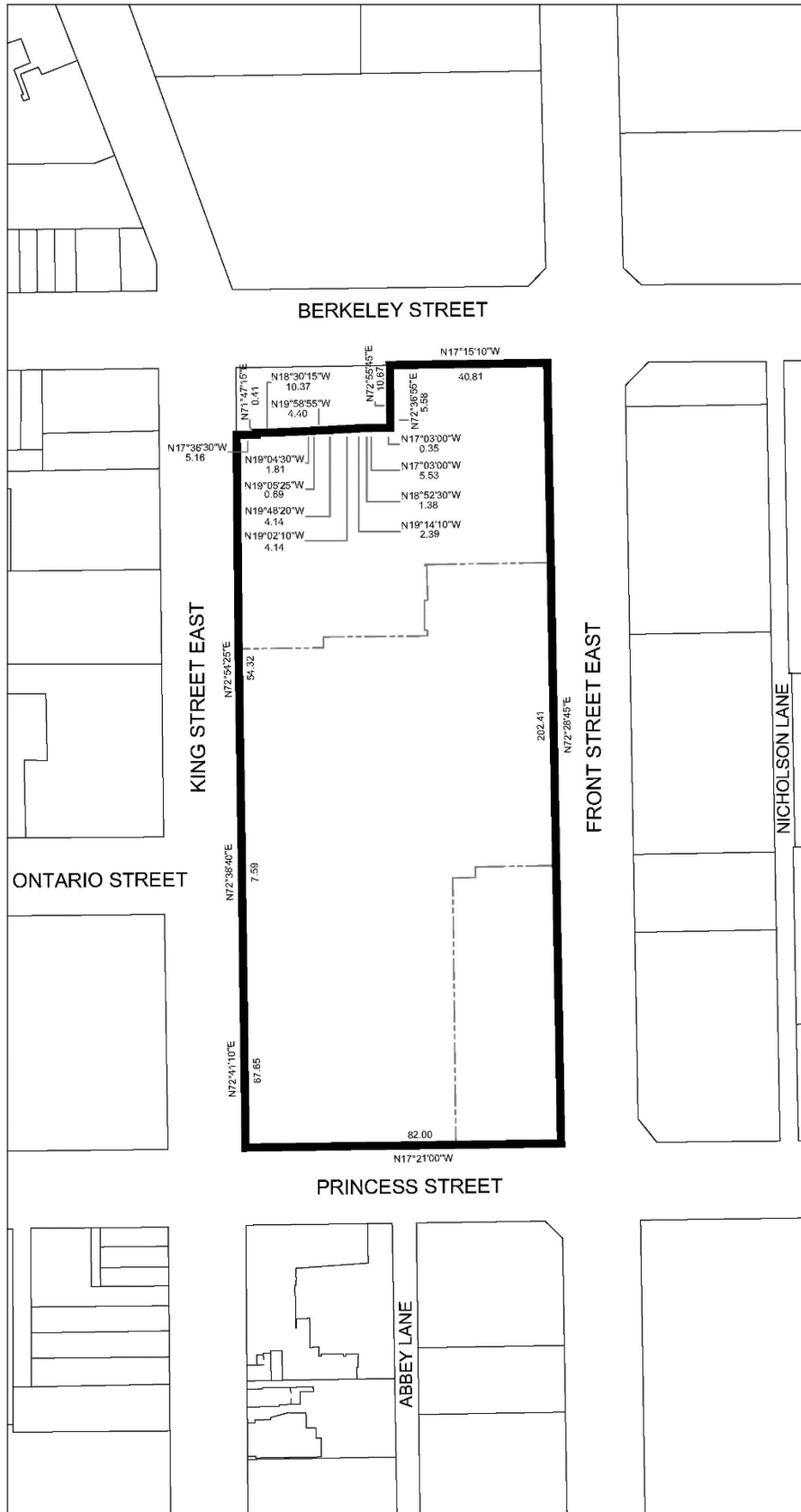
Toronto Green Standards

- 10. The owner will construct and maintain the development of the site in accordance with Tier 1 of the Toronto Green Standard, and the owner will be encouraged to achieve Tier 2 or higher of the Toronto Green Standard.

Outstanding Appeals

- 11. The owner will withdraw its appeal of Official Plan Amendment 352, being the Downtown Tall Buildings Setback Area Specific Policy, and the associated Zoning By-laws 1106-2016 and 1107-2016, as they relate to the subject lands.
- 12. The owner will withdraw its appeal of Official Plan Amendment 525, being the King-Parliament Secondary Plan, and the associated Zoning By-law 393-2021, as they relate to the subject lands.

Diagram 1



333 - 351 King Street East

File# 18 196225 STE 28 OZ


 City of Toronto By-Law 569-2013
 Not to Scale
 06/10/2022

Diagram 2



Diagram 3

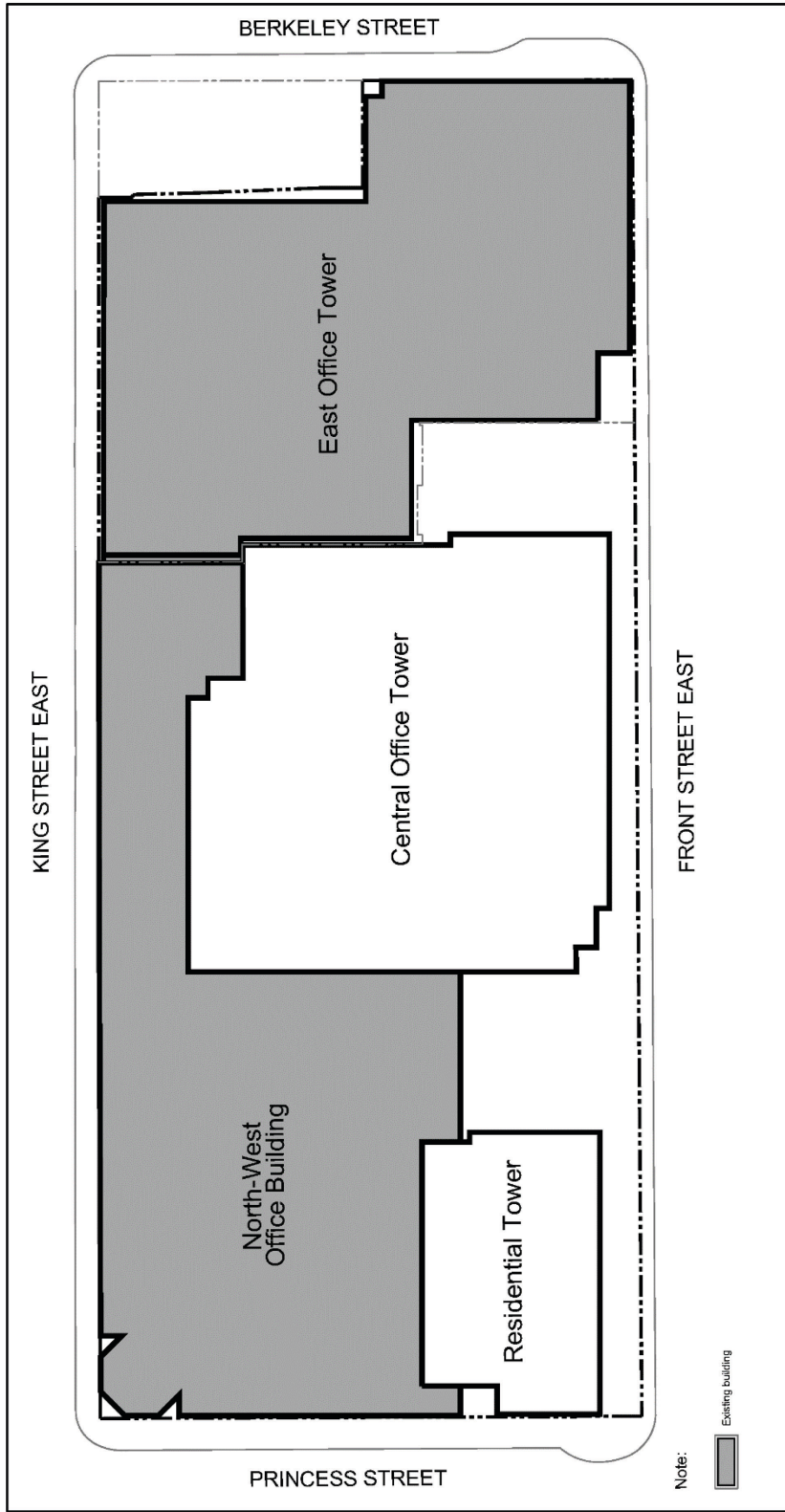


Diagram 5

////// No part of the building shall be located within the hatched areas

