

Authority: Toronto Community Council Report No. 16, Clause No. 1,  
as adopted by City of Toronto Council on October 3, 4 and 5, 2000  
Enacted by Council: October 5, 2000

**CITY OF TORONTO**

**BY-LAW No. 908-2000**

**To amend Zoning By-law No. 438-86 of the former City of Toronto respecting lands municipally known as Nos. 326-358 King Street West.**

WHEREAS pursuant to Section 37 of the Planning Act, the Council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize increases in the height or density of development beyond those otherwise permitted by the by-law 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 or 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 or matters; and

WHEREAS the owners of the lands municipally known as Nos. 326-358 King Street West (the "Site") have elected to provide the facilities, services and matters as set out in the By-law; and

WHEREAS the increases in density or height permitted by this By-law, beyond those otherwise permitted on the Site by Zoning By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owners of the Site and the City of Toronto (the "City"); and

WHEREAS City Council has required the owners of the Site to enter into one or more agreements dealing with certain facilities, services and matters in return for the authorized increases in height or density respecting the Site as permitted in this By-law;

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

1. Upon execution and registration of one or more agreements to be entered into with the City pursuant to Section 37 of the Planning Act in accordance with the provisions of Section 2 herein, the lands shown on Plan 1, attached to and forming part of this By-law, are subject to the requirements set out in this By-law and, except as otherwise provided herein, the provisions of Zoning By-law No. 438-86, as amended, shall continue to apply to such lands.

2. None of the provisions of Sections 4(2)(a), 4(10)(a), 7(3) PART II 1(i) and 3, and 12(2) 246(a) and (f) of Zoning By-law No. 438-86, as amended, shall apply to prevent the erection and use of a *mixed-use building* and a below - *grade parking garage* on the lands, provided that:

- (1) the *lot* on which the *mixed-use building* is located comprises at least those lands shown on Plan 1;

- (2) no part of any building or structure above *grade* is located outside of the heavy lines shown on Plan 2, attached to and forming part of this By-law;
- (3) the total of the *residential gross floor area* and the *non-residential gross floor area* to be erected on the *lot* does not exceed 33,300 square metres;
- (4) the *height* above *grade* of any building or structure erected or used on the *lot* shall not exceed the *heights* above *grade* shown on Plan 2, except for an ornamental entrance structure located on the front of the building facing King Street West, provided this ornamental structure does not exceed a *height* of 10 metres and is no wider than 5 metres, and such *heights* shall include any mechanical penthouse or rooftop structure; and
- (5) one *loading space - type A* and one *loading space - type G* are provided and maintained on the lot.

3. Pursuant to Section 37 of the Planning Act, the increased *heights* or density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* or *owners* of the lands, of the following facilities, services or matters to the City at the *owners'* expense as follows:

- (1) the provision and maintenance on the *lot* of a performing arts theatre with a seating capacity of not less than 125 seats, which shall be made available to the City for use by non-profit arts groups or other organizations for a minimum of six months in each year for a period of fifteen years at no charge to the City; and
- (2) the provision and maintenance of works of public art pursuant to a public art program on publicly accessible portions of the *lot* of a value not less than one percent of the gross construction costs of all buildings and structures to be erected on the *lot*, excluding the gross construction costs solely attributable to the construction of the performing arts theatre.

4. The *owner* or *owners* of the lands will enter into one or more agreements with the City pursuant to Section 37 of the Planning Act to secure the facilities, services and matters referred to in this By-law, and such agreement or agreements will be registered as a first charge against the title to the lands.

5. For the purposes of this By-law, each word or expression which is italicized in this By-law shall have the same meaning as defined in Zoning By-law No. 438-86, as amended.

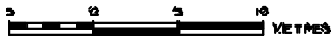
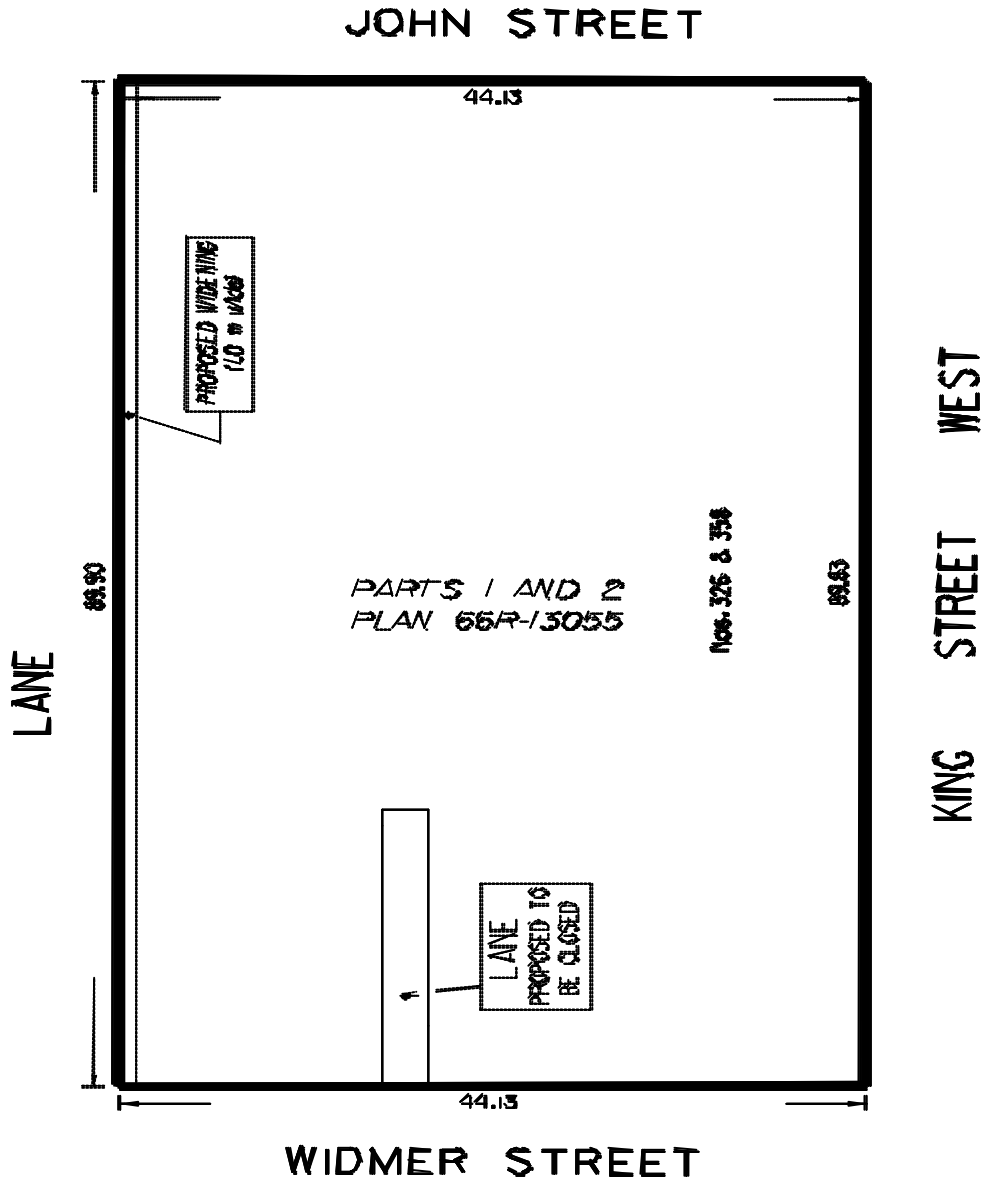
ENACTED AND PASSED this 5th day of October, A.D. 2000.

CASE OOTES,  
Deputy Mayor

NOVINA WONG,  
City Clerk

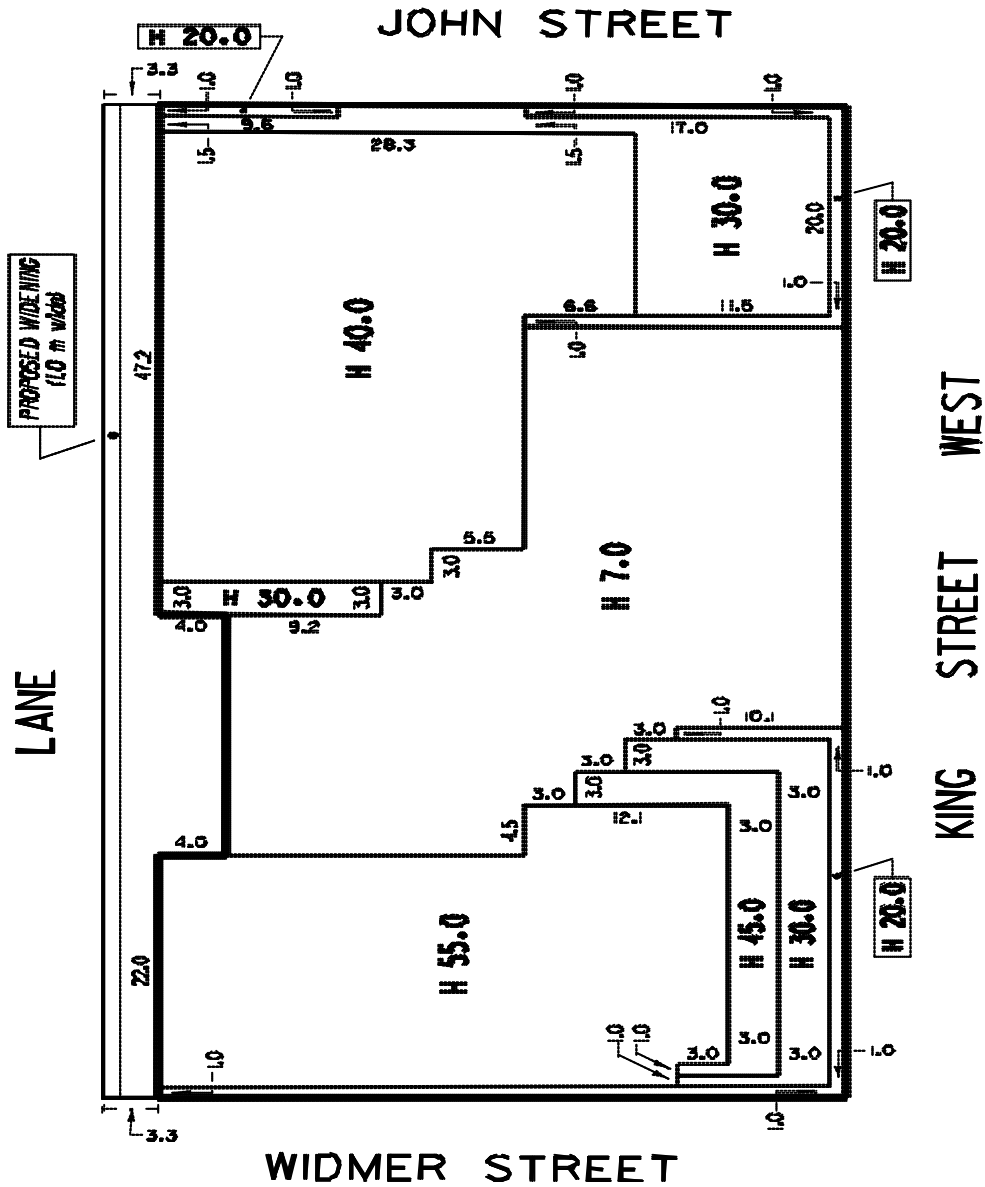
(Corporate Seal)

# PLAN 1



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO SEPTEMBER 2000  
BLOG/38KINI.DGN  
FILE: K2-27  
KAP No: 900-322 DRAWN: PC

# PLAN 2



H<sub>i</sub> DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO SEPTEMBER, 2000  
 BLDG/38K/INE.DGN  
 FILES K2-ZY  
 MAP No. 600-322 DRAWN: PG