

Authority: Toronto East York Community Council Report No. 5, Clause No. 1,  
adopted as amended, by City of Toronto Council on April 16, 17 and 18, 2002  
Enacted by Council: April 18, 2002

## CITY OF TORONTO

### BY-LAW No. 296-2002

#### **To amend By-law No. 438-86 of the former City of Toronto, as amended, respecting lands known as Nos. 915 and 1005 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 and density of development beyond those otherwise permitted by the by-law 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 height and 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 owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in the height or density permitted hereunder, beyond those otherwise permitted on the aforesaid lands by 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 owner of such lands and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this by-law;

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

1. Upon execution and registration of the agreement to be entered into with the City pursuant to section 37 of the *Planning Act* in accordance with the provisions of section 3 herein, Parcel A and Parcel B, as 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 By-law No. 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 continue to apply to Parcel A and Parcel B.
2. None of the provisions of section 2 of By-law No. 438-86, as it pertains to the definitions of “apartment building” and “bicycle parking space”, and sections 4(2)(a); 4(4)(b); 4(6)(c); 4(12); 4(13); 4(16); 8(3) PART I 1, 2, and 3; 8(3) Part II 1(a); and 8(3) Part XI 2(i) and (iii) of By-law No. 438-86 shall prevent the use of the existing building

and additions on Parcel A and the erection and use of a building on Parcel B from being used for dwelling units, live-work units, office and/or retail uses, provided:

- (1) the lands to which this by-law applies are set out on Plan 1 and referred to as Parcel A and Parcel B;
- (2) bicycle parking spaces - visitor and bicycle parking spaces - occupant are provided on Parcel B;
- (3) parking spaces shall be provided on Parcel B at the following rates:

Residents' Parking

- 0.3 parking space for each bachelor dwelling unit;
- 0.7 parking space for each one-bedroom dwelling unit;
- 1.0 parking space for each two-bedroom dwelling unit;
- 1.2 parking space for each three-bedroom dwelling unit;

Visitors' Parking

- 0.12 parking space for every dwelling unit contained therein;

- (4) the parking spaces provided for the residents of the building on Parcel B shall be physically separate from the parking spaces provided for the residential visitors and non-residential users;
- (5) not less than 28 parking spaces are provided within 300 metres of Parcel A for the residents of Parcel A;
- (6) the height of any building or structure on:
  - (i) Parcel A, shall not exceed 21.0 metres including any mechanical space; and
  - (ii) Parcel B, shall not exceed the heights shown on Plan 2 attached to and forming part of this by-law, excluding any fences and/or safety railings not exceeding 2.0 metres, and any rooftop structures and elements permitted by and complying with Sections 4(2)(a)(i) or (ii) of By-law No. 438-86;
- (7) the non-residential gross floor area, residential gross floor area or combination thereof erected or used on the lot shall not exceed the amounts listed in the columns opposite the Parcel reference;

Parcel	Total Gross Floor Area (m <sup>2</sup> )	Residential Gross Floor Area (m <sup>2</sup> )	Non-Residential Gross Floor Area (m <sup>2</sup> )
A	3 310	3 000	500
B	39 000	38 300	2 000

- (8) 185 square metres of indoor residential amenity space and 1 020 square metres of outdoor residential amenity space are provided on Parcel B and a minimum of 40 square metres of the outdoor residential amenity space is provided adjacent to the indoor residential amenity space and the requirements of section 4(12) of By-law No. 438-86 regarding the provision of kitchen and washroom facilities are complied with, and that such residential amenity space is provided within four years of the issuance of the first building permit for Parcel B;
- (9) the requirements of sections 4(6)(c) and 4(13) of By-law No. 438-86 are complied with on Parcel B; and
- (10) not less than 15 percent of the dwelling units within a building(s) erected on Parcel B shall be two-bedroom dwelling units.
3. Notwithstanding section 2 hereof, the density and height of development permitted by section 2 is permitted subject to compliance with the conditions set out therein and in return for the provision by the owner of the lot referred to in section 1 of the following facilities, services and matters to the City of Toronto, namely:
- (1) retain, restore, conserve and maintain the building located on Parcel A and known as 915 King Street West, in accordance with an approved Restoration Plan and in a manner that respects the quality and character of the building and which is secured and further defined through one or more agreements pursuant to section 37 of the *Ontario Heritage Act* and sections 37 and 41 of the *Planning Act*;
- (2) enter into an agreement under section 41 of the *Planning Act* for the restoration and re-use of the building at 915 King Street West, prior to entering into an agreement under section 41 of the *Planning Act* for any proposed building(s) at 1005 King Street West;
- (3) commence construction on the work detailed in any agreement under section 41 of the *Planning Act* applicable to 915 King Street West, within six months of this by-law coming into force;
- (4) commence the work outlined in the Restoration Plan and the section 41 agreement for 915 King Street West prior to the issuance of a building permit for construction at 1005 King Street West;

- (5) complete within two years of the issuance of a building permit for 915 King Street West, the exterior work, including the heritage restoration work, referred to any of the agreements required by this by-law;
- (6) complete the work outlined in the approved Restoration Plan and the section 41 agreement for 915 King Street West prior to occupancy of a building at 1005 King Street West;
- (7) deposit with the City, prior to the issuance of a building permit for a building or structure on Parcel B, a letter of credit in the amount of \$70,000.00, to be used for operating expenses of City-owned community space located at 1029 King Street West;
- (8) provide a public art contribution to the City in the amount of:
  - (i) \$250,000.00 for public art on City-owned parkland adjacent to Parcels A and B or upon the public boulevards or sidewalks between Parcel A and Parcel B; and
  - (ii) \$30,000.00 for public art on Parcel B in a location that is adjacent to the public park;

all of which is secured and further defined through an agreement pursuant to Section 37 of the *Planning Act*;
- (9) undertake or pay for improvements to the public sidewalks and boulevards immediately adjacent to the lot, generally as shown on the landscape plan to be referred to in an agreement pursuant to section 41 of the *Planning Act*;
- (10) deposit with the City two letters of credit, satisfactory to the Commissioner of Economic Development, Culture and Tourism, prior to the issuance of a building permit:
  - (i) in the case of the construction/restoration of the Massey-Harris Building at 915 King Street West, the letter of credit shall be 120 per cent of the value of the improvements to be undertaken on the future park site resulting from any work approved to be undertaken at 915 King Street West; and
  - (ii) in the case of any construction at either 915 or 1005 King Street West, a letter of credit is required to secure the improvements of the Massey-Harris Building set out in the approved Restoration Plan described in subsection 3(1) above;
- (11) provide photographs of the historic property located at 915 King Street West, suitable for inclusion in any agreements pursuant to the *Ontario Heritage Act*;

- (12) agree to pay for any improvements and/or measures recommended in a Traffic Impact Study submitted to and approved by the Commissioner of Works and Emergency Services; and
- (13) enter into one or more agreements with the City pursuant to section 37 of the *Planning Act* to secure all the facilities, services and matters referred to in this by-law, and such agreement or agreements are appropriately registered against the title of the lands.

**4.** For the purposes of this By-law:

- (1) “public art” includes works of sculptured art, works of visual and graphic art, sculptured landscaping, fountains and artistic treatment of landscape and building elements clearly visible at all times from public areas, provided such elements of work have been designed by or in collaboration with artists and are in accordance with a plan recommended by the Commission and approved by City Council;
- (2) “Parcel A” and “Parcel B” means the areas identified as “Parcel A” and “Parcel” on Plan 1; and
- (3) each other word or expression which is italicized herein shall have the same meaning as each word and expression as defined in By-law No. 438-86, as amended.

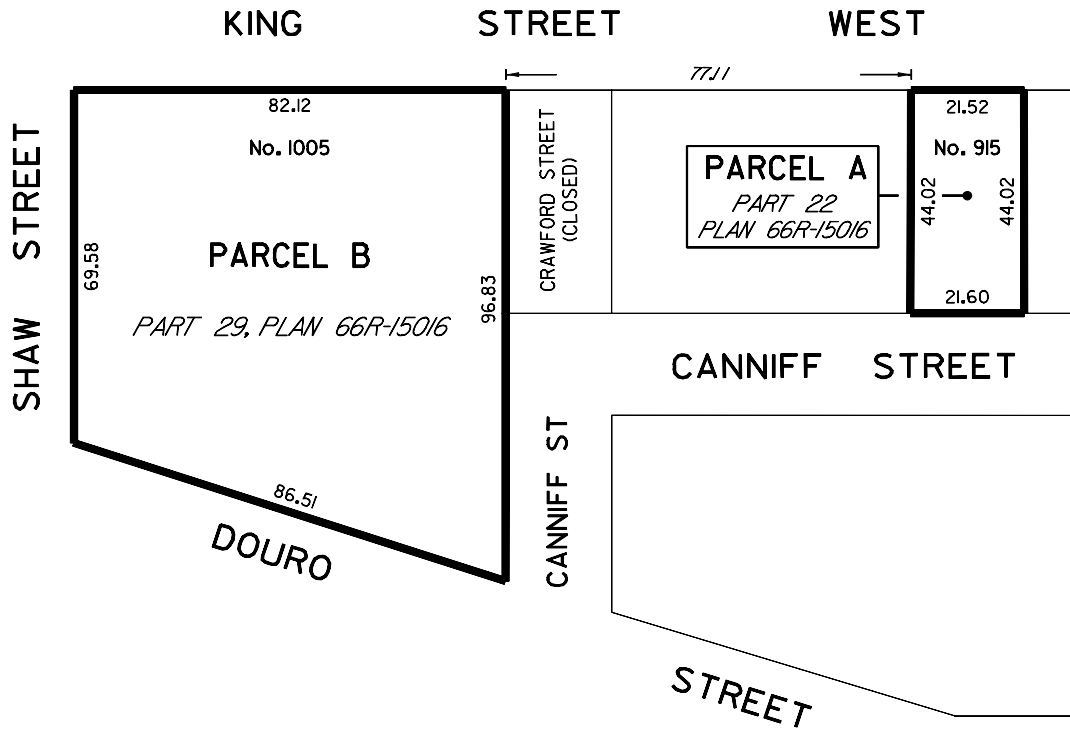
ENACTED AND PASSED this 18th day of April, A.D. 2002.

CASE OOTES,  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

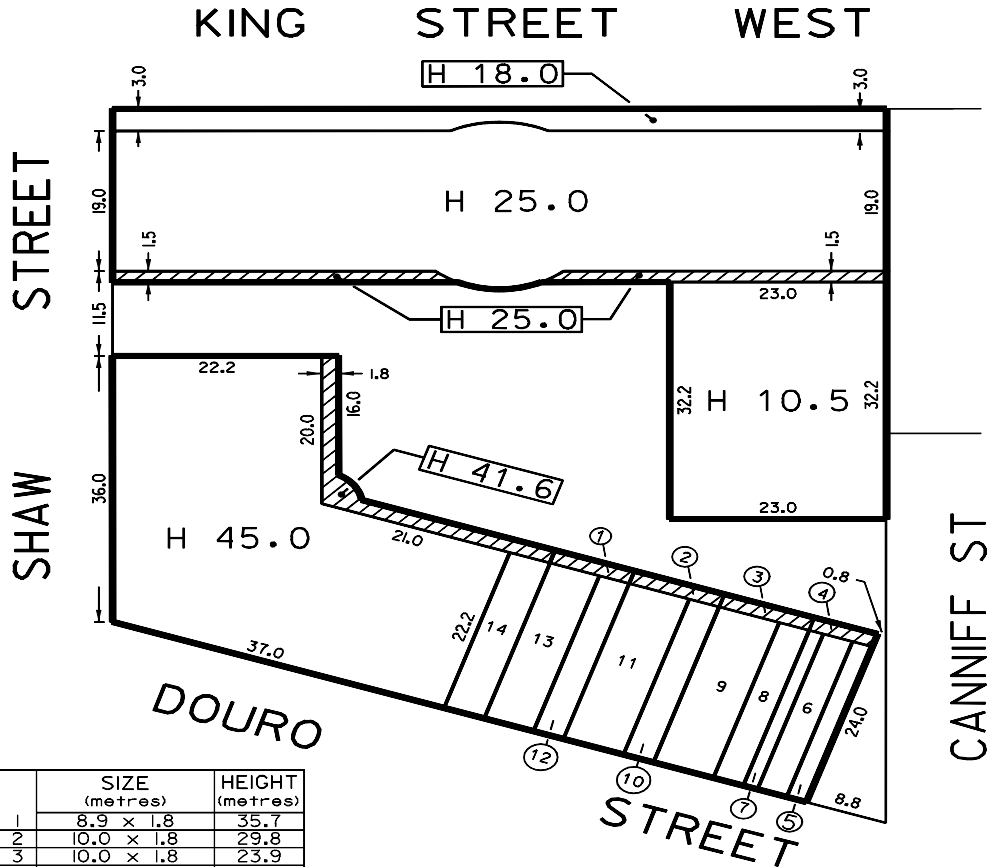
(Corporate Seal)

PLAN 1



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO APRIL, 2002  
BL02/1005KIN1.DGN  
FILE: K2-Z49  
MAP No. 496-322 DRAWN: D.R.

PLAN 2  
(PARCEL B)



	SIZE (metres)	HEIGHT (metres)
1	8.9 x 1.8	35.7
2	10.0 x 1.8	29.8
3	10.0 x 1.8	23.9
4	7.1 x 1.8	18.0
5	22.2 x 2.2	15.0
6	22.2 x 3.3	18.0
7	22.2 x 1.6	20.9
8	22.2 x 3.3	23.9
9	22.2 x 6.7	26.8
10	22.2 x 3.3	29.8
11	22.2 x 6.7	32.7
12	22.2 x 3.3	35.7
13	22.2 x 5.6	38.6
14	22.2 x 4.6	41.6

H: DENOTES MAXIMUM HEIGHT  
IN METRES ABOVE GRADE

BALCONIES



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO APRIL, 2002  
BLO2/1005K1N2.DGN  
FILE: K2-Z49  
MAP No. 49G-322 DRAWN: D.R.