

Authority: Toronto and East York Community Council Report 3, Clause 6,  
adopted as amended, by City of Toronto Council on April 25, 26 and 27, 2006  
Enacted by Council: April 27, 2006

## CITY OF TORONTO

### BY-LAW No. 299-2006

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto, with respect to lands municipally known as 751, 761 and 771 King Street West.**

WHEREAS authority is given to Council by 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*;

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

1. District Map No. 49G-323 contained in Appendix “A” 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, is further amended by redesignating the lands delineated by heavy lines to “MCR” as shown on Map 1.
2. None of the provisions of Section 2(1) with respect to the definition of *residential amenity space*, Sections 4(2)a, 4(3)(a) and (b), 4(4)(b), 4(11), 4(12), 4(16), 8(2)1.(a), 8(3) Part I, 8(3) Part II 4., 12(2)340. and 12(2)341. of Zoning By-law No. 438-86, as amended, shall apply to prevent the erection and use on the *lot* of a *mixed-use building*, *dwelling units* and uses *accessory* thereto, provided that:
  - (1) the *lot* comprises those lands delineated by heavy lines on Map 1 attached hereto;
  - (2) the aggregate of the *residential gross floor area* and *non-residential gross floor area* of all buildings erected on the *lot* shall not exceed 26,900 square metres, of which
    - (i) the *residential gross floor area* shall not exceed 25,550 square metres; and
    - (ii) the *non-residential gross floor area* shall not exceed 1,350 square metres;
  - (3) no part of any building or structure located above finished ground level is located otherwise than wholly within the areas delineated by heavy lines on Map 2, with the exception of:
    - (i) canopies, terraces, stairs, fences, landscape features, guard-rails, retaining walls, patios, decks and wheel chair ramps which may extend beyond the heavy lines shown on Map 2;

- (ii) eaves, cornices, balustrades, ornamental elements, architectural details and mullions are permitted to project 0.45 metres beyond the heavy lines shown on Map 2;
  - (iii) balconies within the areas identified as Area A shown on Map 2; and
  - (iv) stair enclosures within the area identified as Area B shown on Map 2;
- (4) no part of any building or structure to be erected shall exceed the *height* limits specified by the numbers following the symbol “H” as shown on Map 2, but such *height* limit does not prevent:
- (i) structures on the roof of the building, used for outside or open air recreation, safety or wind protection purposes, provided:
    - (a) the maximum height of the top of the structure is no higher than the sum of 3 metres and the *height* limit;
    - (b) no part of the structure is less than 2 metres from the outside wall of the storey below; and
    - (c) the structure does not enclose space so as to constitute a form of penthouse or other room or rooms;
  - (ii) parapet walls to a maximum vertical projection of 1.2 metres;
  - (iii) balcony dividers and privacy screens to a maximum height of 2 metres;
  - (iv) safety railings to a maximum height of 1.2 metres above the height limits shown on Map 2; and
  - (v) items identified in Section 2.(3) of this By-law;
- provided:
- (a) for Parcel A shown on Map 1 such elements listed in Section 2.(4)(i) – (v), inclusive, of this By-law are:
    - A. contained within a 44 degree angular plane projected over the *lot* from the north limit of Parcel A shown on Map 1, starting from a *height* of 20 metres above *grade*; and

- B. contained within a 60 degree angular plane projected over the *lot* from a 4 metre setback from the south limit of Parcel A shown on Map 1, starting from a *height* of 16 metres above *grade*; and
- (b) for Parcel B shown on Map 1 such elements listed in Section 2.(4)(i) – (v), inclusive, of this By-law are not located above a *height* of 50 metres except that:
- (A) parapets shall be permitted to a maximum vertical projection of 0.2 metres above such *height*; provided such parapets:
- (i) slope away from the outside edge of the outside wall of the *storey* below at a 45 degree angle; or
- (ii) have a 0.8 metre setback from the outside wall of the *storey* below;
- (5) a minimum number of *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- (i) 0.3 *parking spaces* for each *bachelor dwelling unit*;
- (ii) 0.7 *parking spaces* for each *one-bedroom dwelling unit*;
- (iii) 1.0 *parking spaces* for each *two-bedroom dwelling unit*;
- (iv) 1.2 *parking spaces* for each *dwelling unit* containing three or more *bedrooms*;
- (v) 0.12 *parking spaces* for each *dwelling unit* for visitors;
- (vi) *parking spaces* for non-residential uses shall be provided in accordance with the requirements of Section 4(4)(b) of By-law No. 438-86, as amended;
- (6) where the calculation for determining the minimum number of required *parking spaces* in accordance with Section 2.(5) of this By-law results in a number containing a fraction of one, such fraction if equal or greater than 0.5 shall be counted as one and if less than 0.5, shall not be counted;
- (7) *residential amenity space* shall be maintained as follows:
- (i) a minimum of 460 square metres of indoor *residential amenity space* shall be located in a multi-purpose room or rooms provided that:
- (a) each room or contiguous group of rooms shall have a minimum area of 170 square metres; and
- (b) at least one room shall contain a kitchen and a washroom;

- (ii) a minimum of 2 square metres of outdoor *residential amenity space* shall be provided for each *dwelling unit*, of which at least 40 square metres shall be adjoining or directly accessible from an indoor *residential amenity space*;
- (8) the owner of the *lot* enters into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the following facilities, services and matters:
  - (i) a \$450,000 contribution to improvements to the community building in Stanley Park South, or other improvements to the facilities in the Park, or a pedestrian/bicycle connection over the rail corridor from the Niagara Neighbourhood to Fort York;
  - (ii) a \$250,000 public art contribution;
  - (iii) a publicly accessible open space within the project which is accessed through an opening in that portion of the building fronting onto King Street West;
  - (iv) a minimum 3.0 metre wide public access through the site from King Street West to the south lot line;
  - (v) architectural materials on the building;
  - (vi) wind mitigation measures, if necessary;
  - (vii) a green roof component on the project; and
  - (viii) an irrigation system for all street trees in the public right-of-way on King Street West and Tecumseth Street adjacent to the site
- 3. All italicized words and expressions in this By-law have the same meanings as defined in By-law No. 438-86 with the exception of the following:
  - (1) “*residential amenity space*” shall mean a common area or areas within the *lot* provided for recreational and social purposes, any portion of which is located indoors shall be provided exclusively for the use of the residents of the buildings and any portion of which is located outdoors shall generally, but not exclusively, be provided for the use of the residents of the building;
- 4. Despite any future severance, partition or division of the lot, the provisions of this By-law shall apply as if no severance, partition or division occurred.

- 5.** By-law No. 314-87 of the former City of Toronto is hereby repealed and Section 13 of By-law No. 438-86, as amended, is amended by deleting the reference to By-law No. 314-87.

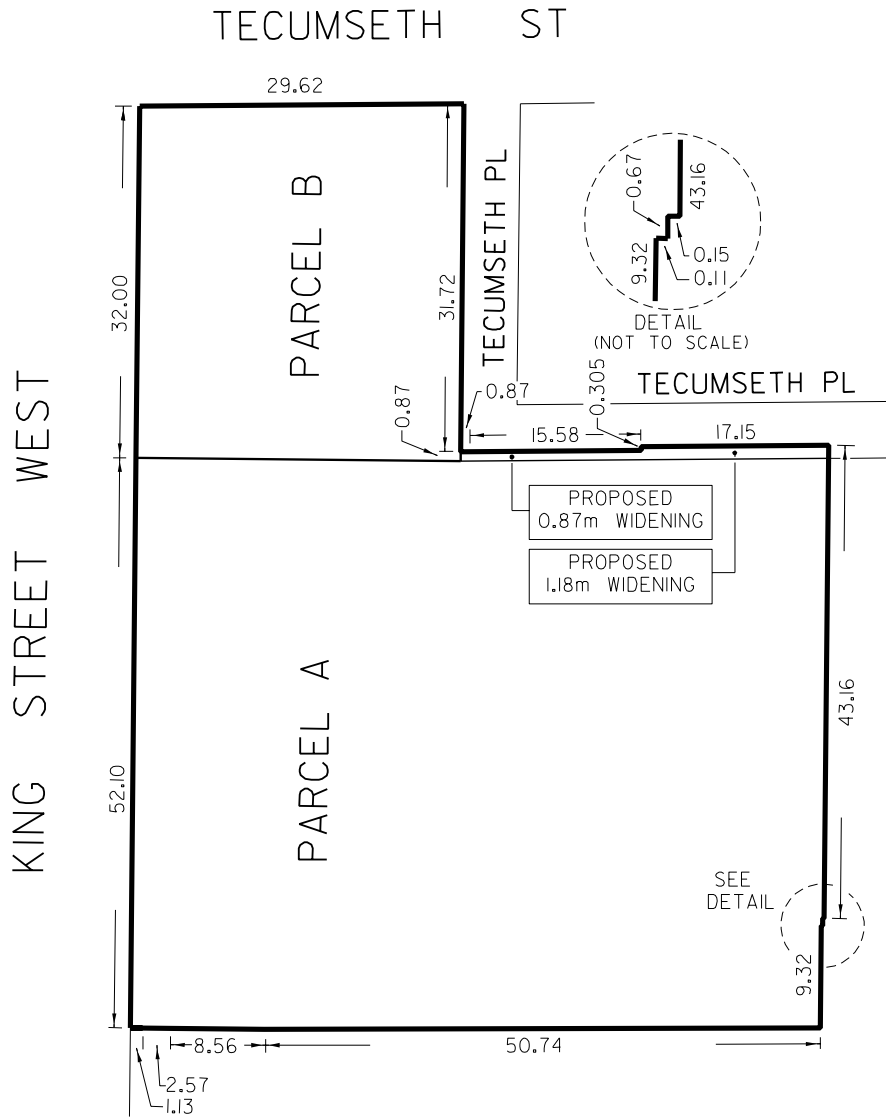
ENACTED AND PASSED this 27th day of April, A.D. 2006.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

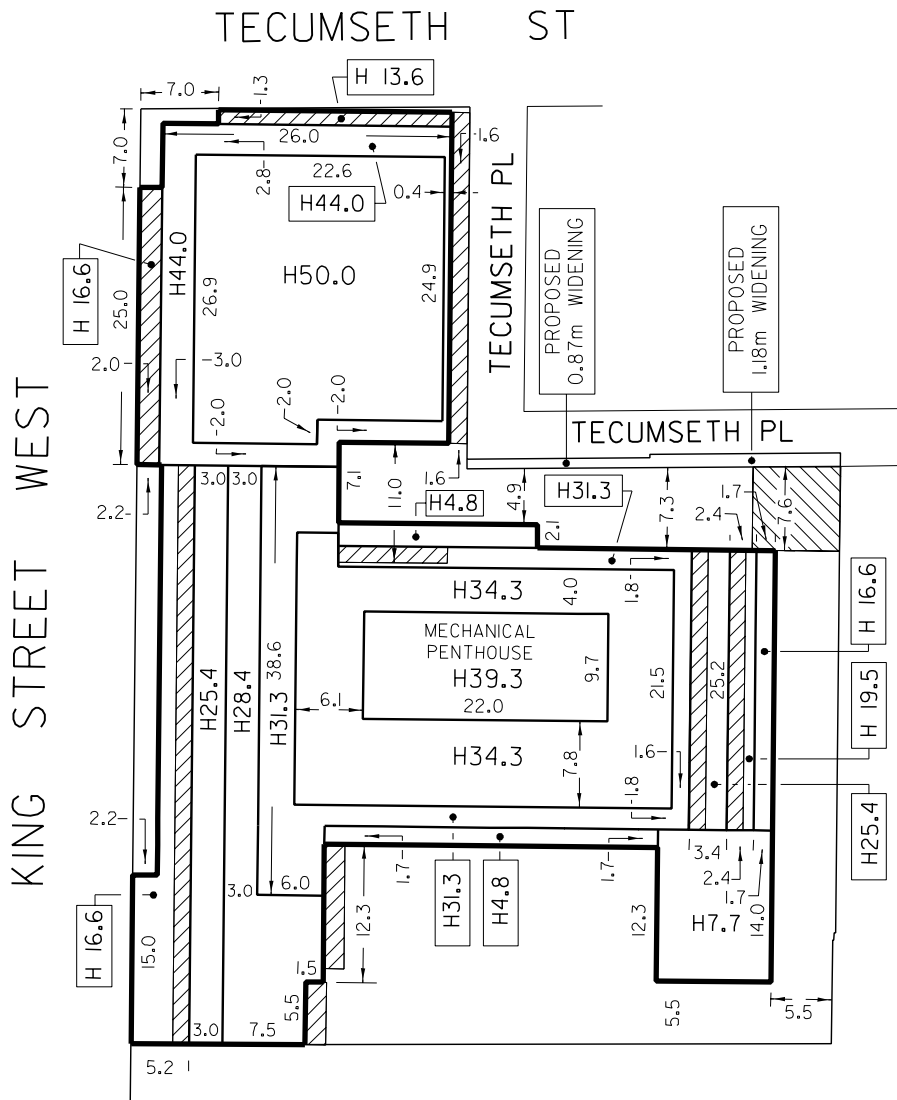
(Corporate Seal)

# MAP 1



SURVEY AND MAPPING SERVICES  
 TORONTO APRIL 2006  
 BL06/751K IN1.DGN  
 FILE: K2-242  
 MAP No. 49G-323 DRAWN: VG

# MAP 2



AREA A

AREA B

H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



SURVEY AND MAPPING SERVICES  
 TORONTO APRIL 2006  
 BL06/751K IN2.DGN  
 FILE: K2-Z42  
 MAP No. 49G-323 DRAWN: VG