

CITY OF TORONTO

BY-LAW No. 317-2008(OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 371, 373-377 and 379 King Street West.

WHEREAS authority is given to the Ontario Municipal Board by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as are hereinafter set forth pursuant to Section 37 of the *Planning Act* and pursuant to the decision of the Council of the City of Toronto at its meeting of October 22 and 23, 2007; and

WHEREAS the City of Toronto Official Plan contains provisions relating to the authorization of the height of development; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements with the City of Toronto (hereinafter referred to as the “City”) to secure the facilities, services and matters as are hereinafter set forth as a result of the increases in height and density in connection with the aforesaid lands as permitted by the Ontario Municipal Board and set forth in this By-law; and

WHEREAS the Ontario Municipal Board, pursuant to an Order issued April 8, 2008 and Decision/Order No. 2532 issued on September 17, 2007, have determined to amend By-law No. 438-86, as amended, of the former City of Toronto, as follows:

THEREFORE By-law No. 438-86, as amended, of the former City of Toronto, is amended as follows:

1. None of the provisions of Section 2(1) with respect to the definition of a “*parking space*”, Sections 4(2)(a), 4(5)(b), 4(12), 4(17,) 7(3) Part II 1(i), 3 and 7 E, 12(2)246 (a) and (e), and 12(2) 260 (i) to (iii) of Zoning 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 apply to prevent the erection and use on the *lot* of one *mixed use building* containing both residential and non-residential uses, including uses *accessory* thereto, provided that:
 - (1) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (2) no portion of any building or structure erected on the *lot* above *grade* is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law;

- (3) despite subsection (2) herein:
- (a) balconies are permitted to project a maximum of 1.8 metres beyond the heavy lines in the locations shown as 'balcony' on Map 2; and
 - (b) lighting fixtures, window sills, balustrades, stairs, stair enclosures, wheel chair ramps, underground garage ramps and landscape features may extend beyond the heavy lines shown on the attached Map 2.
- (4) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* does not exceed 22,770 square metres, of which:
- (a) the *residential gross floor area* does not exceed 21,217 square metres and shall not comprise more than 291 *dwelling units*; and
 - (b) the *non-residential gross floor area* does not exceed 1,485 square metres and shall not be less than 1,450 square metres.
- (5) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres or in *storeys* than the lesser of:
- (a) the *height* specified by the numbers following the symbol H on the attached Map 2; and
 - (b) the number of *storeys* specified on the attached Map 2,
- inclusive of the building elements or enclosures set forth in Section 4(2) (a) of By-law No. 438-86, as amended;
- (6) subsection (5) herein shall not prevent the erection and use of:
- (a) the elements permitted in subsection (3) herein;
 - (b) a mechanical room to the maximum *height* in metres specified on the attached Map 2 in the location shown on Map 2; and
 - (c) railings provided the maximum vertical dimension of such element does not exceed 1.2 metres above the *height* limit shown on Map 2.
- (7) residential amenity space shall be provided and maintained on the *lot* for the shared use of the residents of the *lot* in accordance with the following minimum requirements:
- (a) not less than 175 square metres of outdoor *residential amenity space*; and
 - (b) a minimum of 2 square metres of indoor *residential amenity space* per *dwelling unit* shall be provided, all of which shall be located on the third

storey in a multi-purpose room or contiguous multi-purpose rooms, at least one of which contains a kitchen and a washroom.

- (8) the following minimum *parking space* requirements shall be provided and maintained on the *lot* and where the calculation of the number of *parking spaces* required to be provided and maintained by this section results in a fraction of a *parking space*, if equal to or greater than 0.5 it shall be taken to be 1.0 *parking space*, and if the fraction is less than 0.5 it shall be excluded from the required number of *parking spaces*:

Residents' Parking:

- | | | |
|-----|-----------------|--|
| (a) | Bachelor Units | 0.3 <i>parking space/dwelling unit</i> |
| (b) | 1 Bedroom Units | 0.5 <i>parking spaces/dwelling unit</i> |
| (c) | 2 Bedroom Units | 0.75 <i>parking spaces/dwelling unit</i> |
| (d) | 3 Bedroom Units | 1.2 <i>parking spaces/dwelling unit</i> |

Visitor Parking:

- | | | |
|-----|-----------------|--|
| (a) | Visitor Parking | 0.05 <i>parking spaces/dwelling unit</i> |
|-----|-----------------|--|

- (9) of the *parking spaces* required under subsection (8) herein:
- (a) despite the definition of the term *parking space* pursuant to Section 3 herein, a maximum of 16 *parking spaces* may have dimensions of between 2.2 and 2.6 metres in width and 5.35 and 5.9 metres in length;
- (b) a maximum of 3 *car-share parking spaces* may be provided, in which case each such *car-share parking space* shall be counted as equivalent to 10 residents' *parking spaces* required by subsection (8) herein; and
- (c) all required Visitor Parking shall be provided for the exclusive shared use of residential visitors to the *lot* and shall be signed as such.
- (10) in addition to the parking required in subsection 8 herein, a minimum of 3 retail *parking spaces* shall be provided and maintained below *grade* on the *lot*;
- (11) one *loading space - type G* and one *loading space - type B* shall be provided and maintained on the *lot*;
- (12) no person shall use any land or erect or use any building or structure on the *lot* unless the following municipal services are provided to the property 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 in the public road, have been installed and are operational.
- (13) the owner of the lands at its expense and in accordance with and subject to the agreement referred to in subsection (14) herein, provides the following facilities, services and matters prior to the issuance of the first building permit for the *lot*:
- (a) pays to the City of Toronto the sum of \$80,000 or such greater amount as required pursuant to clause (b) herein, to be used by the City of Toronto for the following improvements, all of which are to be used for streetscape and other civic improvements in the local area of the *lot* as determined by the City's Chief Planner in consultation with the local Councillor; and
 - (b) the sum referred to in clause (a) herein shall be for capital improvements and shall be indexed to the Consumer Price Index from the date of execution of the agreement under Section 37 of the *Planning Act* required by subsection 1(12) herein until the date the owner pays such sum.
- (14) the owner of the *lot* enters into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required in subsection 1(13) of this By-law and registers such agreement on title to the lands as a first charge, and such agreement and registration to be to the satisfaction of the City Solicitor.
2. None of the provisions of By-law No. 438-86, as amended shall apply to prevent a temporary *sales office* on the *lot* as of the date of the passing of this By-law.
3. Definitions:

For the purposes of this By-law each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended, except for the following:

- (a) "*car-share*" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit *car-sharing* organization and to use a *car-share* vehicle, a person must meet the membership requirements of the *car-sharing* organization, including the payment of a membership fee that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven and include the use of cars on an hourly basis;
- (b) "*car-share parking space*" means a *parking space* exclusively reserved and signed for a car used only for *car-share* and that is for the use of at least the residents and other occupants of the *lot*;
- (c) "*parking space*" means an unobstructed area of at least 5.9 metres in length and at least 2.6 metres in width and having a minimum unobstructed vertical clearance of 2.0 metres for the entire length and width of the *parking space*, that is readily accessible at all times

for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle; and

- (d) “*sales office*” means an office located in a building existing on the *lot* at the date of enactment of this By-law or in a temporary building, structure or facility satisfactory to the City’s Chief Planner, used exclusively for the sale of *dwelling units* to be erected on the *lot*.

PURSUANT TO AN ORDER ISSUED APRIL 8, 2008 AND ORDER/DECISION NO. 2532 ISSUED ON SEPTEMBER 17, 2007 OF THE ONTARIO MUNICIPAL BOARD IN CASE NO. PL060524.



