

Authority: Ontario Municipal Board Decision/Order issued on May 17, 2012, May 31, 2012 and June 26, 2012 in Board Case No. PL110552

CITY OF TORONTO

BY-LAW No. 1556-2012(OMB)

To amend General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally as 357-363 King Street West and 62 Peter Street.

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 with respect to lands known municipally in the year 2011 as 357-363 King Street West and 62 Peter Street; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide 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 November 29, 2011 (TE11.11); 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 (herein 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 June 26, 2012, has determined to amend By-law No. 438-86, as amended, of the former City of Toronto, as hereinafter set forth;

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

1. None of the provisions of Sections 4(2)(a), 4(5)(b), 4(5)(h)(i)(ii), 4(10)(d), 4(12), 4(14)(a)(ii), 4(16), 4(17), 7(3)PART II 1(i), 7(3)PART II 3, 7(3)PART II 7(e), 12(2)246(a), 12(2)246(c), 12(2)246(e), 12(2)260(i), 12(2)260(ii) and 12(2)260(iii) of By-law No. 438-86 of the former City of Toronto, 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 or use of a *mixed-use building* on the *lot*, including uses *accessory* thereto, provided that:
 - (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) no portion of the building or structure erected or used 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, subject to the following:

- (i) balconies are permitted to project a maximum of 2.0 metres in the locations shown as 'balcony' on Map 2; and
 - (ii) cornices, awnings, lighting fixtures, ornamental elements, trellises, eaves, parapets, window sills, guardrails, balustrades, railings, stairs, stair enclosures, stair landings, terraces, platforms, canopies, wheelchair ramps, vents, underground ramps, fences, retaining walls, screens, landscape and public art features may extend beyond the heavy lines shown on Map 2.
- (c) the height of any building or structure, or portion thereof does not exceed those heights as indicated by the numbers following the symbol H on the attached Map 2, subject to the following:
- (i) the elements permitted in subsection (b)(ii) herein;
 - (ii) a mechanical room and elevator/stair overruns to the maximum height in metres specified on the attached Map 2;
 - (iii) a structure on the roof used for outside or open air recreation, safety or wind protection may exceed the height limits shown on the attached Map 2 by no more than 3.0 metres provided such structure does not enclose space so as to constitute a form of penthouse or other room or rooms; and
 - (iv) the maximum height for parapets, terrace guards and dividers, planters, screens, architectural features and window washing equipment shall not exceed 1.5 metres above the *height* limit shown on Map 2.
- (d) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 23,988 square metres, of which:
- (i) the *residential gross floor area* does not exceed 23,804 square metres and shall not comprise more than 350 dwelling units; and
 - (ii) the *non-residential gross floor area* does not exceed 184 square metres.
- (e) *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:
- (i) not less than 664 square metres of indoor *residential amenity space*;
 - (ii) not less than 363 square metres of outdoor *residential amenity space* of which not less than 115 square metres shall be located on the sixth floor adjoining and directly accessible from indoor *residential amenity space*.
- (f) a minimum of 1 *loading space – type G* shall be provided.

- (g) a minimum of 93 *parking spaces* shall be provided on the *lot*, and despite the definition of *parking space* in Subsection 2(1) of Zoning By-law No. 438-86, *parking spaces* may be provided in an *automated parking garage*.
 - (h) a minimum of 350 *bicycle parking spaces* shall be provided of which at least 280 will be *bicycle parking spaces – occupant* and at least 70 will be *bicycle parking space – visitor*.
2. The owner at its expense and in accordance with and subject to the agreement referred to in Section 3 herein, agrees to provide the following facilities, services and matters:
- (a) at least ten percent (10%) of the total number of *dwelling units* to be constructed in the building shall be capable of being designed as three bedroom *dwelling units* in compliance with the provisions of the Ontario Building Code, and these *dwelling units* are to be shown on any marketing plans as three bedroom *dwelling units* and to be marketed as potential three bedroom *dwelling units*. These *dwelling units* may be sold and/or constructed with fewer bedrooms with provisions in the condominium documentation to allow renovation to three bedroom *dwelling units*;
 - (b) prior to the issuance of the first above-grade building permit for any building on the *lot*, excluding a temporary *sales office*, the owner shall pay to the City the sum of \$1,500,000.00, such funds to be used by the City toward community improvements in Ward 20, in the vicinity of the site;
 - (c) the payment described in subsection (2)(b) herein shall be indexed upwardly in accordance with the Non-Residential Construction Price Index (CPI) for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication no. 62-007-XPB, or its successor, calculated from the date of the agreement referred to in Section 3 herein; and
 - (d) the payment described in subsection (2)(b) herein will consist of a \$1,350,000 contribution towards John Street streetscape improvements, local parks, heritage conservation studies, and a \$150,000 contribution towards public housing improvements in Ward 20. Should the maximum cost of the John Street streetscape improvements be less than \$1,350,000, the unexpended dollar amount will be allocated to parks, heritage studies and/or public housing improvements, in Ward 20.
3. Prior to final approval of this By-law, the owner of the *lot* shall enter into an agreement with the City pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required in Section 2 herein and register such agreement on title to the lands, and such agreement and registration shall be to the satisfaction of the City Solicitor.

4. No person shall use any land or erect or use any building or structure on the *lot* unless outstanding technical matters are to the satisfaction of the City, including but not limited to:
- (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.
5. 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.

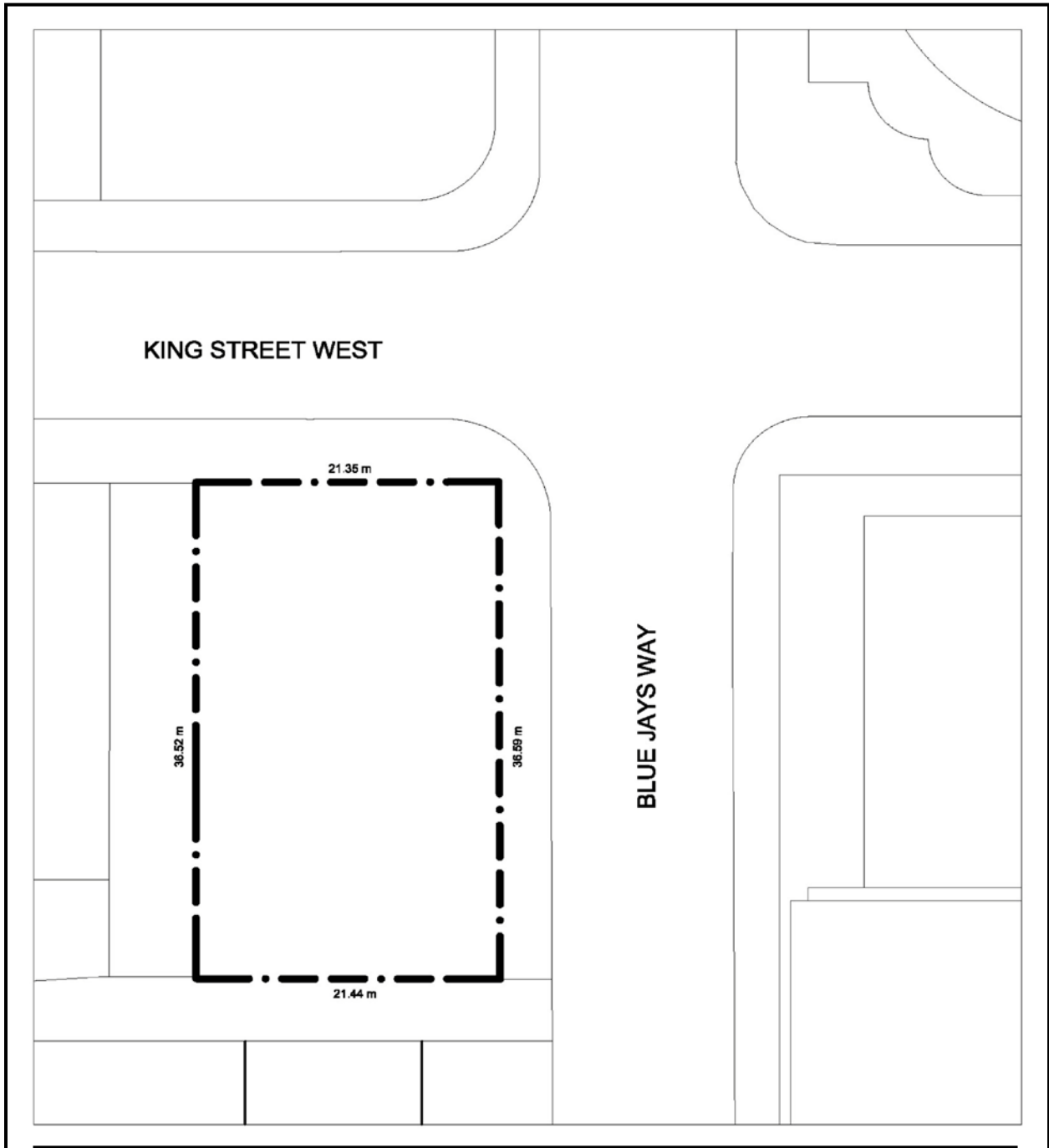
6. Definitions:

For the purpose of this By-law, all italicized words and expressions shall have the same meaning as defined in By-law No. 438-86, as amended, with the exception of the following terms:

The following definitions replace the definition in By-law No. 438-86, as amended:


- (a) "*automated parking garage*" means a mechanical motor vehicle parking facility that provides for the temporary storage of motor vehicles, as an *accessory* use to the principal uses permitted herein, accessible only by manoeuvring mechanical devices, such as lifts and shuttles;
- (b) "grade" means \pm 85.9 metres Canadian Geodetic Datum;
- (c) "*height*" means the vertical distance between grade as defined in this By-law and the highest point of the roof except for those elements prescribed in this By-law; 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 THE ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ON MAY 17, 2012, MAY 31, 2012 AND JUNE 26, 2012 UNDER OMB CASE NO. PL110552.



Map 1
357-363 King Street West
City of Toronto



 Subject Site
Area Affected by
this By-law

