

Authority: Toronto and East York Community Council
Item TE11.2, adopted as amended, by City of Toronto
Council on December 17 and 18, 2019

CITY OF TORONTO

BY-LAW 244-2020

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 540-544 King Street West and 1-7 Morrison Street.

Whereas Council of the City of Toronto has the authority to pursuant to 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; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

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

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CRE (x27), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.12.10 Exception Number 27 so that it reads:

Exception CRE 27

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 540-544 King Street West and 1-7 Morrison Street, if the requirements of Section 6 and Schedule A of By-law 244-2020 are complied with, then a **building** or **structure** may be constructed in compliance with regulations (B) to (T) below;
- (B) Despite regulation 50.10.20.10(1), **public parking** is a permitted use;
- (C) The maximum **gross floor area** on the **lot** must not exceed 26,200 square metres, provided:
 - (i) the residential **gross floor area** does not exceed 7,200 square metres; and
 - (ii) the non-residential **gross floor area** does not exceed 19,000 square metres;
- (D) In addition to the exclusions listed in Clause 50.5.40.40, the **gross floor area** of a **building** is also reduced by:
 - (i) The area in the **building** used for **public parking** located below finished ground level;
 - (ii) a maximum of 520 square metres of mechanical space located within the **building**; and
 - (iii) **amenity space**;
- (E) A minimum of 10 percent of the **dwelling units** must contain three or more bedrooms and 20 percent of the **dwelling units** must contain two or more bedrooms;
- (F) Despite regulation 50.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 88.53 metres and the elevation of the highest point of the **building** or **structure**;
- (G) Despite regulation 50.10.40.10(1), no portion of any **building** or **structure** on the **lot** may have a **height** greater than the **height** in metres specified by the number following the "HT" symbol as shown on Diagram 3 attached to By-law 244-2020;

- (H) Despite Clause 50.5.40.10 and regulation (G) above, the following elements of a **building** may exceed the maximum permitted **height** as follows:
- (i) Wind screens, parapets, terrace or balcony guardrails, ornamental elements, pavers, balustrades, railings and dividers, pergolas, trellises, planters, eaves, privacy screens, stair enclosures, skylights, mechanical equipment, mechanical and architectural screens, access hatches, roof assemblies, roof drainage, window washing equipment, chimneys, vents, lightning rods, light fixtures, pavers, elements of a **green roof, structures** located on the roof used for outside or open air recreation, which may project above the **height** limits shown on Diagram 3 and Diagram 4 attached to By-law 244-2020 by no more than 2.0 metres; and
 - (ii) Elevator overrun which may project above the **height** limits shown on Diagram 3 attached to By-law 244-2020 by no more than 4 metres;
- (I) Despite clause 50.5.40.70 and regulations 50.10.40.70(1), (3) and (5), and 50.10.40.80(1) and (3), the required minimum **building setbacks** and minimum distance between **main walls** must be provided as shown Diagram 3 and Diagram 4 of By-law 244-2020;
- (J) Despite regulation 50.5.40.60(1), clause 50.10.40.60 and regulation (I) above, the following elements of a **building** may encroach into the required **building setback** or separation distance:
- (i) Cornices, eaves, light fixtures, parapets, art and **landscaping** features, trellises, window sills, vertical window screens, ornamental elements, ventilation shafts, mechanical equipment, balustrade, railings, wheelchair ramps, site servicing features, window washing equipment, mullion cap extensions, screening, stair enclosures, fences underground garage ramp and associated **structures**, up to a maximum of 0.5 metres;
 - (ii) Balconies and terraces, up to a maximum of 1.5 metres; and
 - (iii) Awning and canopies, up to a maximum of 2.0 metres;
- (K) Regulation 600.10.10 with respect to **building setbacks** does not apply;
- (L) Regulation 50.10.40.30(1) with respect to **building depth** does not apply;
- (M) Despite regulation 50.10.40.50(1), **amenity space** must be provided as follows:
- (i) A minimum of 1.5 square metres per **dwelling unit** of indoor **amenity space**; and
 - (ii) A minimum of 1.0 square metres per **dwelling unit** of outdoor **amenity space**;

- (N) Despite regulation 200.5.10(1), **parking spaces** must be provided as follows:
 - (i) A minimum of 14 **parking spaces** for the **dwelling units**;
 - (ii) No **parking spaces** are required for the visitors of the **dwelling units**;
 - (iii) No **parking spaces** are required for the non-residential uses; and
 - (iv) A minimum of 39 **parking spaces** in a **public parking** garage;
- (O) Despite regulation 220.5.10.1(3) and (5), at least one Type "G" **loading space** and two Type "C" **loading spaces** must be provided and maintained;
- (P) Despite regulation 50.10.90.10(1), a **loading space** is permitted in a **side yard** abutting a **street**;
- (Q) Despite regulation 50.10.90.40(1), **vehicle** access to a **loading space** is permitted from a **street** which is a major **street**;
- (R) Despite regulation 230.5.1.10(10), both long-term and short-term **bicycle parking spaces** may be provided in a **stacked bicycle parking space**;
- (S) Despite regulation 230.5.1.10(9), long-term **bicycle parking spaces** may be provided in the P1 and P2 level of the **building**; and
- (T) Despite regulation 230.40.1.20(2), a short-term **bicycle parking space** may be located more than 30 metres from a pedestrian entrance.

Prevailing By-laws and Prevailing Sections:

- (A) 12(2)270 of former City of Toronto By-law 438-86
5. Despite any existing or future severance, partition or division of the lot shown in Diagram 2 of this by-law, the provisions of this By-law apply to the whole lot as it no severance, partition or division occurred.
6. Section 37 Provisions
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on February 26, 2020.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

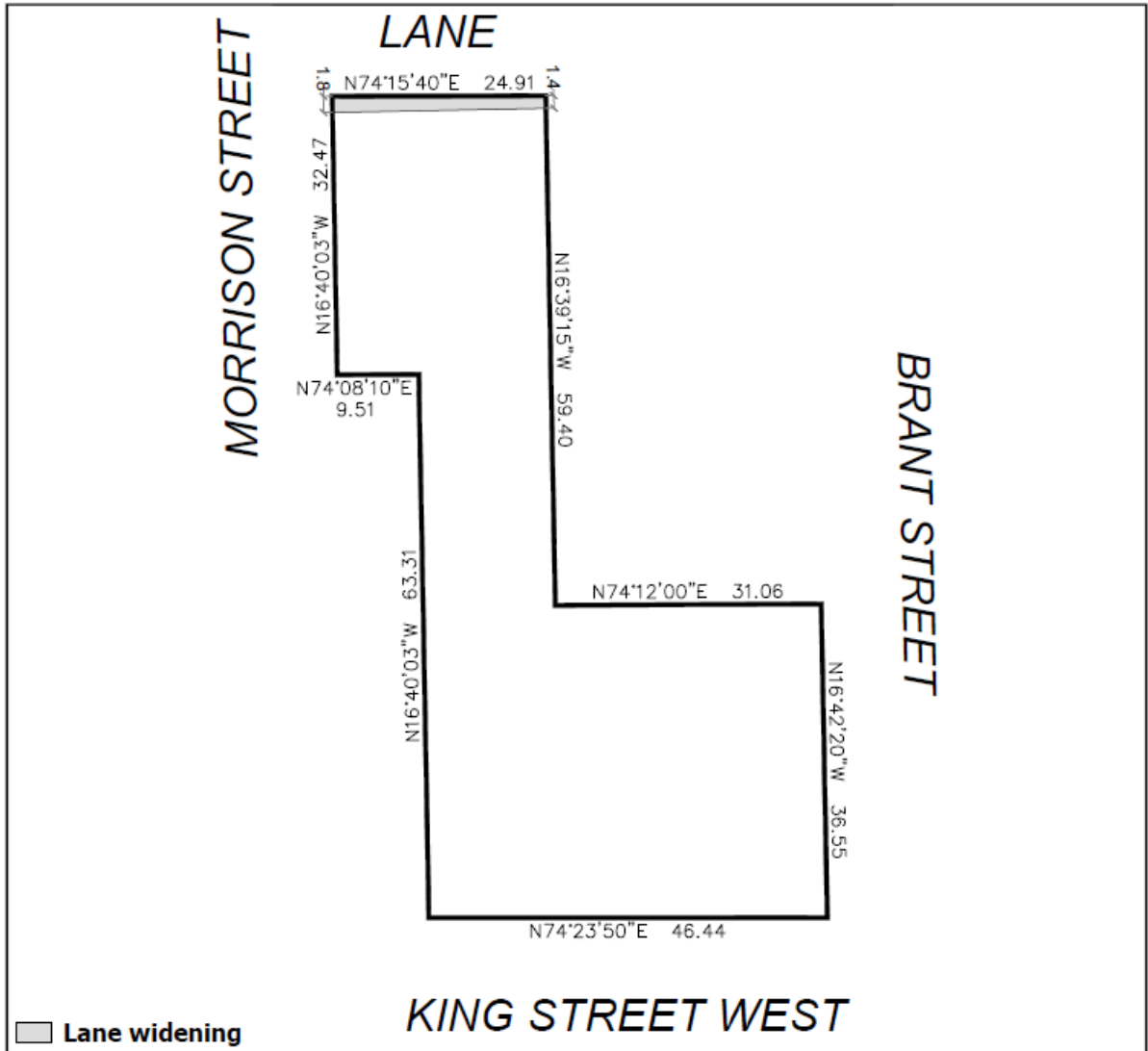
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act in accordance with this By-law whereby the owner agrees as follows:

- (1) Prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution in the amount of \$200,000.00 towards the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 10, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
- (2) Prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution in the amount of \$200,000.00 for the provision of affordable housing in Ward 10 within the vicinity of the site to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
- (3) Prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution in the amount of \$600,000.00 for the revitalization of the playground of the Toronto District School Board property at 20 Brant Street, subject to public access outside of regular school hours, and/or public realm improvements in the area, and/or community services and facilities, all to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
- (4) All cash contributions referred (1) to (3) above shall be upwardly indexed in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made to the City;
- (5) In the event that the cash contribution referred to in (1) to (3) above have not been used for the intended purposes upon the third annual anniversary of the By-laws coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 10;

The following matters are to be secured in the Section 37 Agreement as a legal convenience to support the development:

- (6) Prior to final site plan approval, the owner shall provide an Interpretation Plan for the heritage property at 544 King Street West, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;

- (7) Prior to final site plan approval, the owner shall provide a Heritage Lighting Plan that describes how the heritage property at 544 King Street West will be sensitively illuminated to enhance its heritage character as viewed from the public realm to the satisfaction of the Senior Manager, Heritage Preservation Services;
- (8) Prior to final site plan approval, the owner shall submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
- (9) Prior to the issuance of the first building permit, the owner shall provide a letter of credit, including provision for upwards indexing, in accordance with paragraph (4) of this Schedule A, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the approved Re-construction Plan and approved Interpretation Plan;
- (10) Prior to the issuance of first building permit, the owner shall provide full documentation of the existing heritage property at 544 King Street West, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Preservation Services;
- (11) Prior to the release of the letter of credit to be provided in accordance with paragraph (9) above, the owner shall provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required restoration work and the required interpretive work has been completed in accordance with the Re-construction Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services;
- (12) Prior to the issuance of the first permit for the demolition, shoring and excavation work, the owner shall submit, and thereafter implement, a construction management plan to address such matters as noise, dust, street closures, parking and laneway uses and access. Such plan shall be to the satisfaction of the General Manager, Transportation Services, the Chief Planner and Executive Director, City Planning and the Senior Manager, Land Use Planning, Toronto Lands Corporation, in consultation with the Ward Councillor, the ALPHA School Community, the Garment District Neighbourhood Association and any other community stakeholders; and
- (13) The owner agrees to work with the Toronto Lands Corporation to implement and maintain a living green wall for the height of the ground floor of the east-facing façade of the portion of the building located at 1-7 Morrison Street, immediately adjacent to the Toronto District School Property at 20 Brant Street, utilizing vegetation which will remain green throughout all four seasons of the year. The green wall will be maintained by the owner of 540-544 King Street West and will be detailed in the Site Plan control drawings.



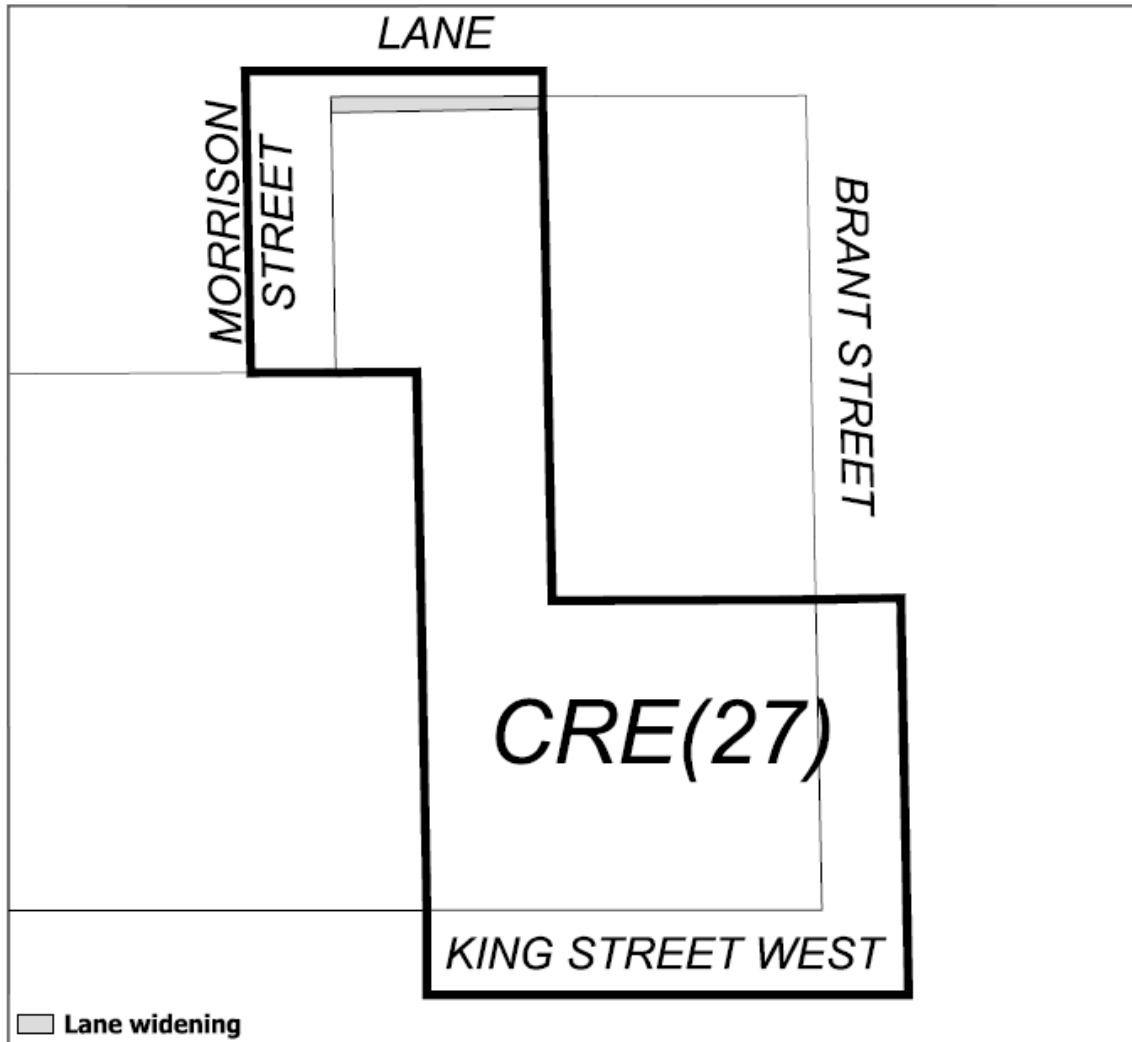
540-544 King Street West and 1-7 Morrison Street, Toronto

Diagram 1

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Not to Scale



☐ Lane widening



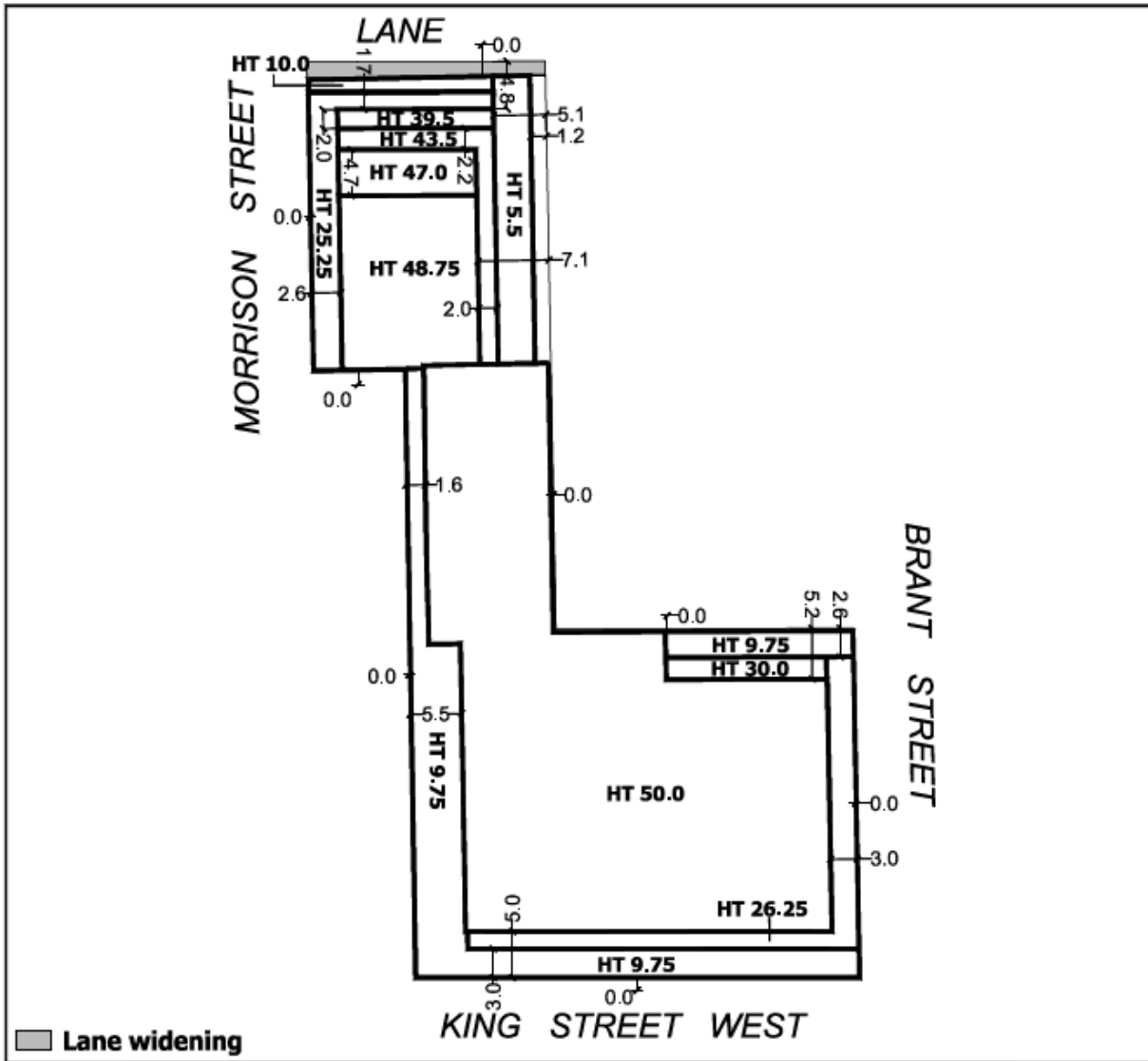
540-544 King Street West and 1-7 Morrison Street, Toronto

Diagram 2

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Not to Scale



540-544 King Street West and 1-7 Morrison Street, Toronto

Diagram 3

File #17 _____



Not to Scale

