

CITY OF TORONTO

BY-LAW No. 289-2009(OMB)

To amend former City of Toronto By-law No. 438-86, as amended, with respect to lands known municipally as 52 Sumach Street, 549 King Street East and 33 Sumach Street and 569 King Street East.

WHEREAS the Ontario Municipal Board, pursuant to its decision issued August 6, 2008 with respect to Case No. PL071130 and File Nos. PL071130, PL071216 and PL071154, deems it advisable to amend the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands known municipally as 52 Sumach Street, 549 King Street East and 33 Sumach Street and 569 King Street East;

THEREFORE pursuant to its decision issued August 6, 2008 with respect to Case No. PL071130 and File Nos. PL071130, PL071216 and PL071154, By-law No. 438-86, as amended, of the former City of Toronto, is amended as follows:

1. This By-law shall apply to those lands outlined by a heavy black line, and identified as Parcels A, B and C on Maps 1A, 1B and 1C attached hereto.
2. The lands identified on Map 1A attached hereto as 52 Sumach Street shall be rezoned from I1 D3 and R3 Z1.0 to R3 Z3.1.
3. The lands identified on Map 1B attached hereto as 549 King Street East and 33 Sumach Street shall be rezoned from I1 D3 and R3 Z1.0 to MCR T3.6 C0.4 R3.2.
4. The lands identified on Map 1C attached hereto as 569 King Street East shall be rezoned from I1 D3 to MCR T4.5 C0.6 R3.9.
5. Notwithstanding Section 6(1)(f) and Section 8(1)(f) of By-law No. 438-86, no person shall use a *lot* or erect or use a building within the *total lands* for any purpose except for one or more of the following uses:
 - (1) within *Parcel A*,
 - (a) a *row house*;
 - (b) an *apartment building*; and
 - (c) uses *accessory* thereto, including a below grade *parking garage*.
 - (2) within *Parcel B*,
 - (a) any of the residential and non-residential uses permitted within an MCR district by Section 8(1)(f) of By-law No. 438-86; and
 - (b) uses *accessory* thereto, including a below grade *parking garage*.

- (3) within *Parcel C*,
- (a) any of the residential and non-residential uses permitted within an MCR district by Section 8(1)(f) of By-law No. 438-86; and
 - (b) uses *accessory* thereto, including a below grade *parking garage* and a *car-sharing parking space* located within 9 metres of the rear lot line;

all of which buildings or structures may share the use of the below grade *parking garages*.

6. Notwithstanding Section 6(3) Part I 1 and Section 8(3) Part I 1, 2 and 3 of By-law No. 438-86, the maximum *non-residential gross floor area* and *residential gross floor area* of all buildings or structures erected within the *total lands* shall be as follows:

- (1) the maximum *residential gross floor area* shall not exceed 3,520 m² on *Parcel A* and there shall be a maximum of 40 *dwelling units*;
- (2) Notwithstanding Section 6(1) above, the maximum number of *dwelling units* permitted on *Parcel A* shall be 41 upon the *completion* of the *residential amenity space* in a new building on the lands known municipally in 2008 as 510, 512 and 530 King Street East;
- (3) the maximum total *gross floor area* permitted on *Parcel B* shall be 4,726 m² and there shall be a maximum of 48 *dwelling units*. The maximum *residential gross floor area* permitted shall be 4,214 m². The maximum *non-residential gross floor area* shall be 515 m²; and
- (4) the maximum total *gross floor area* permitted on *Parcel C* shall be 3,628 m² and there shall be a maximum of 46 *dwelling units*. The maximum *residential gross floor area* permitted shall be 3,197 m². The maximum *non-residential gross floor area* shall be 431 m².

7. Section 4(2) and the definition of *height* in Section 2 of By-law No. 438-86 shall not apply to the *total lands*. For the purposes of this By-law, the height of all buildings on the *total lands*, inclusive of rooftop mechanical penthouse, shall not exceed the height in metres above the average elevation along the;

- (a) Sumach Street *lot* line, following the symbol “H” shown on Map 2A for *Parcel A*;
- (b) King Street East *lot* line, following the symbol “H” shown on Map 2B for *Parcel B* and Map 2C for *Parcel C*; and
- (c) Where either no height limit or a height limit “H 0” is specified, no buildings or structures are permitted.

8. Notwithstanding Section 6(3) Part II 1, 2, 3, 4 and 5; and Section 8(3) Part II 1, 2 and 4 of By-law No. 438-86, the *building envelope* shall not extend beyond the heavy lines shown on Maps 2A, 2B and 2C attached hereto, including any elements otherwise permitted in Sections 4(2)(a)(i) and (ii) of By-law No. 438-86, except for the type of structure listed in the column entitled “STRUCTURE” in Schedule A attached hereto, provided that the restrictions set out opposite the structure in the column entitled “MAXIMUM PERMITTED PROJECTION” are complied with.
9. Notwithstanding Section 6(3) Part III 1 of By-law No. 438-86, the minimum *landscaped open space* shall be as follows:
- (a) *Parcel A*: 16% of the area of the *lot*.
10. Sections 4(3), 4(5) and 4(8) of By-law No. 438-86 shall not apply to the *total lands*. The following parking provisions shall apply:
- (1) The number of *parking spaces* required to be provided and maintained on the *total lands* shall not be less than 76 which are made up as follows:
- (a) 67 residents’ *parking spaces*;
- (b) 8 visitors’ *parking spaces*; and
- (c) 1 *car-sharing parking space*.
- (2) *Parcel A* shall have not less than 16 residents’ *parking spaces* and they shall be provided in a below grade *parking garage*;
- (3) *Parcel B* shall have not less than 24 residents’ *parking spaces* and they shall be provided in a below grade *parking garage*;
- (4) *Parcel C* shall have not less than 18 residents’ *parking spaces* and they shall be provided in a below grade *parking garage* or at grade within 9 metres of the rear lot line of *Parcel C* together with 1 *car-sharing parking space* which shall be at grade;
- (5) Notwithstanding Section 10(1)(b) above, the required minimum 8 visitor *parking spaces* shall be provided:
- (a) in a permitted parking facility on any of *Parcels A, B or C*; or
- (b) in a permitted parking facility which is not in an R district, other than on *Parcel A*, within 300 metres of any of *Parcels A, B or C*.
11. A shared *loading space - type G* may be provided and located in a new building on the lands known municipally in 2008 as 510, 512 and 530 King Street East for the use of loading activities for residential and commercial waste collection for the *total lands*.

12. Notwithstanding Section 11 above, residential waste collection for the *total lands* shall be provided by a private company, at no cost to the City, until such time as a shared *loading space – type G* and garbage storage and recycle room(s) in a new building on the lands known municipally in 2008 as 510, 512 and 530 King Street East are *completed* to the satisfaction of the General Manager of Solid Waste Services, at which time residential waste collection may be provided by the City.
13. Section 4(13)(a) of By-law No. 438-86 shall not apply. The following bicycle parking provisions shall apply:
- (1) The number of *bicycle parking spaces* required to be provided and maintained on the *total lands* shall be not less than 99 which are made up as follows:
 - (a) *Parcel A* shall have not less than 28 *bicycle parking spaces*: 22 *bicycle parking spaces – occupant* and 6 *bicycle parking spaces – visitor*;
 - (b) *Parcel B* shall have not less than 36 *bicycle parking spaces*: 29 *bicycle parking spaces – occupant* and 7 *bicycle parking spaces – visitor*; and
 - (c) *Parcel C* shall have not less than 35 *bicycle parking spaces*: 28 *bicycle parking spaces – occupant* and 7 *bicycle parking spaces – visitor*.
14. Section 4(10) of By-law No. 438-86 shall not apply to the *total lands*. The driveway slopes for the *total lands* shall be as follows:
- (a) For that portion of the driveway leading to the below grade *parking garage*, within 6.0 metres from the *street* line, the maximum slope of the driveway shall be 7.5%.
15. Section 4(12) of By-law No. 438-86 shall not apply to the *total lands*. The *residential amenity space* required to be provided and maintained for the *total lands* shall be as follows:
- (1) The minimum indoor *residential amenity space*, located in a multi-purpose room or contiguous multi-purpose rooms, at least one of which contains a kitchen and a washroom, for *Parcel A* shall be 102 m². The minimum outdoor *residential amenity space* for *Parcel A* shall be 75 m²;
 - (2) Notwithstanding Section 15(1) above, the minimum indoor *residential amenity space* for *Parcel A* shall be reduced to 25 m² and need not contain a kitchen and washroom, upon the *completion* of the *residential amenity space* in a new building on the lands known municipally in 2008 as 510, 512 and 530 King Street East;
 - (3) The minimum indoor *residential amenity space*, located in a multi-purpose room or contiguous multi-purpose rooms, which need not contain a kitchen or washroom, for *Parcel B* shall be 31 m². The minimum outdoor *residential amenity space* for *Parcel B* shall be 185 m²; and

- (4) The minimum indoor *residential amenity space*, located in a multi-purpose room or contiguous multi-purpose rooms, which need not contain a kitchen or washroom, for *Parcel C* shall be 14 m². The minimum outdoor *residential amenity space* for *Parcel C* shall be 120 m².
16. Section 4(16) of By-law No. 438-86 shall not apply to the *total lands*.
17. Notwithstanding Section 4(17) of By-law No. 438-86,
- (1) the minimum width of a parking space that is obstructed for *Parcel A* and *Parcel B* shall be 2.6 metres; and
- (2) the minimum dimensions of a *parking space* for *Parcel C*, accessed by a one-way or two-way drive aisle having a width of 5.0 metres or more, measured at the entrance to the *parking space*, shall be:
- (a) length 5.6 metres;
- (b) height 2.0 metres; and
- (c) width 2.6 metres.
18. Notwithstanding Section 8(3) Part VII 1 of By-law No. 438-86, the minimum *lot frontage* for *Parcel B* shall be as shown on Map 1B attached hereto.
19. Section 8(3) Part XI 1.(ii) of By-law No. 438-86 shall not apply to *Parcel B*.
20. Section 12(2) 260 of By-law No. 438-86 shall not apply to *Parcels B* and *C*.
21. Notwithstanding the definition of “*parking station*” in Section 2 of By-law No. 438-86, the parking of motor vehicles accessory to residential or *mixed-use buildings* located on *Parcels A, B* and *C* as shown on Maps 1A, 1B and 1C attached hereto, may be permitted on municipal lands.
22. 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 By-law No. 438-86 except for the following:
- (1) “*building envelope*” means a building envelope as delineated on Maps 2A, 2B and 2C attached hereto;
- (2) “*car-sharing parking space*” means a *parking space* used exclusively for the parking of a “*car-sharing motor vehicle*”;
- (3) “*car-sharing motor vehicle*” means a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of buildings on the *total lands*;

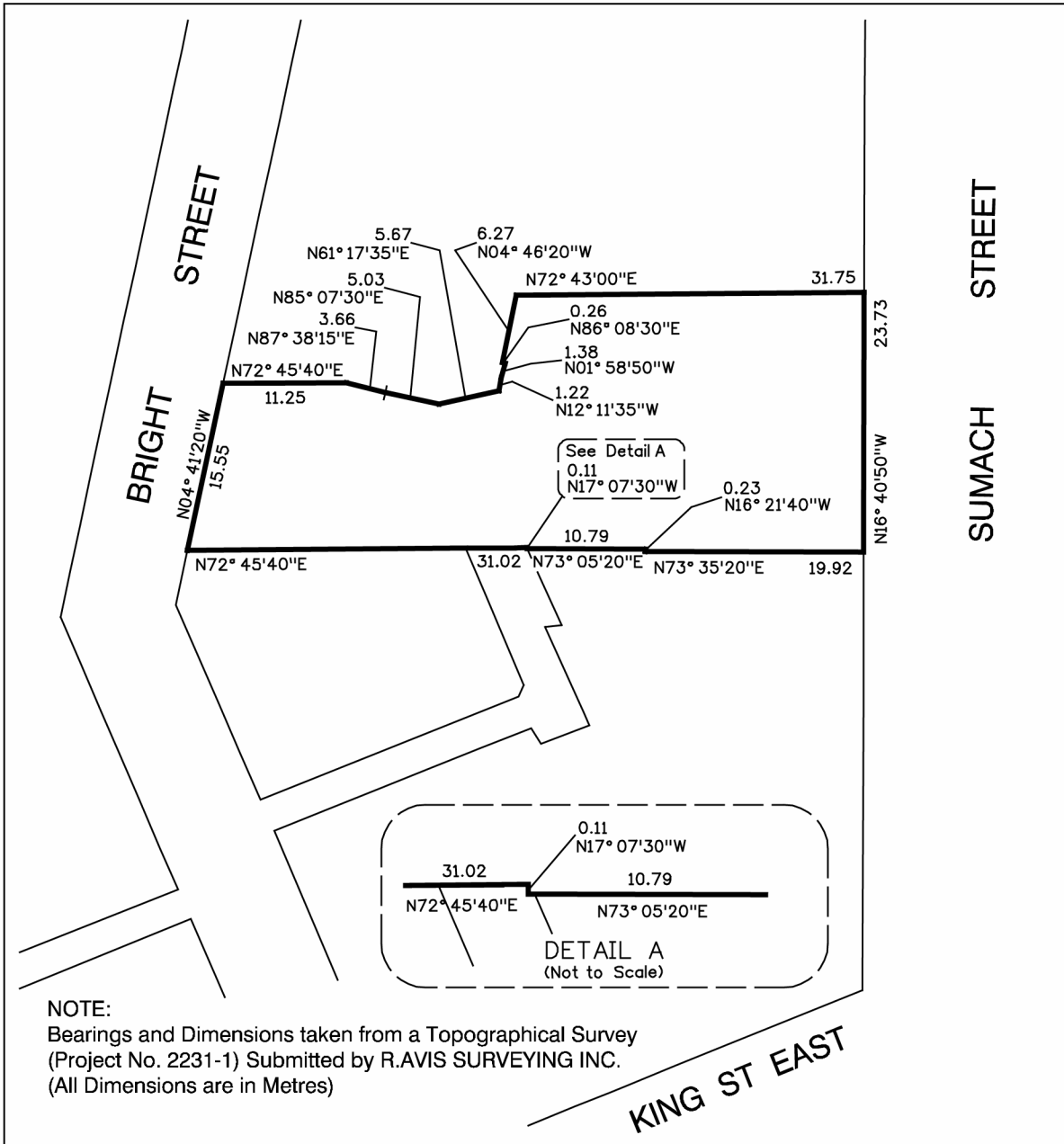
- (4) “*completed*” or “*completion*” means the date upon which Toronto Building gives permission to occupy the area or areas of a building or structure;
 - (5) “*Parcel A*” means those lands identified as Parcel A on Map 1A attached hereto and which are known municipally as 52 Sumach Street;
 - (6) “*Parcel B*” means those lands identified as Parcel B on Map 1B attached hereto and which are known municipally as 549 King Street East and 33 Sumach Street;
 - (7) “*Parcel C*” means those lands identified as Parcel C on Map 1C attached hereto and which are known municipally as 569 King Street East; and
 - (8) “*total lands*” means, collectively, those lands identified as *Parcels A, B and C* on Maps 1A, 1B and 1C attached hereto.
- 23.** Notwithstanding any severance, partition, or division of the *total lands* or any of *Parcels A, B or C*, the provisions of this By-law shall apply to the whole of the *total lands* or any of *Parcels A, B or C* as if no severance, partition or division occurred.
- 24.** All other provisions of By-law No. 438-86 continue to apply to the *total lands*.

PURSUANT TO THE DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON AUGUST 6, 2008 IN BOARD CASE NO. PL071130 AND FILE NOS. PL071130, PL071216 AND PL071154.

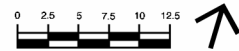
STRUCTURE	MAXIMUM PERMITTED PROJECTION	52 SUMACH STREET	549 KING STREET EAST - 433 SUMACH STREET	569 KING STREET EAST
PARAPETS	Maximum 1.5 metre vertical projection, provided the height of such "STRUCTURE" is not greater than 1.5 metres above the height limits established in Section 7 of this By-law.	Maximum 1.5 metre vertical projection, provided the height of such "STRUCTURE" is not greater than 1.5 metres above the height limits established in Section 7 of this By-law.	Maximum 1.5 metre vertical projection, provided the height of such "STRUCTURE" is not greater than 1.5 metres above the height limits established in Section 7 of this By-law.	Maximum 1.5 metre vertical projection, provided the height of such "STRUCTURE" is not greater than 1.5 metres above the height limits established in Section 7 of this By-law.
LIGHT FIXTURES	Maximum 0.8 metre horizontal projection, provided the height of the "STRUCTURE" is not higher than that portion of the building to which it is attached.	Maximum 0.8 metre horizontal projection, provided the height of the "STRUCTURE" is not higher than that portion of the building to which it is attached.	Maximum 0.8 metre horizontal projection, provided the height of the "STRUCTURE" is not higher than that portion of the building to which it is attached.	Maximum 0.8 metre horizontal projection, provided the height of the "STRUCTURE" is not higher than that portion of the building to which it is attached.
DECORATIVE BILLS, CORNICES AND EAVES	Maximum 0.8 metre horizontal projection.	Maximum 0.8 metre horizontal projection.	Maximum 0.8 metre horizontal projection.	Maximum 0.8 metre horizontal projection.
CANOPIES	No restriction on the extent of the projection provided the depth of such "STRUCTURE" does not exceed 1.1 metres beyond the face of the building.	No restriction on the extent of the projection provided the depth of such "STRUCTURE" does not exceed 1.1 metres beyond the face of the building.	No restriction on the extent of the projection provided the depth of such "STRUCTURE" does not exceed 1.1 metres beyond the face of the building.	No restriction on the extent of the projection provided the depth of such "STRUCTURE" does not exceed 1.1 metres beyond the face of the building.
RAILINGS, GUARDS, PRIVACY SCREENS AND FENCES	No restriction on the extent of the projection provided the height of such "STRUCTURE" does not exceed 2.1 metres above the portion of the building to which it is attached.	No restriction on the extent of the projection provided the height of such "STRUCTURE" does not exceed 2.1 metres above the portion of the building to which it is attached.	No restriction on the extent of the projection provided the height of such "STRUCTURE" does not exceed 2.1 metres above the portion of the building to which it is attached.	No restriction on the extent of the projection provided the height of such "STRUCTURE" does not exceed 2.1 metres above the portion of the building to which it is attached.
STAIRS	Maximum 2.0 metre horizontal projection, and maximum 1.6 metre vertical projection above average elevation of King Street East.	Maximum 2.0 metre horizontal projection, and maximum 1.6 metre vertical projection above average elevation of King Street East.	Maximum 2.0 metre horizontal projection, and maximum 1.6 metre vertical projection above average elevation of King Street East.	Maximum 2.0 metre horizontal projection, and maximum 1.6 metre vertical projection above average elevation of King Street East.
EAVES/TROUGH/ VENT PIPES, EXHAUST DUCTS AND FLUES	Maximum 0.5 metre horizontal projection, and maximum 1.0 metre vertical projection above the "STRUCTURE" is not greater than 1.0 metre above the portion of the building to which it is attached.	Maximum 0.5 metre horizontal projection, and maximum 1.0 metre vertical projection above the "STRUCTURE" is not greater than 1.0 metre above the portion of the building to which it is attached.	Maximum 0.5 metre horizontal projection, and maximum 1.0 metre vertical projection above the "STRUCTURE" is not greater than 1.0 metre above the portion of the building to which it is attached.	Maximum 0.5 metre horizontal projection, and maximum 1.0 metre vertical projection above the "STRUCTURE" is not greater than 1.0 metre above the portion of the building to which it is attached.
WINDOW WASHING ANCHORS	Maximum 0.8 metre horizontal projection, and maximum 0.8 metre vertical projection above the height of such "STRUCTURE" is not greater than 0.8 metre above the portion of the building to which it is attached.	Maximum 0.8 metre horizontal projection, and maximum 0.8 metre vertical projection above the height of such "STRUCTURE" is not greater than 0.8 metre above the portion of the building to which it is attached.	Maximum 0.8 metre horizontal projection, and maximum 0.8 metre vertical projection above the height of such "STRUCTURE" is not greater than 0.8 metre above the portion of the building to which it is attached.	Maximum 0.8 metre horizontal projection, and maximum 0.8 metre vertical projection above the height of such "STRUCTURE" is not greater than 0.8 metre above the portion of the building to which it is attached.
LANDSCAPE PLANTERS	Maximum 1.0 metre vertical projection above the average elevation along the Sumach Street/oi line.	Maximum 1.0 metre vertical projection above the average elevation along the Sumach Street/oi line.	Maximum 1.0 metre vertical projection above the average elevation along the King Street East/oi line.	Maximum 1.0 metre vertical projection above the average elevation along the King Street East/oi line.
LANDSCAPE LATTICE	Maximum 0.5 metre horizontal projection, provided the height of the "STRUCTURE" is not higher than that portion of the building to which it is attached.	Maximum 0.5 metre horizontal projection, provided the height of the "STRUCTURE" is not higher than that portion of the building to which it is attached.	Maximum 0.5 metre horizontal projection, provided the height of the "STRUCTURE" is not higher than that portion of the building to which it is attached.	Maximum 0.5 metre horizontal projection, provided the height of the "STRUCTURE" is not higher than that portion of the building to which it is attached.
BALCONIES AND PROJECTED FLANKING WALLS				
BUILDING ENVELOPE A- FRONT (EAST)	Maximum 2.4 metre projection allowed, provided the balcony is not higher than that portion of the building to which it is attached; as identified by the shaded areas as indicated on Map 2a.	Maximum 2.4 metre projection allowed, provided the balcony is not higher than that portion of the building to which it is attached; as identified by the shaded areas as indicated on Map 2a.	Maximum 2.4 metre projection allowed, provided the balcony is not higher than that portion of the building to which it is attached; as identified by the shaded areas as indicated on Map 2b.	Maximum 2.4 metre projection allowed, provided the balcony is not higher than that portion of the building to which it is attached; as identified by the shaded areas as indicated on Map 2c.
BUILDING ENVELOPE A- REAR (WEST)	Maximum 2.4 metre projection allowed, provided the balcony is not higher than that portion of the building to which it is attached; as identified by the shaded areas as indicated on Map 2a.	Maximum 2.4 metre projection allowed, provided the balcony is not higher than that portion of the building to which it is attached; as identified by the shaded areas as indicated on Map 2a.	Maximum 2.4 metre projection allowed, provided the balcony is not higher than that portion of the building to which it is attached; as identified by the shaded areas as indicated on Map 2b.	Maximum 2.4 metre projection allowed, provided the balcony is not higher than that portion of the building to which it is attached; as identified by the shaded areas as indicated on Map 2c.
BUILDING ENVELOPE A- FRONT (NORTH)				
BUILDING ENVELOPE A- SIDE (EAST)				
BUILDING ENVELOPE A- SIDE (WEST)				
FRONT (NORTH)				
REAR (SOUTH)				

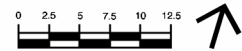
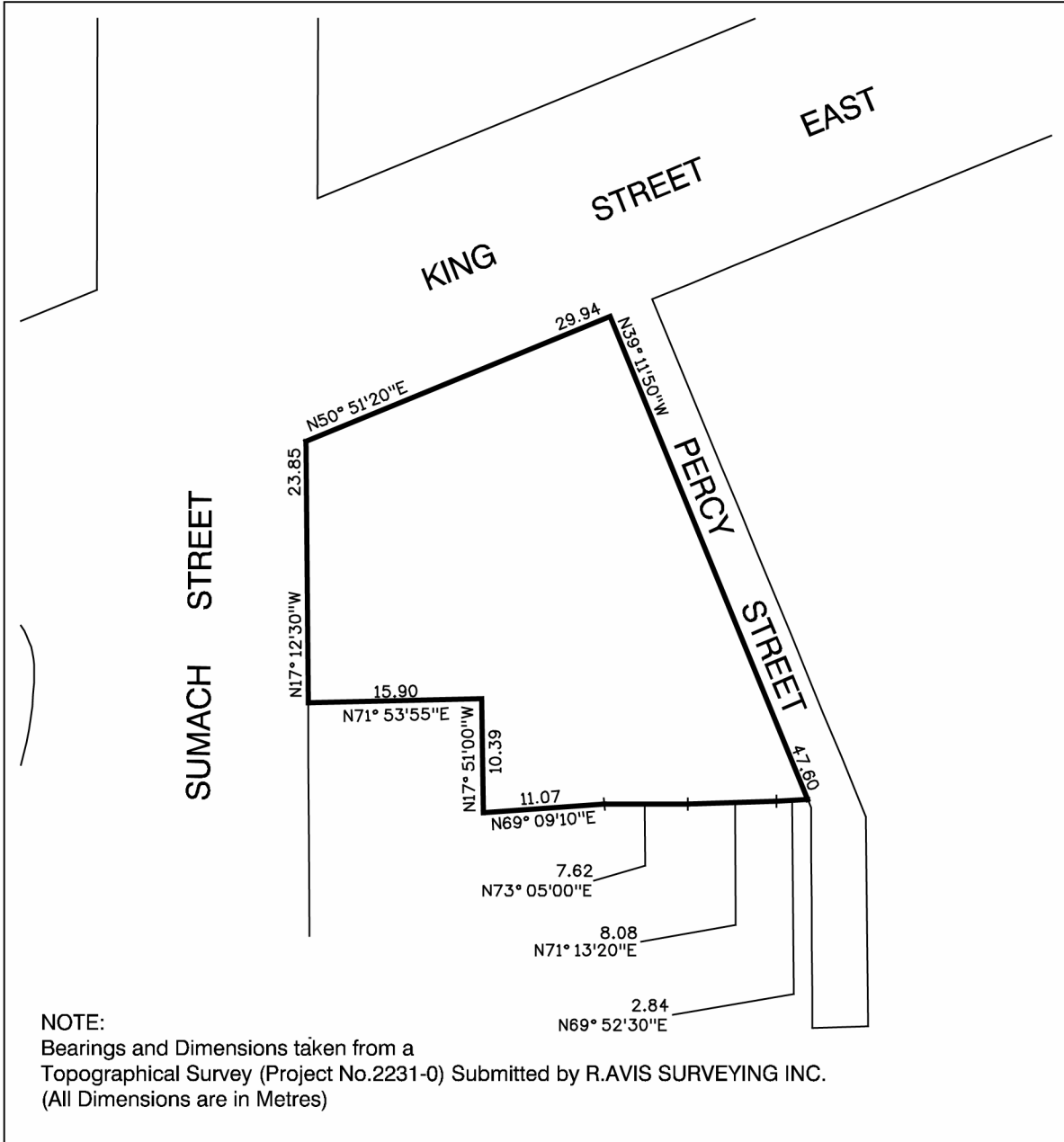
**52 Sumach Street, 549 King Street East and
33 Sumach Street and 569 King Street East**

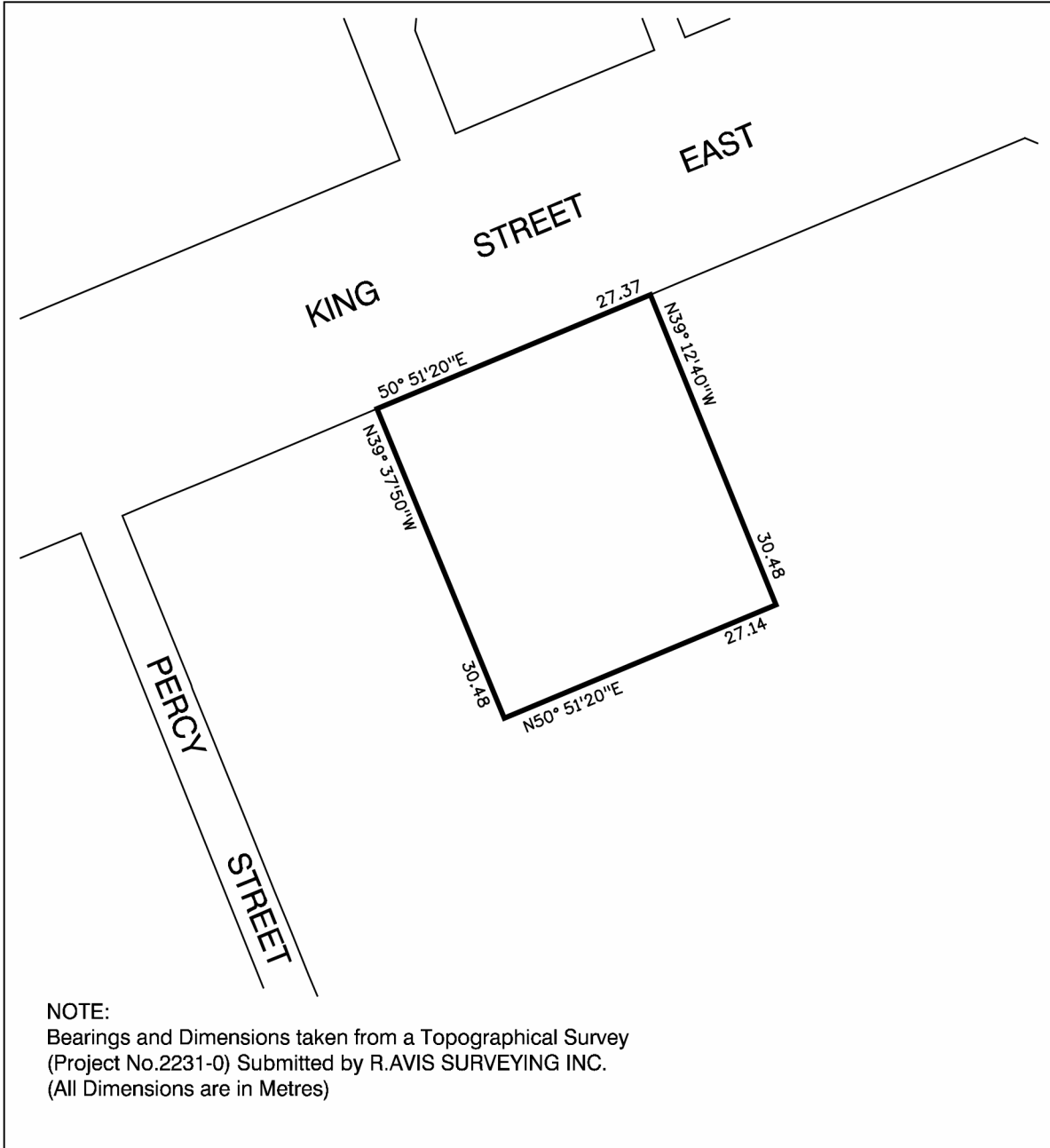
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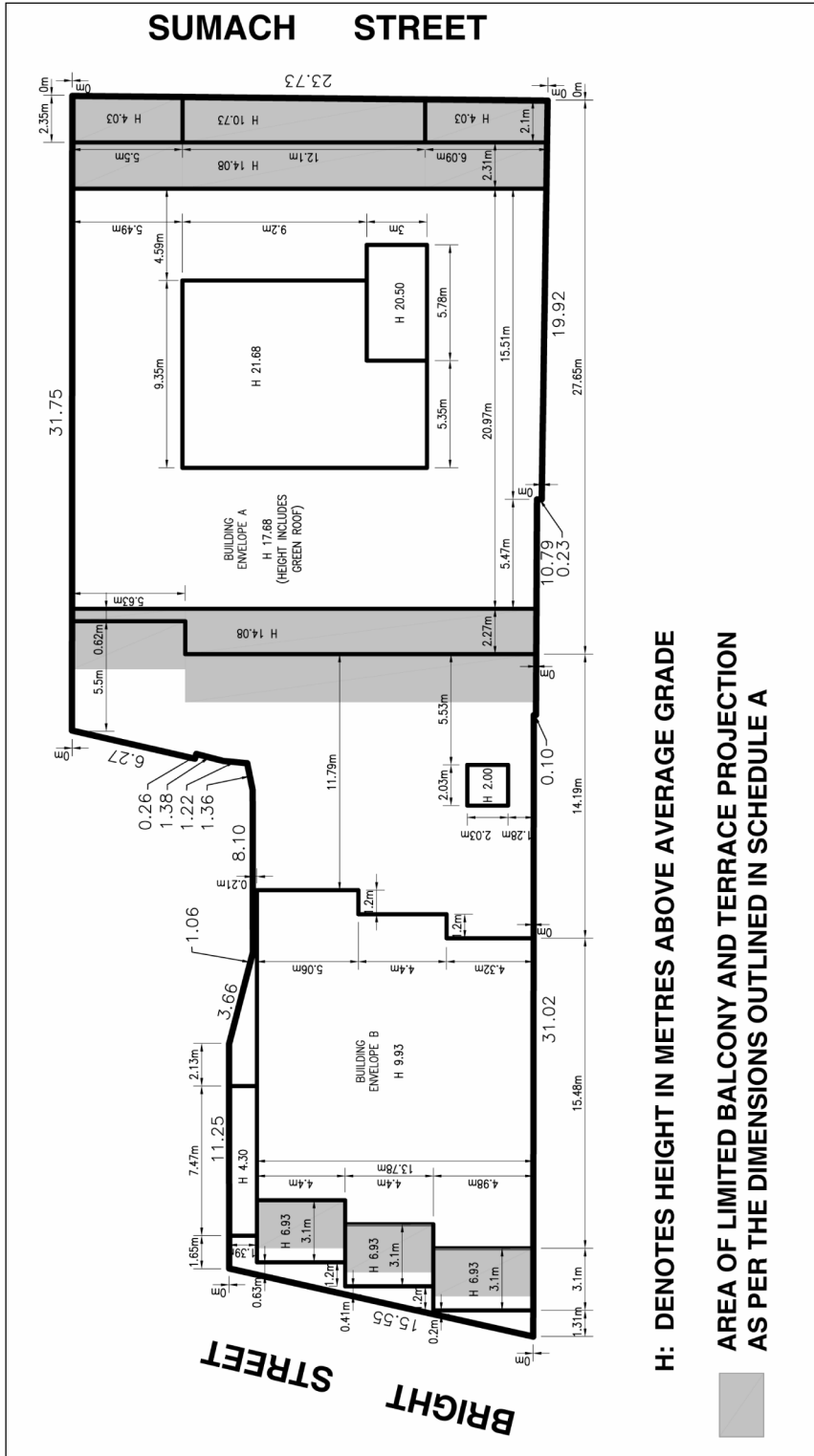


NOTE:
 Bearings and Dimensions taken from a Topographical Survey
 (Project No. 2231-1) Submitted by R.AVIS SURVEYING INC.
 (All Dimensions are in Metres)









52 Sumach Street

Toronto City Planning
 Map 2A

File #07_142879

↑
 Note to Scale
 06/12/08

