

Authority: Toronto and East York Community Council Item 26.11,
as adopted by City of Toronto Council on May 25, 26 and 27, 2009
Enacted by Council: May 27, 2009

CITY OF TORONTO

BY-LAW No. 576-2009

To amend former City of Toronto By-law No. 438-86, as amended, with respect to lands municipally known as 510, 512 and 530 King Street East.

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands municipally known in the year 2008 as 510, 512 and 530 King Street East; and

WHEREAS the Council of the City of Toronto has conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment;

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

1. For the purposes of this By-law, the *lot* shall consist of the lands outlined by heavy black lines on Map 1 attached to and forming part of this By-law.
2. The lands identified with heavy lines on Map 1 attached hereto shall be rezoned from I1D3 to MCR T 3.6 C0.5 R3.1.
3. Section 4(2)(a) of By-law No. 438-86 shall not apply to the *lot*. For the purposes of this By-law, the *height* of all buildings on the *lot*, inclusive of the rooftop mechanical penthouse, shall not exceed the *height* in metres above *grade*, as specified by the numbers following the symbol "H" as shown on Map 2 attached to and forming part of this By-law, with the following exceptions:
 - (i) roof parapets are permitted to exceed the *height* permissions on the attached Map 2 provided the maximum vertical dimension of such elements shall not exceed the sum of 1.2 metres and the applicable maximum *height* in metres as specified on the attached Map 2;
 - (ii) window washing equipment is permitted to exceed the *height* permissions on the attached Map 2 provided the maximum vertical dimension of any such elements shall not exceed the sum of 2.0 metres and the applicable maximum *height* in metres as specified on the attached Map 2;
 - (iii) a privacy screen above the top storey is permitted to exceed the *height* permissions on the attached Map 2 provided the maximum vertical dimension of such screen shall not exceed the sum of 3.2 metres and the applicable maximum *height* in metres as specified in the attached Map 2;
 - (iv) a structure used for safety or wind protection purposes, elements of a green roof, landscaping elements and planters, privacy walls, guardrails, railings, trellises, a structure for outside or open air recreation, a chimney stack or other ornamental elements and the items referenced in paragraph 17 below, is permitted to exceed

the *height* permissions on the attached Map 2 provided that the maximum vertical dimension of such elements shall not exceed the sum of 3.2 metres and the applicable maximum *height* in metres as specified on the attached Map 2; and

- (v) the items in paragraph 4 below.
4. Rooftop mechanical areas, including a wall or structure enclosing a stair tower, elevator shaft or heating, cooling and ventilating equipment, shall be located in the area specified on the attached Map 2 and shall not exceed the building *height* shown on the attached Map 2; with the following exceptions:
- (i) a cooling tower with a height of up to 3.8 metres which is located adjacent to the rooftop mechanical area;
 - (ii) a generator with a height of up to 3.8 metres which is located adjacent to the rooftop mechanical area; and
 - (iii) pressurization equipment with a height of up to 1.2 m which is located on top of the rooftop mechanical area.
5. Sections 4(3) and 4(5) of By-law No. 438-86 shall not apply to the *lot*. *Parking spaces* shall be provided and maintained on the lot in accordance with the following:

Residents' Parking:

- (i) a minimum of 0.3 *parking spaces* per each bachelor *dwelling unit*;
- (ii) a minimum of 0.5 *parking spaces* per each one bedroom *dwelling unit*;
- (iii) a minimum of 0.75 *parking spaces* per each two bedroom *dwelling unit* or larger;

Visitor Parking:

- (iv) a minimum of 0.06 *parking spaces* per *dwelling unit* for visitors;
- (v) the visitors *parking spaces* required to be provided and maintained on the *lot* pursuant to this By-law shall be reserved at all times for residential visitors to the building and shall be individually designated by means of clearly visible signs as being for the exclusive use of residential visitors to the building;

Other Parking:

- (vi) for 1 *car-share parking space* provided on the *lot*, for which the minimum resident parking required by (i), (ii) and/or (iii) above shall be reduced by 10 *parking spaces*;
- (vii) 1 additional *car-share parking space* to be provided that will not count towards a *parking space* reduction;

- (viii) all *car-share parking spaces* are to be located at *grade*;
 - (ix) 8 *parking spaces* to be provided on the *lot* to serve residential visitors to buildings located on the *phase one lands*;
 - (x) 26 *parking spaces* provided in a *parking station* on the *lot*, such spaces to be reserved and individually designated by means of clearly visible signs as being for the exclusive use of the community at large, at all times; and
 - (xi) where the calculation of the number of *parking spaces* required to be provided and maintained by subparagraph (i) – (x) above, results either in a fraction of a *parking space*, or in a whole number of *parking spaces* and a fraction of a *parking space*, the fraction if equal to or greater than 0.5 shall be taken to be 1.0 and added to the whole number of the *parking spaces* required to be provided and maintained, and if the fraction is less than 0.5 it shall be excluded from the determination of the number of *parking spaces* that are required to be provided and maintained in respect of the building or structure to be erected or used.
6. Section 4(8) of By-law No. 438-86 shall not apply to the *lot*. One *loading space – type G* shall be provided and maintained on the *lot* to serve the *mixed-use building* on the *lot*, which *loading space – type G* may also serve the buildings on the *phase one lands*.
7. Notwithstanding Section 4(13)(a) and (c) of By-law No. 438-86 no *bicycle parking spaces* shall be required for uses listed in sections 8(1)(f)(b)(iv), (v) and (vi) of said By-law.
8. The provision of *bicycle parking spaces – visitor*:
- (i) shall be located at *grade*, in the rear parking lot with weather protection;
 - (ii) shall not be located within a secured enclosure or room or bicycle locker; and
 - (iii) shall be reserved at all times for visitors to the building and shall be designated by means of clearly visible signs as being for the exclusive use of visitors to the building in such areas.
9. The provision of *bicycle parking spaces – occupant*:
- (i) shall be located only on the first level below *grade*; and
 - (ii) shall be common element and separate from and independent of individual storage spaces.
10. *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- (i) .75 *bicycle parking spaces* for each *dwelling unit* of which 80 percent shall be *bicycle parking spaces – occupant* and 20 percent shall be *bicycle parking spaces-visitor*.

- 11.** Section 4(12) of By-law No. 438-86 shall not apply to the *lot*. *Residential amenity space* shall be provided and maintained on the *lot* as follows:
- (i) Not less than 2.0 square metres of indoor *residential amenity space* per *dwelling unit* located in a multi-purpose room(s), at least one of which contains a kitchen and a washroom; and
 - (ii) a minimum of 377 square metres of outdoor *residential amenity space* of which at least 40 square metres is provided in a location adjoining, or directly accessible from indoor *residential amenity space*.
- 12.** Sections 4(10)(a) and 4(14) of By-law No. 438-86 shall not apply to the *lot*.
- 13.** Notwithstanding Section 4(17) of By-law No. 438-86, the minimum width of a *parking space* that is obstructed shall be 2.6 metres.
- 14.** Notwithstanding Section 8(1)(f) of By-law No. 438-86, no person shall use the *lot* or erect or use a building within the *lot* for any purpose except for one or more of the following uses:
- (i) a *mixed-use building* containing any of the residential and non-residential uses permitted within an MCR district by Section 8(1)(f) of By-law No. 438-86, including uses *accessory* thereto, except that a *commercial parking lot* shall not be permitted;
 - (ii) a below grade parking garage, a parking station, and car-sharing parking spaces; and
 - (iii) 8 parking spaces provided in a below grade *parking garage*, for uses only related to residential visitors for the *Phase one lands*.
- 15.** Section 8(2)11(i) of By-law No. 438-86, as amended, shall not apply to the *lot*.
- 16.** Notwithstanding 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 *lot* shall be as follows:
- (i) the maximum *residential gross floor area* shall not exceed 14,950 square metres; and
 - (ii) the maximum *non-residential gross floor area* shall be 2,415 square metres.
- 17.** Section 8(3) Part II 4 of By-law No. 438-86 shall not apply to the *lot*. The *mixed-use building* shall be located entirely within the *building envelope*, as shown on Map 2 attached to and forming part of this By-law, with the following exceptions:
- (i) cornices, light fixtures, awnings, ornamental elements, parapets, landscape elements and planters, trellises, eaves, window sills, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, garbage/recycling enclosures,

decorative architectural elements, bike racks, wheel chair ramps and underground garage ramps and associated structures;

- (ii) structural column projections provided that they project no more than 1.1 metres beyond the face of the wall to which they are attached;
 - (iii) balconies provided they extend no more than 2.6 metres beyond the areas delineated by heavy lines on Map 2; except that balconies located within the shaded areas on Map 2 may extend no more than 4.7 metres beyond the areas delineated by heavy lines on Map 2;
 - (iv) a maximum of 3 canopies located at the ground floor level; and
 - (v) a continuous roof canopy provided it extends no more than 1.0 metre beyond the wall of the building.
- 18.** Sections 8(3) Part XI of By-law No. 438-86 shall not apply to the *lot*.
- 19.** Section 12(1)87 of By-law No. 438-86 shall not apply to the *lot*.
- 20.** Sections 12(2)246(a) and 12(2) 270 of By-law No. 438-86 shall not apply to the *lot*.
- 21.** City Council requires the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act*, satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such and agreement be registered on title to the lands in the manner satisfactory to the City Solicitor, to secure the following matters:
- (i) provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, design to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer irrigation system for all new trees in the public rights-of-ways, satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation;
 - (ii) provide a green roof satisfactory to the Chief Planner and Executive Director, City Planning Division;
 - (iii) build in conformity with the Toronto Green Standard Checklist submitted by the applicant in November 2007, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (iv) all *bicycle parking spaces* are provided and maintained only on the first level below *grade* for *occupant* spaces, and all at grade for *visitor* spaces;
 - (v) all *bicycle parking spaces - occupant* shall be common element and shall not be combined with storage lockers for residential units.

- 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:
- (i) “*building envelope*” means a building envelope as shown by heavy lines on Map 2 attached hereto;
 - (ii) “*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 *lot*;
 - (iii) “*car-sharing parking space*” means a *parking space* that is reserved and actively used for a *car-sharing motor vehicle*;
 - (iv) “*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 where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (v) “*lot*” means those lands outlined by a heavy black line on Map 1 attached hereto and which are municipally known in 2008 as 510, 512 and 530 King Street East;
 - (vi) “*parking station*” means an uncovered surface parking facility that is used for the parking of motor vehicles, either as an *accessory* use to the uses permitted on the *lot* or for users who are not occupants or customers of the building where the *parking station* is located;
 - (vii) “*phase one lands*” means those lands municipally known in 2008 as 52 Sumach Street, 549 King Street East and 33 Sumach Street and 569 King Street East; and
 - (viii) “*residential amenity space*” means a common area or areas within the *lot* which are provided for the exclusive use of residents of the *mixed-use building* on the *lot* and/or the residents of the buildings on the *phase one lands*.
- 23.** Notwithstanding any severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
- 24.** All other provisions of By-law No. 438-86 continue to apply to the *lot*.

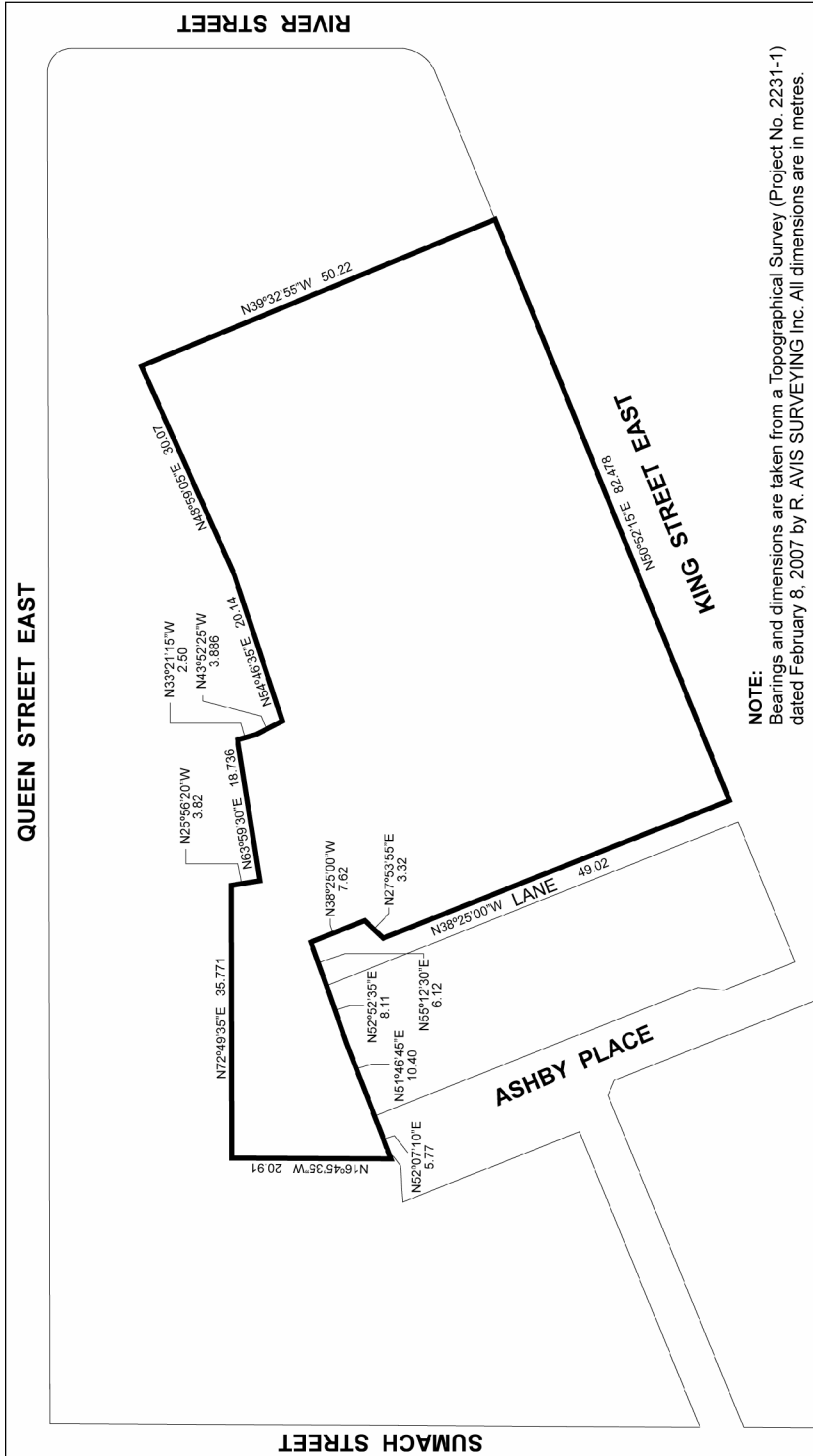
ENACTED AND PASSED this 27th day of May, A.D. 2009.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

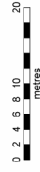
Map 1



Toronto City Planning
Map 1

510, 512 & 530 King Street East

File # 07_276032



04/15/09

