

# CITY OF TORONTO

## BY-LAW No. 60-2011(OMB)

### To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 330 King Street East.

WHEREAS the Ontario Municipal Board, pursuant to an order issued on October 8, 2010, following an appeal pursuant to section 34(11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, determined to amend the former City of Toronto Zoning By-law No. 438-86, the General Zoning By-law, in respect of lands municipally known as 330 King Street East; and

WHEREAS subsection 37(2) of the *Planning Act* requires that a by-law under subsection 37(1) may not be enacted unless the Municipality has an Official Plan that contains provisions relating to the authorization of increase in height and density of development; and

WHEREAS the Official Plan for the City of Toronto, contains such provisions relating to the authorization of increases in height and density of development; 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 density or height of development, the municipality, or the OMB on appeal, may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

WHEREAS the owners of the lands have elected to provide the facilities, services and matters hereinafter set out; and

WHEREAS the increases in density or height permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such land and the City of Toronto; and

WHEREAS the Ontario Municipal Board has required the owner of the aforesaid lands to enter into one or more agreements with the City of Toronto dealing with certain facilities, services and matters in return for the increase in height and density in connection with the aforesaid lands as permitted in this By-law;

THEREFORE By-law No. 438-86, the General Zoning By-law of the former City of Toronto, as amended is further amended by the Ontario Municipal Board as follows:

1. None of the provisions of Sections 2(1) with respect to "*grade*", "*height*", "*residential amenity space*" and Sections 4(2)(a), 4(10)(a), 4(12), 7(3) Part II 1(i), 12(2)(246), 12(2)(260), of 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 *dwelling units* and non-residential uses, including uses *accessory* thereto, provided that:
  - (a) the *lot* comprises not less than the lands shown outlined by heavy lines on Map 1 attached to and forming part of this By-law;

- (b) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* does not exceed 16,427 square metres, of which:
  - (i) the *residential gross floor area* does not exceed 15,172 square metres and shall not comprise more than 215 *dwelling units*; and
  - (ii) the *non-residential gross floor area* does not exceed 1,255 square metres.
- (c) no portion of the *mixed-use building* above finished ground level is located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law; with the exception of the following:
  - (i) canopies on the first storey and balconies provided they extend no more than 1.8 metres beyond the areas delineated by heavy lines on Map 2; and
  - (ii) cornices, light fixtures, awnings, ornamental elements, parapets, landscape features, eaves, window sills, ventilation shafts, insulation and roof surface materials on the roof or terrace levels, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheel chair ramps and underground garage ramps and associated structures may extend beyond the heavy lines shown on the attached Map 2.
- (d) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, with the exception of the following:
  - (i) a structure used for safety or wind protection purposes, elements of a green roof, insulation and roof surface materials on the roof or terrace levels, a chimney stack or other heating, cooling or ventilating equipment, window washing equipment, ornamental elements, landscaping elements, privacy walls, parapets, stairs, stair enclosures, guardrails and railings, and
  - (ii) canopies on the first storey and balconies provided they extend no more than 1.8 metres beyond the areas delineated by heavy lines on Map 2.
- (e) Not less than 71 square metres of outdoor *residential amenity space* and not less than 227 square metres of indoor *residential amenity space* shall be provided and maintained on the *lot* and the indoor *residential amenity space* shall include a kitchen and a washroom said kitchen and washroom not be located within a guest suite.
- (f) Not less than 110 *parking spaces* shall be provided and maintained on the *lot*, of which:
  - (1) at least 7 *parking spaces* are for the exclusive use of visitors;
  - (2) at least 103 *parking spaces* are for the exclusive use of residents;
  - (3) 0 *parking spaces* are required for the non-residential uses in the building;

and

- (4) 1 *car-share parking space* shall be provided out of the 103 *parking spaces* provided for residents.
- (g) Notwithstanding Section 4(17) of By-law No. 438-86, up to three *parking spaces* having access to a drive aisle with a width of at least 6.0 metres shall have minimum dimensions of 2.6 metres in width by 5.39 metres in length.
- (h) One *loading space – type G* shall be provided and maintained on the *lot*.
- (i) For that portion of the driveway leading to the below grade parking garage within 6.0 metres of the street line, the maximum slope of the driveway shall be 7.5%.

2. Pursuant to Section 37 of the *Planning Act*, the height and density of development permitted on the *land* by this By-law, are permitted in return for the provision by the owner of the following facilities, services and matters to the City at the owner's sole expense:

#### Agreement

- (a) the owner of the *lot* enters into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which shall be registered on title to the land by the City to secure the facilities, services and matters required to be provided by this Section 2 and consents to the registration of such agreement or agreements against title to the *land*;

#### Building Permits

- (b) prior to issuance of the first above grade building permit, the owner shall make the following cash contributions for the following purposes, with the contributions to be indexed in accordance with the Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the agreement referred to in Section 2(a) of this By-law to the date of submission of the contributions by the Owner to the City:
  - (i) three hundred thousand dollars (\$300,000) for a new public market portion of the North St. Lawrence Market Redevelopment;
  - (ii) twenty-five thousand dollars (\$25,000) for streetscaping improvements within the Corktown Area of Special Identity (as identified on Map 15-3 in the City's King-Parliament Secondary Plan).

## Provide and Maintain

- (c) the owner shall provide and maintain:
  - (i) an irrigation system, at the property owner's expense, for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor and constructed with a back flow preventer, to the satisfaction of the City's General Manager, Technical Services; and
  - (ii) building design elements and exterior building materials satisfactory to the City's Chief Planner & Executive Director, City Planning, in the construction of the building.

## Provide

- (d) the owner shall provide any improvements to the municipal infrastructure should it be determined after a site-servicing review, that up-grades are required to the infrastructure to support development on the *lot* as permitted by this By-law, in accordance with the site servicing plans accepted by the City's Executive Director of Technical Services.

## 3. For the purposes of this By-law:

- (a) "*car-share*" shall mean the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such *car-share* motor vehicles to be made available for short term rental, including hourly rental. *Car-share* organizations may require that the *car-share* motor vehicles 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;
- (b) "*car-share parking space*" shall mean a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes and such *car-share* is for the use of at least the occupants of the building;
- (c) "*grade*" shall mean 79.375 metres Canadian Geodetic Datum;
- (d) "*height*" shall mean the vertical distance between *grade* and the highest point of the building or structure on the *lot*;
- (e) "*residential amenity space*" shall mean a common area or areas within the *mixed-use building* which are provided for the exclusive use of residents of the *mixed-use building* for recreational or social purposes and may include up to two *dwelling units* used as guest suites having a combined total *residential gross floor area* of up to 84m<sup>2</sup>; and

- (f) each other word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.
4. Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole *lot* as if no severance, partition or division occurred.
5. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON OCTOBER 8, 2010 IN BOARD CASE NO. PL080838.



