

Authority: Toronto and East York Community Council Item 27.1,
as adopted by City of Toronto Council on November 13, 14, 15 and 18, 2013

CITY OF TORONTO

BY-LAW No. 1502-2013

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 388 King Street West and 82 Peter Street.

Whereas authority is given to Council by 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*;

The Council of the City of Toronto enacts:

1. None of the provisions of Sections 4(2)(a), 4(8), 7(3) Part II 1(i), 7(3) Part III, 12(2)132 and 12(2)246(a), (c), (e) and (f) of Zoning By-law No. 438-86, of the former City of Toronto, as amended, 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", shall apply to prevent the erection or use of a *non-residential building* on the *lot* including a *commercial parking garage* provided that:
 - (a) The *lot* comprises at least the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) The total *non-residential gross floor area* erected or used on the lot does not exceed 81,562 square metres, of which no more than 12,826 square metres will be occupied by the *commercial parking garage*;
 - (c) Subject to subsection (d) below, no portion of the building or structure erected or used above *grade* is located otherwise than within the *lot* and wholly within the areas delineated by heavy lines on the attached Map 2, except the following which may extend beyond such heavy lines:
 - i) Lighting fixtures, ornamental elements, landscape and public art features, balustrades, guard rails, stairs, stair enclosures, wheelchair ramps, eaves or cornices, railings, awnings and canopies.
 - (d) The *height* of any building or structure, or portion thereof, including mechanical penthouse, does not exceed those *height* limits as indicated by the numbers following symbol H on that attached Map 2, with the exception of the following:
 - i) Railings, parapet walls, window washing equipment, elements of a green roof, landscape and public art features, photovoltaic panels, lightning rods, vents and exhaust flues, located above the *height* of each of the roof levels of the building, provided that such elements project no more than 0.5 metres above the height limits shown on Map 2; and

- ii) stair towers, provided that these project no more than 3.0 metres above the height limits shown on Map 2.
 - (e) Three *loading spaces - type B* and three *loading spaces - type C* shall be provided and maintained on the lot. The number and type of *loading spaces* shall be amended accordingly in the event that the *non-residential gross floor area* changes from that identified in section 1(b) above in compliance with Section 4(8) of Zoning By-law No. 438-86, as amended.
 - (f) A minimum of 306 *bicycle parking* spaces shall be provided and maintained on the lot in accordance with the following requirements:
 - i) A minimum of 153 shall be for visitors of the *non-residential gross floor area*, of which a minimum of 19 will be located in an easily accessible area at finished ground level; and
 - ii) A minimum of 287 shall be located no lower than the first level of parking below *grade*, within the parking garage.
 - (g) A minimum of 20 *shower-change facilities* shall be provided and maintained on the lot in accordance with the following requirements:
 - i) All of the *shower-change facilities* shall be located in an easily accessible area in proximity to the *bicycle parking* within the first level of parking below *grade*, of the parking garage.
2. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the increase in height of the development of the lot beyond that otherwise permitted in By-law No. 438-86, as amended, is permitted in return for the provision by the owner to the City of the following facilities, services and matters at the owner's sole expense:
- (a) Prior to the enactment of Bills, a cash contribution of \$100,000.00 to be allocated to capital improvements to the playground at Ogden School, located at 33 Phoebe Street in Ward 20.
 - (b) Prior to the issuance of the first above-grade building permit, a cash contribution in the amount of \$1,900,000.00 to be allocated to the following provisions:
 - i) \$500,000.00 for capital improvements to non-profit arts and cultural facilities in Ward 20, including but not limited to the Artscape facility at 21 Widmer Street;
 - ii) \$100,000.00 for capital improvements to the playground at Ogden School, located at 33 Phoebe Street in Ward 20; and
 - iii) \$1,300,000.00 for the provision of new affordable housing and/or non-profit arts and community facilities in Ward 20, including but not limited

to sites within the Alexandra Park and Atkinson Co-op Revitalization Area, and streetscape improvements in the area.

- (c) The cash contributions as set out in 2 (a) and (b) above are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment.
 - (d) The owner shall enter into an agreement with the City pursuant to Section 37 of the *Planning Act* to secure the matters set out in 2 (a), (b) and (c) above.
3. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:
- "height" means the vertical distance between grade and the highest point of the building or structure except for those elements otherwise expressly prescribed in this By-law;
- "grade" means 86.25 metres in Canadian Geodetic Datum
4. Except as otherwise provided herein the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
5. Despite any existing or future 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.
6. By-law No. 553-86 of the former City of Toronto is repealed.
7. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
- (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, have been installed and are operational.

Enacted and passed on November 15, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



