

**CITY OF TORONTO**

**BY-LAW No. 225-2014(OMB)**

**To amend former City of Toronto Zoning By-law No. 438-86, as further amended by By-law No. 1194-2010(OMB) respecting 1100 King Street West.**

Whereas the owner of the lands known municipally in the year 2013 as 1100 King Street West, being located east of Joe Shuster Way, has appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas the Ontario Municipal Board pursuant to its decisions/orders issued on March 26, 2004 (Decision/Order No. 0653), April 26, 2004 (Decision/Order No. 0818), April 12, 2005 (Decision/Order No. 0908) and November 18, 2005 (Decision/Order No. 3042) respectively, had amended By-law No. 438-86, as amended, of the former City of Toronto, with respect to all of the lands then known as 1100 King Street West, which amending by-law is now identified as City of Toronto By-law No. 1194-2010(OMB); and

Whereas the Ontario Municipal Board, by its Orders issued January 23 and 30, 2014, in Board File No. PL121264, approved further amendments to City of Toronto By-law No. 438-86 as it had been amended by By-law No. 1194-2010(OMB);

Therefore By-law No. 438-86 of the former City of Toronto, as amended by By-law No. 1194-2010(OMB), is further amended as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law for the *site* are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirement.
3. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the *site*.
4. None of the provisions of Section 2 with respect to the definitions of *grade*, *height* and *commercial parking garage* or sections 4(2)(a), 4(4)(b) and (d), 4(6), 4(16), 4(17), 8(3) Part I 1, 2 and 3, 8(3) Part XI 2(ii) and 12(2) 270 of *By-law No. 438-86*, and none of the provision of Sections 3, 14(c), 19(c), 23(b), and 24(f)(ii) of By-law No. 1194-2010(OMB), shall apply to prevent the erection or use of a *mixed-use building* within the *site*, which may contain *dwelling units* and non-residential uses and *accessory* uses thereto, including a *commercial parking garage* provided that all of the provisions of

this By-law are complied with. By-law No. 1194-2010(OMB), is further amended by deleting the holding (h) symbol from the lands as are shown on Map 1.

5. The *lot* on which the uses are located shall comprise at least the *site*.
6. The total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *site* shall not exceed 48,000 square metres.
7. The total *residential gross floor area* erected or used on the *site* shall not exceed 32,100 square metres.
8. The total *non-residential gross floor area* erected or used on the *site*:
  - (a) shall not exceed 16,000 square metres;
  - (b) of which, no more than 8,000 square metres may be contained in any single retail or service use.
9. In addition to the uses permitted by Section 8(1) of *By-law No. 438-86* within a CR district, the followings additional uses shall be permitted within the *site*: *retail food store, department store, designer's studio, commercial parking garage*, temporary real estate sales office and model suites related to the development and/or marketing of *dwelling units* on the *site*.
10. No part of any building or structure erected within the *site* shall be located above *grade* otherwise than wholly within a *building envelope*, except for the type of structures listed in the column entitled "STRUCTURE" in the following chart, provided that the restrictions set out opposite the structure in the columns entitled "MAXIMUM PERMITTED PROJECTION" and "OTHER APPLICABLE QUALIFICATIONS" are complied with:

| STRUCTURE  | MAXIMUM PERMITTED PROJECTION  | OTHER APPLICABLE QUALIFICATIONS |
|--|---|---------------------------------|
| A. cornices, lighting fixtures, ornamental elements, parapets, piers, columns, trellises, eaves, window sills, planters, balustrades, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, screens, landscape and public art features, railings and awnings | No restriction  | No other qualifications         |
| B. canopies  | Not more than 2.5 metres beyond the associated <i>building envelope</i> | No other qualifications         |

| STRUCTURE   | MAXIMUM PERMITTED PROJECTION  | OTHER APPLICABLE QUALIFICATIONS |
|---|---|---------------------------------|
| C. balconies  | Not more than 2.0 metres beyond the associated <i>building envelope</i> | No other qualifications         |
| D. architectural features and columns associated with balconies | Not more than 2.8 metres beyond the associated <i>building envelope</i> | No other qualifications         |

11. The *height* of each portion of a building or structure erected above *grade* within the *site*, shall in respect of each *building envelope* area, have a maximum *height* in metres as shown following the symbol H on the attached Map 2 for the corresponding *building envelope* area.
12. The preceding Section 11 of this By-law does not apply to prevent the erection or use above the said *height* limits of the following, which for clarity are the only elements of a building or structure that may be located above the said height limits:
  - (a) within those areas shown as hatched on Map 2, stair tower and/or elevator overrun and/or machine room enclosures, shall be permitted to exceed the said height limits provided they are no higher than the sum of 6.0 metres and the applicable maximum *height* limit; and
  - (b) those structural projections permitted to be outside a *building envelope* by Section 10 of this By-law provided the restrictions set out therein are complied with.
13. A minimum of two *loading spaces* - Type "A", and one *loading space* - type "B" and one *loading space* - type "G", shall be provided and maintained on the *site*.
14. *Parking spaces* shall be provided and maintained in an underground *parking garage*, which may include a *commercial parking garage*, within the *site* in accordance with the following minimum and maximum requirements:
  - (a) *bachelor dwelling units* - a minimum of 0.7 *parking spaces* for each *bachelor dwelling unit*;
  - (b) one bedroom *dwelling units* - a minimum of 0.8 *parking spaces* for each one bedroom *dwelling unit*;
  - (c) two bedroom *dwelling units* - a minimum of 0.9 *parking spaces* for each two bedroom *dwelling unit*;
  - (d) three or more bedroom *dwelling units* - a minimum of 1.1 *parking spaces* for each three or more bedroom *dwelling unit*;

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- (e) a minimum of 0.15 visitor *parking spaces* must be provided for each *dwelling unit*;
  - (f) the minimum number of *parking spaces* for all non-residential uses shall be provided and maintained within the *site* at a rate of 1.0 *parking space* per 100 square metres of *non-residential gross floor area*;
  - (g) notwithstanding the preceding subsections (a), (b), (c), and (d), the total number of *parking spaces* required to satisfy parking requirements for *dwelling units* may be reduced by five (5) *parking spaces* for each *car-share parking space*, up to a maximum of seven (7) *car-share parking spaces*, provided in the underground *parking garage*;
  - (h) up to ten (10) per cent of the *parking spaces* required by subsections (a), (b), (c), and (d), may be provided in *small car parking spaces*;
  - (i) the visitor *parking spaces* required by subsection (e) may be provided within an underground *commercial parking garage* and such visitor *parking spaces* may be shared with the non-residential *parking spaces* required by subsection (f), and a fee may be charged for the use of such visitor *parking spaces*; and
  - (j) any *commercial parking garage* located within the *site* may contain up to 250 *parking spaces* and a fee may be charged for the use of such *parking spaces*.
15. Notwithstanding any existing or future severances, partition, or division of the *site*, the provisions of this By-law shall apply to the whole of the *site* as if no severance, partition or division had occurred.
16. Deleted. (h) lifted
17. Deleted. (h) lifted
18. Within the *site*, 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.
19. For the purpose of this By-law, the following expressions shall have the following meaning:
- (a) "*building envelope*" means a building envelope for each height area as shown by an "H", and as delineated by the heavy lines on Map 2 attached hereto;

- (b) "*By-law No. 486-86*" means By-law No. 438-86, as amended, of the former City of Toronto being, "A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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";
- (c) "*car-share parking space*" means a parking space used exclusively for the parking of a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected within the *site*;
- (d) "*City*" means the City of Toronto;
- (e) "*commercial parking garage*" means a building or portion of a building, other than a *private garage*, located below *grade* that is used for the temporary parking of motor vehicles, as an *accessory* use to the principle use or uses permitted on the *site*, and a fee may be charged for the use of such *parking spaces*;
- (f) "*department store*" means a retail establishment which is not limited to the sale of any specific items, but carries a variety of goods that may include, but not be limited to clothing, footwear, household items, large and small appliances, hardware, personal care, jewelry, food, gifts, and may include furniture, computers and related equipment;
- (g) "*grade*" means the Canadian Geodetic elevation of 87.0 metres;
- (h) "*height*" means the vertical distance between *grade* and the top of the uppermost storey;
- (i) "*owner*" means the fee simple owner(s) of the *site*;
- (j) "*retail food store*" means a store where primarily food, as well as other personal, convenience and household items and services, is provided for sale directly to the public and may include stores such as a supermarket, grocery store, butcher shop, bakery shop, produce outlet, and delicatessen;
- (k) "*site*" means those lands outlined by heavy lines on Map 1 attached hereto;
- (l) "*small car parking space*" means a clear area that:
  - (i) has minimum dimensions of 5.0 metres in length by 2.4 metres in width;
  - (ii) is accessed by a drive aisle that has a minimum width of 6.0 metres;
  - (iii) is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another vehicle; and
  - (iv) provided that the minimum width in (i) must be increased by 0.3 metres for each side of the *small car parking space* where any part of a fixed

object such as a wall, column, bollard, fence or pipe is situated within 0.3 metres of the side of the parking space, measured at right angles, and more than 1.0 metre from the front or rear of the *parking space*;

- (m) each other word or expression, which 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*.

PURSUANT TO THE ORDERS OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JANUARY 23 AND 30, 2014 IN BOARD FILE NO. PL121264

## Appendix "1"

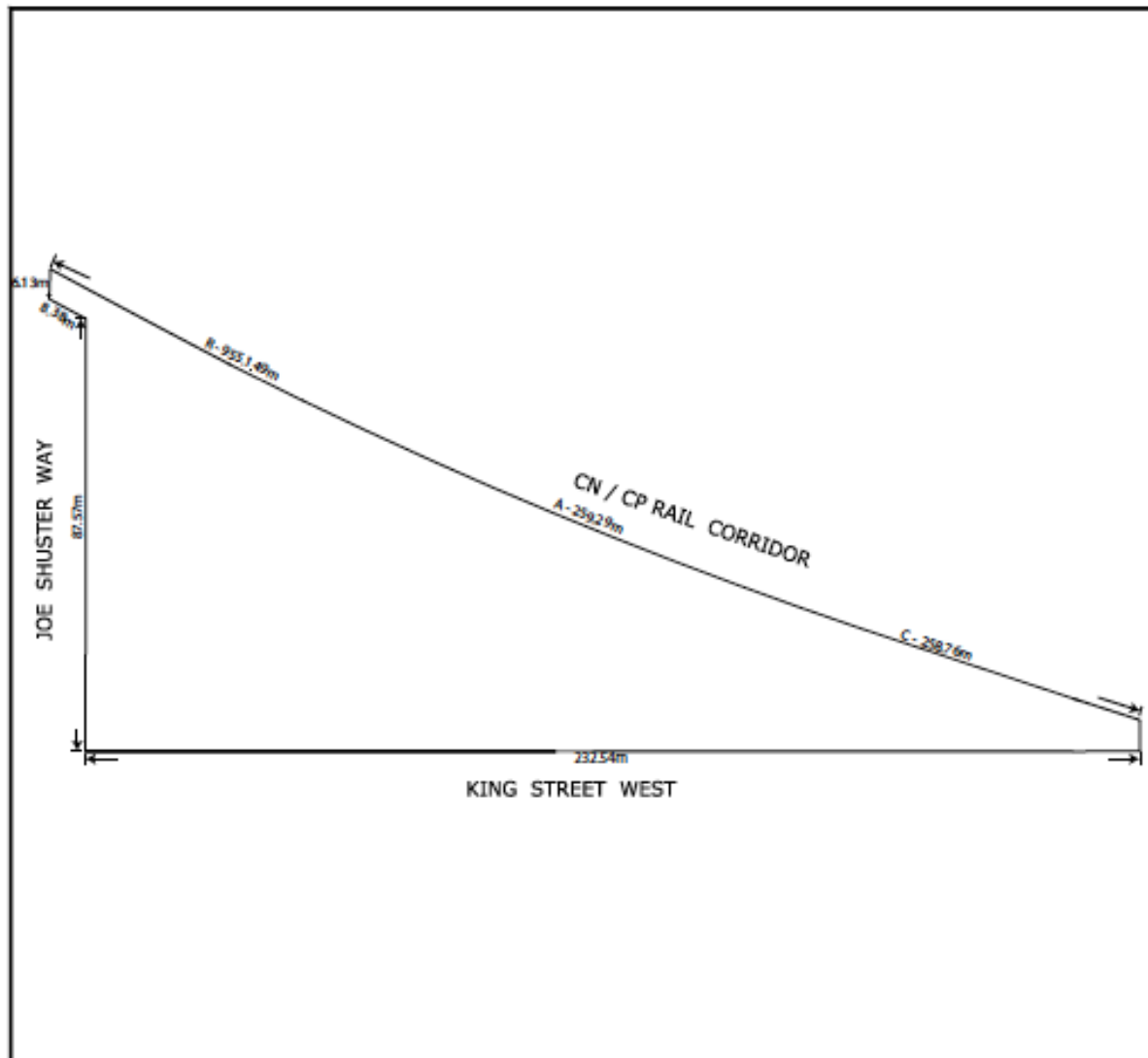
The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *site* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.

1. The owner shall construct a bicycle path connecting to King Street West, with public access, with a final design and location to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Executive Director, Engineering and Construction Services;
2. The owner shall make a cash contribution of \$1,837,000.00, or equivalent value community benefit as detailed below, paid to, or secured by, the City prior to issuance of the first above-grade building permit on the subject lands to be applied to daycare facilities, parkland improvements and/or affordable housing in Ward 14. This cash contribution will be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the execution of the Section 37 agreement to the date of payment and distributed as follows:
  - (a) the owner shall contribute to daycare services within Ward 14, at a minimum value of \$700,000.00, in the form of daycare space to be constructed by the owner either within the development at 1100 King Street West or in another location within Ward 14, and/or by cash contribution, all to the to the satisfaction of the Chief Planner and Executive Director, City Planning and General Manager, Children's Services Division in consultation with the City Solicitor, Director, Real Estate Services, and the Ward Councillor;
  - (b) the owner shall contribute to affordable rental housing within Ward 14, at a minimum value of \$700,000.00, in the form of units constructed within the development at 1100 King Street West to be conveyed to the City or other City-approved agency, or by cash contribution to be used for affordable housing in Ward 14, to the satisfaction of the to the Chief Planner and Executive Director, City Planning and Director, Affordable Housing Office in consultation with the City Solicitor, Director, Real Estate Services, and the Ward Councillor;
  - (c) the owner shall contribute \$300,000.00 to the improvement and/or expansion of City-owned park space within Ward 14, to the satisfaction of the General Manager, Parks, Forestry and Recreation in consultation with the Ward Councillor; and
  - (d) the remaining contribution of \$137,000.00 shall be directed to one or more of the above community benefits to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the appropriate civic officials and the Ward Councillor.

3. The owner shall provide confirmation to the City from a professional engineer to the satisfaction of the Executive Director, City Planning and the Director, Engineering and Construction Services as to the environmental restoration of the site or parts thereof in accordance with applicable Ministry of Environment standards.
4. The owner shall construct and convey the private segment of Joe Shuster Way for public highway purposes, to the City, prior to the issuance of the first above-grade building permit on the subject site, at nominal sum, free and clear of all encumbrances save and except for those that may be permitted by the Executive Director, Engineering and Construction Services.
5. The owner shall remediate the lands for the Joe Shuster Way extension, if required, prior to conveyance and in accordance with City and Ministry of Environment Standards.
6. Prior to the issuance of any occupancy permits for the site, the owner shall construct, or cause another party to construct, crash mitigation measures, if required, related to the rail corridor, as set out in an agreement between the owner of the lot and the Greater Toronto Transit Authority (Metrolinx) and Canadian National Railway Company.
7. Prior to the registration of the condominium, the owner shall construct, or cause another party to construct, any works required by an agreement between the owner of the lot and the Greater Toronto Transit Authority (Metrolinx) and Canadian National Railway Company to maintain the rail safety measures (any required berm and acoustic wall), including vegetative plantings.
8. The owner shall provide warning clauses in accordance with its agreement with Greater Toronto Transit Authority (Metrolinx) and Canadian National Railway Company.
9. The owner shall construct, or cause another party to construct, any wind mitigation measures required pursuant to site plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
10. The owner shall provide all matters needed to service the subject site, including but not limited to, the construction of services for water services, sanitary and storm sewer systems, roads, streetscaping and landscaping, street trees and tree irrigation systems and utilities, the retention of a satisfactory consulting engineer, the conveyance and construction of Joe Shuster Way and all required letters of credit, detailed design drawings, inspection fees, utilities, and timing of the completion of the new public street, all costs associated with any required traffic alterations and the provision of space within the development for the construction of any transformer vaults, Hydro, Bell maintenance and sewer maintenance holes.
11. The owner is to ensure that the phased development of the site is to the satisfaction of the City, including requirements for the matters to be secured such as an overall municipal servicing and grading plan and a storm water management report and requirements with respect to each phase, such as site integration, loading, interim use of the balance of the site, construction staging and temporary landscaping, if required.



- 12.** The owner is to satisfy all environmental matters such as soil and groundwater management, the environmental restoration of the site, or parts thereof, and provision of a Record of Site Condition, demolition and dust control, noise and vibration, the monitoring of de-watering and a commitment to mitigate as and where required by the City.
- 13.** The owner shall implement improvements to King Street West to the satisfaction of the Chief Planner and Executive Director, City Planning and the Director, Engineering and Construction Services.
- 14.** The owner shall install an irrigation system for street trees with automatic timer, to the satisfaction of the Executive Director, Engineering and Construction Services, designed to be water efficient by a Certified Landscape Irrigation Auditor and constructed with a back flow preventer including the requirements to maintain in good order and operation, or any such policy that is in effect at the time of a building permit issuance.
- 15.** The owner shall also be responsible for any shortfall, that has not already been paid, in equivalent value of a payment of monies in lieu of a transfer of land for park purposes, attributable to the East Lot on a proportionate basis, that are not satisfied by the owner of the West Lot.



1100 King Street West, Toronto

Map 1

File #13 \_\_\_\_\_



Not to Scale

