

Authority: Toronto and East York Community Council Item 32.7,
adopted as amended, by City of Toronto Council on June 10, 11, 12 and 13, 2014

CITY OF TORONTO

BY-LAW No. 558-2014

To amend By-law No. 618-2012(OMB) being a by-law to amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 1030 King Street West.

Whereas the Ontario Municipal Board, by its Decision issued on July 19, 2011 and Order issued March 28, 2012, in Board File No. PL100919, approved By-law No. 618-2012(OMB), being a by-law to amend the former City of Toronto Zoning By-law No. 438-86 with respect to lands municipally known in 2014 as 1030 King Street West; and

Whereas the Council of the City of Toronto has been requested to further 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 known municipally in the year 2014 as 1030 King Street West; and

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

Whereas the Council of the City of Toronto has determined to amend By-law No. 618-2012(OMB);

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted in *By-law No. 618-2012(OMB)* and the heights and density of development permitted in this By-law are permitted subject to compliance with the conditions set out in *By-law No. 618-2012(OMB)* and the conditions set out in this By-law, and in return for the provision by the *owner* of the facilities, services and matters set out in Appendix 1 of *By-law No. 618-2012(OMB)* and as set out in Appendix 1 of this By-law, 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 of *By-law No. 618-2012(OMB)* and as set out in Appendix 1 of this By-law, the *site* is subject to the provisions of *By-law No. 618-2012(OMB)* and 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. Wherever in *By-law No. 618-2012(OMB)* or in this By-law, a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

4. Except as otherwise provided herein, the provisions of each of *By-law No. 618-2012(OMB)* and *By-law No. 438-86* shall continue to apply to the *site*.
5. Notwithstanding each of Section 12(2)258 of *By-law No. 438-86* and Section 5(b) of *By-law No. 618-2012(OMB)*, a *commercial parking garage* shall be permitted to be erected and used within, and only within, the 1st underground parking level of the underground parking area of the *mixed-use building* on the *site*, in accordance with the following provisions:
 - (a) the *commercial parking garage* shall contain a maximum of 152 *parking spaces*, including 5 *car-share parking spaces*, having a maximum *non-residential gross floor area* of 6,660.00 square metres;
 - (b) any *parking spaces* required for *non-residential gross floor area* and non-residential uses within the *site* may be located within the *commercial parking garage*; and
 - (c) of the *parking spaces* located within the *commercial parking garage*, a minimum of 83 *parking spaces* shall be made available to residents of the *dwelling units* of the *mixed-use building* on *site* in accordance with the provisions of Appendix 1 to this By-law.
6. Notwithstanding Section 4(4)(b) of *By-law No. 438-86*, *parking spaces* for residents and residential visitors of the *mixed-use building* shall be provided and maintained in the underground parking area within the *site* in accordance with the following provisions:
 - (a) a minimum of 407 *parking spaces* shall be provided for the residents, of which:
 - (i) a minimum of 324 *parking spaces* shall be provided exclusively for the residents; and
 - (ii) a minimum of 83 *parking spaces* shall be made available to the residents in accordance with the provisions of Section 5(c) of this By-law, provided that if no *commercial parking garage* is located on the *site* then these 83 *parking spaces* shall be provided and maintained exclusively for the residents; and
 - (b) a minimum of 73 *parking spaces* shall be provided exclusively for residential visitors.
7. Notwithstanding Section 5(c) and 5(d) of *By-law No. 618-2012(OMB)*, a principle entrance canopy and vestibule for municipal fire-fighting purposes along the King Street West frontage shall be permitted to project beyond the *building envelope* area as shown on Map 2-Revised attached to this By-law.
8. For the purposes of this By-law, the following expressions shall have the following meaning:

- (a) "*By-law No. 618-2012(OMB)*" means By-law No. 618-2012(OMB) of the City of Toronto; and
- (b) 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. 618-2012(OMB)*.

Enacted and passed on June 13, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

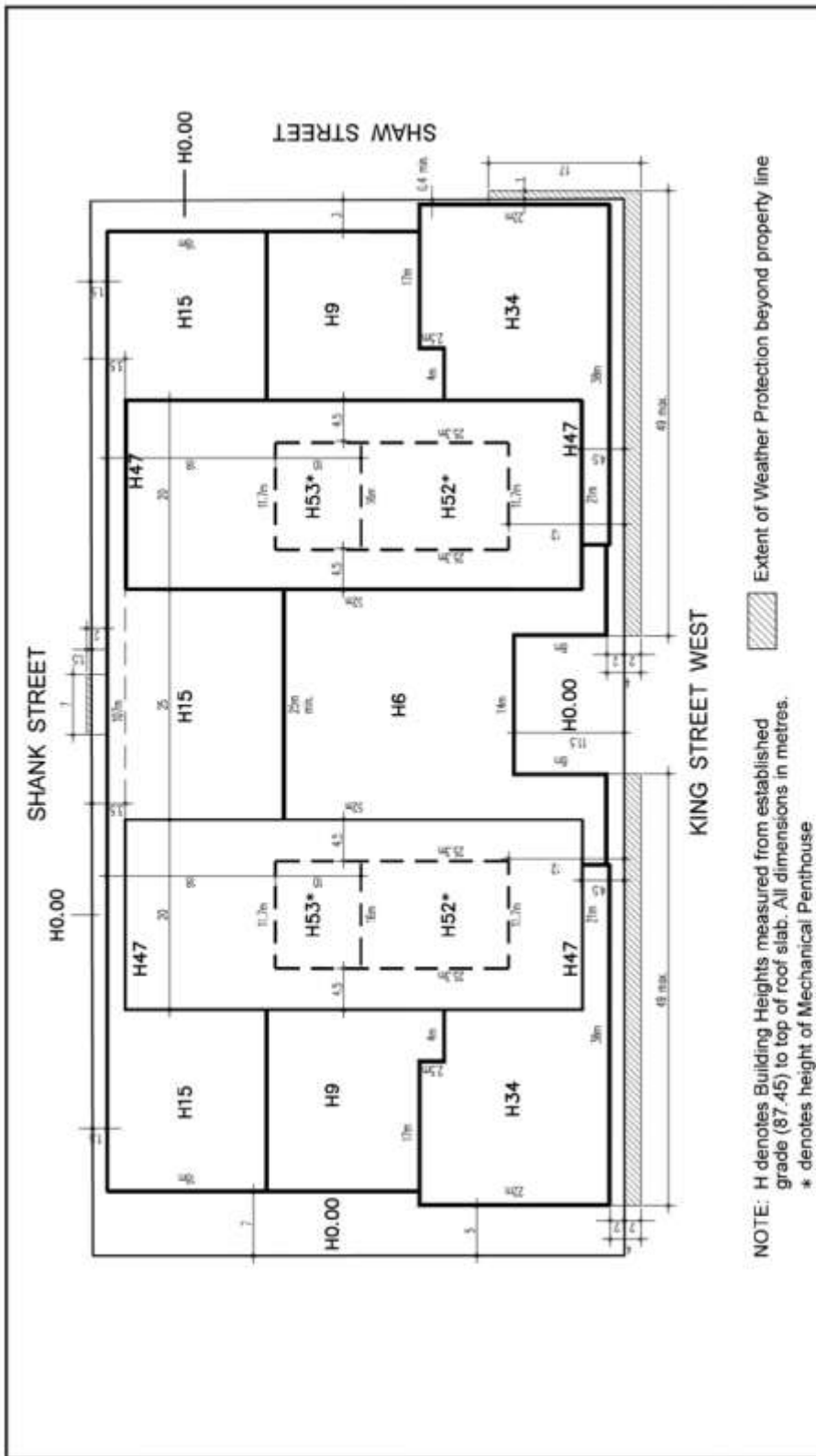
(Seal of the City)

APPENDIX 1

Section 37 Provisions

The facilities, services and matters set out herein are the 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 indexing escalation of both the financial contributions, and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. The *owner* shall pay to the City of Toronto \$100,000, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment to the City of Toronto, for bicycle share stations within Ward 19, as may be determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor; and
2. The *owner* also agrees that the *commercial parking garage* owner and its operator shall ensure a minimum of 83 of the *parking spaces* that are located within the *commercial parking garage* shall be designated and made available at all times during the operation of the *commercial parking garage*, on at least a monthly lease basis, to the residents of *dwelling units* within the *site* who do not already own or leased *parking spaces* within the *site*. The *commercial parking garage* owner and its operator will ensure that each of the designated 83 *parking spaces* will be available and offered at all times during the operation of the *commercial parking garage* to the residents as their respective exclusive *parking spaces* at a maximum total rent of \$150.00 per month, including all charges related to the use of the commercial parking garage, exclusive of HST. Provided the *commercial parking garage* owner and its operator have first obtained the written consent from the City's General Manager, Transportation Services, in consultation with the Ward Councillor, this monthly rent may be increased annually by the percentage the Toronto Parking Authority estimates is typical of increases in monthly parking rates within the surrounding area. Prior to the operation of the *commercial parking garage*, the *commercial parking garage* owner and its operator must submit plans identifying the location and details of the *parking spaces* and the associated signage, including but not limited to, wording and typeface size of signage communicating to the residents of *dwelling units* within the *site* who do not already own or lease *parking spaces* within the *site* that these 83 *parking spaces* may be leased to them, all to the satisfaction of the Chief Planner. At all times during the operation of the *commercial parking garage*, the *commercial parking garage* owner and its operator must provide and maintain this signage and provide any additional notice to the residents as is required by and as is satisfactory to Chief Planner. Provided the *commercial parking garage* owner and its operator have complied with these requirements, the *commercial parking garage* owner and its operator may use any of the designated 83 *parking spaces* for general commercial parking, in compliance with the zoning by-law, for such periods as they are not leased by residents. The *owner* agrees that if no *commercial parking garage* is provided within the Site or if its operation is terminated or suspended, the *owner* shall permit the designated 83 *parking spaces* to be used for by residents on the same rental basis as set out in these provisions.



Toronto City Planning
Map 2

1030 King Street West

File # 08 232225 0Z & PL100919



Not to Scale
03/07/2012