

Authority: Toronto and East York Community Council Item TE7.8, as adopted by City of Toronto Council on July 7, 8 and 9, 2015

CITY OF TORONTO

BY-LAW No. 239-2016

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 602-622 King Street West, 499-505 Adelaide Street West, 1 and 11 Adelaide Place.

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*; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; 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 height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto; and

Whereas Council of the City of Toronto, at its meeting on July 7, 8 and 9, 2015, determined to amend the former City of Toronto Zoning By-law No. 438-86 with respect to lands known municipally in the year 2015 as 602-622 King Street West, 499-505 Adelaide Street West, 1 and 11 Adelaide Place;

The Council of the City of Toronto enacts:

1. This By-law applies to lands delineated by the heavy black lines as shown on Map 1 attached to and forming part of this By-law.
2. None of the provisions of Section 2(1) with respect to "*grade*", "*height*" and "*lot*", and Sections 4(2)(a), 4(5)(b), 4(5)(i)(ii), 4(12), 7(3) Part II 1(i), 7(3) Part II 8(ii), 7(3) Part III 2 and 12(2)246(a), (c) and (e) of By-law No. 438-86 of the former City of

Toronto, 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 of a *mixed-use* building and *rowhouses* on the *lot*, provided that:

- (a) the *lot* on which the buildings are to be located comprises at least the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;

Gross Floor Area

- (b) the total aggregate *residential gross floor area* and *non-residential gross floor area* on the *lot* does not exceed 41,750 square metres, provided:
 - (i) the *residential gross floor area* does not exceed 11,350 square metres; and
 - (ii) the *non-residential gross floor area* does not exceed 30,400 square metres;

Exceptions to Permitted Height

- (c) no portion of any building or structure on the *lot* shall have a *height* in metres greater than the *height* limits specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, except for:
 - (i) eaves, canopies, cornices, lighting fixtures, awnings, fences and safety railings, architectural features, parapets, trellises, balustrades, window sills, window washing equipment, privacy screens, mechanical and architectural screens, guardrails, chimneys, vents, stacks, terraces, platforms, transformer vaults, wheelchair ramps, retaining walls, ornamental elements, architectural elements, landscape elements, green roof elements, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, underground garage ramps and their associated structures, stair landings, planters, and public art features, elevated pedestrian bridge, elevator overruns and elements or structures on the roof of the building used for outside or open air recreation, safety or wind protection purposes;

Yard Setbacks

- (d) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, with the exception of the following:
 - (i) cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, elevated pedestrian bridge, awnings and canopies, and

underground garage ramps and associated structures may extend beyond the heavy lines shown on Map 2 said By-law;

Amenity Space

- (e) *residential amenity space* is provided in accordance with the following:
 - (i) a minimum of 2.0 square metres of indoor *residential amenity space* per *dwelling unit*;
 - (ii) a minimum of 0.3 square metres of outdoor *residential amenity space* per *dwelling unit*; and
 - (iii) notwithstanding paragraphs (i) and (ii) above, no *residential amenity space* is required for the *existing buildings* on the *lot*;

Parking

- (f) a minimum number of *parking spaces* for the *mixed-use building* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) provide and maintain resident parking spaces to serve the project, accordance with the Zoning By-law for the King-Spadina policy area, save and except that 78 resident parking spaces may be located off-site within 300 metres of the subject site; and
 - (ii) provide and maintain residential visitor and non-residential spaces to serve the project, in accordance with the Zoning By-law for the King-Spadina policy area, save and except that residential visitors may be provided in a commercial parking garage and this total may be reduced by two spaces.
- (g) no *parking spaces* are required for the *existing buildings* on the *lot*;
- (h) a *commercial parking garage* providing a minimum of 84 *parking spaces* is permitted on the *lot*;
- (i) up to 13 of the required *parking spaces* may be undersized *parking spaces* with a minimum width of 2.6 metres and a minimum length of 4.9 metres;
- (j) a minimum of 107 *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) a minimum of 86 *bicycle parking spaces - occupant*, shall be provided;
 - (ii) a minimum of 21 *bicycle parking spaces - visitor* shall be provided;
 - (iii) notwithstanding paragraphs (i) and (ii) above, no *bicycle parking spaces* are required for the *existing buildings* on the *lot*; and

- (iv) notwithstanding the definition of *bicycle parking space - visitor* in Section 2(1) of Zoning By-law No. 438-86, as amended, a *bicycle parking space* for visitors may be provided within a secured room;

Loading

- (k) one *loading space - type "G"* and two *loading spaces - type "B"* shall be provided and maintained on the *lot*;

Sales Office

- 3. None of the provisions of By-law No. 438-86 shall apply to prevent a *sales office* on the *lot*.

Division of Land

- 4. Despite any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.

Municipal Services

- 5. 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.

Definitions

- 6. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:
 - (a) "*existing buildings*" means the existing buildings located on the lands municipally known in the year 2015 as 602 King Street West, 499 and 505 Adelaide Street West, 1 and 11 Adelaide Place;
 - (b) "*grade*" shall mean 88.65 metres Canadian Geodetic Datum;
 - (c) "*height*" shall mean, the vertical distance between *grade* and the highest point of the structure, except for those elements otherwise expressly permitted in this By-law;

- (d) "*lot*" means the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law; and
- (e) "*sales office*" means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*.

7. Section 37 Provisions

- (a) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height of the development is permitted beyond that otherwise permitted on the lands shown on Map 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
 - (b) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
 - (c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height pursuant to this By-law unless all provisions of Schedule A are satisfied.
8. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

Enacted and passed on March 10, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height of the proposed development on the lands as shown in Map 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

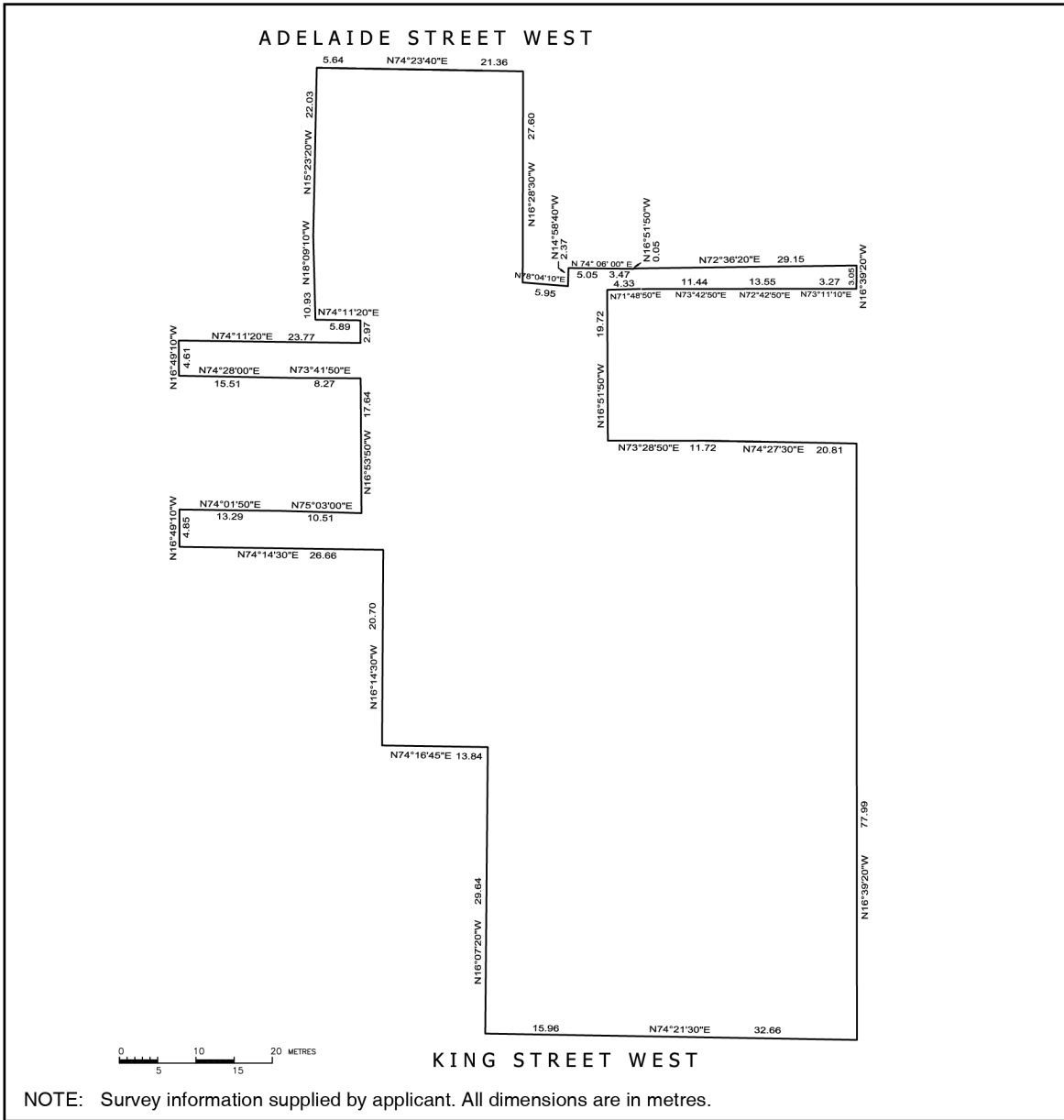
1. Prior to the issuance of the first above grade building permit for the development the owner shall provide to the City:
 - a. A cash contribution of \$250,000 to community services and facilities in Ward 20 to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor, payable at the first above grade building permit.
 - b. Above base streetscape improvements on Portland Street between King Street West and Adelaide Street West, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
 - c. A cash contribution of \$50,000.00 for the provision of new affordable rental housing in Ward 20, to be directed to the Capital Revolving Fund for Affordable Housing, payable at the first above grade building permit.
 - d. A cash contribution of \$50,000.00 toward the Toronto Community Housing Corporation (TCHC) revolving capital fund for repairs to TCHC housing in Ward 20, payable at the first above grade building permit.
 - e. In the event the cash contributions referred to in 1. (a) and (d) above has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
 - f. The above noted of \$350,000 cash contribution referred to in 1. a., c. and d. above is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the introduction of Bills to the date of payment.
2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - a. Prior to the issuance of Final Site Plan Approval, the owner shall have:

- i. Completed all heritage-related pre-approval conditions contained in a Notice of Approval Conditions for Site Plan Control to the satisfaction of the Manager, Heritage Preservation Services.
 - ii. Provided Final Site Plan drawings including drawings related to the approved Conservation Plan to the satisfaction of the Manager, Heritage Preservation Services.
 - iii. The related Zoning By-law amendments giving rise to the proposed alterations shall be in full force and effect in a form and with content acceptable to the City Council, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services.
- b. Prior to the issuance of a Heritage Permit, the owner shall have:
 - i. Provided full building permit drawings, including notes and specifications for the protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and heritage consultant to the satisfaction of the Manager, Heritage Preservation Services.
 - ii. Provided a Letter of Credit, indexed annually, in a form and amount satisfactory to the Manager, Heritage Preservation Services to secure all work included in the Conservation Plan.
- c. Prior to the release of the Letter of Credit, the owner shall have:
 - i. Provided a letter of substantial completion prepared and signed by the heritage consultant confirming that the conservation work has been completed in accordance with the Conservation Plan and has maintained an appropriate standard of conservation, to the satisfaction of the Manager, Heritage Preservation Services.
 - ii. Provided replacement Heritage Easement Agreement photographs to the satisfaction of the Manager, Heritage Preservation Services.
- d. Prior to site plan approval, the applicant shall address the requirements for the removal of private trees on the site and adjacent the property as required by the City of Toronto Private Tree By-law as outlined in the memorandum from Urban Forestry Services staff dated April 1, 2015.
- e. The applicant shall provide appropriate screening between the at-grade uses at the west side of the proposed building and the residents to the west on Adelaide Place and Adelaide Street West, and from the east and north side of the proposed residential building for the building and residents to the east at 499 Adelaide Street West.

- f. A lighting plan will be submitted and approved through the site plan control application to address the issue of safety and amenity for the proposed interior passages through the site used by vehicles and pedestrians.
- g. The applicant is required to undertake wind tunnel testing as recommended in the Pedestrian Level Wind Conditions - Letter of Opinion prepared by RWDI and implement the recommended mitigation measures as identified as a result of this analysis, to be secured through Site Plan Approval.
- h. The applicant will provide the following information to Transportation Services and Waste Management staff in support of the proposed undersized Type G loading space through the site plan control application process:
 - i. A truck manoeuvring diagram for a truck that measures 12 metres in length x 2.4 metres in width showing that it can enter and reverse out of the Type G loading space with no more than a three point turn.
 - ii. Due to the fact that we will be blocking a portion of the driveway and will also be reversing in and out of the Type G loading space further into the driveway during loading operations, a warning system is required near the end of the southbound driveway warning motorists that loading operations are occurring around the corner. This would entail both signage and lights.
 - iii. A flagman will be required to assist the truck when reversing out of the Type G loading space.
- i. The applicant is required to enter into a construction management agreement to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, prior to site plan approval, and a construction mitigation and tenant communication strategy for the tenants remaining in the existing buildings on the lands to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- j. Prior to condominium registration, the owner shall convey to the City a public pedestrian easement for the life of the building for access to the publicly accessible open space to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- k. Ensuring the ongoing provision of 8 residential rental units on one parcel of land, by securing the rental tenure of the existing buildings with 6 residential rental dwelling units at 505 Adelaide Street West and 1 and 11 Adelaide Place and the 2 replacement residential rental units to be created in the existing building at 499 Adelaide Street West, for a period of at least 20 years commencing from the date the zoning by-law comes into force and effect.
- l. Providing and maintaining 2 replacement rental units at 499 Adelaide Street West to the satisfaction of the Chief Planner and Executive Director, City Planning

Division, with affordable rents for a period of at least 10 years, with provisions for maintaining affordable rents up to 20 years for tenants who begin their tenancy during the 10 year affordability period.

- m. A tenant relocation and assistance plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division for the tenants of the 2 residential rental units to be demolished at 503 Adelaide Street West, including the right to return to the replacement rental units at 499 Adelaide Street West should there not be a direct move from 503 Adelaide Street West to 499 Adelaide Street West.
- n. Building and site improvements to the 4 existing buildings to comprise 8 rental dwelling units to be provided with no costs passed on to the tenants of the existing buildings, to include restoration and improvements to outdoor patio areas and new landscaping for the 4 buildings and the provision of en-suite laundry facilities for 5 of the rental units, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

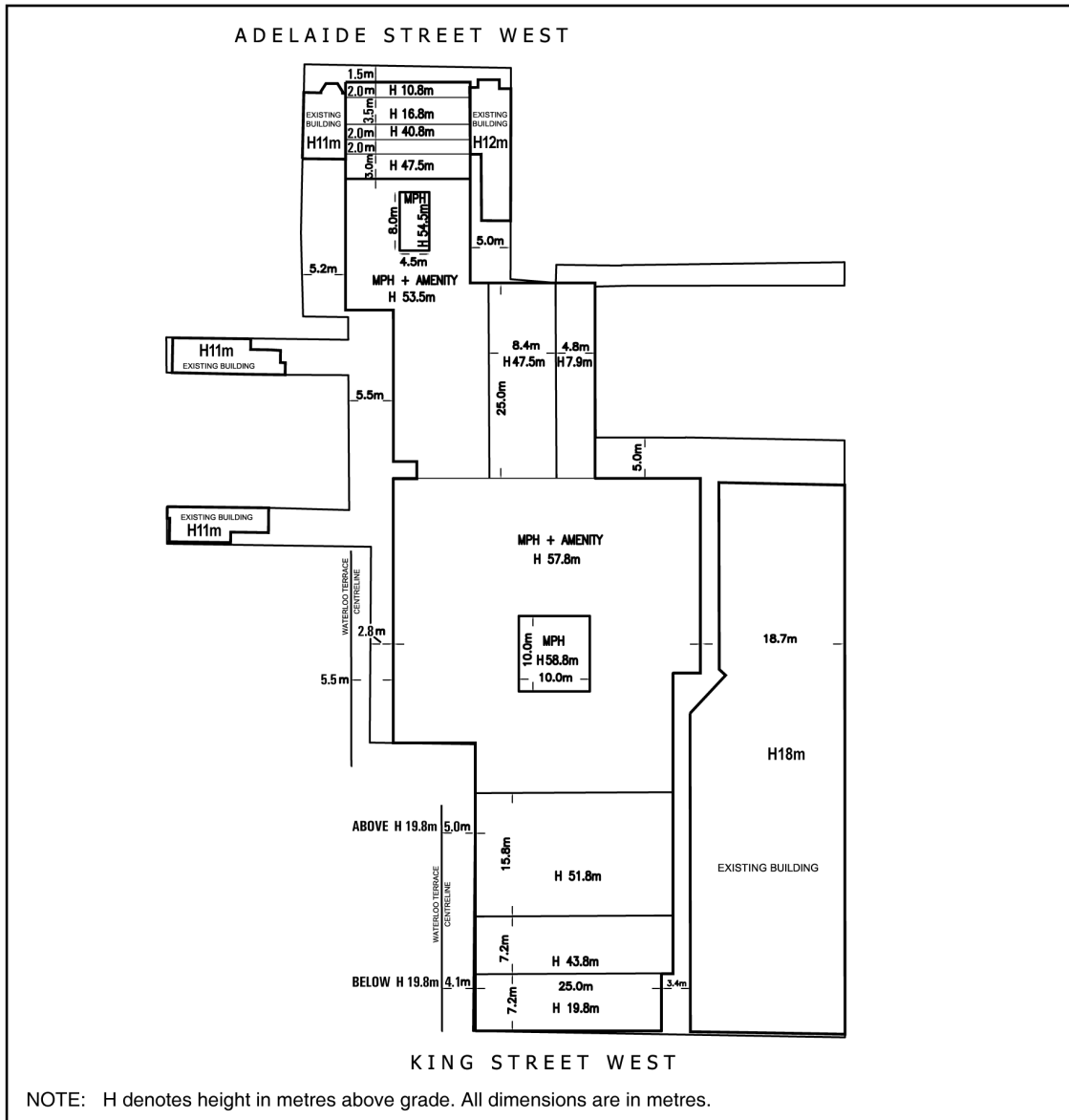


602 - 622 King Street West,
 499, 503 and 505 Adelaide Street West,
 1 and 11 Adelaide Place
 File # 13 215423 STE 20 02

Map 1



Not to Scale
 06/09/2015



602 - 622 King Street West,
 499, 503 and 505 Adelaide Street West,
 1 and 11 Adelaide Place
 File # 13 215423 STE 20 0Z

Map 2



Not to Scale
 06/09/2015