

Authority: Local Planning Appeal Tribunal Order issued on September 24, 2018 and Ontario Municipal Board Decision issued on September 13, 2017 in Board File PL160519

CITY OF TORONTO

BY-LAW 552-2019(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2017 as 65, 71, 73, 75, 77, 79, 83, 85, 89 King Street East, 46 Colborne Street and Rodega Lane.

Whereas the Local Planning Appeal Tribunal, formerly the Ontario Municipal Board, by its Order issued on September 24, 2018 and Ontario Municipal Board Decision issued on September 13, 2017 in File PL160519, approved amendments to City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands known municipally as 65, 71, 73, 75, 77, 79, 83, 85, and 89 King Street East, 46 Colborne Street, and Rodega Lane; and

Whereas the Local Planning Appeal Tribunal has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended to pass this by-law; 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 and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, 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;

The Local Planning Appeal Tribunal Orders:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black

lines to CR 4.0 (c3.0; r4.0) SS1 (x135) as shown on Diagram 2 attached to this By-law 552-2019(LPAT).

4. Zoning By-law 569-2013, as amended, is further amended by adding 71, 73, 75, 77, 79, 83, 85 and 89 King Street East, to the Zoning Map in Section 990.10, and applying the following zone label to these lands and the lands at 65 King Street East and 46 Colborne Street: CR 4.0(c3.0; r4.0) SS1 (x135) as shown on Diagram 2.
5. Zoning By-law 569-2013, as amended, is further amended by adding 71, 73, 75, 77, 79, 83, 85 and 89 King Street East, subject to this By-law, to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA 1, as shown on Diagram 3 attached to this By-law.
6. Zoning By-law 569-2013, as amended is further amended by adding 71, 73, 75, 77, 79, 83, 85 and 89 King Street East, subject to this By-law, to the Height Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: HT 23, as shown on Diagram 4, attached to this By-law.
7. Zoning By-law 569-2013, as amended is further amended by adding 71, 73, 75, 77, 79, 83, 85 and 89 King Street East, subject to this By-law, to the Rooming House Overlay Map in Section 995.40.1, and applying the following Rooming House label of B3 to these lands shown on Diagram 5 attached to the By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1.
9. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number 135 so that it reads:

Exception CR 135

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 65, 71, 73, 75, 77, 79, 83, 85 and 89 King Street East and 46 Colborne Street, if the requirements of Section 10 and Schedule A of By-law 552-2019(LPAT) are complied with, the erection or use of a **building, structure**, addition or enlargement that meets the requirements of (B) to (S) below is permitted;
- (B) Despite Regulation 40.10.20.10(1), a **dwelling unit** is not a permitted use;
- (C) Despite Regulation 40.10.40.40, the maximum **gross floor area** is 38,500 square metres;
- (D) Despite Regulation 40.5.40.10(1), the height of a **building or structure** is measured as the distance from a Canadian Geodetic Datum elevation of 82.15 metres to the highest point of the **building or structure**;

- (E) Despite Regulations 40.10.40.10 and 40.5.40.10(4), the height of the **building** or **structure** or portion, including a mechanical penthouse, must not exceed the height in metres specified by the numbers following HT as shown on Diagram 6 of By-law 552-2019(LPAT);
- (F) Despite Regulation 40.5.40.10(4) and Despite (E) above:
- (i) lightning rods may project above the height limits shown as 83.00 metres on Diagram 6;
 - (ii) guardrails, safety railings, elements of a green roof, roofing materials including elements of exterior flooring, parapets may project above the height limits shown on Diagram 6 by no more than 2.0 metres; and
 - (iii) vents, stacks, mechanical elements, heating/cooling towers, stair enclosures, lighting fixtures, elevator overrun and window washing equipment may project above the height limits shown on Diagram 6 by no more than 5.0 metres;
- (G) Despite Regulations 40.5.40.70 and 40.10.40.70 (1) and 600.10.10(1)(A):
- (i) the required **building setbacks** must be provided as shown on Diagram 6 of By-law 552-2019(LPAT); and
 - (ii) with the exception of elements permitted by 9(F) and 9(H) of this by-law, a setback of at least 2.7 metres from the west side lot line adjacent to Leader Lane and a setback of at least 4.0 metres from the north lot line adjacent to King Street East is required within the Lower Setback Zone as illustrated on Diagram 6, for **storeys** 4 and 5 of the **building**, excluding the mezzanine level;
- (H) Despite G above:
- (i) canopies, awnings, building cornices, lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, landscape and green roof elements, wind mitigation, architectural cladding and design features, window washing equipment and public art features may project beyond the **building** envelope shown in Diagram 6;
- (I) Despite Regulation 40.5.40.10(5), a mechanical penthouse may occupy the entire Mechanical Penthouse Area as illustrated on Diagram 6;
- (J) Despite Regulation 40.10.40.10(5), the minimum height of the first **storey** may be less than 4.5 metres;
- (K) Despite Regulation 40.10.20.10, the only permitted uses on the ground floor facing King Street East or Colborne Street are **retail store, retail service, eating establishment, take-out eating establishment, personal service shop, financial**

institution, wellness centre, recreation use, art gallery, and automated banking machine, artist studio, massage therapy, day nursery, and office lobby, provided such uses located in the space facing King Street East are divided into a minimum of two units, not including the lobby for the office tower or any such uses within the office lobby;

- (L) Despite Regulation 40.10.20.100(17), the maximum **interior floor area** of all **retail services** may exceed 400 square metres;
- (M) Despite Regulations 200.5.10.1 and 200.15.10, **parking spaces** must be provided and maintained below grade in accordance with the following:
 - (i) a minimum of 125 **parking spaces**;
 - (ii) a maximum of 211 **parking spaces**; and
 - (iii) a minimum of 6 accessible **parking spaces**;
- (N) Despite Regulation 230.5.10.1(1), **bicycle parking spaces** must be provided and maintained on the lands in accordance with the following:
 - (i) a minimum of 85 short-term **bicycle parking spaces**;
 - (ii) a minimum of 78 long-term **bicycle parking spaces**; and
 - (iii) the required long-term **bicycle parking spaces** must be located either on the ground floor or on parking level 1 (P1);
- (O) Despite Regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space**;
- (P) Despite Regulation 200.5.1.10(2), 11 **parking spaces** may have a minimum width of 2.6 metres when obstructed on one side;
- (Q) Despite Regulation 40.10.100.10(1), two **vehicle** accesses are permitted;
- (R) Despite Regulation 40.10.90.40(3), **loading spaces** located in a **building** may have their **vehicle** access through a **main wall** that faces a **street**; and
- (S) Despite Regulation 40.10.40.50(2), a minimum of 159 square metres of outdoor amenity space must be provided;

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(1) 397 of former City of Toronto By-law 438-86; and
- (B) Section 12(2) 132 of former City of Toronto By-law 438-86.

10. Section 37 Provisions:

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 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 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; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Local Planning Appeal Tribunal Order issued on September 24, 2018 and Ontario Municipal Board Decision issued on September 13, 2017 in Board File PL160519

SCHEDULE A
Section 37 Provisions

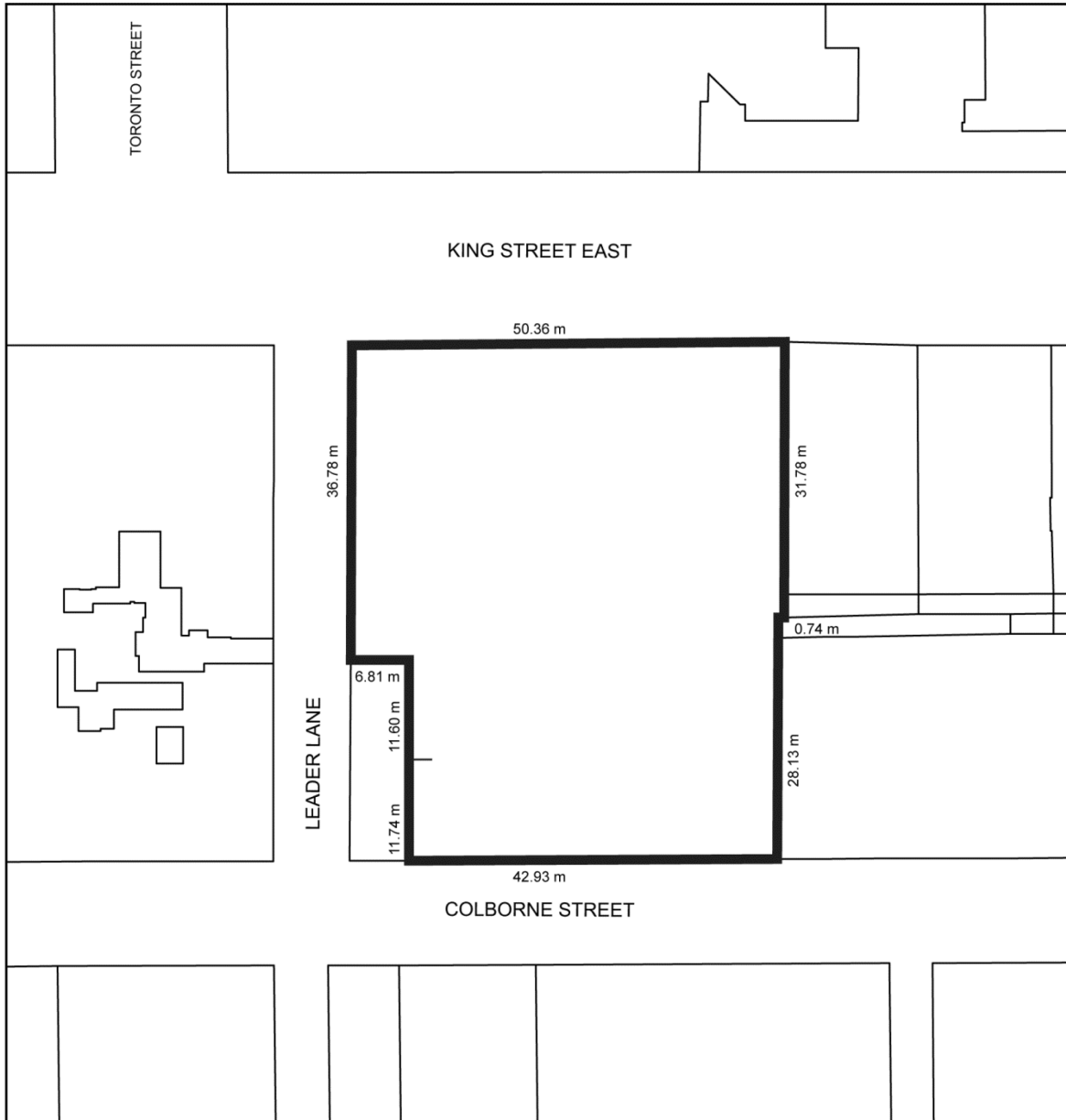
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands shown on Diagram 1 in this By-law and secured in an agreement under Section 37(3) of the Planning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

1. Prior to the issuance of the first above-grade building permit for all or any part of the lands, the owner shall pay to the City the sum of \$850,000.00 to be allocated towards local park and/or streetscape improvements within an area bounded by Yonge Street, Queen Street East, Parliament Street and the Metrolinx-Lakeshore rail corridor, in consultation with the Ward Councillor, in compliance with the Streetscape Manual or to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
2. Prior to the issuance of the first above-grade building permit for all or any part of the land, the owner shall pay to the City the sum of \$1,350,000.00 to be allocated towards the preservation of off-site heritage resources that are designated and/or listed on the City of Toronto Heritage Register, including the North St. Lawrence Market property at 92 Front Street East and the First Parliament property at 271 Front Street East and 25 Berkeley Street, which may include a heritage lighting plan and/or heritage interpretation plan, within an area bounded by Yonge Street, Queen Street East, Parliament Street and the Metrolinx-Lakeshore rail corridor;
3. The payments required in item 1a and 1b above must be increased by upwards index in accordance with the Non-Residential Building Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of the Section 37 Agreement to the date each such payment is made;
4. In the event the cash contributions required in items 1a and 1b above have not been used for the intended purpose within three (3) years of the date of the issuance of the first above-grade building permit, the cash contribution may be directed to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the land;
5. Prior to the commencement of any excavation and shoring work, the owner will submit a Construction Management Plan which will include but not be limited to temporary street occupancy, lane closure and sidewalk closure on King Street and Leader Lane in order to install heritage façade retention structure, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive

Director, City Planning, or the General Manager of Transportation Services, in consultation with the Ward Councillor;

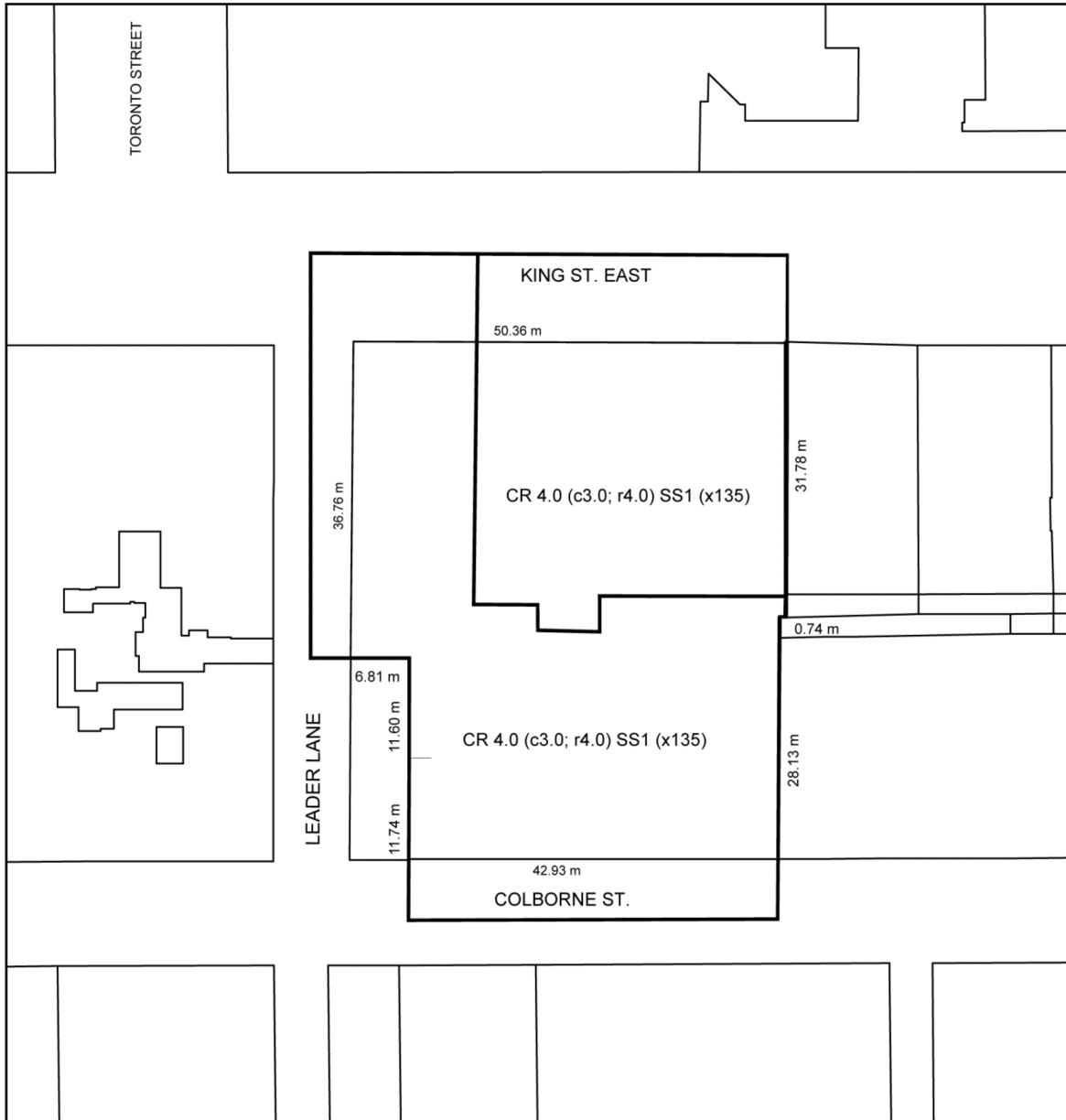
6. Prior to issuance of final Site Plan approval pursuant to section 114 of the City of Toronto Act, 2006 and section 41 of the Planning Act ("site plan approval") for all or any part of the land, the owner shall:
 - a. provide final site plan drawings that are satisfactory to the Senior Manager, Heritage Preservation Services, including drawings related to a Conservation Plan approved by such Senior Manager that is satisfactory to such Senior Manager and is prepared by a qualified heritage consultant, and that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 65 to 89 King Street East and 46 Colborne Street prepared by GBCA Architects dated November 8, 2017 (the "Approved Conservation Plan");
 - b. provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - c. provide a Heritage Lighting Plan that describes how the heritage properties on the lands will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Preservation Services;
 - d. provide a detailed Landscape Plan for the land, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such plan; and
 - e. submit a Signage Plan for the proposed development to the satisfaction of the Senior Manager, Heritage Preservation Services;
7. Prior to the issuance of any permit for all or any part of the lands, including a heritage permit pursuant to the Ontario Heritage Act or a building permit, the owner shall:
 - a. obtain final approval for the necessary zoning by-law amendments required for the alterations to the properties at 71-89 King Street East, such that such amendments have been enacted by City Council and have come into full force and effect in a form and with content acceptable to City Council as determined by the Chief Planner, and the Executive Director, City Planning Division, in consultation with the Senior Manager, Heritage Preservation Services;
 - b. provide full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the Approved Conservation Plan required in item 3a above, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services;

- c. provide a letter of credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the Approved Conservation Plan, the approved Heritage Lighting Plan, the approved Landscape Plan, and the approved Interpretation Plan. Prior to the release of the letter of credit, the owner shall;
 - i. have obtained final site plan approval for the proposed development, issued by the Chief Planner and Executive Director, City Planning;
 - ii. provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work, required heritage lighting work, and the required interpretive work has been completed in accordance with the Approved Conservation Plan, the approved Lighting Plan, the approved Landscape Plan, and the approved Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and
 - iii. provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services; and
 - d. provide full documentation of the existing heritage properties at 71-89 King Street East, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Preservation Services; and
8. The owner shall enter in to and register an agreement shall enter into and register on title to the lands one or more agreements with the City pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning Division, to assist with securing the facilities, services and matters set forth in this Schedule A.



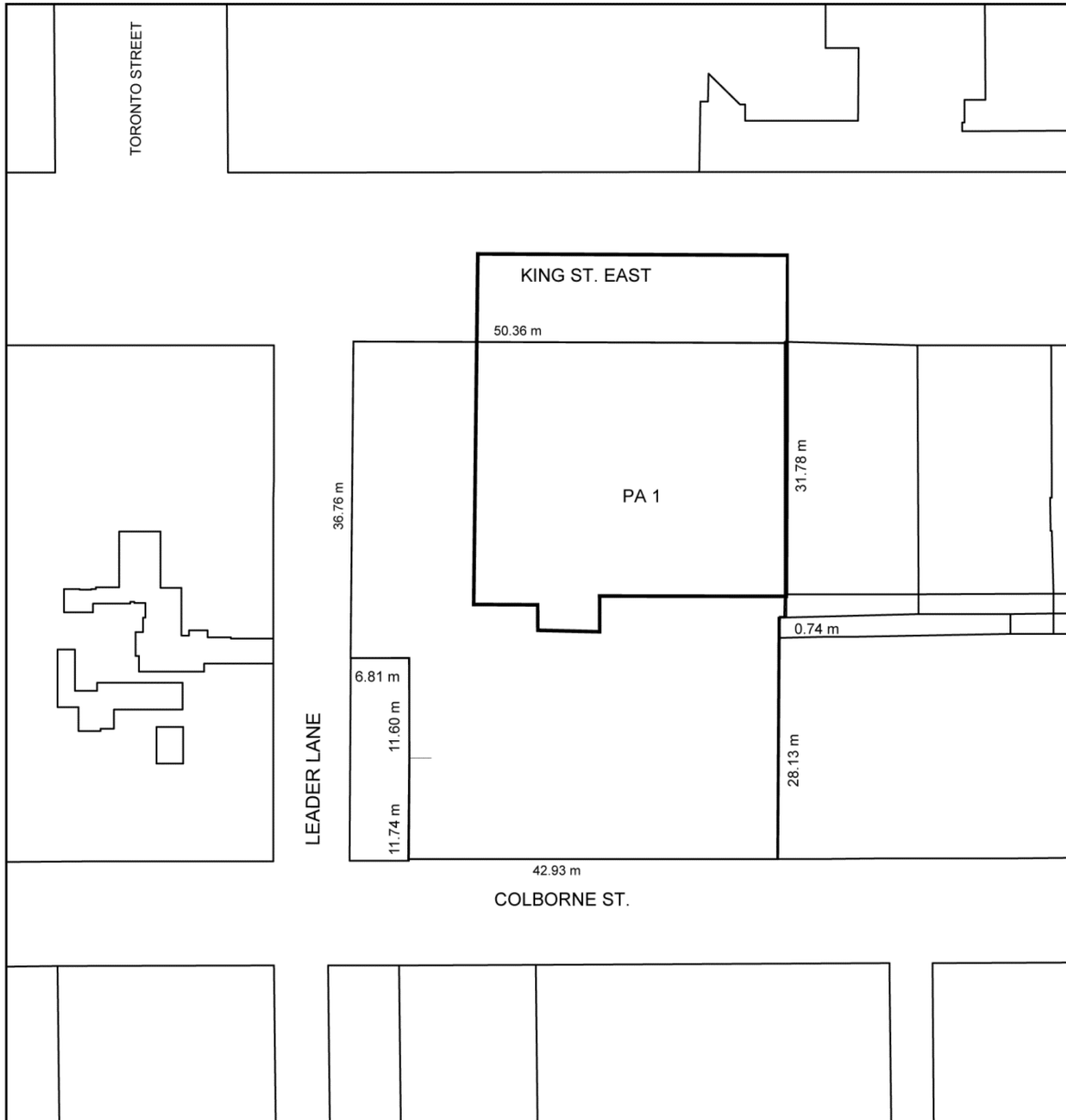
65-89 King Street East & 46 Colborne Street

File # 15 258720 STE 28 0Z



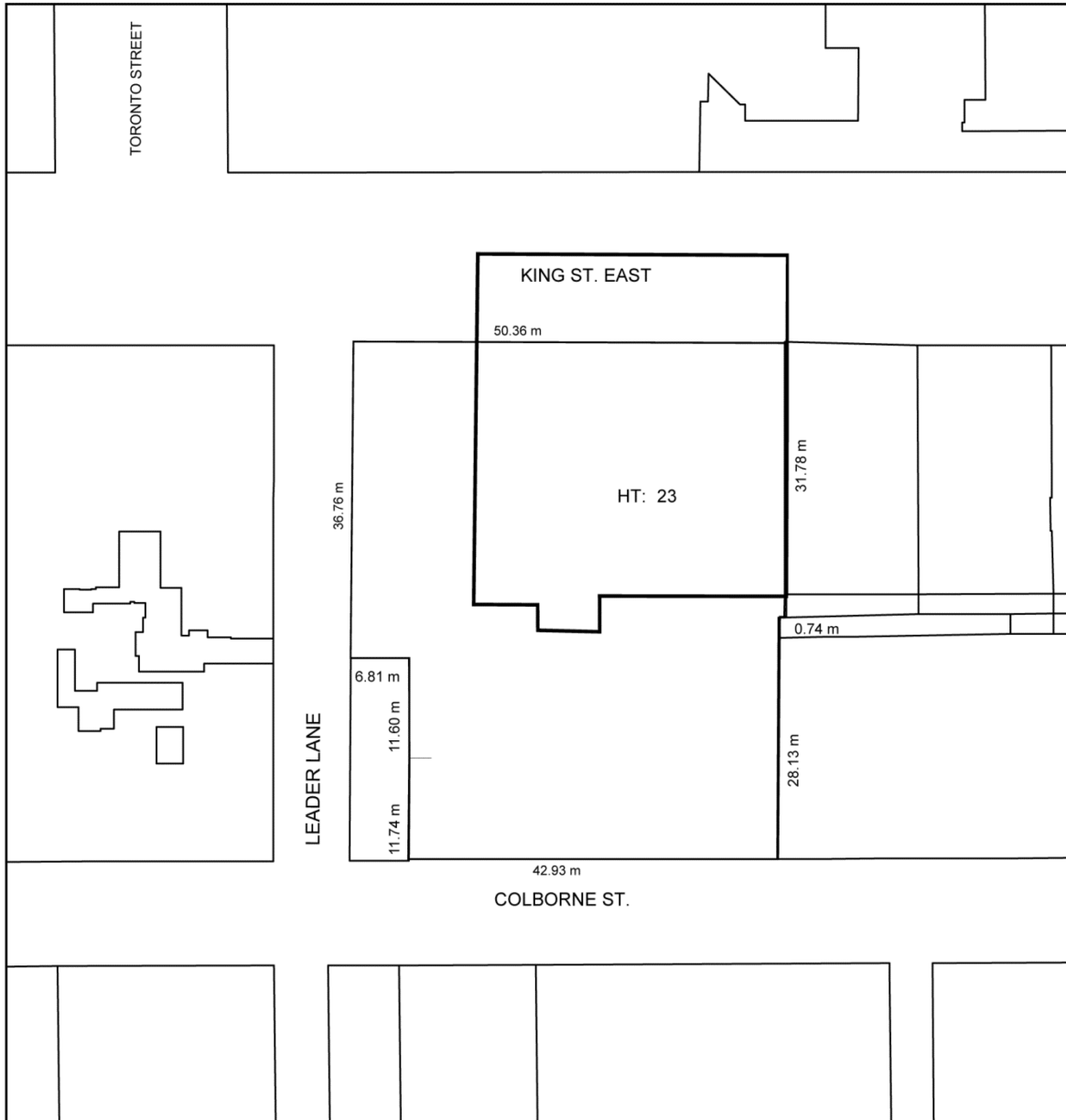
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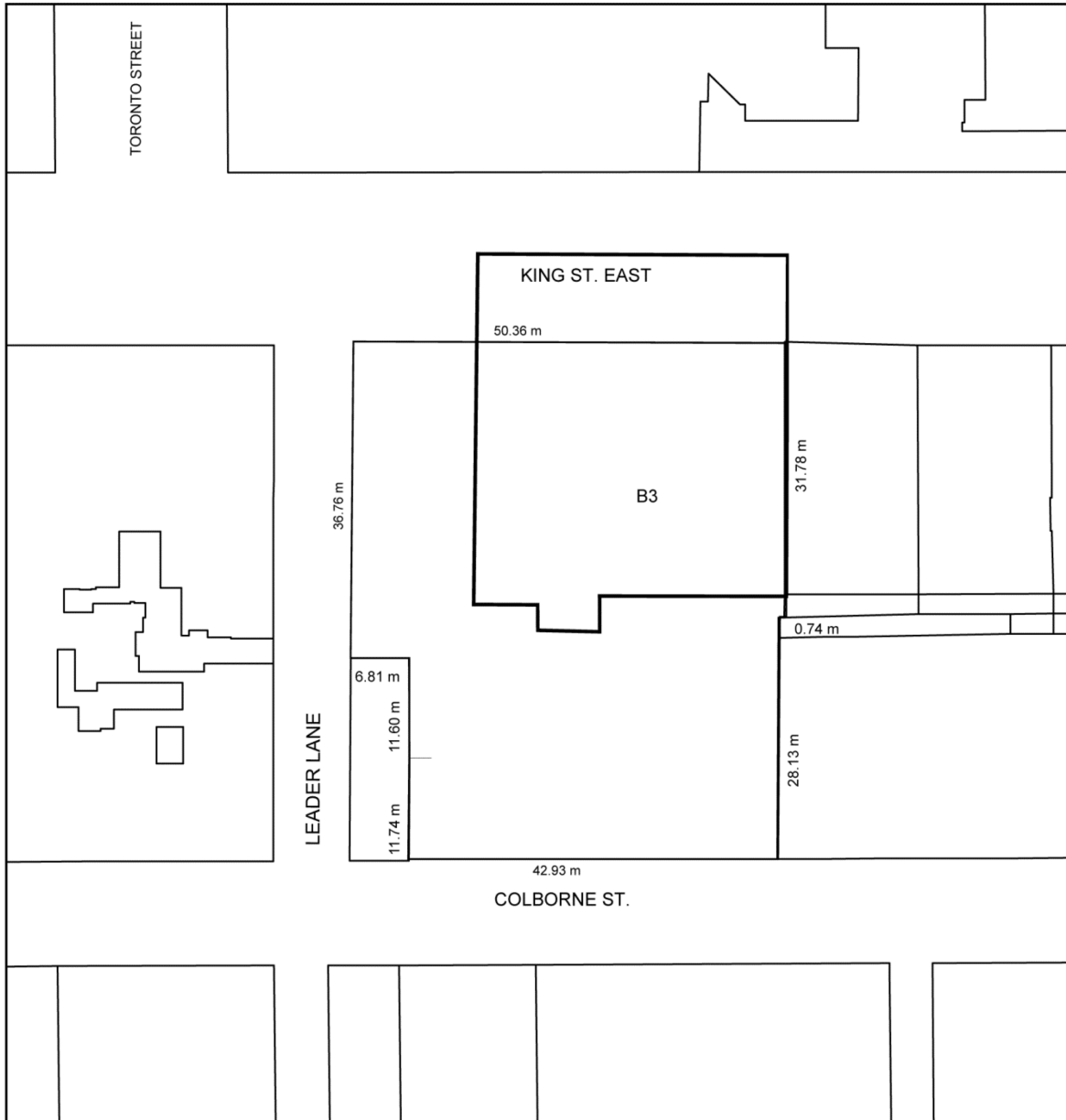
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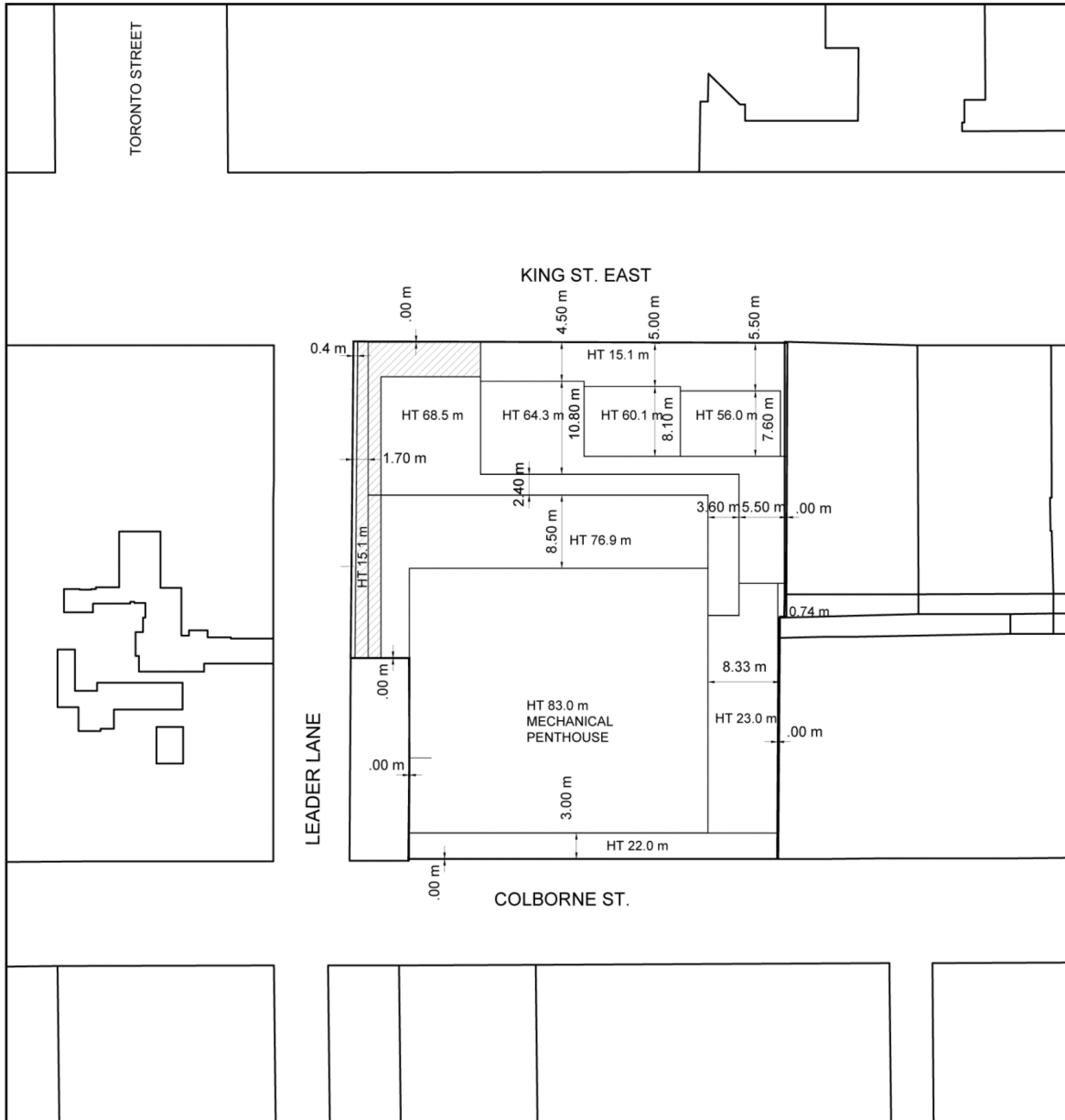
65-89 King Street East & 46 Colborne Street

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65-89 King Street East & 46 Colborne Street

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Diagram 6

65-89 King Street East & 46 Colborne Street

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- 00.00 m PROPERTY DIMENSION (METRES)
- THE LANDS
- BUILDING ENVELOPE
- 00.00 m BUILDING ENVELOPE DIMENSION (METRES)
- HT 00.0 m BUILDING HEIGHT MEASURED FROM ESTABLISHED GRADE 82.15 (METRES)
- LOWER SETBACK ZONE

City of Toronto By-Law 569-2013
 Not to Scale
 06/19/2018