

Authority: Ontario Municipal Board Decision issued on May 9, 2013 and Local Planning Appeal Tribunal Order issued on November 18, 2019 in Board File PL110554

CITY OF TORONTO

BY-LAW 122-2020(LPAT)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands known as 321-333 King Street West.

Whereas the Council of the City of Toronto has been requested to 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 forming part of lands known municipally in the year 2019 as 321-333 King Street West; and

Whereas the Local Planning Appeal Tribunal, by way of Order issued on November 18, 2019, following an appeal pursuant to Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, determined to amend the former City of Toronto Zoning By-law 438-86, the General Zoning By-law, with respect to lands municipally known in the year 2019 as 321-333 King Street West on consent; and

Whereas the Local Planning Appeal Tribunal allowed the appeal in part;

Pursuant to the Order of the Local Planning Appeal Tribunal, By-law 438-86 is amended as follows:

1. Pursuant to Section 37 of the Planning Act, the heights and density of development permitted by this By-law 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 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 of the site, pursuant to Section 37 of the Planning Act, securing the provision of the facilities, services and matters set out in Appendix 1 of this By-law, 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. None of the provisions of Section 2 with respect to *bicycle parking space - occupant*, *bicycle parking space - visitor*, *height*, *grade*, *parking space* and *residential amenity space*, 4(2) and (ii), 4(5), 4(8), 4(12), 4(13), 4(16), 4(17)e, 7(3) PART I, 7(3) PART II, 12(2)246, 12(2)260 and 12(2)380 of By-law 438-86, 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 uses *accessory*

thereto, including an underground *parking garage* which may contain *car-share parking spaces*, on the lands known in the year 2019 as 321-333 King Street West (hereafter referred to as the "*lot*"), as more particularly identified on Map 1 of this By-law, provided that:

- (1) the *lot* is comprised of at least those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- (2) the total combined *residential gross floor area* and *non-residential gross floor area* of the building does not exceed 23,500 square metres, provided that:
 - (a) the *residential gross floor area* does not exceed 23,000 square metres;
 - (b) the *non-residential gross floor area* does not exceed 500 square metres;
- (3) no portion of the building or structure above *grade*, shall be located other than within a *Building Envelope*, except for the following:
 - (a) cornices, lighting fixtures, window washing equipment, awnings, canopies, ornamental or architectural elements, parapets, trellises, balconies, eaves, lighting features, window sills, bay windows, guardrails, balustrades, railings, wind mitigation screens and features, monuments, arbours, patios, decorative features, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps and their associated structures, underground garage stair enclosures, retaining walls, fences, screens, and landscape and public art features which may extend beyond the solid lines shown on the attached Map 2;
 - (b) structures used for outside or open-air recreation, safety or wind protection, provided the maximum height of the structure is not higher than the sum of three metres and the *height* limit applicable to the *lot*;
- (4) the maximum *height*, for any building or structure on the *lot*, shall not exceed the *height* specified by the numbers following the symbol "H" as shown on Map 2, including any elements otherwise permitted in Section 4(2)(a)(i) and (ii) of By-law 438-86, provided that this paragraph does not prevent the erection and use of:
 - (a) a railing or railings located at each of the roof levels of the building provided the maximum vertical distance of any such railing does not exceed 1.1 metres;
 - (b) a parapet, including roof drainage, thermal insulation and roof ballast, at each of the roof levels of the building provided the maximum vertical dimension of any such parapet does not exceed 0.7 metres, and having a maximum combined vertical dimension with (a) above of 1.8 metres above the *height* of each of the roof levels of the building;

- (c) spires, ornamental elements, safety railings, parapets, stair tower, chimney stack or other heating, a structure on the roof of the building used for outside or open air recreation, safety or wind protection purposes, window washing equipment, stair towers, partitions dividing outdoor recreation areas, trellises, wall or structure enclosing such elements located above the *height* of each of the roof levels of the building provided the maximum vertical dimension of any such element does not exceed 5.0 metres, except above the mechanical penthouse roof level *height* of 154.5 metres; and
 - (d) notwithstanding (c) above, window washing equipment, lightning rods and exhaust flues, cooling or ventilating equipment, architectural features or fences or walls related to such elements may project above a *height* of 154.5 metres provided the maximum vertical dimension of any such element does not exceed 5.0 metres;
- (5) a minimum number of *parking spaces* shall be provided and maintained to serve the development on the *lot* as follows:
 - (a) a total of 63 *parking spaces* shall be required for residents;
 - (b) *parking spaces* serving the residential uses erected on the *lot* may be located in whole or in part below *grade* on the *lot* and connected to the below *grade* parking structure on the *lot*;
 - (c) no *parking spaces* shall be required for non-residential uses; and
 - (d) no *parking spaces* shall be required for visitors.
- (6) notwithstanding the preceding Section:
 - (a) the total number of *parking spaces* required to satisfy parking requirements of the building on the *lot*, may be reduced by four (4) *parking spaces* for each *car-share-parking space*, up to a maximum of three (3) *car-share-parking spaces*, provided and maintained in an underground *parking garage* serving the *lot*; and
 - (b) four (4) of the required *parking spaces* may have minimum dimensions of 2.6 metres in width by 4.9 metres in length.
- (7) *one loading space-type G* shall be provided and maintained on the *lot*;
- (8) no person shall erect or use a building within the *lot* unless:
 - (a) a minimum of 400 *bicycle parking spaces* are to be provided and maintained on the lot, of which 90 percent are to be provided as *bicycle parking space – occupant* and 10 percent are to be provided as *bicycle parking space – visitor*;

- (b) *bicycle parking space - visitor* are to be provided and maintained at *grade*, on the ground floor, second floor or mezzanine level of a building on the *lot* or connected thereto and may be located outdoors or indoors and may be located within a secured room;
 - (c) notwithstanding the above, *bicycle parking spaces* may be located in whole or in part on the *lot*;
- (9) no building or structure shall be erected on the *lot* unless *residential amenity space* is provided in whole or in part on the *lot* as follows:
- (a) at least 2.0 square metres of indoor *residential amenity space* for each *dwelling unit* in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom; and
 - (b) at least 1.49 square metres of outdoor *residential amenity space* for each *dwelling unit*;
4. For the purposes of this By-law:
- (1) "*bicycle parking space – occupant*" means an area that is equipped with a bicycle locker or a room or bicycle rack for the purpose of parking and securing bicycles; and
 - (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (iii) notwithstanding (i) and (ii) above, where the bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking spaces within the stacker are not to be subject to the dimensions outlined in (i) and (ii) above;
 - (iv) where bicycles are to be parked in a stacker, a vertical dimension of at least 2.6 metres and a minimum horizontal clearance of 450 millimetres between stackers;
 - (v) notwithstanding the above, when abutting a wall, a minimum horizontal clearance of 300 millimetres is required;

- (2) "*bicycle parking space- visitor*" means an area that is equipped with a bicycle rack, stacker or locker for the purpose of parking and securing bicycles, and:
- (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) notwithstanding (i) and (ii) above, where the bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking spaces within the stacker are not to be subject to the dimensions outlined in (i) and (ii) above;
 - (iv) where bicycles are to be parked in a stacker, a vertical dimension of at least 2.6 metres and a minimum horizontal clearance of 450 millimetres between stackers;
 - (v) notwithstanding the above, when abutting a wall, a minimum horizontal clearance of 300 millimetres is required;
- (3) "*building envelope*" means a building envelope as delineated by solid lines on Map 2 attached hereto;
- (4) "*car-share motor vehicle*" means 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 *lot*;
- (5) "*car-share parking space*" means a parking space used exclusively for the parking of a *car-share motor vehicle*;
- (6) "*grade*" shall mean 85.75 metres Canadian Geodetic Datum;
- (7) "*height*" shall mean the vertical distance between *grade* and the highest point of the roof, except for those elements prescribed in section 3(4);
- (8) "*lot*" means those lands municipally known in the year 2019 as 321 – 333 King Street West as shown in heavy lines on Map 1;
- (9) "*residential amenity space*" means a common area or areas within a *lot* for the exclusive use of residents of a building for recreational or social purposes;
- (10) all terms appearing in italics shall have the same meaning as those terms have for the purpose of the aforesaid By-law 438-86, except as hereinbefore provided.

5. Notwithstanding any 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 had occurred.

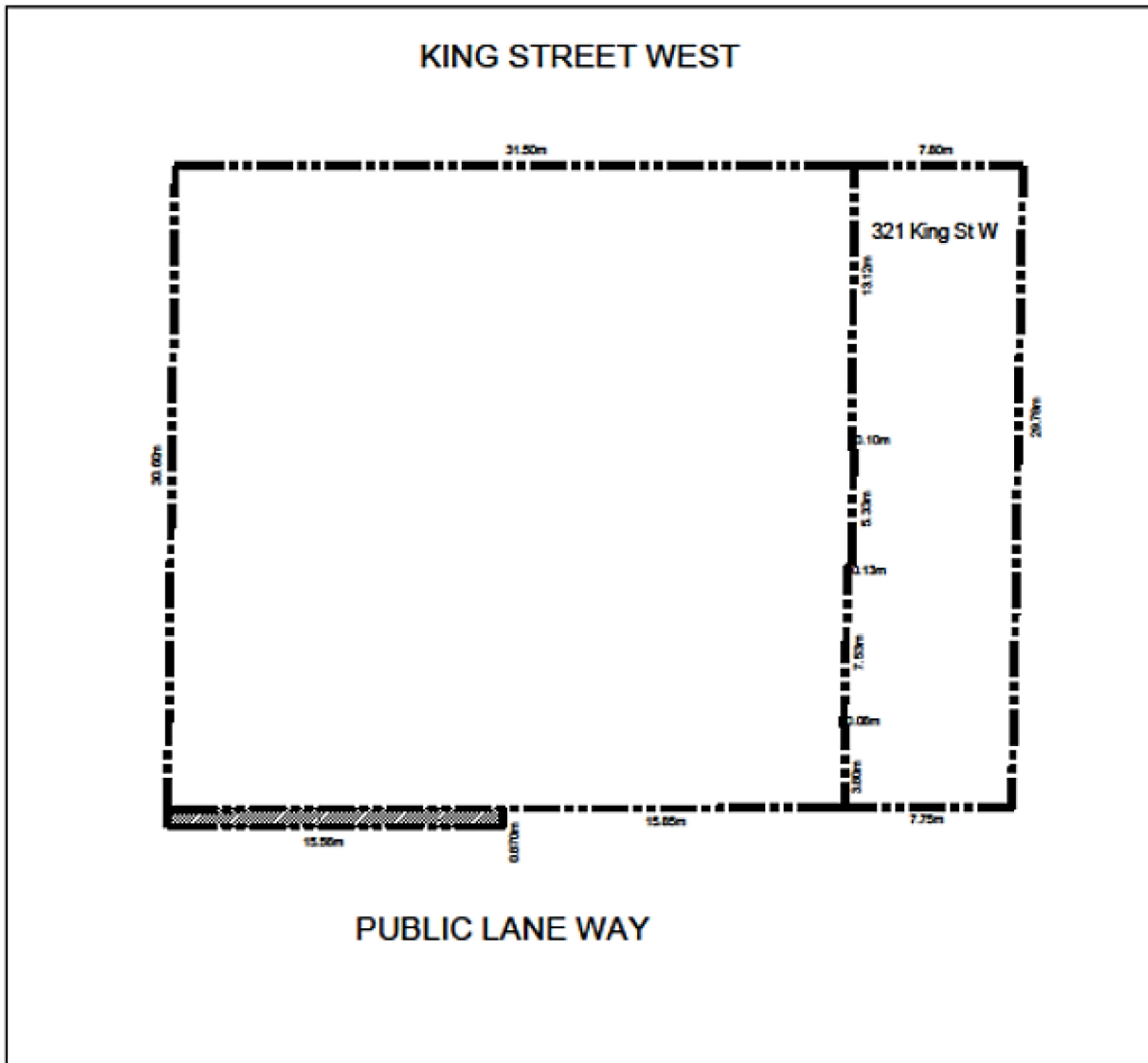
Pursuant to Ontario Municipal Board Decision issued on May 9, 2013 and Local Planning Appeal Tribunal Order issued on November 18, 2019 in Board File PL110554.


APPENDIX 1
SECTION 37 PROVISIONS

The facilities, services and matters set out herein are the matters required to be provided by the owner of that lot at its expense 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 and the owner with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of the first above grade building permit the owner shall provide a cash contribution of \$452,000 to be applied toward the following:
 - (a) \$45,200 of which will be allocated towards Toronto Community Housing Corporation (TCHC) revolving fund for repairs in the ward; and
 - (b) \$406,800 for the provision of streetscape and/or public realm improvements in the East Precinct of the King-Spadina Secondary Plan area.
2. The owner shall provide for at least 10 affordable rental housing units encompassing an entire residential floor of the new development, with provisions that:
 - (a) The Owner shall construct and make ready for occupancy the Affordable Rental Units no later than the date by which 90 percent of the other Dwelling Units in the Development are available and ready for occupancy.
 - (b) The rental housing units shall remain as rental housing for a period of at least 20 years, with no application for condominium registration or any conversion to non-rental housing purposes.
 - (c) The rents shall be at 85 percent of affordable rents for a period of at least 20 years, with provisions for phase-out of the affordable rent restrictions to market rents thereafter.
 - (d) The unit mix shall include at least 4 two-bedroom units and 2 three-bedroom units.
3. The owner shall provide a minimum of ten percent (10 percent) of the residential units in the building (including affordable rental units) having at least three bedrooms. If all the three bedroom units (excluding affordable rental units) are not purchased by buyers during the marketing stage then the remaining three bedroom units may be converted back to one and two bedroom units.
4. The implementation of any wind mitigation measures required by the applicant's wind study, satisfactory to the Chief Planner and Executive Director, City Planning, to be submitted as part of an application for Site Plan Approval.

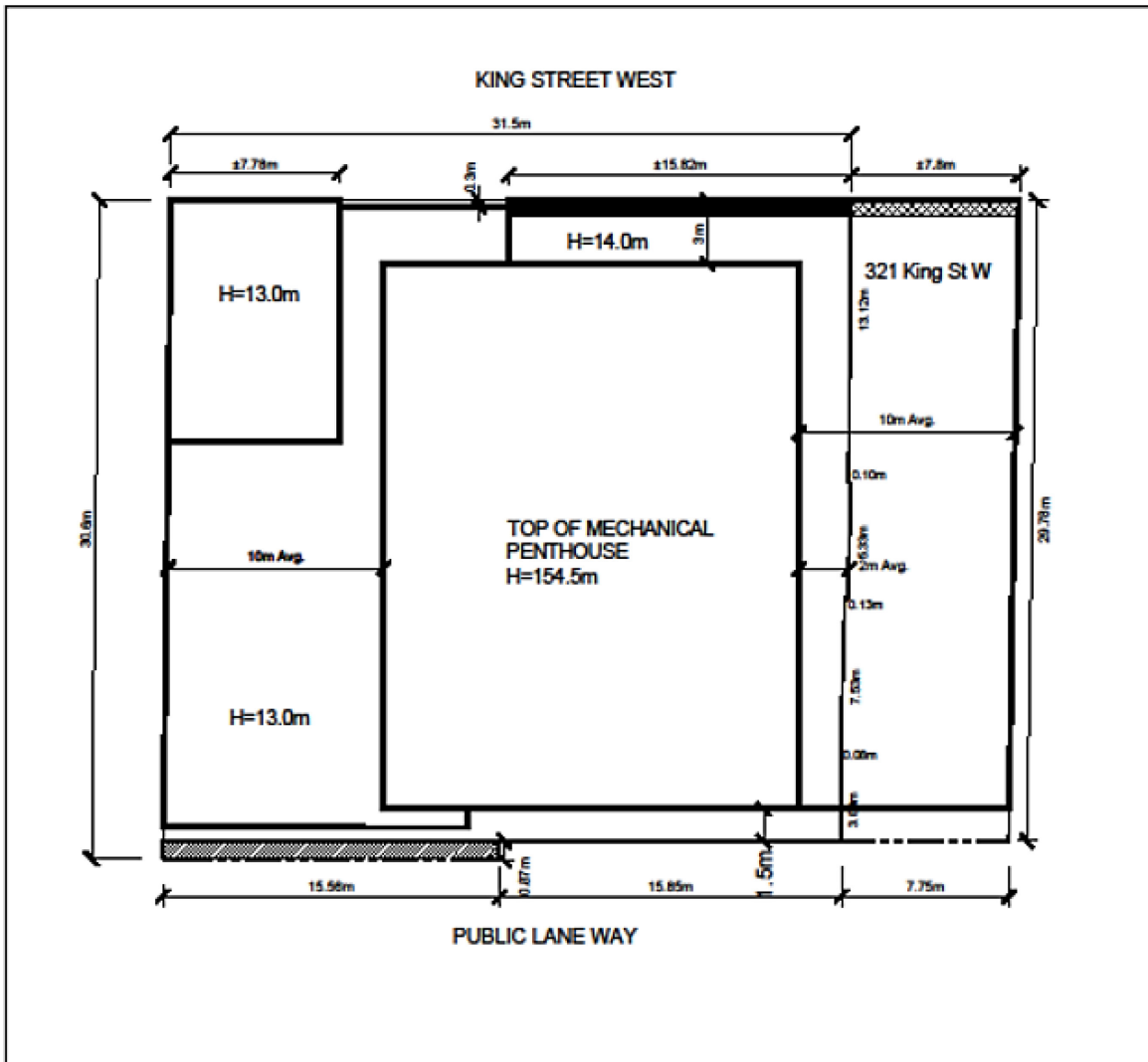
5. Materials for the new building will be secured through Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning.
6. A construction management plan shall be provided and thereafter implemented by the owner, satisfactory to the Chief Planner and Executive Director, City Planning and shall be completed prior to Site Plan Approval.
7. The owner agrees to the following conditions regarding the protection and preservation of heritage resources:
 - (a) Prior to the zoning by-law coming into full force and effect, the owner shall:
 - (i) Withdraw his appeal to the Conservation Review Board with respect to the City's Intention to Designate the properties at 321-325 King Street West and 333 (327) King Street West.
 - (ii) Enter into a Heritage Easement Agreement with the City for the designated heritage properties at 321-325 King Street West and 333 (327) King Street West.
 - (iii) Provide a Conservation Plan detailing all restoration, repair, dismantling, reconstruction, stabilization and new construction work associated with the project, to the satisfaction of the Manager, Heritage Preservation Services.
 - (b) Prior to Site Plan Approval the applicant shall provide site plans and drawings in accordance with the approved Conservation Plan.
 - (c) Prior to issuance of any heritage permit, including a permit for demolition, shoring or excavation, the applicant shall:
 - (i) Provide a Letter of Credit to secure all conservation work set out in the Conservation Plan.
 - (ii) Submit building permit drawings, including plans, elevations and details, to the satisfaction of the Manager of Heritage Preservation Services.
8. The owner of the lot shall enter into and register on title to the lands municipally known in the year 2019 as 321-333 King Street West, 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 Chief Planner and Executive Director, City Planning, to secure the facilities matters set forth in this Appendix.
9. Notwithstanding the foregoing, the owner and the City may modify or amend the said agreement(s), from time to time and upon the consent of the City and the owner, without further amendment to those provisions of this By-law which identify the facilities, services and matters to be secured.



 LAND CONVEYED TO THE CITY FOR LANE WIDENING PURPOSES (0.87 METRE WIDE STRIP TO A DEPTH OF 1.2 METRE FROM THE FINISHED GRADE)

MAP 1

321-333 KING STREET WEST



H DENOTES HEIGHT IN METRES ABOVE GRADE (85.75 metres Canadian Geodetic Datum) ALONG KING STREET WEST

BUILDING FACADE TO BE RETAINED IN SITU DURING REDEVELOPMENT

BUILDING FACADES TO BE REBUILT

LAND CONVEYED TO THE CITY FOR LANE WIDENING PURPOSES (0.87 METRE WIDE STRIP TO A DEPTH OF 1.2 METRE FROM THE FINISHED GRADE)

MAP 2

321-333 KING STREET WEST