

Authority: Toronto and East York Community Council
Item TE11.2, adopted as amended, by City Council on
December 17 and 18, 2019

CITY OF TORONTO

BY-LAW 243-2020

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 540-544 King Street West and 1-7 Morrison Street.

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/or 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 or density of development beyond those otherwise permitted by the by-law for the provision of such facilities, services or matter as are set out in the by-law; and

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

Whereas the Council of the City of Toronto has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted by this By-law;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the Planning Act, the height 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 *lot* of the facilities, services and matters set out in Schedule A attached to 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 between the *City* and the *owner* of the *lot* on title to the *lot* pursuant to Section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Schedule A attached to this By-law, the *lot* 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*, such building may not be erected or used until the *owner* of the *lot* has satisfied the said requirements.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) 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 By-law 438-86 shall continue to apply on the *lot*.
5. None of the provisions of Section 2(1) with respect to the definitions of *grade*, *height*, *lot*, *residential gross floor area*, *non-residential gross-floor area*, *sales office*, *stacked bicycle parking space* and Sections 4(2), 4(5), 4(8) 4(9), 4(13)(a), (c), (d), 4(14), 7(3) Part I, 7(3) Part II 1, 3, 4, 5, 7, 12(1)88, 12(2)132, 12(2)204, 12(2) 246(a)(e)(f), 12(2)380 of Zoning By-law 438-86, as amended, 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", shall apply to prevent the erection and use of a *mixed-use building*, containing dwelling units and non-residential uses on the *lot*, provided that:
 - (a) The *lot* on which the building is to be located comprises at least those lands within the heavy lines on Map 1, attached to and forming part of this By-law;
 - (b) The total aggregate *residential gross floor area* and *non-residential gross floor area* of any *building* or structure erected on the *lot* shall not exceed 26,200 square metres, provided:
 - (i) The residential gross floor area does not exceed 7,200 square metres; and
 - (ii) The non-residential gross floor area does not exceed 19,000 square metres;
 - (c) A minimum of 10 percent of the *dwelling units* must contain three or more bedrooms and 20 percent of the *dwelling units* must contain two or more bedrooms;
 - (d) No portion of any building or structure on the *lot* shall have a *height* greater than the *height* in metres specified on specified by the number following the "HT" symbol as shown on Map 2 attached to By-law 243-2020 except for:
 - (i) Wind screens, parapets, terrace or balcony guardrails, balustrades, railings and dividers, pergolas, trellises and signage, planters, eaves, privacy screens, stair enclosures, skylights, mechanical equipment and screens, architectural screens, access hatches, roof assemblies, roof drainage, window washing equipment, chimneys, vents, lightning rods, light fixtures, pavers, elements of a *green roof*, structures located on the roof used for outside or open air recreation which may project by a maximum of 2.0 metres; and
 - (ii) Elevator overrun which may project by a maximum of 4 metres;

- (e) No portion of any *building* or structure erected and used above grade on the *lot* shall be located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to By-law 243-2020 except for:
 - (i) Cornices, eaves, light fixtures, parapets, art and landscaping features, trellises, window sills, mullions, ventilation shafts, mechanical equipment and screens, architectural screens, ornamental elements, balustrades, railings, fences and privacy screens, wheelchair ramps, site servicing features, window washing equipment, and underground garage ramp and associated structures, which may project by a maximum of 0.5 metres;
 - (ii) Balconies and terraces which may project by a maximum of 1.5 metres; and
 - (iii) Awning and canopies which may project by a maximum of 2.0 metres;
- (f) A setback is required along King Street West as shown on Map 3 attached to By-law 243-2020;
- (g) *Residential amenity space* shall be provided and maintained above *grade* on the *lot* in accordance with the following:
 - (i) A minimum of 1.5 square metres of indoor *residential amenity space* for each *dwelling unit*; and
 - (ii) A minimum of 1.0 square metres of outdoor *residential amenity space* for each *dwelling unit*;
- (h) A minimum number of *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) A minimum of 14 *parking spaces* for residents;
 - (ii) No *parking spaces* are required for residential visitors;
 - (iii) No *parking spaces* are required for non-residential uses; and
 - (iv) A minimum of 39 *parking spaces* in a *commercial parking garage*;
- (i) The minimum rates for *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) A minimum of 0.9 *bicycle parking spaces* per *dwelling unit*;
 - (ii) A minimum of 0.1 *bicycle parking spaces* per *dwelling unit* for visitors;
 - (iii) A minimum of 31 *bicycle parking spaces* shall be provided for non-residential uses; and

- (j) One *loading space* – Type "G" and two loading spaces – Type "C" shall be provided and maintained on the lot.
6. None of the provisions of By-law 438-86, as amended, shall apply to prevent a *sales office* on the *lot*, and a *sales office* shall be exempt from the requirements of By-law 438-86, as amended.
7. For the purposes of this By-law, all italicized words and expression have the same meanings as defined in By-law 438-86, as amended, with the exception of the following:
- (a) *bicycle parking space* means an area that is equipped for the purpose of parking and securing bicycles;
- (i) bicycle parking space - visitor and bicycle parking space - occupant may be located within a secured room; and
- (ii) *stacked bicycle parking space* means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces* and has a minimum vertical clearance of 2.5 metres, a minimum width of 0.6 metres and a minimum length of 1.8 metres;
- (b) *Grade* means the Canadian Geodetic Elevation of 88.53 metres;
- (c) *Height* means the vertical distance between *grade* and the highest point of the *building* or *structure*;
- (d) Residential *gross floor area* means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the *building* or structure at the level of each floor, but excluding:
- (i) *Parking, loading* and *bicycle parking* spaces below *grade*;
- (ii) Required *loading spaces* on the ground level and required *bicycle parking spaces* at or above *grade*;
- (iii) Common areas, hallways, storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms located above or below *grade*;
- (iv) Shower and change facilities that are required by this By-law for required *bicycle parking spaces*;
- (v) *Amenity space*;
- (vi) A maximum of 520 square meters of mechanical space located within the *building*;

- (vii) Elevator shafts;
 - (viii) Garbage shafts;
 - (ix) Mechanical penthouse; and
 - (x) Exit stairwells in the building;
- (e) Non-residential *gross floor area* means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the *building* or structure at the level of each floor, but excluding;
- (i) *Parking, loading and bicycle parking spaces below grade;*
 - (ii) *Commercial parking garage located below grade;*
 - (iii) Required *loading spaces* on the ground level and required *bicycle parking spaces* at or above *grade;*
 - (iv) Common areas, hallways, storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms located above or below *grade;*
 - (v) Shower and change facilities that are required by this By-law for required *bicycle parking spaces;*
 - (vi) *Amenity space;*
 - (vii) A maximum of 520 square meters of mechanical space located within the *building;*
 - (viii) Elevator shafts;
 - (ix) Garbage shafts;
 - (x) Mechanical penthouse; and
 - (xi) Exit stairwells in the building;
- (f) *Sales office* means a *building*, structure, facility or trailer on the *lot* used for the purpose of the sale and/or initial leasing of *dwelling units* or *non-residential gross floor area* to be erected on the *lot*.

8. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.

9. 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.

Enacted and passed on February 26, 2020.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

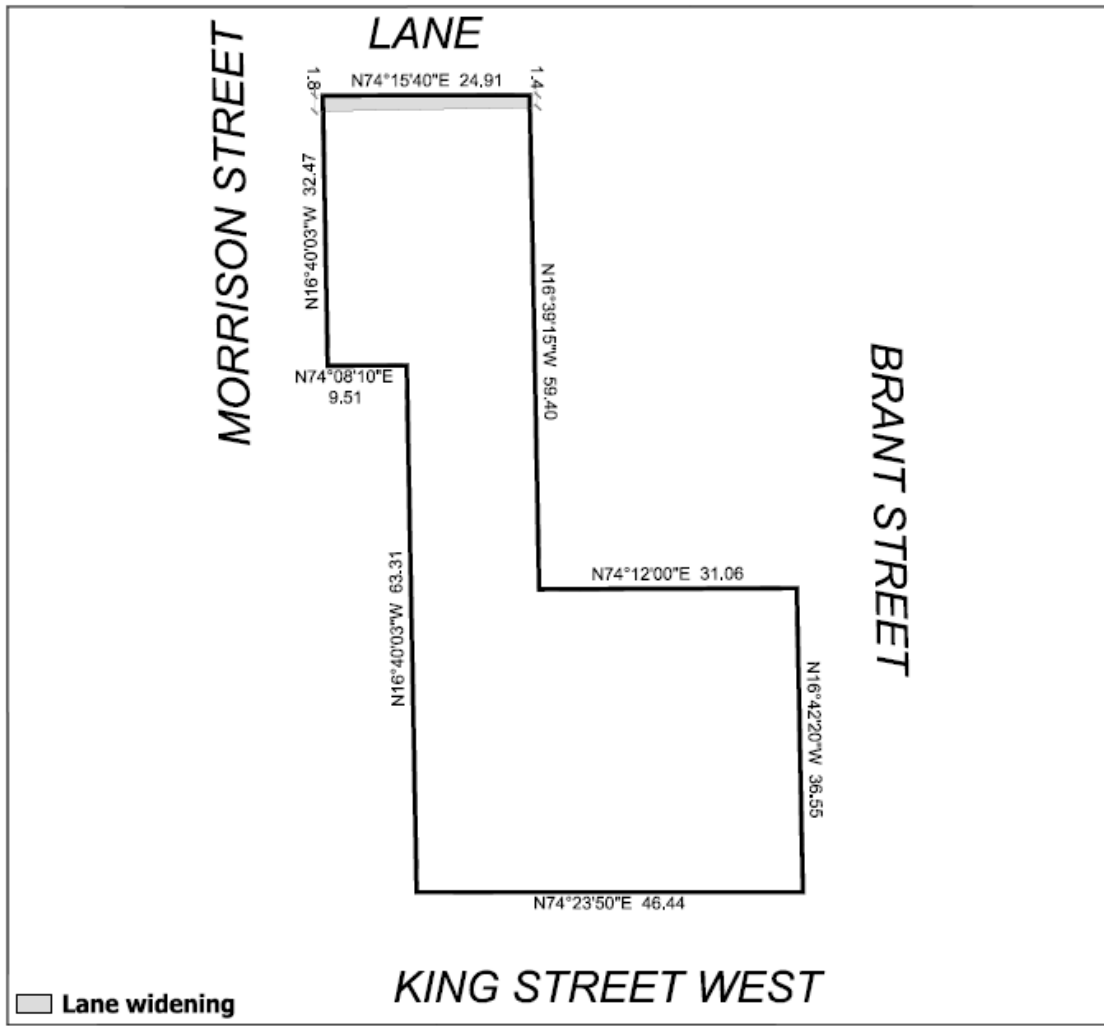
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Map 1 in this By-law and secured in an agreement or agreements under Section 37(3) of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

- (1) Prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution in the amount of \$200,000.00 towards the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 10, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
- (2) Prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution in the amount of \$200,000.00 for the provision of affordable housing in Ward 10 within the vicinity of the site to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
- (3) Prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution in the amount of \$600,000.00 for the revitalization of the playground of the Toronto District School Board property at 20 Brant Street, subject to public access outside of regular school hours, and/or public realm improvements in the area, and/or community services and facilities, all to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
- (4) All cash contributions referred (1) to (3) above shall be upwardly indexed in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made to the City;
- (5) In the event that the cash contribution referred to in (1) to (3) above have not been used for the intended purposes upon the third annual anniversary of the By-laws 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, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 10;

The following matters are to be secured in the Section 37 Agreement as a legal convenience to support the development:

- (6) Prior to final site plan approval, the owner shall provide an Interpretation Plan for the heritage property at 544 King Street West, 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;

- (7) Prior to final site plan approval, the owner shall provide a Heritage Lighting Plan that describes how the heritage property at 544 King Street West will be sensitively illuminated to enhance its heritage character as viewed from the public realm to the satisfaction of the Senior Manager, Heritage Preservation Services;
- (8) Prior to final site plan approval, the owner shall submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
- (9) Prior to the issuance of the first building permit, the owner shall provide a letter of credit, including provision for upwards indexing, in accordance with paragraph (4) of this Schedule A, 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 Re-construction Plan and approved Interpretation Plan;
- (10) Prior to the issuance of first building permit, the owner shall provide full documentation of the existing heritage property at 544 King Street West, 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;
- (11) Prior to the release of the letter of credit to be provided in accordance with paragraph (9) above, the owner shall provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required restoration work and the required interpretive work has been completed in accordance with the Re-construction Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services;
- (12) Prior to the issuance of the first permit for the demolition, shoring and excavation work, the owner shall submit, and thereafter implement, a construction management plan to address such matters as noise, dust, street closures, parking and laneway uses and access. Such plan shall be to the satisfaction of the General Manager, Transportation Services, the Chief Planner and Executive Director, City Planning and the Senior Manager, Land Use Planning, Toronto Lands Corporation, in consultation with the Ward Councillor, the ALPHA School Community, the Garment District Neighbourhood Association and any other community stakeholders; and
- (13) The owner agrees to work with the Toronto Lands Corporation to implement and maintain a living green wall for the height of the ground floor of the east-facing façade of the portion of the building located at 1-7 Morrison Street, immediately adjacent to the Toronto District School Property at 20 Brant Street, utilizing vegetation which will remain green throughout all four seasons of the year. The green wall will be maintained by the owner of 540-544 King Street West and will be detailed in the Site Plan control drawings.



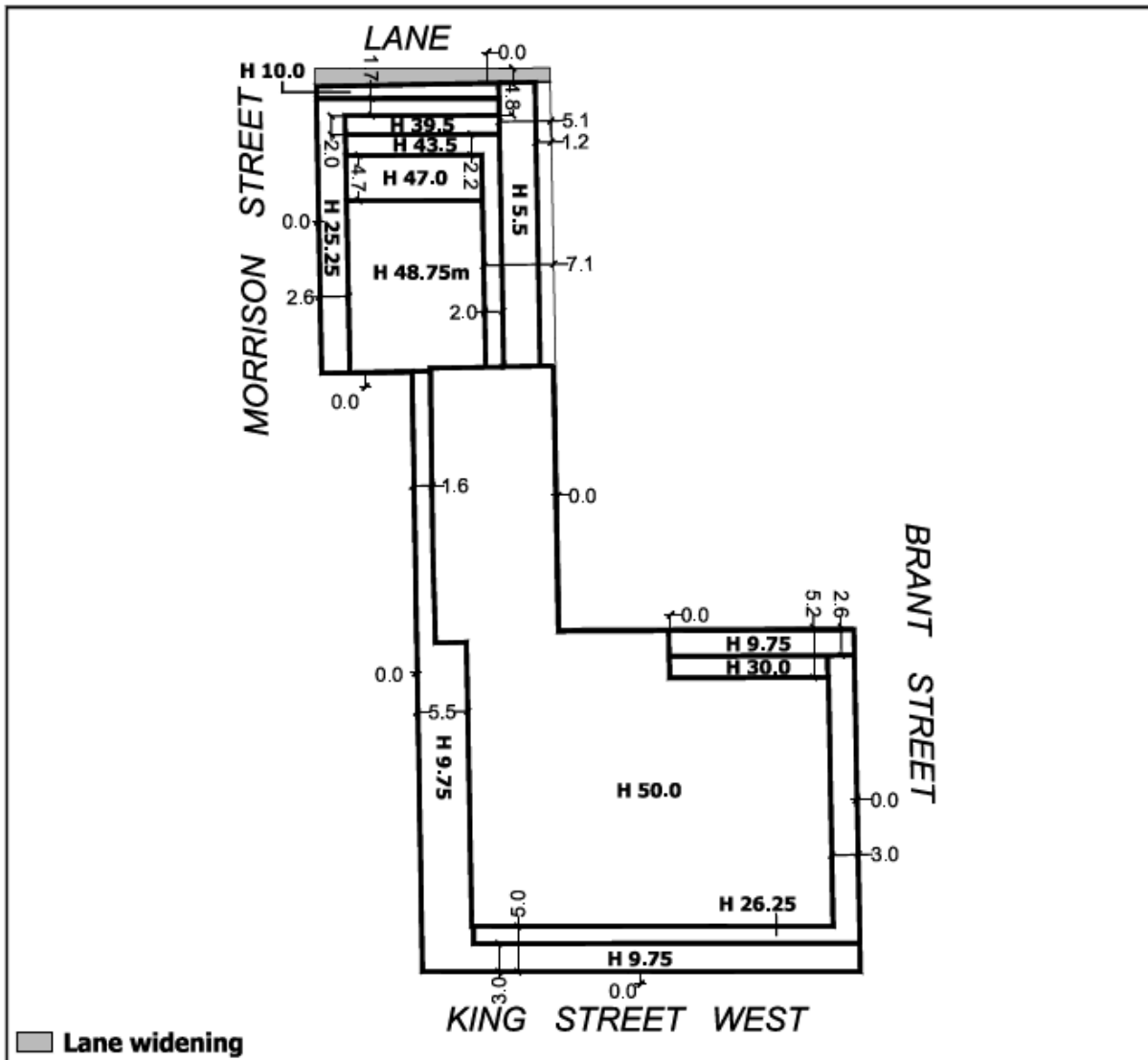
540-544 King Street West and 1-7 Morrison Street, Toronto

Map 1

File #17 _____



Not to Scale



540-544 King Street West and 1-7 Morrison Street, Toronto

Map 2

File #17 _____



Not to Scale

