

Authority: Local Planning Appeal Tribunal Decision issued on September 11, 2018 and Order issued on October 4, 2019 in Tribunal File PL171227

CITY OF TORONTO

BY-LAW 366-2020

To amend the Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2018 as 489, 495, 499, 511, 519-529 and 539 King Street West.

Whereas the Local Planning Appeal Tribunal pursuant to its Decision issued September 11, 2018 and Order issued October 4, 2019, upon hearing an appeal under Section 34(11) of the Planning Act R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 569-2013, as amended, for the City of Toronto with respect to lands municipally known as 489, 495, 499, 511, 519-529 and 539 King Street West; 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 or 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 or 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;

By-law 569-2013, as amended, of the City of Toronto is further amended by the Local Planning Appeal Tribunal as follows:

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 adding the lands outlined by heavy black lines on Diagram 2 to the Zoning By-law Map in Section 990.10, and

applying the following zone label to these lands: CRE (x25) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following heights labels to these lands: HT 23, as shown on Diagram 3 attached to this Bylaw.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands 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: PA1 as shown on Diagram 4 attached to this Bylaw.
6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands 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, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.12.10 Exception Number CRE(x25) so that it reads:

Exception CRE x 25

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 lands known municipally as 489, 495, 499, 511, 519-529 and 539 King Street West if the requirements of Section (10) and Schedule (A) of By-law 366-2020(LPAT) are complied with, **buildings** or **structures** may be erected or constructed in compliance with regulation (B) to (T) below;
- (B) The **lot** comprises at least the land outlined by heavy lines on attached Diagram 1 of By-law 366-2020(LPAT);
- (C) In addition to the uses permitted by Regulation 50.10.20.10(1) and 50.10.20.20(1), **public parking** is permitted if it is entirely below ground;
- (D) On the portion of the **lot** shown in shaded on attached Diagram 6 of By-law 366-2020(LPAT), the following uses are permitted: **retail store**, stand-alone outdoor sales and display, **eating establishment and take-out eating establishment**;
- (E) The total permitted **gross floor area** of all **buildings** and **structures** is 60,000 square metres of which a maximum of 40,000 square metres may be used for residential uses calculated in accordance with the provisions of 50.5.40.40 (3), excluding the **gross floor area** associated with the **public parking** located below ground;

- (F) At least 20 percent of all **dwelling units** on the **lot** must have two or more bedrooms, and at least 10 percent of all **dwelling units** must have three or more bedroom;
- (G) Despite 50.5.40.10 (1) and (2), height is measured from the Canadian Geodetic Datum elevation of 87.18 metres to the highest point of the **building** or **structure**;
- (H) Despite 50.10.20.100(41) stand-alone outdoor sales and display is permitted;
- (I) Despite 50.10.40.10(1) no part of any **building** or **structure** on the **lot** may have a height greater than the height in metres specified by the number following the symbol HT measured to the top of each **storey** as identified in Diagrams 7-23 of By-law 366-2020(LPAT);
- (J) Despite (G) above and 50.5.40.10(3) to (7) the following elements of a **building** may exceed the maximum height as follows:
- (i) cornices, parapets, lighting fixtures, ornamental elements, chimneys, vents, stacks, railings, stairs, stair enclosures, planters, elements or **structures** used for outside or open air recreation, safety or wind protection purposes, terrace and balcony railings and dividers, elements of a **green roof**, cooling towers and lightning rods to a maximum of 3.5 metres;
 - (ii) window washing equipment and **building** maintenance equipment to a maximum of 6.0 metres;
 - (iii) utility enclosure to a maximum of 3.0 metres; and
 - (iv) public art in accordance with the requirements of Section 10 and Schedule A of By-law 366-2020(LPAT).
- (K) Despite 50.10.40.30(1) with respect to building depth, does not apply;
- (L) Despite 50.10.40.70(1), (3), (4), (5) and 50.10.40.80(1), (2) (3), the minimum above ground **building setbacks** and minimum distance between external walls for each level of the **building** are as shown on Diagrams 7-23 of By-law 366-2020(LPAT).
- (M) Despite (L) above and 50.10.40.60 (1) to (8) the following may encroach into the required building setbacks shown on Diagrams 7-23 of By-law 366-2020(LPAT) as follows:
- (i) awnings, canopies, ornamental elements, window sills, guardrails, balustrades, railings, stairs, stair enclosures, landscape features to a maximum of 1.5 metres;

- (ii) utility enclosure; and
 - (ii) public art in accordance with the requirements of Section 10 and Schedule A of By-law 366-2020(LPAT).

- (N) Despite 50.10.40.50(1), **amenity space** must be provided on the **lot** as follows:
 - (i) a minimum of 1.5 square metres of indoor **amenity space** for each **dwelling unit** must be provided in a room or rooms, one of which must contain a kitchen and at least one washroom; and
 - (ii) a minimum of 0.7 square metres of outdoor **amenity space** for each **dwelling unit**.

- (O) Despite 200.5.10.1 (1), **parking spaces** must be provided and maintained on the **lot** in accordance with the following:
 - (i) a minimum of 0.3 **parking spaces** for each **dwelling unit** must be provided for the exclusive use of residents;
 - (ii) no visitor **parking spaces** are required; and
 - (iii) a minimum of 1 **parking space** must be provided for every 300 square metres of non-residential **gross floor area** and may be provided as **public parking**.

- (P) Despite 200.5.1.10(2), a maximum of 40 **parking spaces** that are obstructed on one or two sides may have a minimum width of 2.6 metres;

- (Q) The parking requirement listed in (O)(i) may be reduced by four **parking spaces** for each **car share parking space** provided. The maximum reduction is calculated using the following formula: $4 \times (\text{the total number of dwelling units divided by } 60)$ rounded down to the nearest whole number;

- (R) Despite 220.5.20.1(2), the maximum permitted slope of a ramp or **driveway** leading to a **loading space** is 12 percent, except that maximum permitted slope of the portion of a ramp or **driveway** within 6 metres of the limit of a **street** is 5 percent;

- (S) Despite 220.5.10(1), a minimum of one Type "G", **loading space**, three Type "B" **loading spaces** and two Type "C" **loading spaces** must be provided and maintained on the **lot**; and

- (T) Despite 230.5.1.10(10), a "long-term" or "short-term" **bicycle parking space** may be located in a **stacked bicycle parking space**.

Prevailing By-law and Prevailing Sections: (None Apply)

8. Despite any existing or future severance, partition or division of the **lot**, the provisions of this exception will apply to the whole of the **lot** as if no severance, partition or division had occurred.
9. For the purpose of this Exception:
- i. **Car-share** means the practice whereby a number of people share the use of one or more motor vehicles and such car-share motor vehicles are made available for short term rental, including hourly rental.
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 density of the development is permitted beyond that otherwise permitted on the lands shown as CRE (x25) on Diagram 1 of By-law 366-2020(LPAT) 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 By-law 366-2020(LPAT) 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 and density pursuant to the By-law unless all provisions of Schedule A of By-law 366-2020(LPAT) are satisfied.

Local Planning Appeal Tribunal Decision issued September 11, 2018 and Order issued October 4, 2019 in Tribunal File PL171227.

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. The owner shall provide a minimum contribution of \$900,000.00 toward the commission of public art in a process in accordance with the City Planning Public Art Program.
 - (a) The owner shall provide a cash contribution of \$3,000,000.00 for above-base streetscape improvements on the north side of Wellington Street West between Spadina Avenue and Portland Street and/or public realm and streetscape improvements around St. Andrews Playground and/or Brant Street. Of this total contribution, a maximum of \$1,000,000.00 may also be used for the John Street Cultural Corridor, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - (b) The owner shall provide a cash contribution of \$1,100,000.00 for the provision of new affordable housing in Alexandra Park.
 - (c) In the event the cash contributions referred to in 1. (b) and (c) above have 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, 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.
 - (d) The \$4,100,000.00 cash contribution referred to in 1. (b) and (c) above is to be indexed upwardly in accordance with Statistics Canada's Construction Price Index for the Toronto Census Metropolitan Area, calculated from the date of the Local Planning Appeal Tribunal decision to the date of payment. All cash contributions will be payable prior to issuance of the first above-grade building permit.
 - (e) A minimum of ten percent of the residential units in the building having at least three bedrooms.
 - (f) Conveyance to the City a minimum 3.0 metre wide public pedestrian easement for the life of the building over the north-south mid-block pedestrian connection through the site between King Street West and the future public park at 456 Wellington Street West, to the satisfaction of the City Solicitor and Chief Planner and Executive Director, City Planning.
 - (g) Implementation of any wind mitigation measures required as identified 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.

- (h) Materials for the new building will be secured through Site Plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning.
- (i) A construction management plan shall be provided and thereafter implemented by the owner of 489-539 King Street West, to address such matters as wind, noise, dust, street closures, parking and laneway uses and access. Such plan to be to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor and shall be completed prior to Site Plan approval.

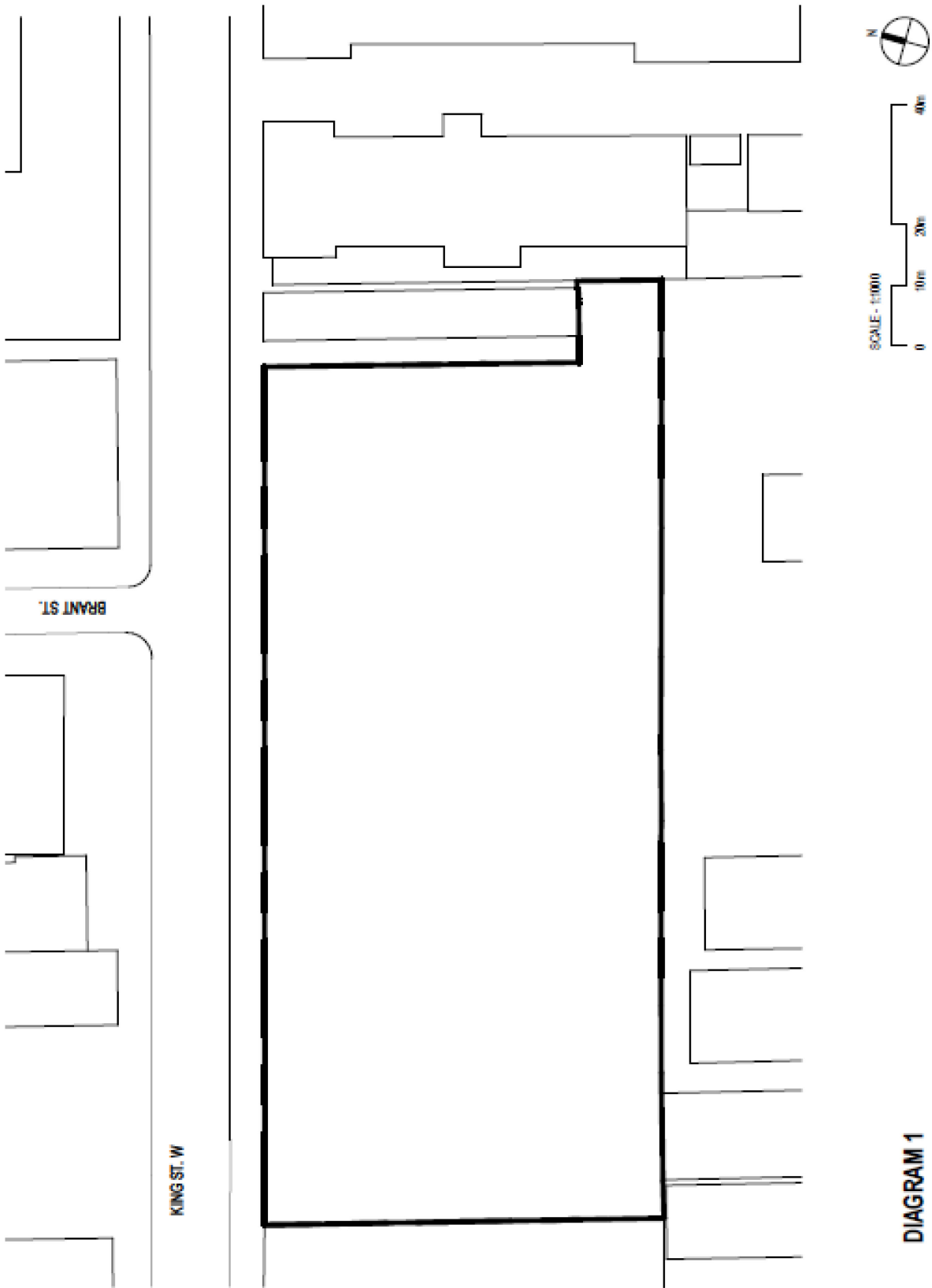
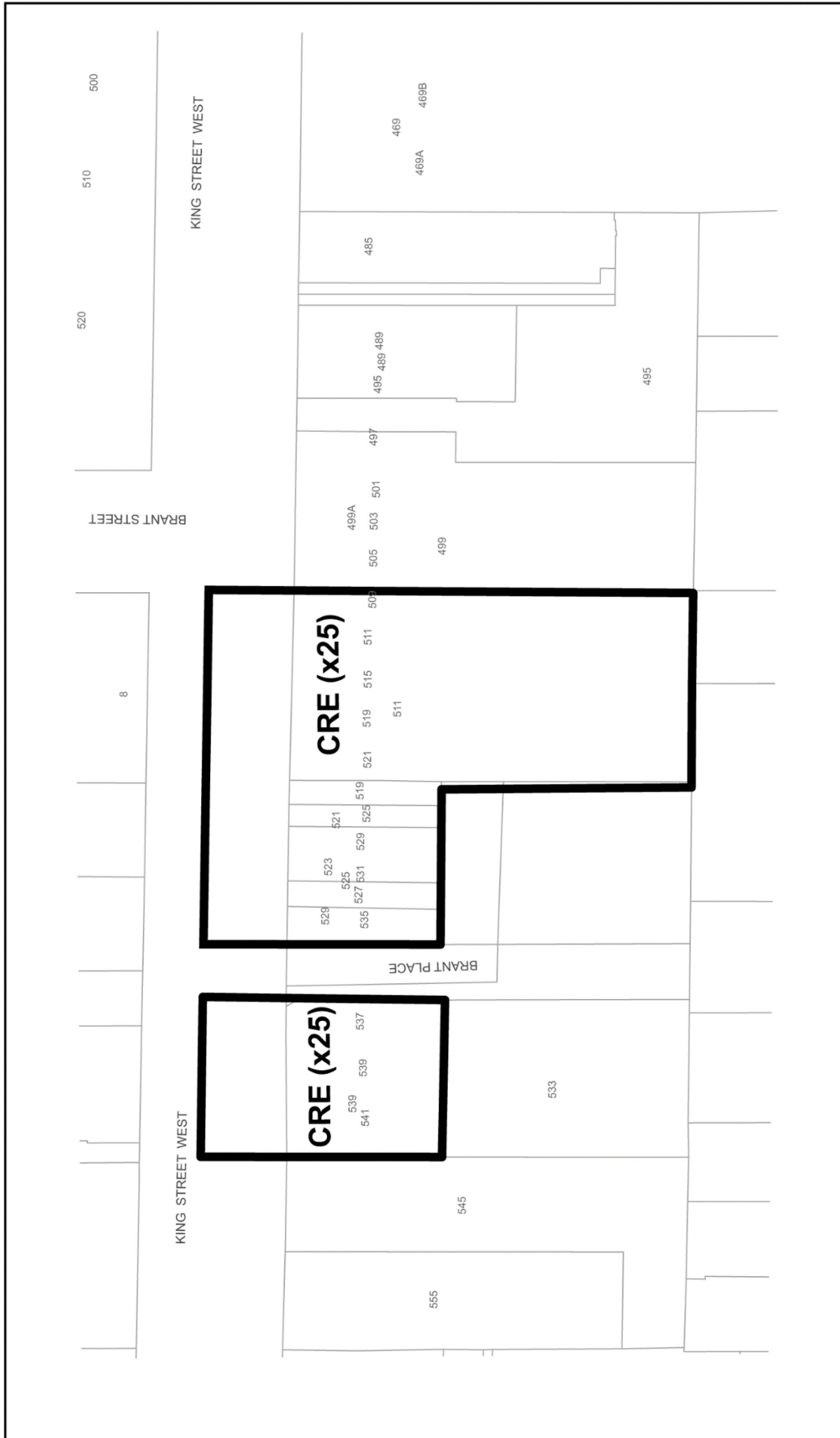
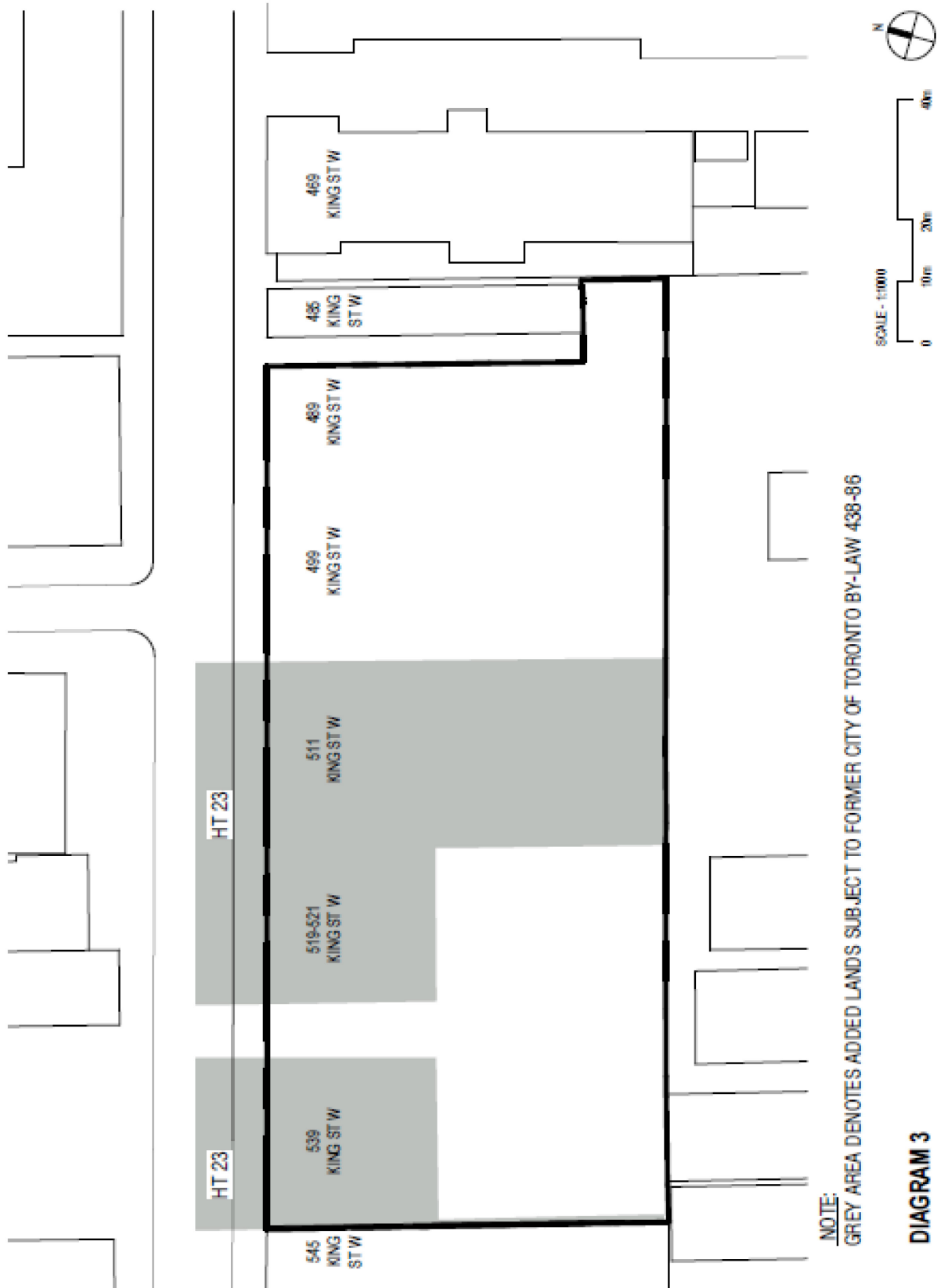


DIAGRAM 1





NOTE:
GREY AREA DENOTES ADDED LANDS SUBJECT TO FORMER CITY OF TORONTO BY-LAW 438-86

DIAGRAM 3

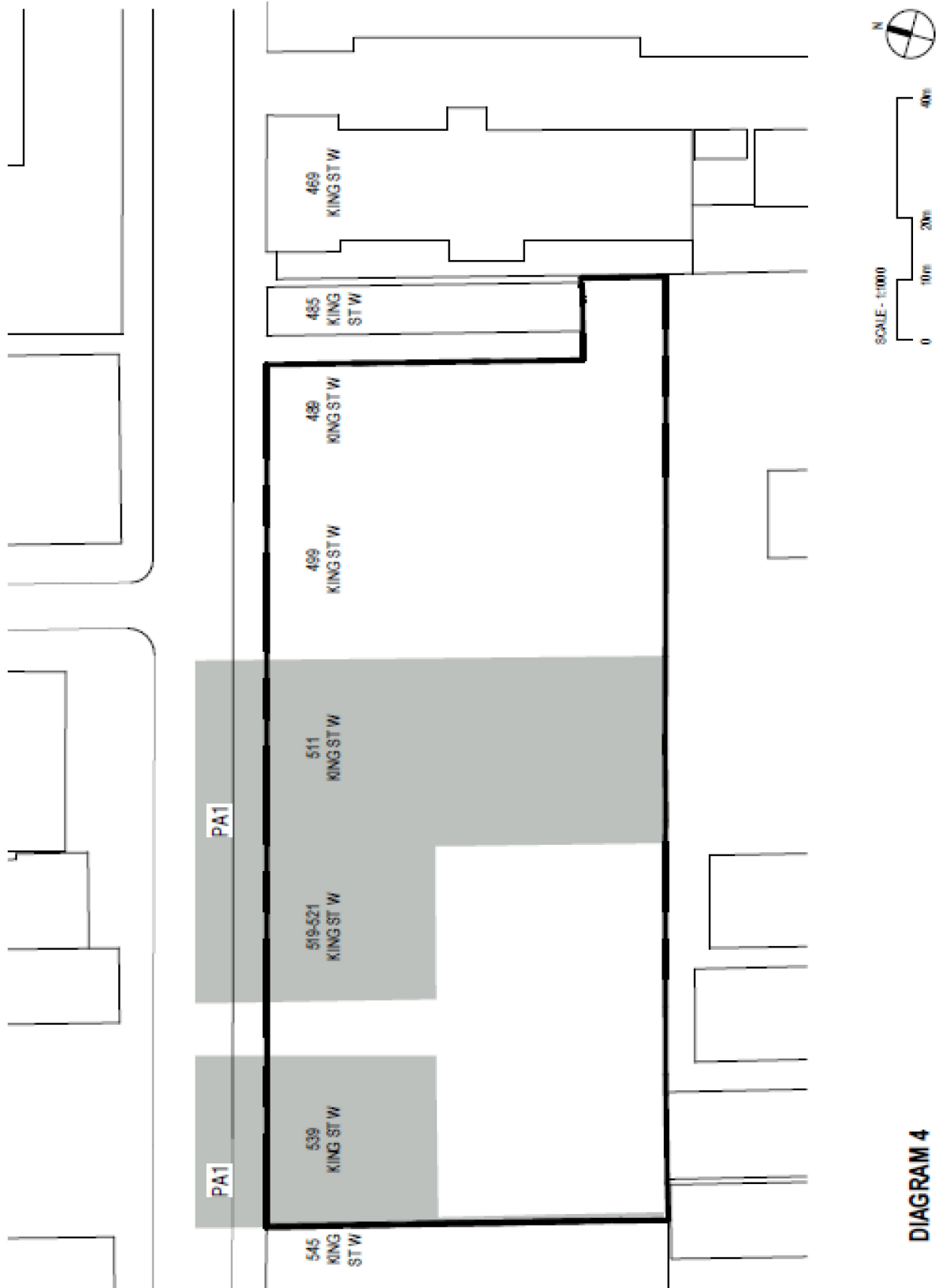


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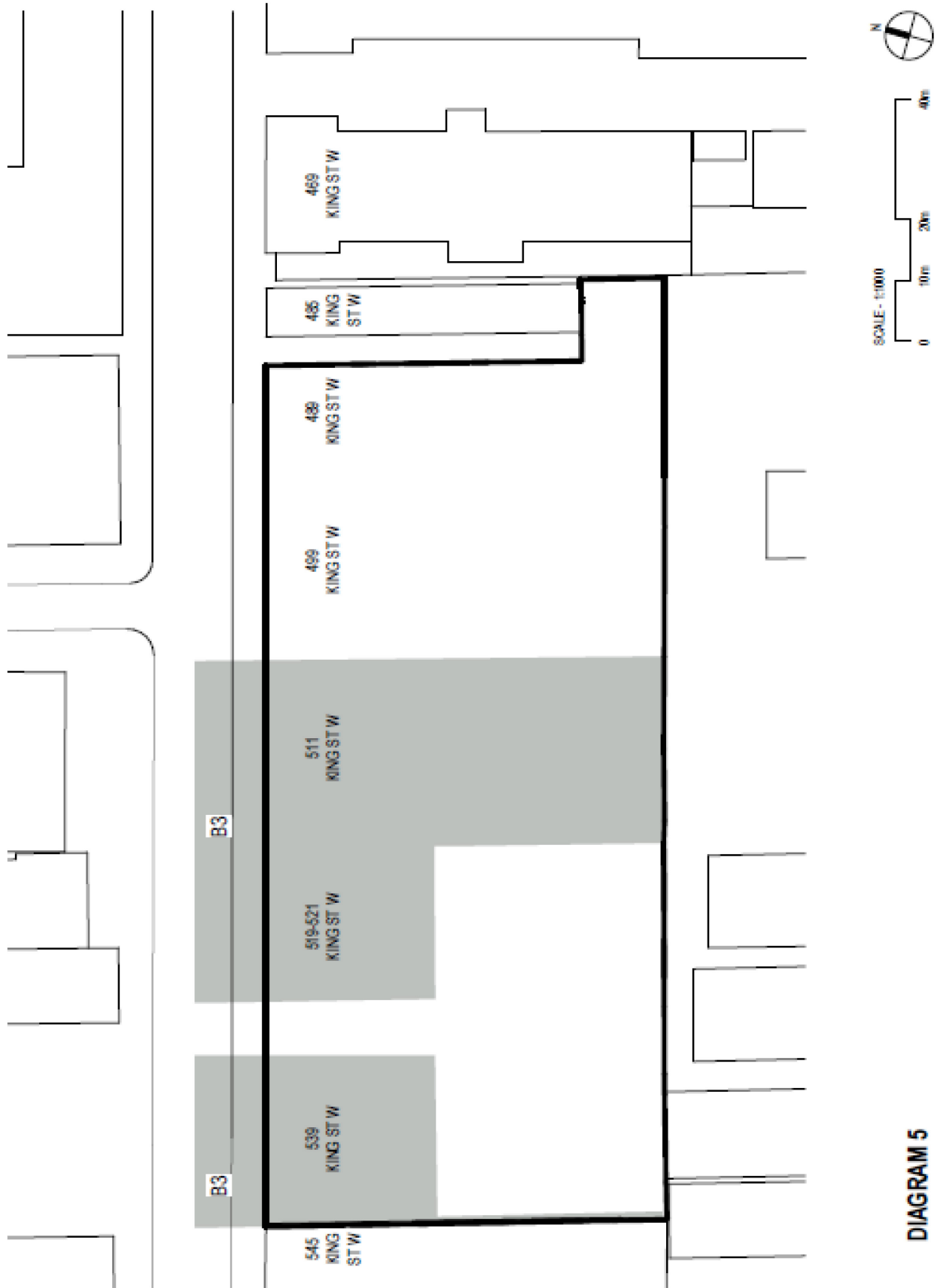


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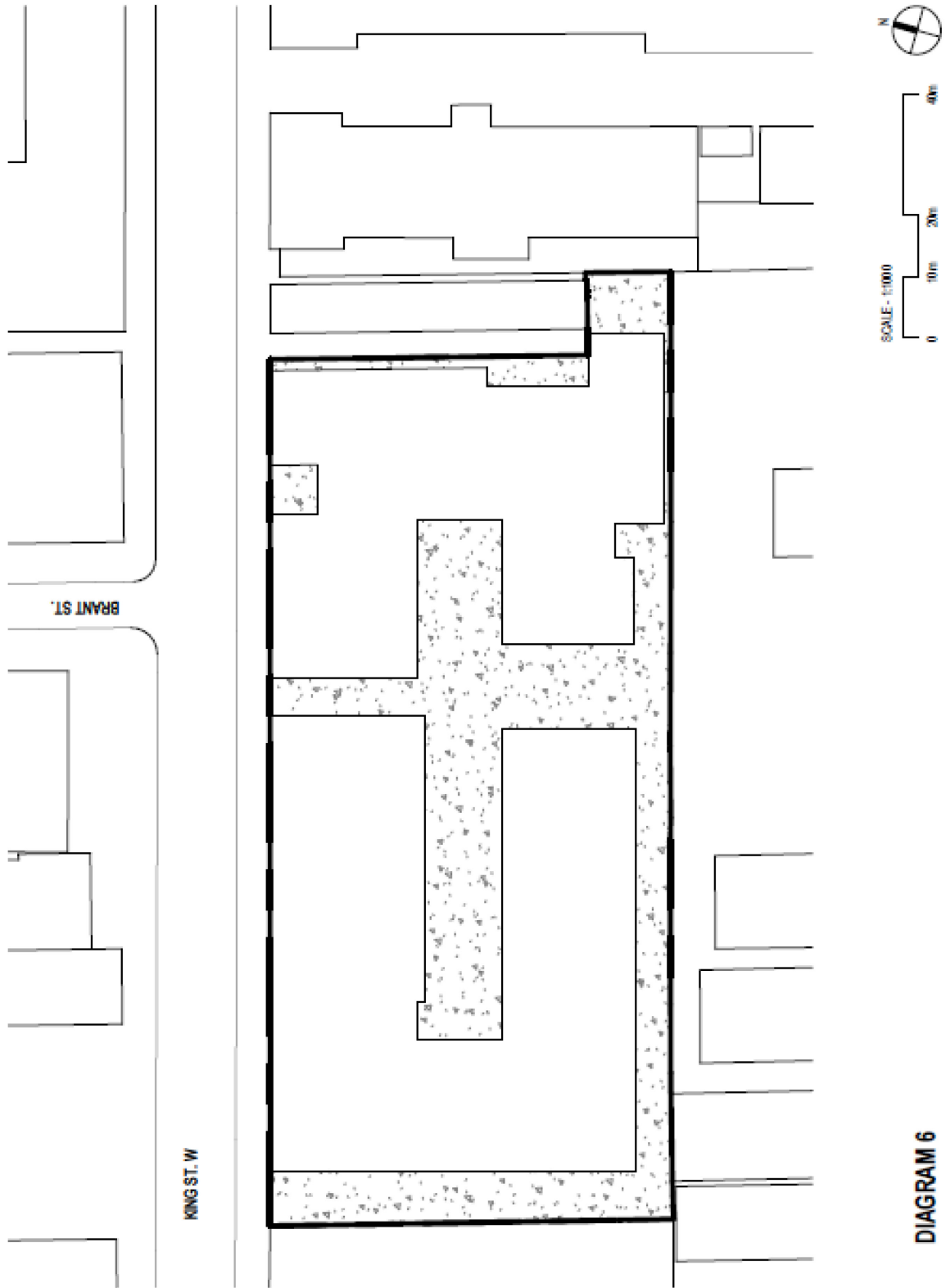


DIAGRAM 6

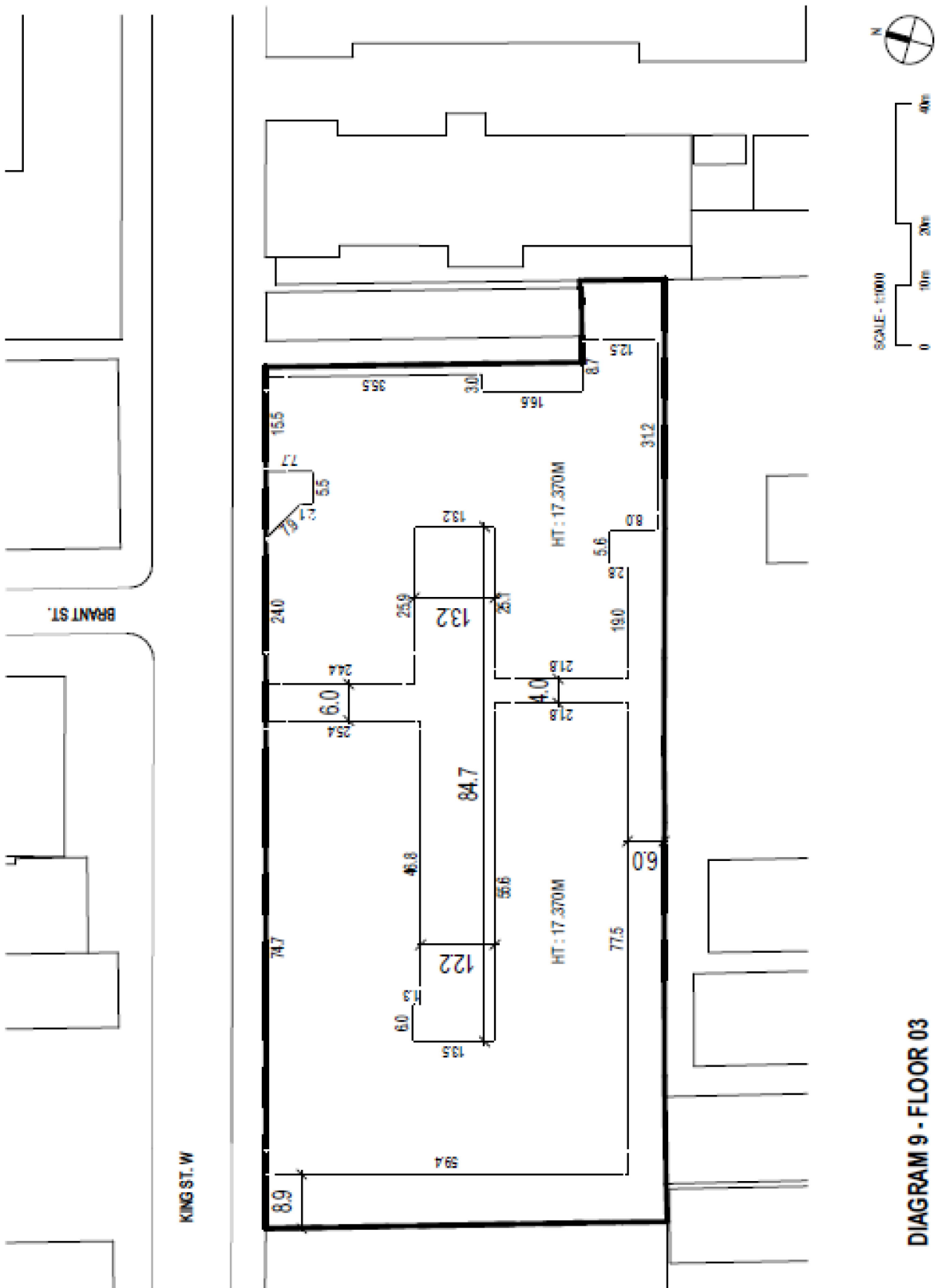


DIAGRAM 9 - FLOOR 03

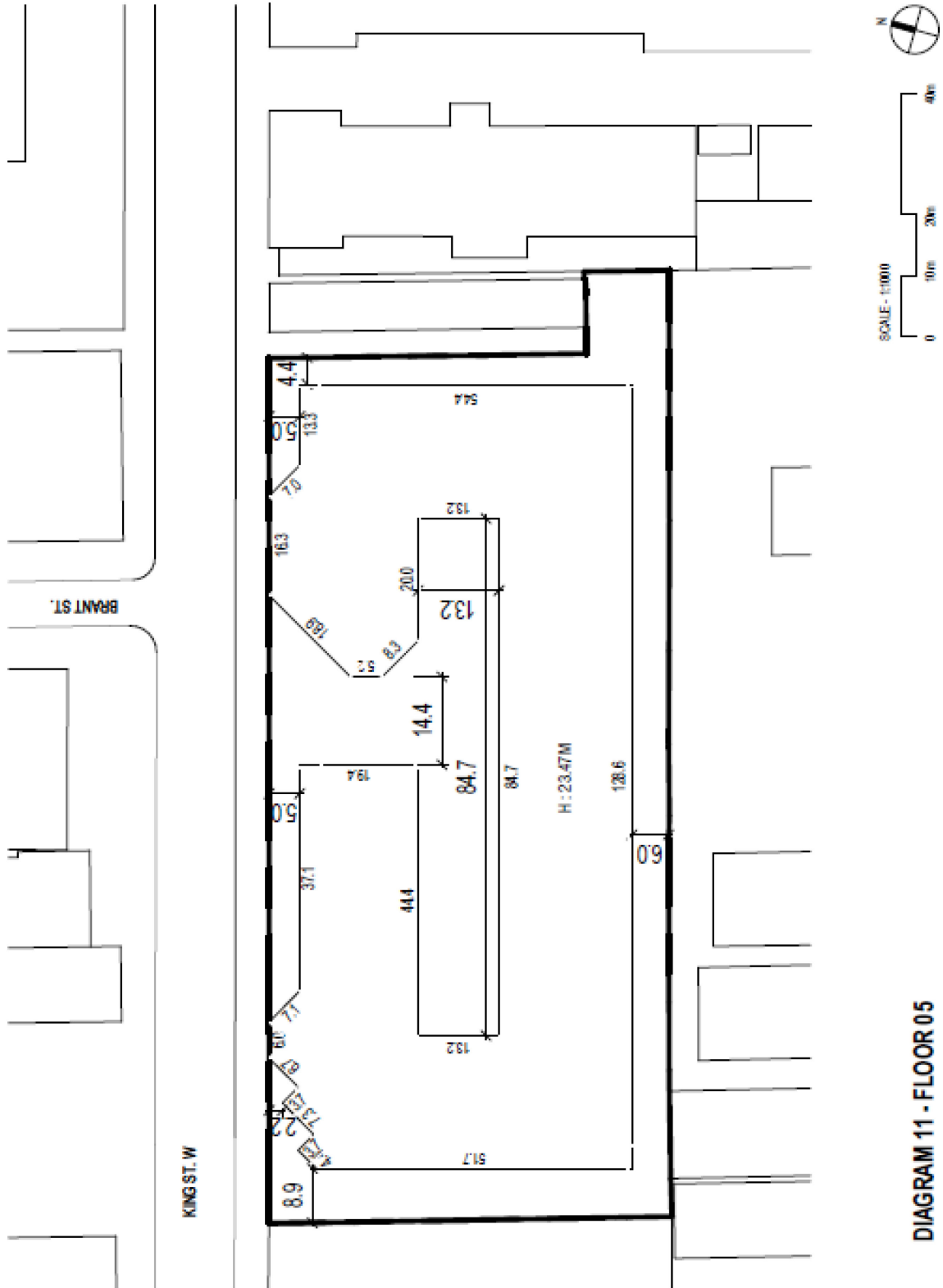


DIAGRAM 11 - FLOOR 05

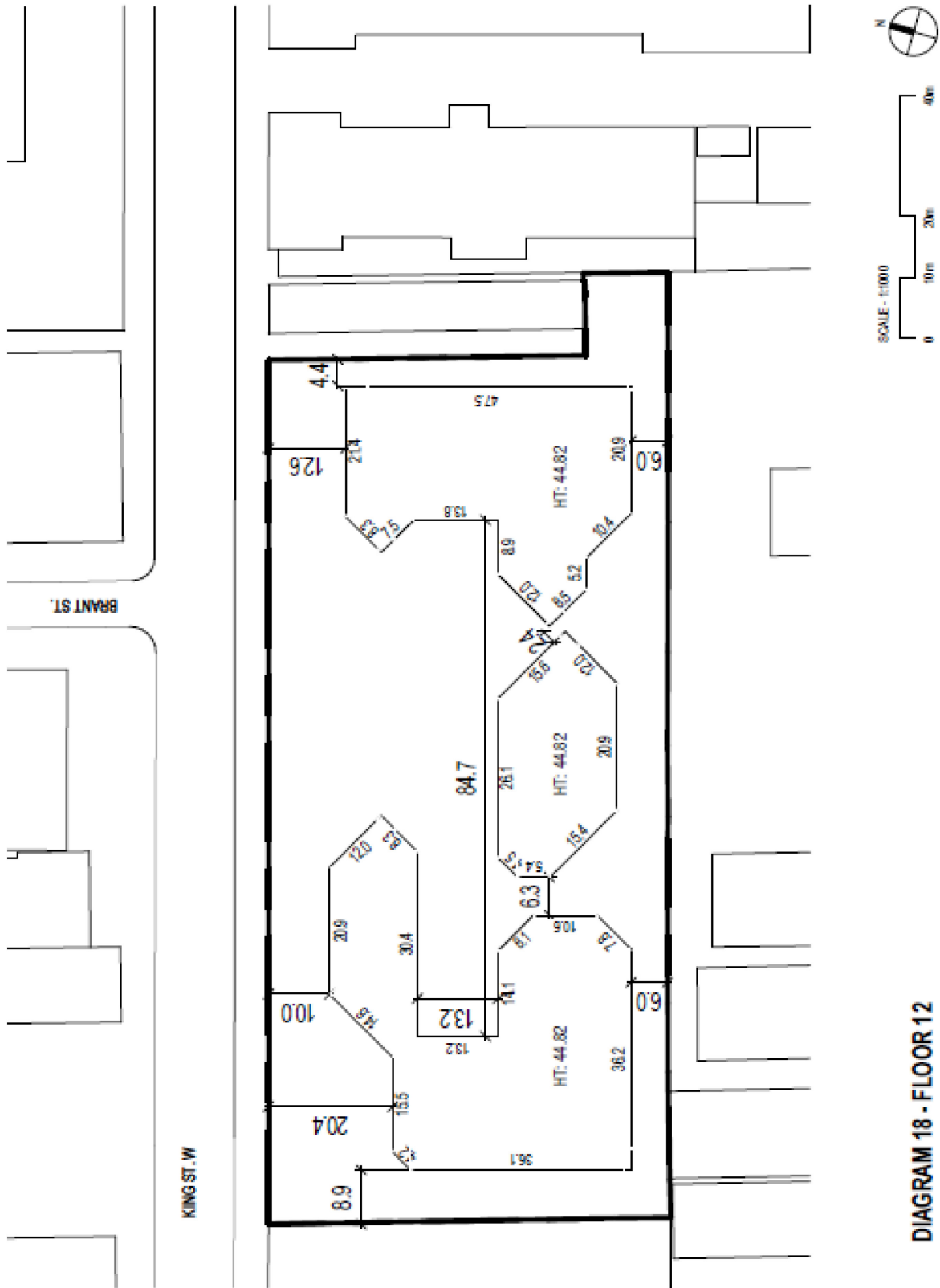


DIAGRAM 18 - FLOOR 12

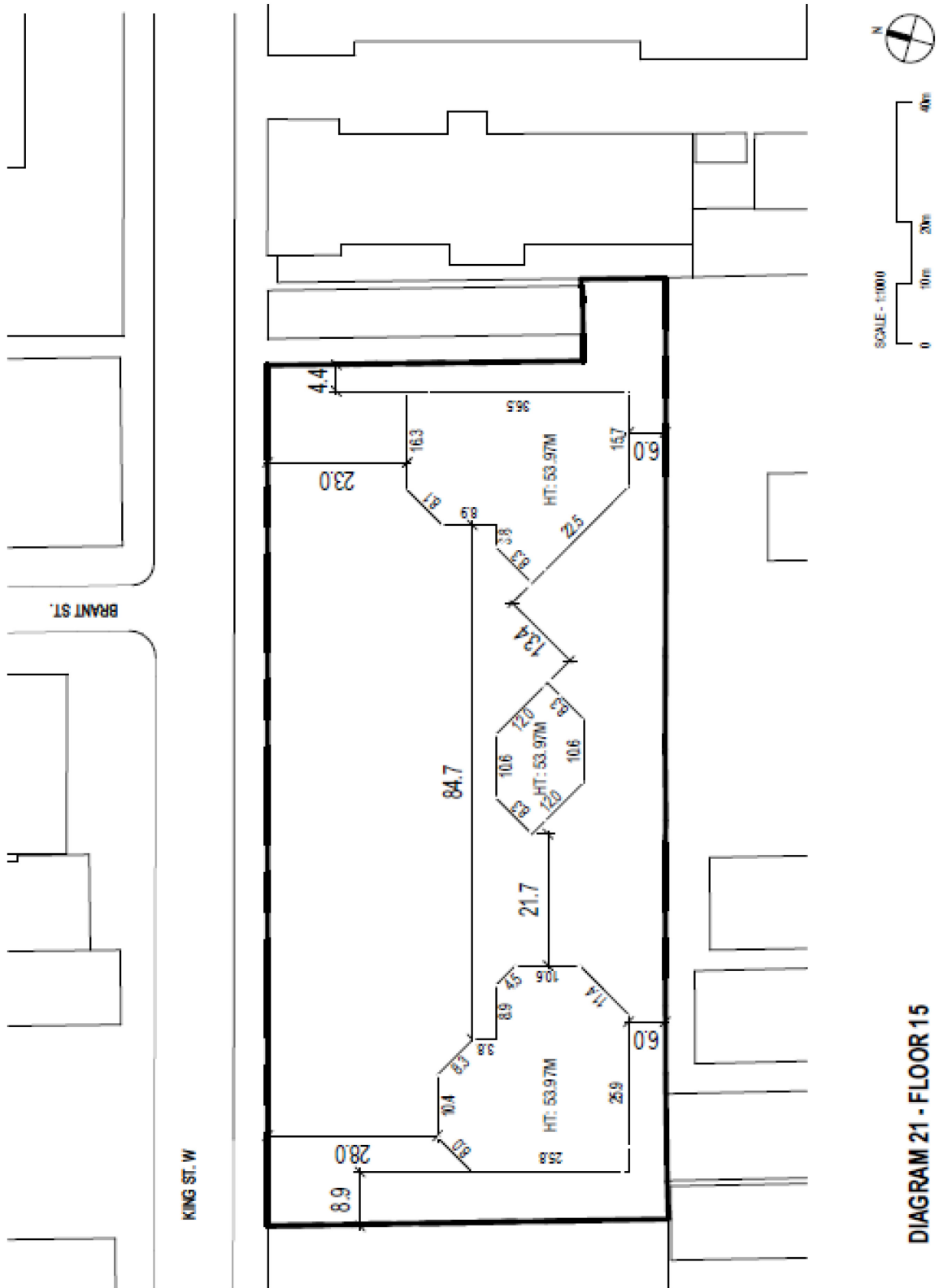


DIAGRAM 21 - FLOOR 15

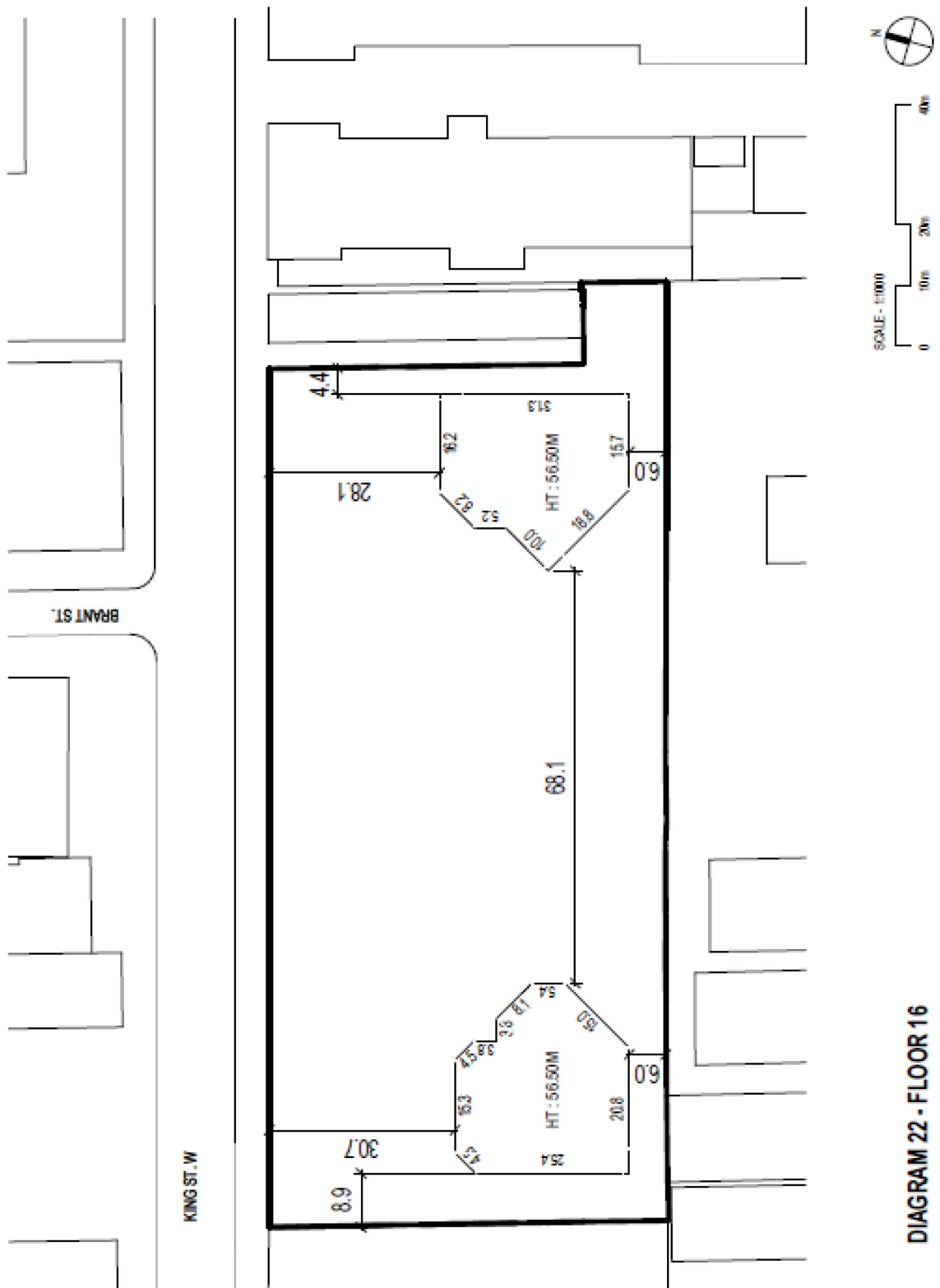


DIAGRAM 22 - FLOOR 16

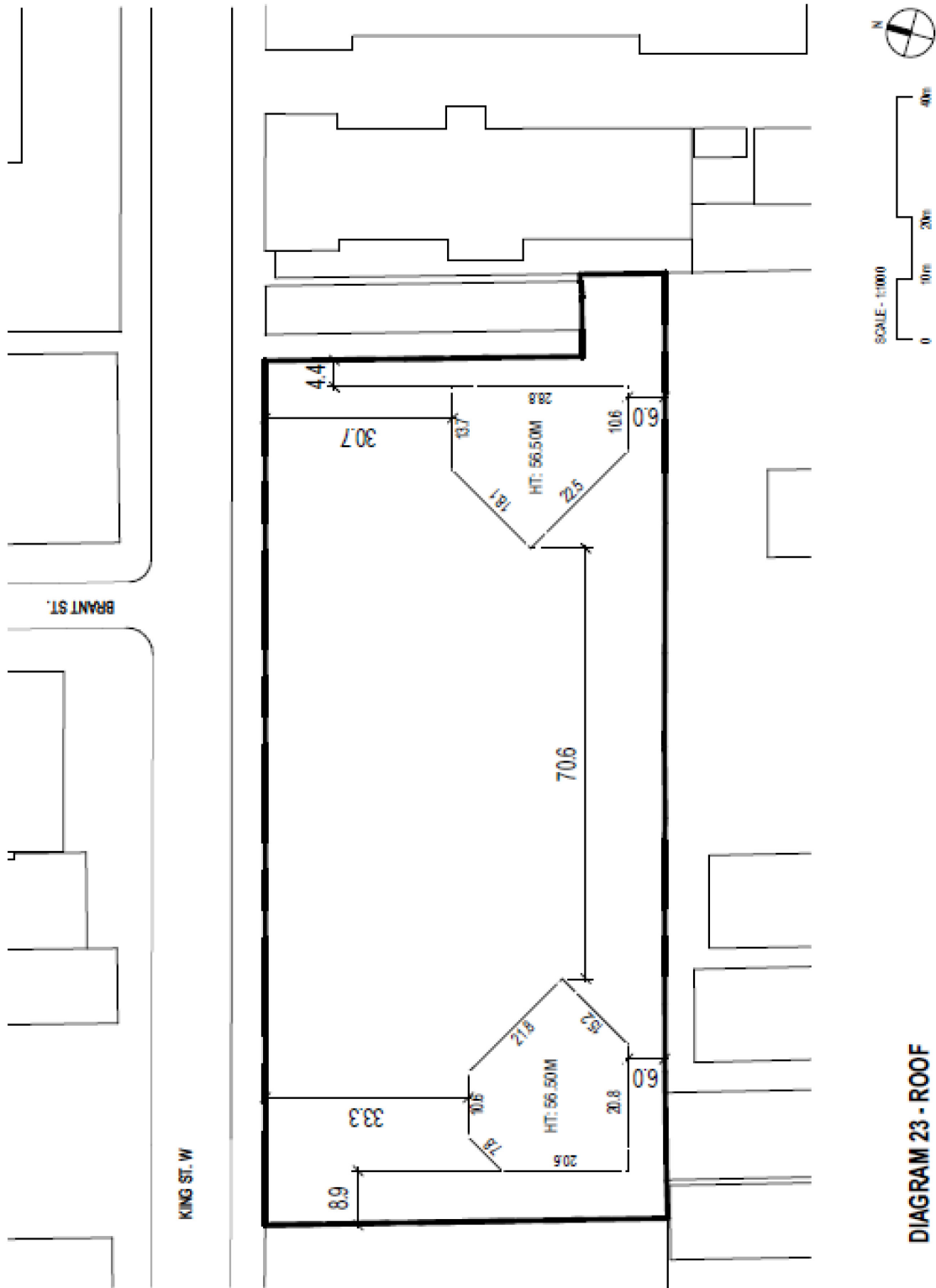


DIAGRAM 23 - ROOF