

Authority: Local Planning Appeal Tribunal Decision
issued on February 1, 2021 and Ontario Land Tribunal
Order issued on August 12, 2022 in Tribunal File
PL171101

CITY OF TORONTO
BY-LAW 1262-2022(OLT)

To amend Zoning By-law 569-2013 with respect to the lands known municipally known in the year 2020 as 1071 King Street West.

Whereas the Local Planning Appeal Tribunal, by its decision issued on February 1, 2021 and Ontario Land Tribunal Order issued on August 12, 2022, in Case PL1711101 approved amendments to the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands; and

Whereas this By-law has been passed prior to the applicable date pursuant to Section 37.1 of the Planning Act and all references to Section 37 of the Planning Act in this By-law shall continue to apply as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force; 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 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, are to be 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;

Therefore, pursuant to the Order of the Ontario Land Tribunal, Zoning By-law 569-2013 is hereby further amended 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 municipally known in the year 2020 as 1071 King Street West to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 4.1(c4.1; r4.1) SS2 (x305) and O, 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 municipally known in the year 2020 as 1071 King Street West to the Policy Area Overlay Map in Section 995.10.1 and applying the following Policy Area Overlay label to these lands: PA4, as shown on Diagram 3 attached to this Bylaw.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2020 as 1071 King Street West to the Height Overlay Map in Section 995.20.1 and applying the following height label to these lands: HT 18, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2020 as 1071 King Street West to the Rooming House Overlay Map in Section 995.40.1 and applying the following Rooming House label to these lands: B3, as shown on Diagram 5 attached to this By-law.
7. 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.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 305 so that it reads:

Exception CR (305)

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 1071 King Street West, if the requirements of Section 13 and Schedule A of By-law 1262-2022(OLT) are complied with, a **building, structure**, addition or enlargement erected with an increase in height and density pursuant to this By-law may be constructed if it complies with (B) to (Z) below:
- (B) Despite Regulation 40.10.20.20(1) **eating establishments, take-out eating establishments**, and **retail services** are permitted and are not subject to the specific use conditions set out in Clause 40.10.20.100;
- (C) Despite Regulation 40.10.40.40(1), the maximum combined residential and non-residential **gross floor area** must not exceed 18,850 square metres, provided:
 - (i) the residential **gross floor area** must not exceed 18,100 square metres; and

- (ii) the non-residential **gross floor area** must not exceed 750 square metres;
- (D) A minimum of ten percent of the total number of **dwelling units** must contain three bedrooms or more;
- (E) In addition to the number of three bedroom **dwelling units** required in (D) above, a minimum of twenty percent of the total number of **dwelling units** must contain two bedrooms or more;
- (F) Despite Regulations 40.5.40.10(1) and (2), the **height** of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 86.74 metres and the highest point of the **building** or **structure**;
- (G) Despite Regulation 40.10.40.10(7), the height of any **building** or **structure** must not exceed the number of **storeys** following the symbol ST on Diagram 6 of By-law 1262-2022(OLT);
- (H) Despite Regulations 40.10.40.10(2), the permitted maximum height is specified, in metres, by the numbers following the symbol HT on Diagram 6 of By-law 1262-2022(OLT);
- (I) Despite Regulations 40.5.40.10(4), (5), (6), (7), (8), (G) and (H) above, the following elements of a **building** or **structure** may project above the maximum **building** heights shown on Diagram 6 of By-law 1262-2022(OLT):
 - (i) wind screens, elevator overruns, parapets, awnings, fences, guard rails, railings and dividers, pergolas, trellises, balustrades, eaves, screens, stairs, stair enclosures, roof drainage, window sills, window washing equipment, chimneys, vents, stacks, terraces, lightning rods, light fixtures, architectural features, **landscaping**, and elements of a **green roof**, up to a maximum height of the sum of 6.0 metres plus the height limits shown on Diagram 6;
 - (ii) mechanical, electrical, utility and ventilation equipment, up to maximum height of the sum of 5.0 metres plus the height limits shown on Diagram 6 and is not considered a **storey**;
 - (iii) security/acoustic barriers/fences related to the construction of a crash wall up to a maximum height of the sum of 7.5 metres plus the height limits shown on Diagram 6; and
 - (iv) despite (ii) above, and article 40.5.40.10, no elements of mechanical, electrical, and utility equipment may project above the maximum **building** heights in the area labelled "Mechanical Penthouse".
- (J) Despite Regulations 5.10.40.70(1) and 40.10.40.70(2), the required minimum **building setbacks** are shown in metres on Diagram 6 of By-law 1262-2022(OLT);

- (K) Despite Regulation 40.5.40.60(1), Clause 40.10.40.60 and (J) above, the following elements of a **building** or **structure** are permitted to encroach into the required minimum **building setbacks** shown on Diagram 6 of By-law 1262-2022(OLT);
- (i) architectural elements, 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, awnings and canopies, and underground garage ramps and associated **structures**, which may encroach into the required **building setbacks** by a maximum horizontal projection of 2.0 metres;
- (L) Despite Regulation 40.10.40.1(1), residential **amenity space** may be located on the same **storey** as non-residential uses;
- (M) Despite Regulation 40.10.90.40(1), access to and from a **loading space** may be located on a major **street**;
- (N) Despite Article 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.14 **parking spaces** for each **dwelling unit** for residents of the **mixed-use building**; and
 - (ii) a minimum of 0.1 **parking spaces** for each **dwelling unit** for visitors of residents;
 - (iii) no **parking spaces** are required for non-residential uses;
- (O) For each car-share **parking space** provided on the lands, the minimum number of **parking spaces** for residents required by regulation (N)(i) above may be reduced by four (4) **parking spaces**, up to a maximum reduction as calculated by the following formula: $4 \times (\text{the total number of dwelling units on the lands divided by } 60)$, rounded down to the nearest whole number;
- (P) Despite Regulation 200.15.10(1), 3 accessible **parking spaces** must be provided on the **lot**;
- (Q) Despite Regulation 200.15.1(1) and By-law 579-2017, accessible **parking spaces** must have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres; and

- (iv) located adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (R) Regulations 200.15.1(4) and 200.15.1.5(1), with respect to the location of accessible **parking spaces**, does not apply;
- (S) Despite Regulation 220.5.10.1(1), one Type "G" **loading space** must be provided on the **lot**;
- (T) Regulation 230.5.1.10(9)(B)(iii), with respect to location of a long-term **bicycle parking space** does not apply;
- (U) Despite Regulations 230.5.1.10(4) and 230.5.1.10(10), long-term and short-term **bicycle parking spaces** may be located in a **stacked bicycle parking space** having the following minimum dimensions:
 - (i) length or vertical clearance of 1.2 metres;
 - (ii) width of 0.20 metres; and
 - (iii) horizontal clearance from the wall of 1.8 metres;
- (V) Despite Regulation 230.5.1.10(4), the minimum dimension of a **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device is:
 - (i) minimum length or vertical clearance of 1.7 metres;
 - (ii) minimum width of 0.20 metres; and
 - (iii) minimum horizontal clearance from the wall of 0.9 metres;
- (W) Both long-term and short-term **bicycle parking spaces** may be located in secure bicycle storage rooms;
- (X) Regulation 40.10.100.10(1)(B), with respect to the location of **vehicle** access does not apply;
- (Y) Regulation 40.10.100.10(1)(C) with respect to the number of **vehicle** accesses does not apply; and
- (Z) Despite Regulation 5.10.30.20(1), the **front lot line** is the **lot line** running parallel to King Street West.

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

9. Car-share means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
10. A car-share **parking space** means a **parking space** exclusively reserved and actively used for car-share purposes, including by non-residents.
11. Despite any future severance, partition or division of the lands as shown on Diagram 1, the provisions of this By-law will apply as if no severance, partition or division occurred.
12. 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 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 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 and enter into an agreement with the City of Toronto 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 this By-law unless all provisions of Schedule A are satisfied.

Local Planning Appeal Tribunal Decision issued February 1, 2021 and Ontario Land Tribunal Order issued on August 12, 2022 in Tribunal File PL171101.

SCHEDULE A

Section 37 Provisions

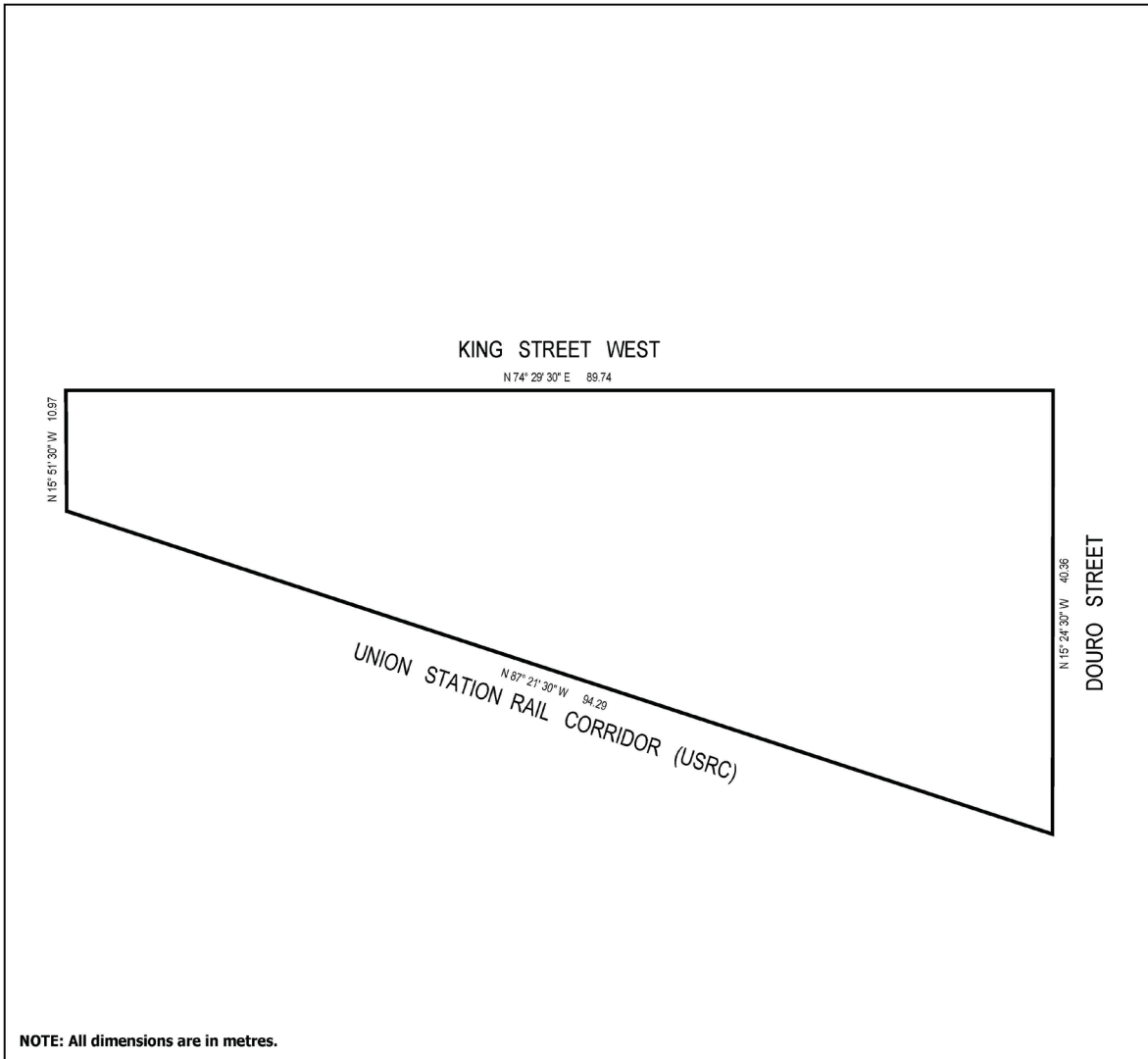
The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development on the lot and secured in an agreement or agreements under Section 37(3) of the Planning Act:

1. Prior to the issuance of any Building Permit, the owner shall enter into an agreement or agreements to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the facilities, services or matters set out below;
2. Prior to the issuance of the First Above Grade Building Permit, the Owner shall make a financial contribution of eight hundred thousand dollars (\$800,000.00 CAN) to the City to be allocated towards the provision of affordable housing in the community in the vicinity of the subject site, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
3. The financial contribution set out above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto and calculated from the date of the Section 37 Agreement to the date of payment by the Owner to the City;
4. In the event the cash contribution above has not been used for the intended purpose within five (5) years of the by-law coming into full force and effect, the cash contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the Lands;
5. The owner agrees to design and construct the cycling and pedestrian path extension on the south side of the subject site, at a minimum value of \$500,000.00, to be secured through a Site Plan Control Application, all to the satisfaction of the General Manager, Transportation Services, in consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor;
6. The owner will convey to the City, for nominal consideration, a public easement over the cycling and pedestrian path extension referred to in item 5 above, at such time as the cycling and pedestrian path is needed by the City to be incorporated into the West Toronto Rail Path network, to provide public access for use by the general public, with no time of access limitations, which easements shall include provisions for rights of support, maintenance, insurance, and indemnification of the City by the owner, all to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, in consultation with the Ward Councillor;

7. The owner shall provide residential units on the site in accordance with the following: a minimum of 20 percent of the residential units will be provided as two-bedroom units, and a minimum of 10 percent of the residential units will be three-bedroom units;
8. Once constructed, the owner shall agree to provide and maintain the residential dwelling units on site as rental dwelling units, together with the associated facilities and amenities for a period of at least twenty (20) years beginning from the first date of residential occupancy with no applications for demolition or conversion from rental use made during such twenty (20) year period, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
9. Prior to the commencement of any shoring and/or excavation work on the subject site, the owner shall submit, and thereafter implement, a construction management plan to address such matters as noise, dust, street closures, parking and access; such plan shall be to the satisfaction of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
10. Prior to the issuance of the first above-grade building permit for the subject site, the owner shall submit a wind study, including a wind tunnel analysis, to the satisfaction of the Chief Planner and Executive Director, City Planning, and design, construct and maintain any measures that may be required to mitigate the negative impact of any wind conditions identified in the wind study, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
11. Prior to the issuance of Final Site Plan Approval for the Site Plan Control application, the owner shall incorporate all mitigation measures from the accepted Rail Safety Report into the drawings submitted for Site Plan Approval, to the satisfaction of the Chief Planner and Executive Director, City Planning, and prior to Site Plan Approval, and shall construct all mitigation measures and maintain them at its sole cost and expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
12. The owner agrees to pay for and construct any improvements to the municipal infrastructure in connection with the site Functional Servicing Report, as accepted by the Chief Engineer & Executive Director, Engineering & Construction Services, should it be determined that upgrades to such infrastructure are required to support this development;
13. The owner shall convey a stratified on-site parkland dedication that is approximately 230 square metres in area pursuant to section 42 of the Planning Act and Chapter 415, Article III, of the Toronto Municipal Code to the City prior to the earlier of any occupancy (commercial or residential) and one year after the first above-grade building permit for the building on the subject site is issued, or at an alternate time to be specified in the Section 37 agreement, at no cost to the City, which parkland shall be free and clear of above grade easements, encumbrances and encroachments, in a location and in an environmental condition all to the satisfaction of the General Manager, Parks, Forestry and Recreation, in consultation with the City Solicitor; and

14. The owner shall compensate the City for the difference in land value arising from the stratified nature of this parkland conveyance (and any encumbrances that may be accepted), with such value to be determined by the General Manager, Parks, Forestry and Recreation and the Executive Director, Corporate Real Estate Management on the day before the issuance of the first building permit and with payment to be required prior to the issuance of said permit.

Diagram 1



1071 King Street West, Toronto

Diagram 1

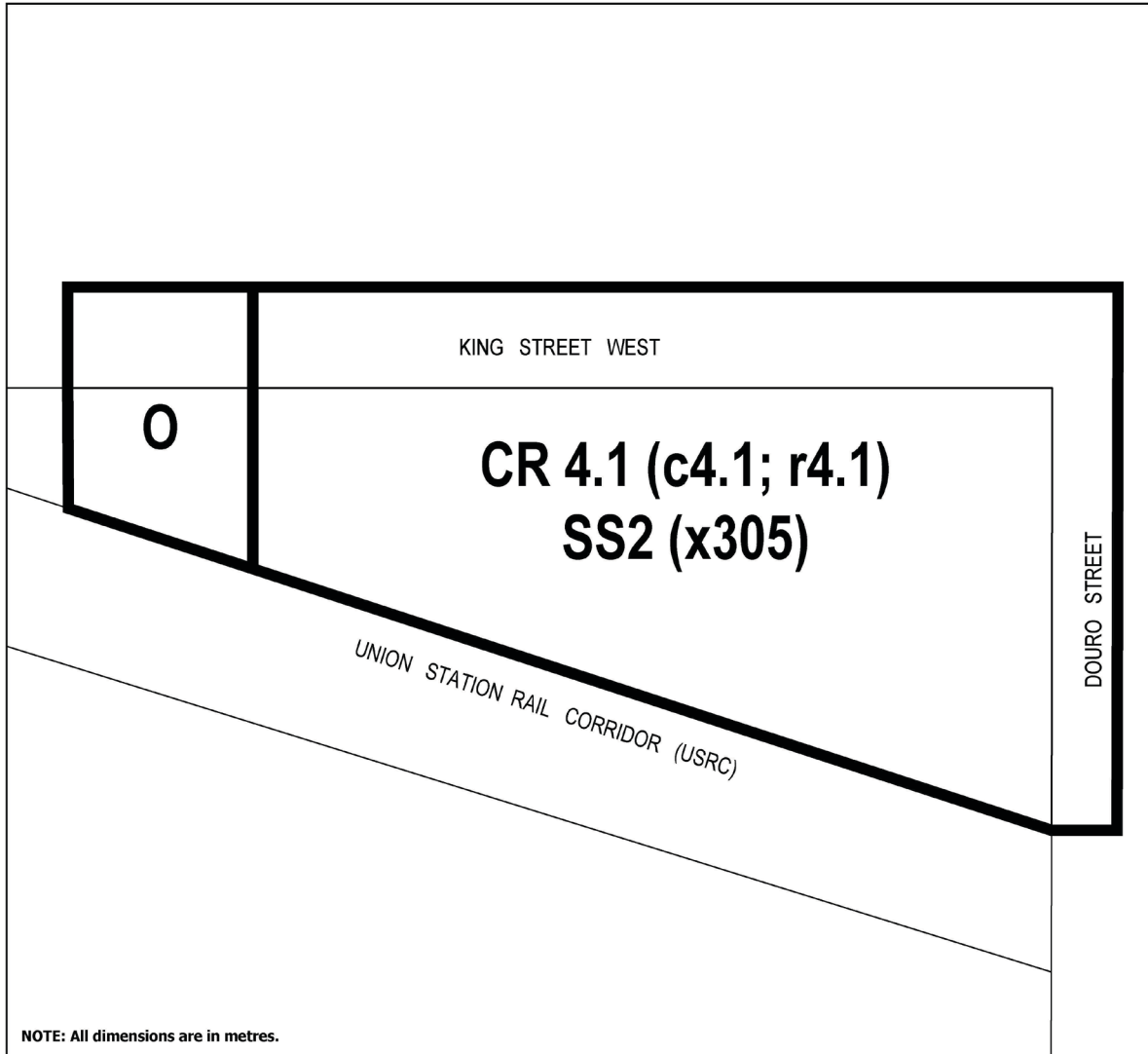
File # _____

Not to Scale



City of Toronto By-law 569-2013

Diagram 2



1071 King Street West, Toronto

Diagram 2

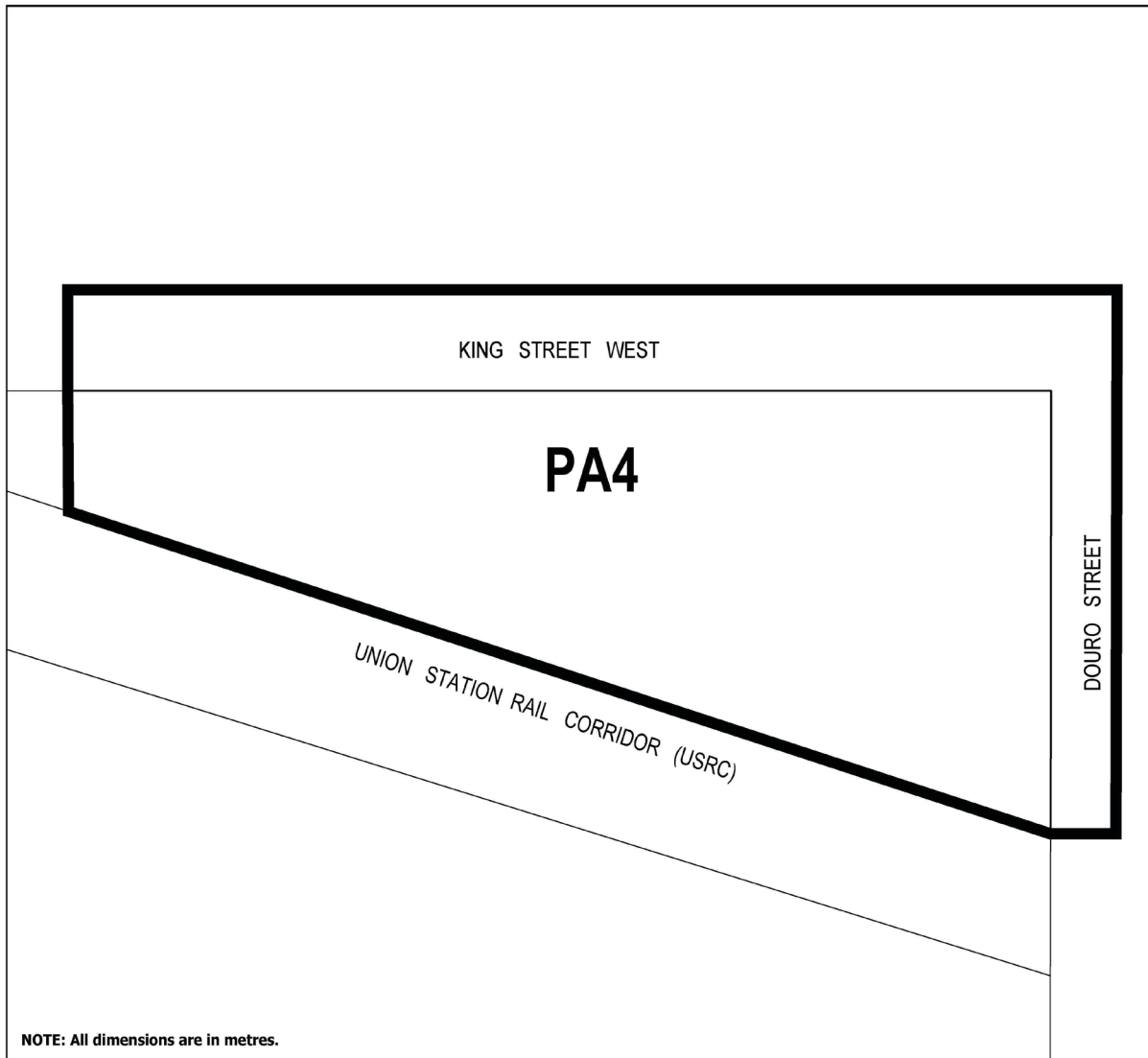
File # _____

Not to Scale



City of Toronto By-law 569-2013

Diagram 3



NOTE: All dimensions are in metres.



1071 King Street West, Toronto

Diagram 3

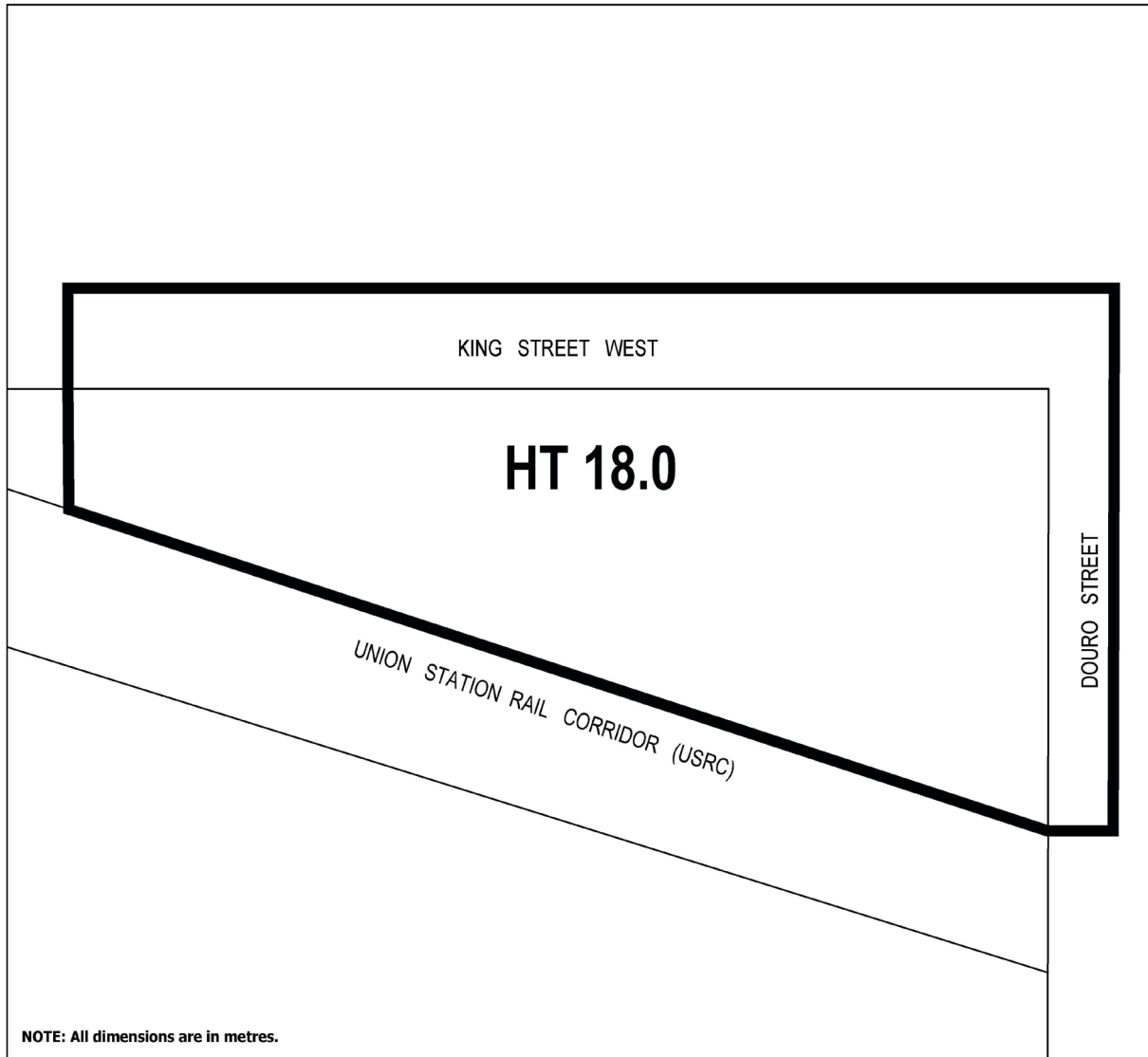
File # _____

Not to Scale



City of Toronto By-law 569-2013

Diagram 4



NOTE: All dimensions are in metres.



1071 King Street West, Toronto

Diagram 4

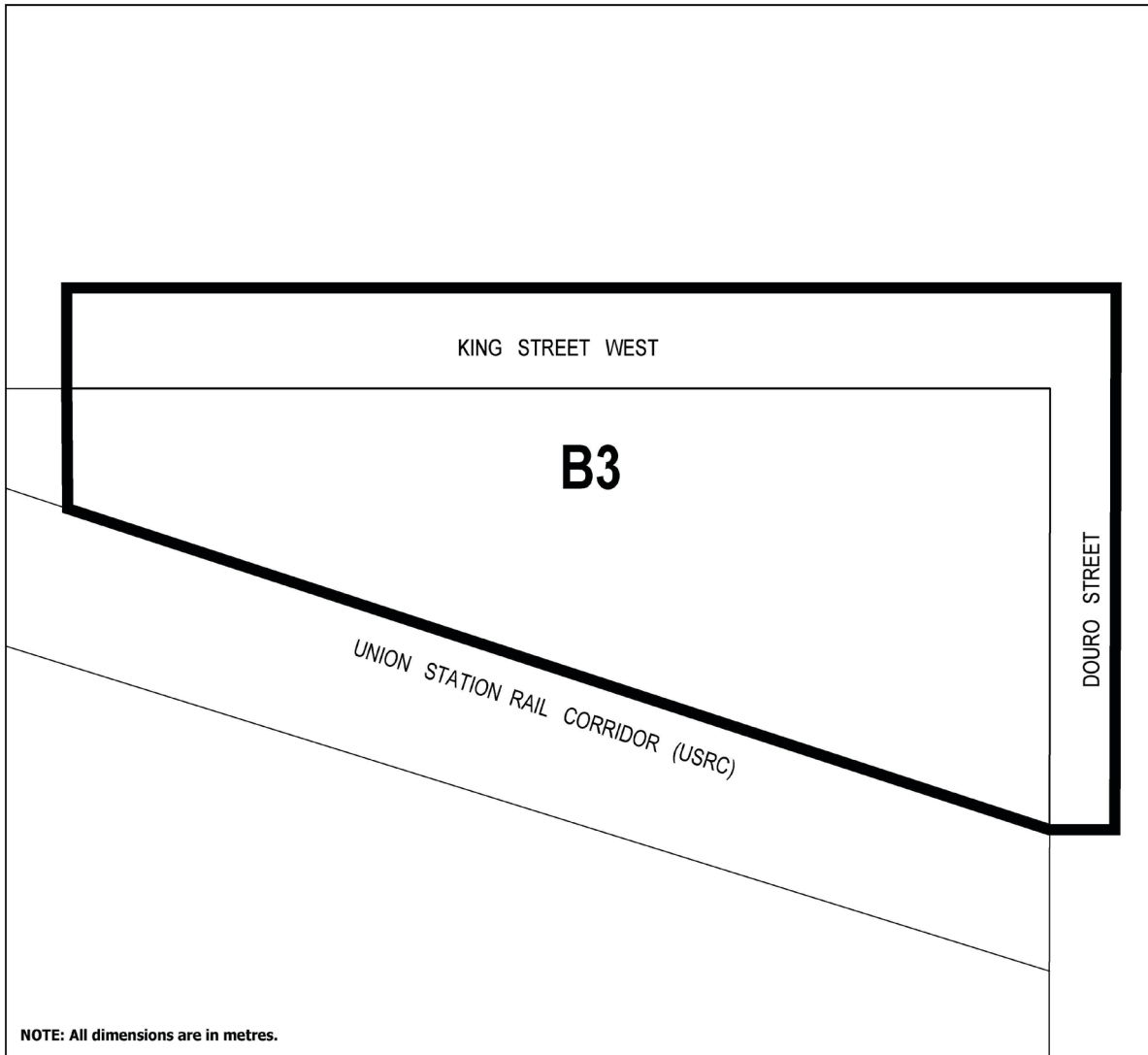
File # _____

Not to Scale



City of Toronto By-law 569-2013

Diagram 5



1071 King Street West, Toronto

Diagram 5

File # _____

Not to Scale



City of Toronto By-law 569-2013

