

1030 King Street West - Supplementary Report

Date:	May 6, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	13 257551 STE 19 OZ

SUMMARY

This report provides additional information and replaces recommendations 1 and 2 in the Final Report found at Item No. TE32.7, dated April 23, 2014, from the Director of Community Planning, Toronto and East York District, on the proposed Zoning By-law amendment at 1030 King Street West.

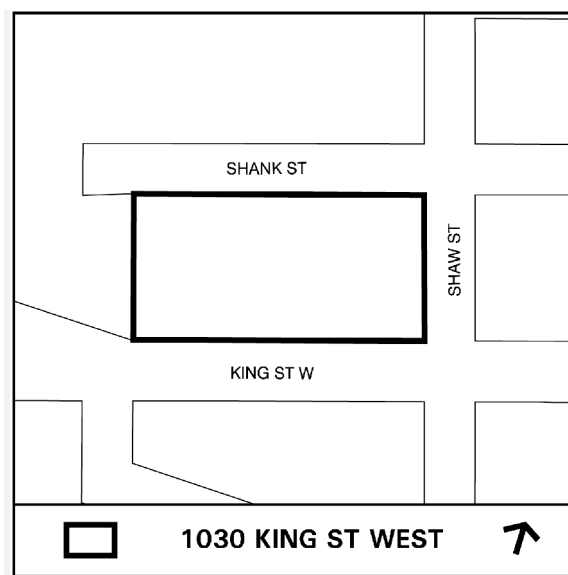
This reports appends the Draft Zoning By-law and details the conditions related to the 83 spaces within the commercial garage which must be offered for monthly lease to residents of the building for rates corresponding to Toronto Parking Authority monthly rate estimates for the area.

RECOMMENDATIONS

The City Planning Division recommends that:

1. The Staff Recommendations in the Final Report found at Item No. TE32.7, dated April 23, 2014, from the Director of Community Planning, Toronto and East York District be deleted and replaced with the following:

- “1. City Council amend By-law No. 618-2012(OMB), being a by-law to amend the former City of Toronto



Zoning By-law No. 438-86 with respect to lands municipally known as 1030 King Street West, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to the supplementary report (May 6, 2014) from the Director of Community Planning, Toronto and East York District.”

2. Before introducing the necessary Bill to Council for enactment, City Council will require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* to secure the following:
 - a) The owner shall pay to the City of Toronto \$100,000.00, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment to the City of Toronto, for bicycle share stations within Ward 19, as may be determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
 - b) The owner shall ensure a minimum of 83 of the *parking spaces* located within the *commercial parking garage*, are made available at all times for the life of the building, on at least a monthly lease basis, to residents of the *dwelling units on site*. The owner will ensure that all 83 parking spaces will be available at all times and offered to the residents as exclusive parking at a maximum total amount of \$150.00 per month, per parking space, which may be amended annually but only with the written consent from the General Manager, Transportation Services, in consultation with the Ward Councillor, which consent may be withheld at the sole discretion of the General Manager if the proposed rate increase does not correspond to annual percentage increases in estimated monthly parking rates within the surrounding area, according to the Toronto Parking Authority. The owner agrees to submit plans indicating the location and details, including, but not limited to, wording and typeface size, of signage communicating to residents of the *dwelling units on site* that these 83 spaces may be leased, to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The owner agrees to provide notice to the residents of the opportunity to lease these spaces. The owner may only permit such of the designated spaces that have not been leased to residents to be used by the general public if the Chief Planner and Executive Director, City Planning Division is satisfied that the Owner has complied with these obligations to provide and offer to lease the spaces to the residents.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Zoning By-law amendment as may be required.”

Financial Impact

The recommendations in this report have no financial impact.

Discussion

As noted in Report Item No. TE32.7, dated April 23, 2014, from the Director of Community Planning, Toronto and East York District a minimum of eighty-three (83) spaces within the 147 space commercial garage will be offered to occupants of 1030 King Street West for rates corresponding to area Toronto Parking Authority (TPA) lots on a monthly lease basis.

The Toronto Parking Authority has confirmed that the current monthly rate for the exclusive use of an underground parking space in this area of the City is approximately \$150.00.

The operator may request that the rates be raised on an annual basis. Written approval from the General Manager, Transportation Services, in consultation with the Toronto Parking Authority and the Ward Councillor, must be obtained for any annual rate increases. Proposed rate increases must correspond to the annual percentage increases in estimated monthly parking rates within the surrounding area, according to the Toronto Parking Authority.

In order to ensure that residents of 1030 King Street West are aware of the availability of monthly parking within these eighty-three (83) spaces, the applicant will be responsible for posting signage, with wording and posting locations to be approved by City Planning.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning, Toronto and East York District

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment

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Authority: Toronto and East York Community Council Item _____, as adopted, as amended, by City of Toronto Council on _____, 2014

Bill No.

BY-LAW No. -2014

To amend By-law No. 618-2012(OMB) being a by-law to amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 1030 King Street West.

Whereas the Ontario Municipal Board, by its Decision issued on July 19, 2011 and Order issued March 28, 2012, in Board File No. PL100919, approved By-law No. 618-2012(OMB), being a by-law to amend the former City of Toronto Zoning By-law 438-86 with respect to lands municipally known in 2014 as 1030 King Street West; and

Whereas the Council of the City of Toronto has been requested to further 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 known municipally in the year 2014 as 1030 King Street West; and

Whereas the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

Whereas the Council of the City of Toronto has determined to amend By-law No. 618-2012(OMB);

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted in By-law No. 618-2012(OMB), are permitted subject to compliance with the conditions set out in By-law No. 618-2012(OMB), and in return for the provision by the *owner* of the facilities, services and matters set out in Appendix 1 thereof as amended by 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* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 of By-law No. 618-2012(OMB) as amended by Appendix 1 of this By-law, the *site* is subject to the provisions of By-law No. 618-2012(OMB) as amended by 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. Wherever in By-law No. 618-2012(OMB) as amended by this By-law, a provision is stated to be conditional upon the execution and registration of an agreement 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 each of By-law No. 618-2012(OMB) and By-law No. 438-86 shall continue to apply to the *site*.
5. Notwithstanding Section 12 (2) 258 of By-law No. 438-86, and Section 5(b) of By-law No. 618-2012(OMB), a *commercial parking garage* shall be permitted to be erected and used within the underground parking area of the *mixed-use building* on the *site*, in accordance with the following provisions:
 - (a) a *commercial parking garage* consisting of a maximum of 152 *parking spaces*, including 5 *car-share parking spaces* with a maximum *non-residential gross floor area* of 6,660.00 square metres, shall be permitted exclusively on the 1st underground parking level on the *site*;
 - (b) any parking required for *non-residential* gross floor area and uses permitted on *site* may be provided for in the *commercial parking garage*; and
 - (c) of the *parking spaces* located within the *commercial parking garage*, a minimum of 83 *parking spaces* shall be made available at all times for the life of the building, on at least a monthly lease basis, to residents of the *dwelling units* on *site*, on the following basis:
 - i. all of the 83 *parking spaces* will be available at all times and offered to the residents as exclusive parking at a maximum total amount of \$150.00 per month, which may be amended annually but only with the written consent from the General Manager, Transportation Services, in consultation with the Ward Councillor, which consent may be arbitrarily and unreasonable held at the sole discretion of the General Manager, if the proposed rate increase does not correspond to annual percentage increases in estimated monthly parking rates within the surrounding area, according to the Toronto Parking Authority;
 - ii. signage is provided communicating to residents of the *dwelling units* on *site* that these 83 spaces may be leased to them, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- iii. of the 83 *parking spaces*, only those that have not been leased to residents may be used by the general public, provided the *owner* has complied with these obligations to provide and offer to lease the spaces to the residents.
6. Notwithstanding Section 4(4)(b) of By-law No. 438-86, *parking spaces* for residents and visitors of the *mixed-use building* shall be provided and maintained in the underground parking garage on *site* in accordance with the following provisions:
- (a) a minimum of 407 *parking spaces* shall be provided for residents of the *dwelling units* on *site*, of which:
 - i. a minimum of 324 *parking spaces* shall be provided exclusively for residents of the *dwelling units* on *site*, and,
 - ii. a minimum of 83 *parking spaces* shall be made available to residents of the *dwelling units* on *site*, in accordance with the provisions of Section 5(c) of this By-law.
 - (b) a minimum 73 *parking spaces* shall be provided exclusively for visitors to the *dwelling units* on *site*.
7. Notwithstanding Section 5(c) and 5(d) of By-law 618-2012(OMB), a principle entrance canopy and vestibule for municipal fire-fighting purposes along King Street West shall be permitted to project beyond the *building envelope* area as shown on Map 2-Revised attached to this By-law.

Enacted and passed on , 2014.

Frances Nunziata,
Watkiss,
Speaker
(Seal of the City)

Ulli S.
City Clerk

APPENDIX 1

Section 37 Provisions

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

- a) The owner shall pay to the City of Toronto \$100,000, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment to the City of Toronto, for bicycle share stations within Ward 19, as may be determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor; and,
- b) The Owner shall ensure a minimum of 83 of the *parking spaces* located within the *commercial parking garage*, are made available, each month for the life of the building, on at least a monthly lease basis to residents of the *dwelling units* on *site*. The owner will ensure that all 83 parking spaces will be available at all times and offered to the residents as exclusive parking at a maximum total amount of \$150.00 per month, which may be amended annually but only with the written consent from the General Manager, Transportation Services, in consultation with the Ward Councillor, which consent may be withheld at the sole discretion of the General Manager if the proposed rate increase does not correspond to annual percentage increases in estimated monthly parking rates within the surrounding area, according to the Toronto Parking Authority. The owner agrees to submit plans indicating the location and details, including, but not limited to, wording and typeface size, of signage communicating to residents of the *dwelling units* on *site* that these 83 spaces may be leased, to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The owner agrees that the notice to the residents of the opportunity to lease the spaces shall be satisfactory Chief Planner and Executive Director, City Planning Division. The owner may only permit such of the designated spaces, that have not been leased to residents, to be used by the general public if the Chief Planner and Executive Director, City Planning Division is satisfied that the Owner has complied with these obligations to provide and offer to lease the spaces to the residents.

