

Attachment 7: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

By-Law No. _____ - 2014

To amend the General Zoning By-law No.438-86, as amended, of the former City of Toronto in respect of lands known in the year 2013 as 489, 495 and 499 King Street West.

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*;

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 and 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;

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 permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 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;

The Council of the City of Toronto enacts:

1. None of the provisions of 2(1) “*grade*” and “*lot*”, 4(2)(a), 4(8), 7(3) Part II 1, 4 and 5, 12(2) 132, 12(2) 246 (a), (c) and (f), 12(2) 260 of Zoning 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 building containing only non-residential uses on the *lot*, provided that:

- a) The *lot* comprises at least the land outlined by heavy lines on attached Map 1;

Permitted Uses

- b) There are no residential uses of the lot;
- c) A *commercial parking garage* is permitted;

Gross Floor Area

- d) The maximum *non-residential gross floor area* permitted on the *lot* shall be 27,811 square metres;

Yard Setbacks

- e) No portion of the building above *grade* is located otherwise than wholly within the areas delimited by the heavy lines on the attached Map 2 with the exception of cornices, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellises, roof terraces, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, and landscape features, all of which may extend beyond the heavy lines on Map 2;

Exceptions to Permitted Height

- f) No person shall erect or use a building or structure on the lot having a greater height in metres than the *height* limits specified by the numbers following the symbol H on the attached Map 2, except for the following:
 - i. a structure on the roof of the building used for outside or open air recreation, safety or wind protection purposes may exceed the *height* limit on Map 2 by no more than 3.0 metres;
 - ii. a stair tower, elevator shaft and associated equipment, chimney stack or other heating, cooling or ventilating equipment, window washing equipment, cornices, canopies, ornamental elements, railings, stairs, stair enclosures, and

- public art features may exceed the maximum *height* limits as shown on Map 2 by no more than 5.0 metres; and,
- iii. parapets to a maximum height of 1.0 metre above the *height* limits shown on Map 2;

Bicycle Parking

- g) Notwithstanding Section 4(13) (a)(c) and (d) bicycle Parking occupant and bicycle parking visitor shall be provided as follows:
 - i. A minimum of 107 bicycle parking spaces will be provided.

Loading

- h) A minimum of two *loading spaces – type B* and three *loading spaces – type C* shall be provided and maintained on the *lot*;

Municipal Services

2. 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.

Definitions

3. For the purposes of this By-law, each word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:
 - a) “*grade*” shall mean 87.11 metres Canadian Geodetic Datum;
 - b) “*lot*” shall mean the lands outlined by heavy lines on Map 1 and known municipally as 485, 489, 495 and 499 King Street West in the year 2013;
4. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.

Division of Lands

5. Notwithstanding any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-Law shall continue to apply as if no severance, partition or division occurred.
6. Section 37 Provisions
 - a) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height of the development is permitted beyond that otherwise permitted on the lands shown on Map 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 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 pursuant to this By-law unless all provisions of Schedule A are satisfied.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE A
Section 37 Provisions

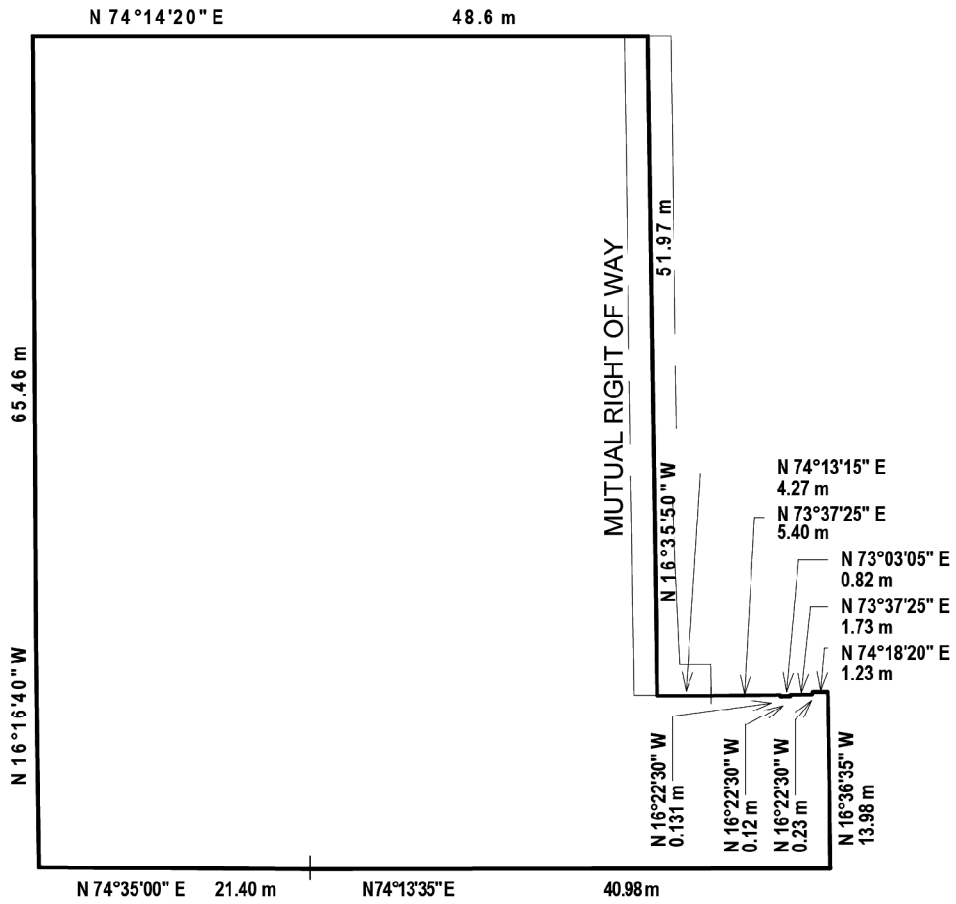
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height of the proposed development on the lands as shown in Map 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning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

1. Prior to the issuance of the first above grade building permit for the development the owner shall:
 - a) Provide a cash contribution of \$300,000 to the City toward streetscape improvements on King Street West between Portland Street and Spadina Avenue to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
 - b) Provide a cash contribution of \$50,000.00 for the maintenance of or the provision of new affordable housing in Ward 20.
 - c) The cash contributions referred to in a) and b) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of this Agreement to the date of submission of the funds by the Owner to the City.
 - d) In the event the cash contributions referred to in a) and b) above has 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 of 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.
2. The owner shall provide the following to support the development of the lands:
 - a) Prior to the issuance of Final Site Plan Approval:
 - i. The owner shall complete all heritage-related pre-approval conditions contained in a Notice of Approval Conditions for Site Plan Control to the satisfaction of the Manager, Heritage Preservation Services.

- ii. The owner shall provide Final Site Plan drawings including drawings related to the approved Conservation Plan to the satisfaction of the Manager, Heritage Preservation Services.
 - iii. Related Zoning By-law amendments giving rise to the proposed alterations shall be in full force and effect in a form and with content acceptable to the City Council, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services.
 - b) Prior to the issuance of a Heritage Permit, the owner shall:
 - i. Provide full building permit drawings, including notes and specifications for the protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and heritage consultant to the satisfaction of the Manager, Heritage Preservation Services.
 - ii. Provide a Letter of Credit, indexed annually, in a form and amount satisfactory to the Manager, Heritage Preservation Services to secure all work included in the Conservation Plan.
 - c) Prior to the release of the Letter of Credit, the owner shall:
 - i. Provide a letter of substantial completion prepared and signed by the heritage consultant confirming that the conservation work has been completed in accordance with the Conservation Plan and has maintained an appropriate standard of conservation, to the satisfaction of the Manager, Heritage Preservation Services.
 - i. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Manager, Heritage Preservation Services
 - d) Prior to site plan approval, the owner shall address all outstanding requirements for a Stage 2 Archaeological Assessment as well as the provisions for any additional Stage 3-4 archaeological assessment as outlined in the letter from City Planning dated July 21, 2014.
 - e) Prior to site plan approval, the owner shall address the requirements for the removal of private trees on the site and adjacent the property as required by the City of Toronto Private Tree By-law as outlined in the memorandum from Urban Forestry Services staff dated August 30, 2012.
 - f) The owner shall undertake best efforts to minimize the extent and height of the mechanical penthouse.

- g) The owner shall provide appropriate screening between the at-grade commercial uses and associated uses of the open space at the rear of the building and the residents to the south.
- h) The owner shall submit s lighting plan to the City to be approved through the site plan control application to address the issue of light impacts on the residential units south of the subject site.
- i) The owner shall to enter into a construction management agreement to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, prior to site plan approval.

KING STREET WEST



NOTE: Survey information supplied by applicant. All dimensions in metres.

