

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. XXX-2015

To amend the City of Toronto By-law No. 569-2013, as amended, with respect to lands known municipally as 602-620 King Street West, 499-505 Adelaide Street West, 1 and 11 Adelaide Place

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;

Whereas Council of the City of Toronto, at its meeting on _____, 2015, determined to amend the former City of Toronto Zoning By-law No. 438-86 with respect to lands known municipally in the year 2015 as 602-620 King Street West, 499-505 Adelaide Street West, 1 and 11 Adelaide Place;

The Council of the City of Toronto enacts:

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 No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands outlined by heavy black lines on Diagram to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CRE (x3) as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands municipally known in the year 2014 as 620-622 King Street West 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; and
5. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands municipally known in the year 2014 as 620-622 King Street West to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands HT 23, as shown on Diagram 5 attached to this Bylaw; and
6. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands municipally known in the year 2014 as 620-622 King Street West 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 6 attached to this By-law;
7. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands municipally known in the year 2014 as 620-622 King Street West to the Lot Coverage Overlay Map in Section 995.30.1; and
8. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 90012.10 Exception Number 3 so that it reads:

Exception CRE 3

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 602-620 King Street West, 499-505 Adelaide Street West, 1 and 11 Adelaide Place none of the provisions of Clauses and Regulations 5.10.40.70 (1) to (4), 50.10.40.1(2), 50.10.40.30(1), 50.10.40.60 (1) through (8), 50.10.40.70 (1), (3), (4) and (5), 50.10.40.80 (1) through (3), 50.10.40.81 (1) and (2), 50.10.150.1 (1), 200.5.10.1(1) and (6), Table 200.5.10.1, 200.15.1.5(1), 200.15.10, 220.5.10.1, 230.5.1.10(9)(B), 230.50.1.20 (1) (C) apply to prevent the erection or use of a building, structure, addition or enlargement permitted by (B) to (L) below;
- (B) The height of a **building** or **structure** is measured as the vertical distance between grade, which is Canadian Geodetic Datum elevation of 88.65 metres, and the highest point of the **building** or **structure** except for those elements prescribed in section (C) below;
- (C) No portion of any **building** or **structure** on the lands, excluding parapets, guard rails, railings and dividers, trellises, eaves, screens, stairs, roof drainage, window washing equipment, lightning rods, architectural features, elevated pedestrian bridge, landscaping and elements of a green roof is to have a height greater than the height in metres specified by the number following the H symbol as shown on Diagram 3 of By-law [Clerks to supply by-law ##];
- (D) The portions of a **building** or **structure** above ground must be located within the areas delineated by heavy lines on Diagram 3 of By-law [Clerks to supply by-law ##], except that:
- (i) 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, elevated pedestrian bridge, awnings and canopies, and underground garage ramps and associated structures may extend beyond the heavy lines shown on Diagram 2 of By-law [Clerks to supply by-law ##];
- (E) The total **gross floor area** of all **buildings** and **structures** on the lands must not exceed 41,000 square metres, and:
- (i) the **gross floor area** of **buildings** or **structures** occupied by residential uses must not exceed 11,100 square metres.
 - (ii) the **gross floor area** of **buildings** and **structures** occupied non-residential uses must not exceed 29,900 square metres, excluding the area occupied by a **parking garage** or **public parking**.

- (F) **Amenity space** must be provided in accordance with the following:
- (i) a minimum of 2.0 square metres of indoor **amenity space** per **dwelling unit**;
 - (ii) a minimum of 0.3 square metres of outdoor **amenity space** per **dwelling unit**; and
 - (iii) no **amenity space** is required for the **lawfully existing buildings** known in the year 2014 as 602 King Street West, 499 and 505 Adelaide Street West, 1 and 11 Adelaide Place;
- (G) **Parking spaces** must be provided and maintained in accordance with the following:
- (i) provide and maintain resident parking spaces to serve the project, accordance with the Zoning By-law for the King-Spadina policy area, save and except that 78 resident parking spaces may be located off-site within 300 metres of the subject site;
 - (ii) provide and maintain residential visitor and non-residential spaces to serve the project, in accordance with the Zoning By-law for the King-Spadina policy area, save and except that residential visitors may be provided in a commercial parking garage and this total may be reduced by two spaces.
- (H) A commercial **parking garage** providing a minimum of 84 **parking spaces** is permitted on the lands;
- (I) A maximum of 13 of the required **parking spaces** may be undersized **parking spaces** with a minimum width of 2.6 metres and a minimum length of 4.9 metres;
- (J) A minimum of 107 **bicycle parking spaces** must be provided and maintained on the lands, of which:
- (i) 21 **bicycle parking spaces** must be allocated for short-term bicycle parking; and
 - (ii) 86 **bicycle parking spaces** must be allocated for long-term bicycle parking; and may be located on the lower level; and
 - (iii) no **bicycle parking spaces** are required for the **lawfully existing buildings** on the lands;

- (K) A minimum of one Type “G” **loading space** and two Type “B” **loading spaces** must be provided and maintained on the lands;
- (L) Exception CRE (x3) applies to all of the lands collectively regardless of future severance, partition or division;

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

1. 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 _____, 2015.

JOHN TORY,
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 Diagram 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:

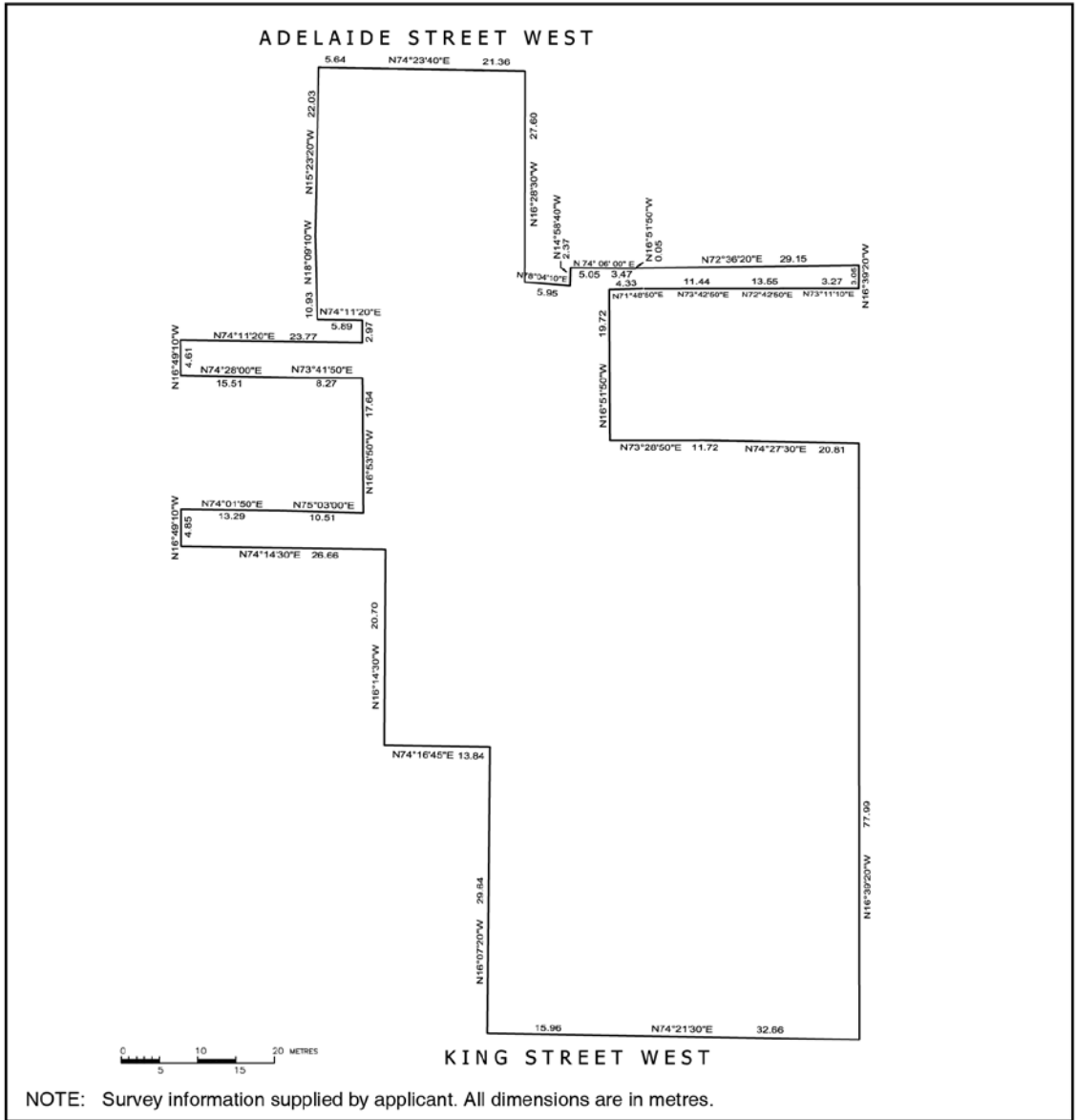
1. Prior to the issuance of the first above grade building permit for the development the owner shall provide to the City:
 - a. A cash contribution, of \$250,000 to community services and facilities in Ward 20 to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor, payable at the first above grade building permit.
 - b. Above base streetscape improvements on Portland Street between King Street West and Adelaide Street West, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
 - c. A cash contribution of \$50,000.00 for the provision of new affordable rental housing in Ward 20 to be directed to the Capital Revolving Fund for Affordable Housing, payable at the first above grade building permit.
 - d. A cash contribution of \$50,000.00 toward the Toronto Community Housing (TCHC) revolving capital fund for repairs to TCHC housing in Ward 20, payable at the first above grade building permit.
 - e. In the event the cash contributions referred to in 1. (a) and (d) 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.
 - f. The above noted of \$350,000 cash contribution referred to in 1. (i) (iii) above and (iv) is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the introduction of Bills to the date of payment.

2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - a. Prior to the issuance of Final Site Plan Approval, the owner shall have:
 - Completed 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.
 - Provided Final Site Plan drawings including drawings related to the approved Conservation Plan to the satisfaction of the Manager, Heritage Preservation Services.
 - The 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 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 have:
 - Provided 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.
 - Provided 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 have:
 - Provided 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.
 - Provided replacement Heritage Easement Agreement photographs to the satisfaction of the Manager, Heritage Preservation Services
 - d. Prior to site plan approval, the applicant 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 April 1, 2015.

- e. The applicant shall provide appropriate screening between the at-grade uses at the west side of the proposed building and the residents to the west on Adelaide Place and Adelaide Street West, and from the east and north side of the proposed residential building for the building and residents to the east at 499 Adelaide Street West.
- f. A lighting plan will be submitted and approved through the site plan control application to address the issue of safety and amenity for the proposed interior passages through the site used by vehicles and pedestrians.
- g. The applicant is required to undertake wind tunnel testing as recommended in the Pedestrian Level Wind Conditions – Letter of Opinion prepared by RWDI and implement the recommended mitigation measures as identified as a result of this analysis, to be secured through Site Plan Approval.
- h. The applicant will provide the following information to Transportation Services and Waste Management staff in support of the proposed undersized Type G loading space through the site plan control application process:
 - A truck manoeuvring diagram for a truck that measures 12 metres in length x 2.4 metres in width showing that it can enter and reverse out of the Type G loading space with no more than a three point turn.
 - Due to the fact that we will be blocking a portion of the driveway and will also be reversing in and out of the Type G loading space further into the driveway during loading operations, a warning system is required near the end of the southbound driveway warning motorists that loading operations are occurring around the corner. This would entail both signage and lights.
 - A flagman will be required to assist the truck when reversing out of the Type G loading space.
- i. The applicant is required 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, and a construction mitigation and tenant communication strategy for the tenants remaining in the existing buildings on the lands to the satisfaction of the Chief Planner and Executive Director, City Planning Division,

- j. Prior to condominium registration, the owner shall convey to the City a public pedestrian easement for the life of the building for access to the publicly accessible open space to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- k. Ensuring the ongoing provision of 8 residential rental units on one parcel of land, by securing the rental tenure of the existing buildings with 6 residential rental dwelling units at 505 Adelaide Street West and 1 and 11 Adelaide Place and the 2 replacement residential rental units to be created in the existing building at 499 Adelaide Street West, for a period of at least 20 years commencing from the date the zoning by-law comes into force and effect,
- l. Providing and maintaining 2 replacement rental units at 499 Adelaide Street West to the satisfaction of the Chief Planner and Executive Director, City Planning Division, with affordable rents for a period of at least 10 years, with provisions for maintaining affordable rents up to 20 years for tenants who begin their tenancy during the 10 year affordability period
- m. A tenant relocation and assistance plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division for the tenants of the 2 residential rental units to be demolished at 503 Adelaide Street West, including the right to return to the replacement rental units at 499 Adelaide Street West should there not be a direct move from 503 Adelaide Street West to 499 Adelaide Street West.
- n. Building and site improvements to the 4 existing buildings to comprise 8 rental dwelling units to be provided with no costs passed on to the tenants of the existing buildings, to include restoration and improvements to outdoor patio areas and new landscaping for 2 buildings and the provision of en-suite laundry facilities for 5 of the rental units, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.



602 - 622 King Street West,
 499, 503 and 505 Adelaide Street West,
 1 and 11 Adelaide Place
 File # 13 215423 STE 20 02

Diagram 1

↑
 Not to Scale
 06/09/2015

