

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. ~-20~

To amend the former City of Toronto's General Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 1182 and 1221 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*; and

Whereas the Official Plan for the City of Toronto contains such 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 matter 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, a 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 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are 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. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of development permitted is permitted beyond that otherwise permitted on the lands shown on Map 2 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 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

2. Where Appendix 1 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 same.
3. 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 Appendix 1 are satisfied.
4. District Map No. 48G-323 contained in Appendix "A" and "B" of By-law No. 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, is further amended by redesignating from "CR T2.5 C0.5 R2.0" to "G" the lands identified as "G" on Map 1 attached to and forming part of this By-law.
5. None of the provisions of Section 2(1) with respect to the definition of '*height*', '*grade*', '*lot*', '*residential gross floor area*', and '*non-residential gross floor area*', and Sections 4(2)(a), 4(4), 4(6), 4(12), 4(13), 8(3) Part I, 8(3) Part II (1), 8(3) Part II (2), 8(3) Part VIII (1), 12(2) 26, 12(2) 27, 12(2) 28, 12(2) 270, and By-law 711-83 as it applies to the *lot*, of Zoning By-law No. 438-86, as amended, 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 *mixed use buildings* and uses *accessory* to the foregoing use on Blocks A and B of the *lot*, provided that:
 - (a) The *lot* comprises the lands delineated by heavy lines on Map 2 attached hereto;
 - (b) No portion of any building or structure erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 3 and Map 4 attached hereto;
 - (c) Nothing in Section 4(b) of this By-law shall prevent the following elements from projecting beyond the heavy lines shown on Map 3 and Map 4:
 - i. art and landscape features, cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, pergolas, 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, window washing equipment, and underground garage ramps and associated structures may extend beyond the heavy lines shown on Map 3 and Map 4 of said By-law;

(d) No portion of any building or structure, inclusive of mechanical penthouse elements, erected or used above *grade* shall exceed the *height* limits above *grade* in metres specified by the numbers following the symbol “H” as shown on Map 3 and Map 4 attached hereto;

(e) Nothing in Section 4(d) of this By-law shall prevent the following elements from projecting above the height limits shown on Map 3 and Map 4:

- i. wind screens, elevator overruns, mechanical equipment and any associated enclosure structures, parapets, guard rails, railings and dividers, pergolas, trellises, eaves, screens, stair tower, chimney stack, heating, cooling or ventilating equipment, roof drainage, window washing equipment, lightning rods, architectural features, landscaping, garbage chute, terrace build-up, and elements of a green roof, which may project up to a maximum of 5.0 metres above the height limits shown on Map 3 and Map 4;

(f) The total gross floor area on the *lot* shall not exceed:

- i. On Block A, 32,000 square metres, of which:
 - i. a maximum of 29,600 square metres shall be residential *gross floor area*; and
 - ii. a maximum of 2,400 square metres shall be non-residential *gross floor area*;
- ii. On Block B, 23,000 square metres, of which:
 - i. a maximum of 21,400 square metres shall be residential *gross floor area*; and
 - ii. a maximum of 1,600 square metres shall be non-residential *gross floor area*;

(g) *Parking spaces* shall be provided and maintained on the *lot*, in accordance with the following:

- i. On Block A:
 - i. a minimum of 254 *parking spaces* shall be provided for the residents of the *dwelling units*; and
 - ii. a minimum of 66 *parking spaces* shall be provided jointly for visitors of the *dwelling units* and *non-residential* uses on the *lot*;
 - iii. the required *parking spaces* can be reduced at a rate of 4 *parking spaces* for each *car-share parking space*, provided to a maximum of 5 *car-share* spaces on the *lot*;
- ii. On Block B:
 - iv. a minimum of 162 *parking spaces* shall be provided for the residents of the *dwelling units*; and
 - v. a minimum of 57 *parking spaces* shall be provided jointly for visitors of the *dwelling units* and *non-residential* uses on the *lot*;
 - vi. the required *parking spaces* can be reduced at a rate of 4 *parking spaces* for each *car-share parking space*, provided to a maximum of 5 *car-share* spaces on the *lot*;
 - iii. Ingress and egress to and from the parking facilities shall be provided by unobstructed driveways or passageways providing access to a public highway and having a minimum width of 3.5 metres for one-way operation and a minimum width of 5.5 metres for two-way operation;
- (h) A minimum of 1 loading space – type ‘G’ and 1 loading space – type ‘B’ shall be provided and maintained on Block A;
- (i) A minimum of 1 loading space – type ‘G’ and 1 loading space – type ‘B’ shall be provided and maintained on Block B;
- (j) *Bicycle parking spaces* shall be provided and maintained Block A and Block B, in accordance with the following:
 - i. Residential:
 - a. *Bicycle parking spaces – occupant – 0.9 spaces per dwelling unit*;
 - b. *Bicycle parking spaces – visitor – 0.1 spaces per dwelling unit*;

ii. Non-residential:

- a. *Bicycle parking spaces* for non-residential visitors – 3 plus 0.3 for each 100 square metres of non-residential *gross floor area*;
- b. *Bicycle parking spaces* for non-residential occupants – 0.2 *bicycle parking spaces* for each 100 square metres of non-residential *gross floor area*;

(k) *Bicycle parking spaces* – visitor may be shared with *bicycle parking spaces* for non-residential uses;

(l) All *bicycle parking spaces* provided on the *lot* may be *stacked bicycle parking spaces*;

(m) *Bicycle parking spaces* are not limited to the ground level and P1 level;

(n) *Residential amenity space* shall be provided and maintained on the *lot* in accordance with the following:

- i. a minimum of 2.0 square metres per dwelling unit of indoor *residential amenity space*, in a multi-purpose room or multi-purpose rooms, at least one of which contains a kitchen and a washroom;
- ii. a minimum of 1.1 square metres per dwelling unit of outdoor *residential amenity space* on Block A, of which at least 40 square metres is to be provided in a location adjoining or directly accessible from an indoor *residential amenity space*; and
- iii. a minimum of 1.4 square metres per dwelling unit of outdoor *residential amenity space* on Block B, of which at least 40 square metres is to be provided in a location adjoining or directly accessible from an indoor *residential amenity space*;

(o) By-law 711-83 is repealed as it applies to the *lot* as shown on Map 2.

(p) For the purpose of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law 438-86, as amended except that the following definitions shall apply:

“car-share” means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such car-share motor vehicles to be made available for short term rental, including hourly rental. Car-share organizations may

require that the car-share motor vehicles 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. Each on-site *car-share parking space* provided on the lot is equivalent of 4 parking spaces;

“*car-share parking space*” shall mean a parking space exclusively reserved and signed for a car used only for car-share purposes and such car-share is for the use of at least the occupants of the building;

“*grade*” means 92.3 metres Canadian Geodetic Datum;

“*gross floor area*” means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level, reduced by the area in the building used for:

- (i) parking, loading and bicycle parking below-ground;
- (ii) required *loading spaces* at the ground level and required *bicycle parking spaces – occupant* or *bicycle parking spaces - visitor* at or above-ground;
- (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- (iv) shower and change facilities required by this By-law for required bicycle parking spaces;
- (v) amenity space required by this By-law;
- (vi) elevator shafts;
- (vii) garbage shafts;
- (viii) mechanical penthouse; and
- (ix) exit stairwells in the building.

“*height*” means the highest point of the roof above *grade*, except for those elements prescribed by this By-law;

“*lot*” means those lands identified on Map 2 attached to this By-law;

“*sales office*” means a temporary building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* or *non-residential gross floor area* to be erected on the *lot*; and

“*stacked bicycle parking spaces*” means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical devise providing floor level access to both *bicycle parking spaces*, and which has a minimum length of 1.8 metres, a minimum width of 0.6 metres, and a minimum vertical clearance of 1.2 metres.

6. None of the provisions of By-law 438-86 shall apply to prevent a temporary *sales office* on the lot as of the date of the passing of this By-law.
7. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
8. 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 *lot* 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; and
 - (c) The owner must 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 ~, 20~.

John Tory,
Mayor

Ulli S. Watkiss
City Clerk

(Seal of the City)

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 on Map 2 of 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. An indexed cash contribution in the amount of \$2,100,000.00 to be allocated as follows:
 - a) \$200,000.00 towards capital improvements to parkland in Ward 14, and;
 - b) \$ 1,900,000.00 towards affordable rental housing in Ward 14.
2. In the event the cash contributions referred to in 1 a), b), and c) above has not been used for the intended purpose within five (5) 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.
3. The owner shall provide a minimum fifteen percent (15%) of the residential units located at 1181 King Street West having at least three bedrooms, and a minimum of ten percent (10%) of the residential units located at 1221 King Street West also having at least three bedrooms.
4. The submission of a wind study to the satisfaction of the Chief Planner and Executive Director, City Planning, and securing of any wind mitigation measures as set out in the submitted wind study to be secured as part of any site plan approval.