

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 Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known as 1182 and 1221 King Street West.**

Whereas Council of the City of Toronto has the authority to pass this By-law pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended; 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 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, authorize increases in the height or 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 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 are secured by one or more agreements between the owner of the land and the City of Toronto; and

The Council of the City of Toronto enacts:

- 1.** The lands subject to this By-law are outlined in 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 No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy

black lines to CR 2.5 (c0.5; r2.0) SS2 (x129), CR 4.0 (c3.0; r2.0) SS2 (x130), and O as shown on Diagram 2 attached to this By-law.

4. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number #129 so that it reads:

**Exception CR #129**

The lands are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) In a Commercial Residential zone, where the maximum **lawfully** permitted height exceeds the width of the right-of-way of the **street** it abuts then:
  - (i) the **angular plane** requirements of regulations 40.10.40.70(2)(E) and 40.10.40.70(2)(G) do not apply;
  - (ii) the **rear yard setback** requirements of regulation 40.10.40.70(2)(B) do not apply; and
  - (iii) if the rear **main wall** of a **building** does not contain windows or openings:
    - (a) the **building** must be set back at least 3.0 metres from any **rear lot line** that abuts a **lot** in the Residential Zone category; and
    - (b) no **building setback** is required from any other zone category.
- (B) On 1182 King Street West, shown as Block A on Diagram 2 of By-law [Clerks to supply By-law ##], if the requirements in Section 6 and Schedule A are complied with, none of the provisions of 40.10.40.10(2), 40.10.40.40(1), and (A) above, apply to prevent the erection or use of **buildings** or **structures** permitted in compliance with (C) to (N) below;
- (C) Despite regulation 40.10.40.40(1), the total **gross floor area** of all **buildings** and **structures** must not exceed 32,000 square metres, of which:
  - (i) the **gross floor area** of **buildings** or **structures** used for residential uses symbolized by the letter 'r', permitted by Regulations 40.10.20.10(1)(B) and 40.10.20.20(1)(B), must not exceed 29,600 square metres; and
  - (ii) the **gross floor area** of **buildings** and **structures** used for non-residential uses symbolized by the letter 'c', permitted by Regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A), must not exceed 2,400 square metres;

- (D) Despite regulation 40.5.40.10(1), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 92.3 metres and the highest point of the **building** or **structure**;
- (E) Despite regulation 40.5.40.10(1) and 40.10.40.10(2), no portion of any **building** or **structure**, inclusive of mechanical penthouse elements, is to have a **height** greater than the **height** in metres specified by the number following the “H” symbol as shown on Diagram 3 attached to and forming part of By-law [Clerks to supply by-law ##], excluding:
  - (i) wind screens, parapets, guard rails, railings and dividers, pergolas, trellises, eaves, screens, stair tower, 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 Diagram 3;
- (F) Despite regulations 40.10.40.60(1), 40.10.40.70(2) and the angular plane requirements in (A) above, all portions of a **building** or **structure** above ground must be located within the areas delineated by heavy lines on Diagram 3 attached to and forming part of By-law [Clerks to supply by-law ##], excluding:
  - (i) art and landscape features, light fixtures, ornamental elements, parapets, patios, decks, pergolas, trellises, balconies, eaves, planters, ventilation shafts, guardrails, balustrades, railings, stair enclosures, doors, fences, screens, site servicing features, window washing equipment, and underground garage ramps and associated structures, which may extend a maximum of 2.5 metres beyond the heavy lines shown on Diagram 3 of said By-law; and
  - (ii) terraces, which may encroach beyond the areas delineated by heavy lines on Diagram 3 attached to and forming part of By-law [Clerks to supply by-law ##] to the same extent as the **main walls** of the **building** below them;
- (G) Despite regulation 40.10.40.50(1), a minimum of 1.1 square metres per **dwelling unit** of outdoor **amenity space** must be provided and maintained on the lands;
- (H) Despite regulation 200.5.1.10(2), **parking spaces** obstructed in accordance with 200.5.1.10(2)(D) may have minimum dimensions of 2.4 metres x 5.6 metres;
- (I) The provisions of By-law #579-2017 shall not apply to accessible **parking spaces**;
- (J) Despite 200.15.1.5(1), accessible **parking spaces** may be located anywhere within the underground parking levels located on the Block A;
- (K) Despite regulation 200.5.10.1, **parking spaces** shall be provided and maintained, in accordance with the following:

- (i) A minimum of 254 **parking spaces** for the residents of the **dwelling units**;
- (ii) A minimum of 66 will be commercial and visitor **parking spaces**, of which a maximum of 1 **car-share parking space** shall be provided;
- (L) Despite regulation 230.5.1.10(3) "short-term" **bicycle parking spaces** may be shared by non-residential uses and residential visitors;
- (M) Despite regulation 230.5.1.10(9), a required **bicycle parking** space for a **dwelling unit** in an **apartment building** or **mixed-use building** may be located shall be permitted on any level of the **building** below-ground, and on a mezzanine level;
- (N) A minimum of one **loading space** – type ‘G’ and one **loading space** – type ‘B’ must be provided.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(2) 270(a) of former City of Toronto By-law 438-86; and
  - (B) On 1182 King Street West, former City of Toronto bylaw 711-83.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number (130) so that it reads:

**Exception CR (130)**

The lands are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) In a Commercial Residential zone, where the maximum **lawfully** permitted height exceeds the width of the right-of-way of the **street** it abuts then:
  - (i) the **angular plane** requirements of regulations 40.10.40.70(2)(E) and 40.10.40.70(2)(G) do not apply;
  - (ii) the **rear yard setback** requirements of regulation 40.10.40.70(2)(B) do not apply; and
  - (iii) if the rear **main wall** of a **building** does not contain windows or openings:
    - (a) the **building** must be set back at least 3.0 metres from any **rear lot line** that abuts a **lot** in the Residential Zone category; and

- (b) no **building setback** is required from any other zone category.
- (B) On 1221 King Street West, shown as Block B of Diagram 2 of By-law [Clerks to supply By-law ##], if the requirements of Section 6 and Schedule A are complied with, none of the provisions of 40.10.40.10(2), 40.10.40.40(1), and (A) above, apply to prevent the erection or use of **buildings** or **structures** permitted in compliance with (C) to (M) below;
- (C) Despite regulation 40.10.40.40(1), the total **gross floor area** of all **buildings** and **structures** must not exceed 23,000 square metres, of which:
- (iii) the **gross floor area** of **buildings** or **structures** used for residential uses symbolized by the letter ‘r’, permitted by Regulations 40.10.20.10(1)(B) and 40.10.20.20(1)(B), must not exceed 21,400 square metres; and
  - (iv) the **gross floor area** of **buildings** and **structures** used for non-residential uses symbolized by the letter ‘c’, permitted by Regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A), must not exceed 1,600 square metres;
- (D) Despite regulation 40.5.40.10(1), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 92.3 metres and the highest point of the **building** or **structure**;
- (E) Despite regulation 40.5.40.10(1) and 40.10.40.10(2), no portion of any **building** or **structure**, inclusive of mechanical penthouse elements, is to have a **height** greater than the **height** in metres specified by the number following the “H” symbol as shown on Diagram 4 attached to and forming part of By-law [Clerks to supply by-law ##], excluding:
- (ii) wind screens, parapets, guard rails, railings and dividers, pergolas, trellises, eaves, screens, stair tower, 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 Diagram 4;
- (F) Despite regulations 40.10.40.60(1), 40.10.40.70(2) and the angular plane requirements in (A) above, all portions of a **building** or **structure** above ground must be located within the areas delineated by heavy lines on Diagram 4 attached to and forming part of By-law [Clerks to supply by-law ##], excluding:
- (iii) art and landscape features, light fixtures, ornamental elements, parapets, patios, decks, pergolas, trellises, balconies, eaves, planters, ventilation shafts, guardrails, balustrades, railings, stair enclosures, doors, fences, screens, site

servicing features, window washing equipment, and underground garage ramps and associated structures, which may extend a maximum of 2.5 metres beyond the heavy lines shown on Diagram 4 of said By-law; and

- (iv) terraces, which may encroach beyond the areas delineated by heavy lines on Diagram 3 attached to and forming part of By-law [Clerks to supply by-law ##] to the same extent as the **main walls** of the **building** below them;
- (G) Despite regulation 40.10.40.50(1), a minimum of 1.4 square metres per **dwelling unit** of outdoor **amenity space** must be provided and maintained on the land;
- (H) The provisions of By-law #579-2017 shall not apply to accessible **parking spaces**;
- (I) Despite 200.15.1.5(1), accessible **parking spaces** may be located anywhere within the underground parking levels located on the Block A;
- (J) Despite regulation 200.5.10.1, **parking spaces** shall be provided and maintained, in accordance with the following:
  - (i) A minimum of 162 will be residential **parking spaces**;
  - (ii) A minimum of 57 will be commercial and visitor **parking spaces**; of which a maximum of 1 **car-share parking space** shall be provided;
- (K) Despite regulation 230.5.1.10(3) "short-term" **bicycle parking spaces** may be shared by non-residential uses and residential visitors;
- (L) Despite regulation 230.5.1.10(9), a required **bicycle parking** space for a **dwelling unit** in an **apartment building** or **mixed-use building** may be located shall be permitted on any level of the **building** below-ground, and on a mezzanine level;
- (M) A minimum of one **loading space** – type ‘G’ and one **loading space** – type ‘B’ must be provided;

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

**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 and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 3 of this By-law, 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 and density pursuant to Exception CR (~) of By-law 569-2013, as amended, unless the provisions of Schedule A of such Bylaw 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 Diagram 1 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 Ward14, 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.