

Attachment 8: Draft Zoning By-law Amendment (By-law 569-2013)

Authority: Local Planning Appeal Tribunal Decision issued on XXXXXX and Order issued on [XXXX] in Tribunal File No. PL171101

CITY OF TORONTO

BY-LAW NO. XXXX - 2020

To amend Zoning By-law No. 569-2013 with respect to the lands known municipally known in the year 2020 as 1071 King Street West

Whereas the Local Planning Appeal Tribunal, by its decision issued on XXXXXX and Order issued on [XXXX], in Tribunal Case No. PL1711101 approved amendments to the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands; 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 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; 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 is secured by one or more agreements between the owner of the land and the City of Toronto;

Therefore, pursuant to the Decision of the Local Planning Appeal Tribunal issued July 31, 2019 and the Order issued XXXXXX in Tribunal File No. PL171101, Zoning By-law 569-2013 is hereby amended as follows:

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 amending the zone label on the Zoning By-law Map in Section 990.10, respecting the lands outlined by heavy black lines, municipally known in the year 2020 as 1071 King Street West, as outlined in heavy black line to CR (T4.1 C4.1 R4.1) SS2 (XXXX) and OR, as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands municipally known in the year 2020 as 1071 King Street West to the Policy Area Overlay Map in Section 995.10.1 and applying the following Policy Area Overlay label to these lands: PA4, as shown on Diagram 3 attached to this Bylaw.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands municipally known in the year 2020 as 1071 King Street West to the Height Overlay Map in Section 995.20.1 and applying the height label as shown on Diagram 4 attached to this Bylaw.
6. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands municipally known in the year 2020 as 1071 King Street West to the Rooming House Overlay Map in Section 995.40.1 and applying the following Rooming House label to these lands: B3, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number (xx) so that it reads:

(xxx) Exception CR (xxx)

The lands, or a portion thereof as noted below, are subject to the following Site-Specific Provisions.

Site Specific Provisions:

- (A) On 1071 King Street West, if the requirements of Section 10 and Schedule A of By-law [Clerks to supply by-law ##] are complied with, a **building, structure**, addition or enlargement may be constructed if it complies with (B) to (W) below:
- (B) The **lot** consists of those lands shown on Diagram 1 attached to By-law [Clerks to insert by-law ##]
- (C) Despite Regulations 40.10.20.20(1), 40.10.20.20(17) and 40.10.20.20(33), **eating establishments, take-out eating establishments, and retail**

services are permitted on the **lot** and are not subject to the specific use conditions set out in Clause 40.10.20.100;

- (D) Despite Regulation 40.10.40.40(1), the maximum residential and non-residential **gross floor area** on the **lot** must not exceed 18,800 square metres, provided:
 - (i) the residential **gross floor area** must not exceed 18,100 square metres; and
 - (ii) the non-residential **gross floor area** must not exceed 700 square metres;
- (E) A minimum of ten percent of the total number of **dwelling units** must contain three bedrooms or more;
- (F) In addition to the number of three bedroom **dwelling units** required in (E) above, a minimum of twenty percent of the total number of **dwelling units** must contain two bedrooms or more;

Despite Regulation 40.5.40.10(1) and (2), the **height** of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 86.74 metres and the highest point of the **building** or **structure**;

- (G) Despite regulation 40.10.40.10(2), the permitted maximum height is specified, in metres, by the numbers following the symbol HT on Diagram 3 of By-law [Clerks to insert the by-law #];
- (H) Despite Regulation 40.5.40.10(3), (4) and (6) and (G) above, the following elements of a **building** or **structure** may project above the maximum **building** heights shown on Diagram 6 of By-law [Clerks to supply by-law ##]:
 - (i) wind screens, elevator overruns, parapets, awnings, fences, guard rails, railings and dividers, pergolas, trellises, balustrades, eaves, screens, stairs, stair enclosures, roof drainage, window sills, window washing equipment, chimneys, vents, terraces, lightning rods, light fixtures, architectural features, landscaping, and elements of a green roof, which may project above the height limits shown on Diagram 6 by a maximum of 6.0 metres;
- (I) Despite Regulations 5.10.40.70(1) and 40.10.40.70(2), the required minimum **building setbacks** are shown on Diagram 6 of By-law [Clerks to supply by-law ##];

- (J) Despite Clause 40.10.40.60 and (I) above, the following elements of a **building** or **structure** are permitted to encroach into the required minimum **building setbacks** shown on Diagram 6 of By-law [**Clerks to supply by-law ##**];
- (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, awnings and canopies, and underground garage ramps and associated structures, which may encroach into the required **building setbacks** by a maximum horizontal projection of 2.0 metres;
- (K) Despite Regulation 40.10.40.1(1), residential **amenity space** may be located on the same **storey** as non-residential uses;
- (L) Despite Regulation 40.10.90.40(1)(B), egress from a **loading space** may be located on a major **street**;
- (M) Despite Regulation 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.19 **parking spaces** for each **dwelling unit** for residents of the **mixed-use building**;
 - (ii) a minimum of 0.1 **parking spaces** for each **dwelling unit** for visitors of residents;
 - (iii) no **parking spaces** are required for non-residential uses;
- (N) For each car-share **parking space** provided on the lands, the minimum number of **parking spaces** for residents required pursuant to regulation (M)(i) above may be reduced by four (4) **parking spaces**, up to a maximum reduction as calculated by the following formula: $4 \times (\text{the total number of dwelling units on the lands divided by } 60)$, rounded down to the nearest whole number;

- (O) Despite Regulation 200.15.10(1), 3 accessible **parking spaces** will be provided and maintained on the **lot**;
- (P) Despite Regulation 200.15.1(1), accessible **parking spaces** must have the following minimum dimensions:
 - (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres;
- (Q) One Type “G” **loading space** must be provided and maintained on the **lot**;
- (R) Regulation 230.5.1.10(9)(B)(iii), with respect to location of a long-term **bicycle parking space** does not apply;
- (S) Despite Regulation 230.5.1.10(10), long-term and short-term **bicycle parking spaces** may be located in a **stacked bicycle parking space** having the following minimum dimensions:
 - (i) length or vertical clearance of 1.2 metres;
 - (ii) width of 0.27 metres;
 - (iii) horizontal clearance of 1.8 metres;
- (T) Despite Regulation 230.5.1.10(4), the minimum dimension of a **bicycle parking** space if placed in a vertical position on a wall, structure or mechanical device is:
 - (i) minimum length or vertical clearance of 1.83 metres;
 - (ii) minimum width of 0.46 metres; and
 - (iii) minimum horizontal clearance from the wall of 1.1 metres.
- (U) Both long-term and short-term **bicycle parking spaces** may be located in secure bicycle storage rooms;

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

8. Car-share means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars 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.

9. Despite any future severance, partition or division of the lands as shown on Diagram 1, the provisions of this By-law will apply as if no severance, partition or division occurred.
10. 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 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 and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

ENACTED AND PASSED this _____ day of _____, 2020.

JOHN TORY,
Mayor
(Corporate Seal)

ULLI S. WATKISS
City Clerk

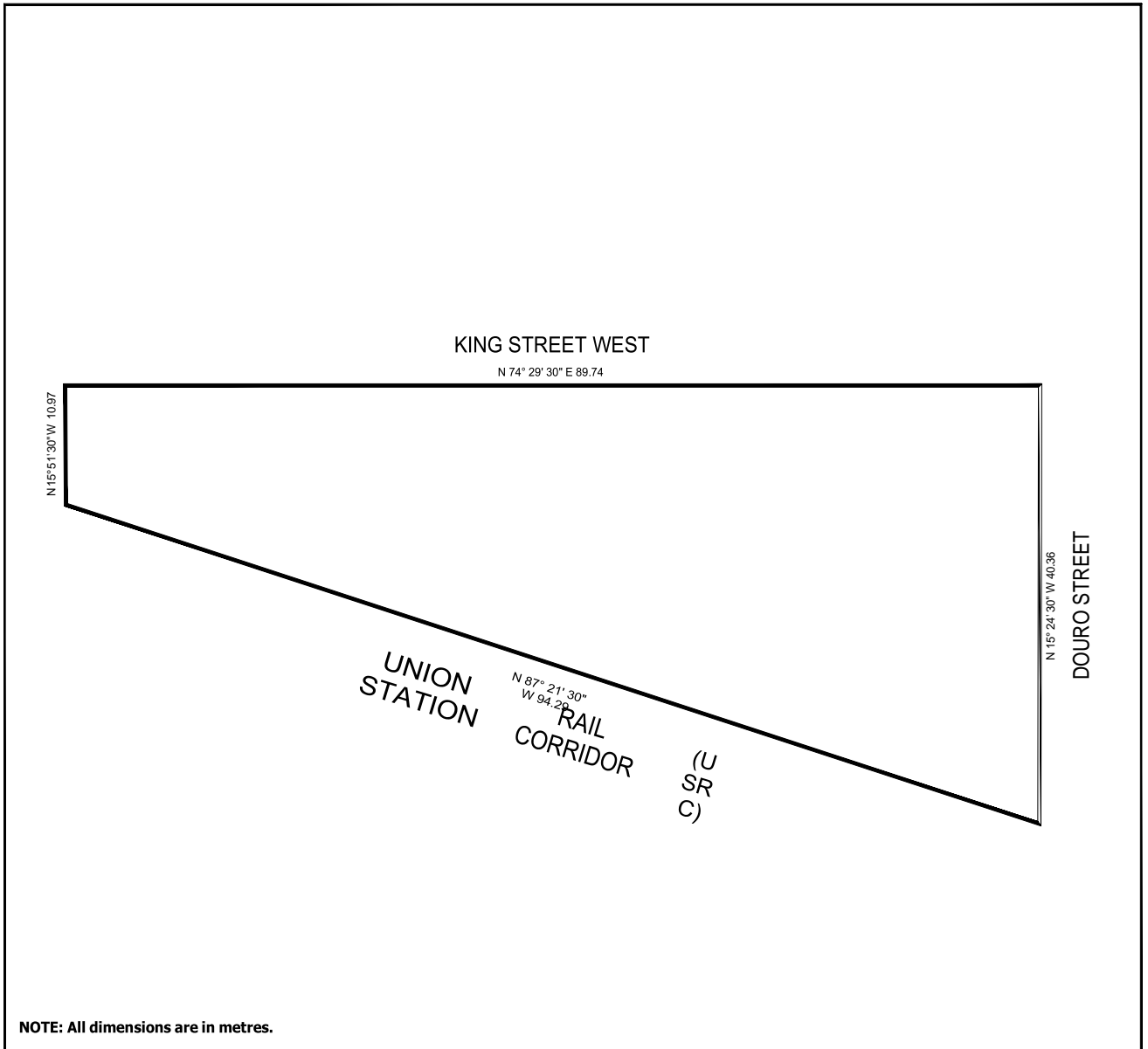
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SCHEDULE A

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 and density of the proposed development on the lot and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

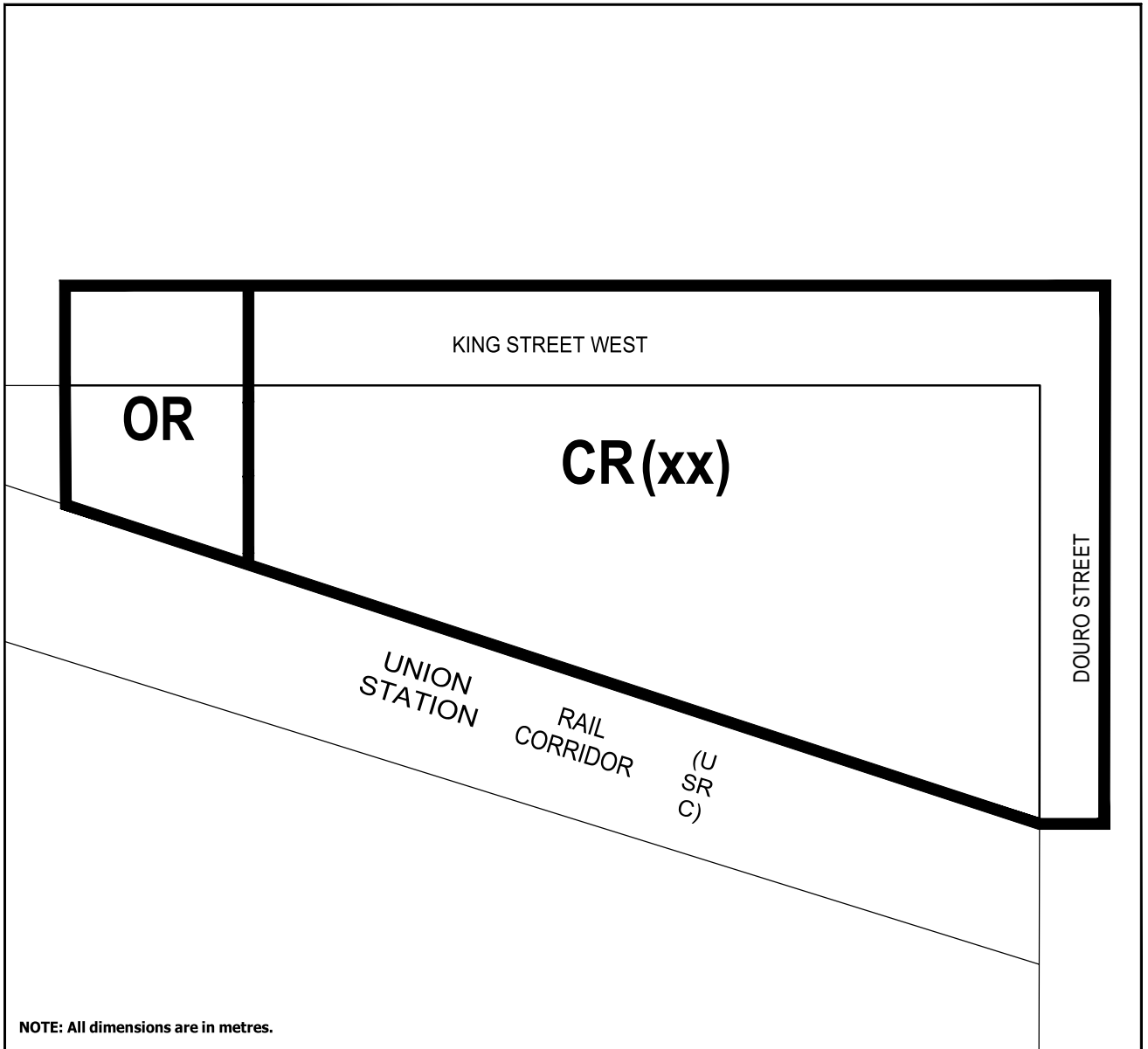
1. Prior to the issuance of the First Above Grade Building Permit, the Owner shall make a financial contribution of three million five hundred thousand dollars (\$800,000.00 CAN) to the City to be allocated towards the provision of affordable housing in the community in the vicinity of the subject site, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor
2. The financial contribution set out above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto and calculated from the date of this Agreement to the date of payment by the Owner to the City.
3. In the event the cash contribution above has not been used for the intended purpose within three (3) years of the by-law coming into full force and effect, the cash contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the Lands.
4. The owner agrees to design and construct the cycling and pedestrian path extension on the south side of the subject site, at a minimum value of \$500,000.00, to be secured through a Site Plan Control Application, all to the satisfaction of the General Manager, Transportation Services, in consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.
5. The owner will convey to the City, for nominal consideration, a public easement over the cycling and pedestrian path extension referred to in Recommendation 3.(a)(iv), at such time as the cycling and pedestrian path is needed by the City to be incorporated into the West Toronto Rail Path network, to provide public access for use by the general public, with no time of access limitations, which easements shall include provisions for rights of support, maintenance, insurance, and indemnification of the City by the owner, all to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, in consultation with the Ward Councillor;
6. The owner shall provide residential units on the site in accordance with the following: a minimum of 20 percent of the residential units will be provided as two-bedroom units, and a minimum of 10 percent of the residential units will be three-bedroom units;
7. The owner shall maintain all dwelling units within the development as rental dwelling units for a minimum of twenty-five (25) years;
8. Prior to the commencement of any shoring and/or excavation work on the subject site, the owner shall submit, and thereafter implement, a construction management plan to address such matters as noise, dust, street closures, parking and access; such plan shall be to the satisfaction of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;

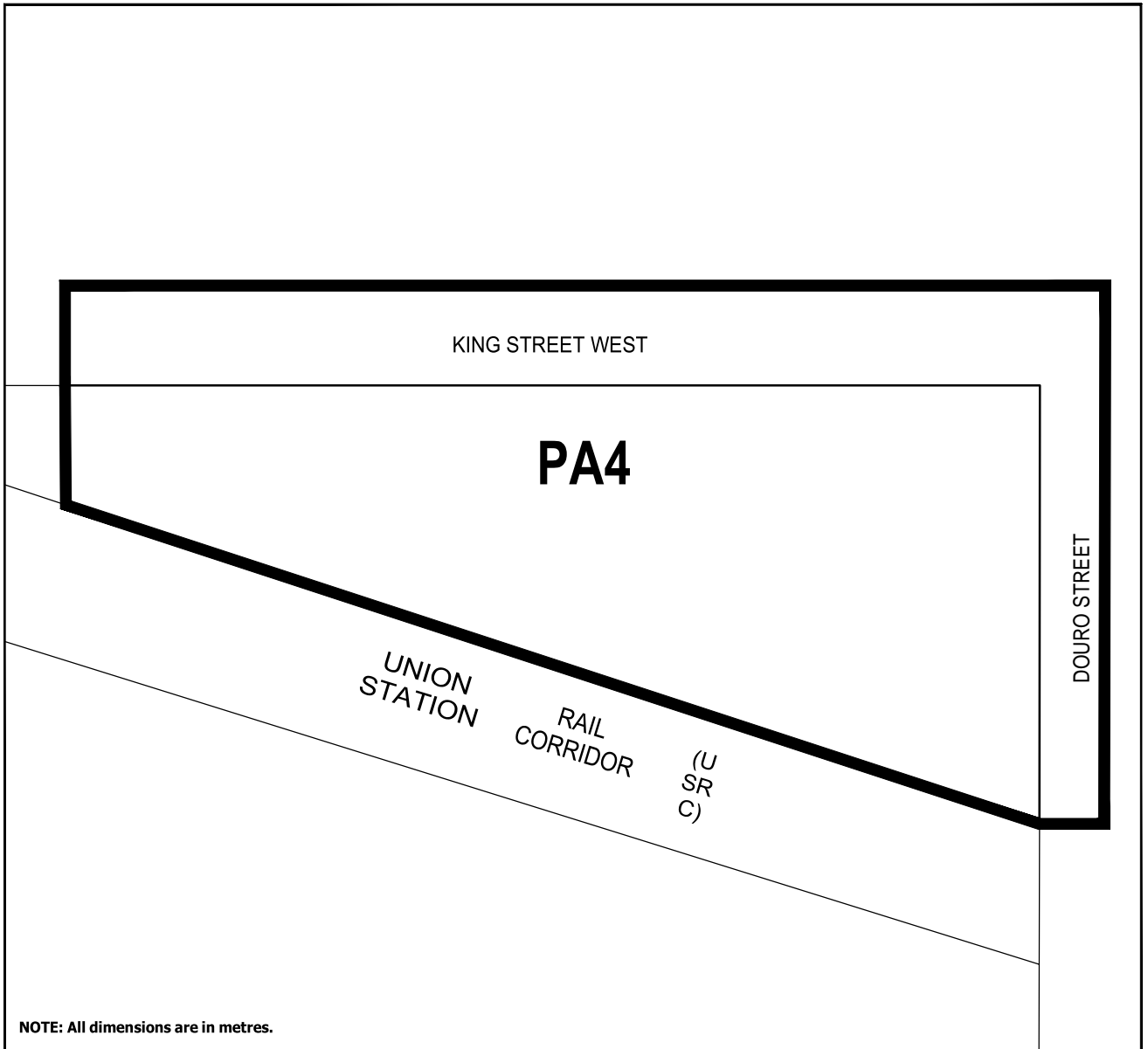
9. Prior to the issuance of the first above-grade building permit for the subject site, the owner shall submit a wind study, including a wind tunnel analysis, to the satisfaction of the Chief Planner and Executive Director, City Planning, and design, construct and maintain any measures that may be required to mitigate the negative impact of any wind conditions identified in the wind study, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
10. Prior to the issuance of Final Site Plan Approval for the Site Plan Control application, the owner shall incorporate all mitigation measures from the accepted Rail Safety Report into the drawings submitted for Site Plan Approval, to the satisfaction of the Chief Planner and Executive Director, City Planning, and prior to Site Plan Approval, and shall construct all mitigation measures and maintain them at its sole cost and expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and,
11. The owner agrees to pay for and construct any improvements to the municipal infrastructure in connection with the site Functional Servicing Report, as accepted by the Chief Engineer & Executive Director, Engineering & Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.
12. The owner shall convey an on-site parkland dedication that is a minimum of 230 square metres in area pursuant to section 42 of the Planning Act and Chapter 415, Article III, of the Toronto Municipal Code to the City prior to the issuance of the first above-grade building permit for the building on the subject site, or at an alternate time to be specified in the Section 37 agreement, to the satisfaction of the General Manager, PFR, in consultation with the City Solicitor;

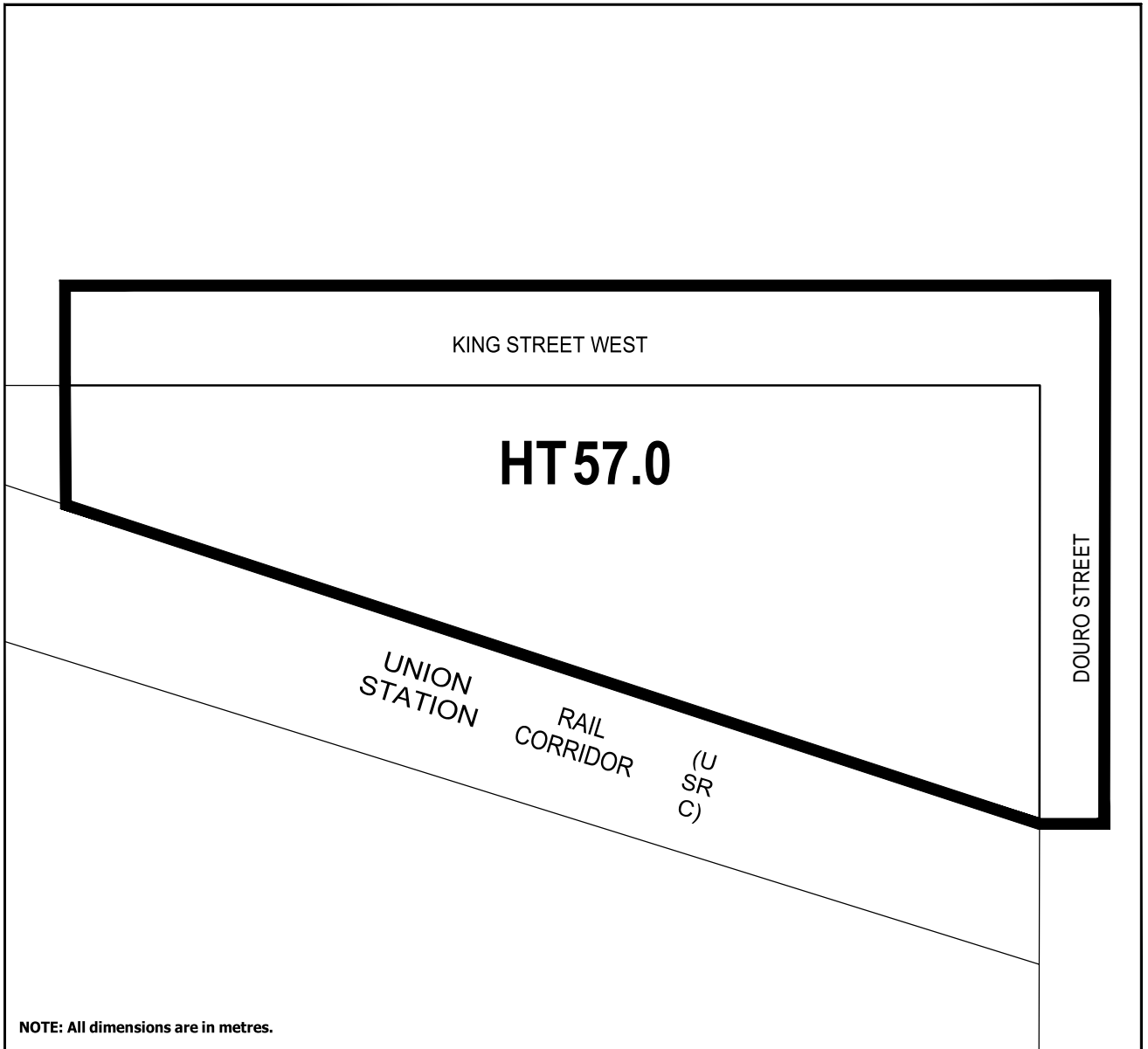


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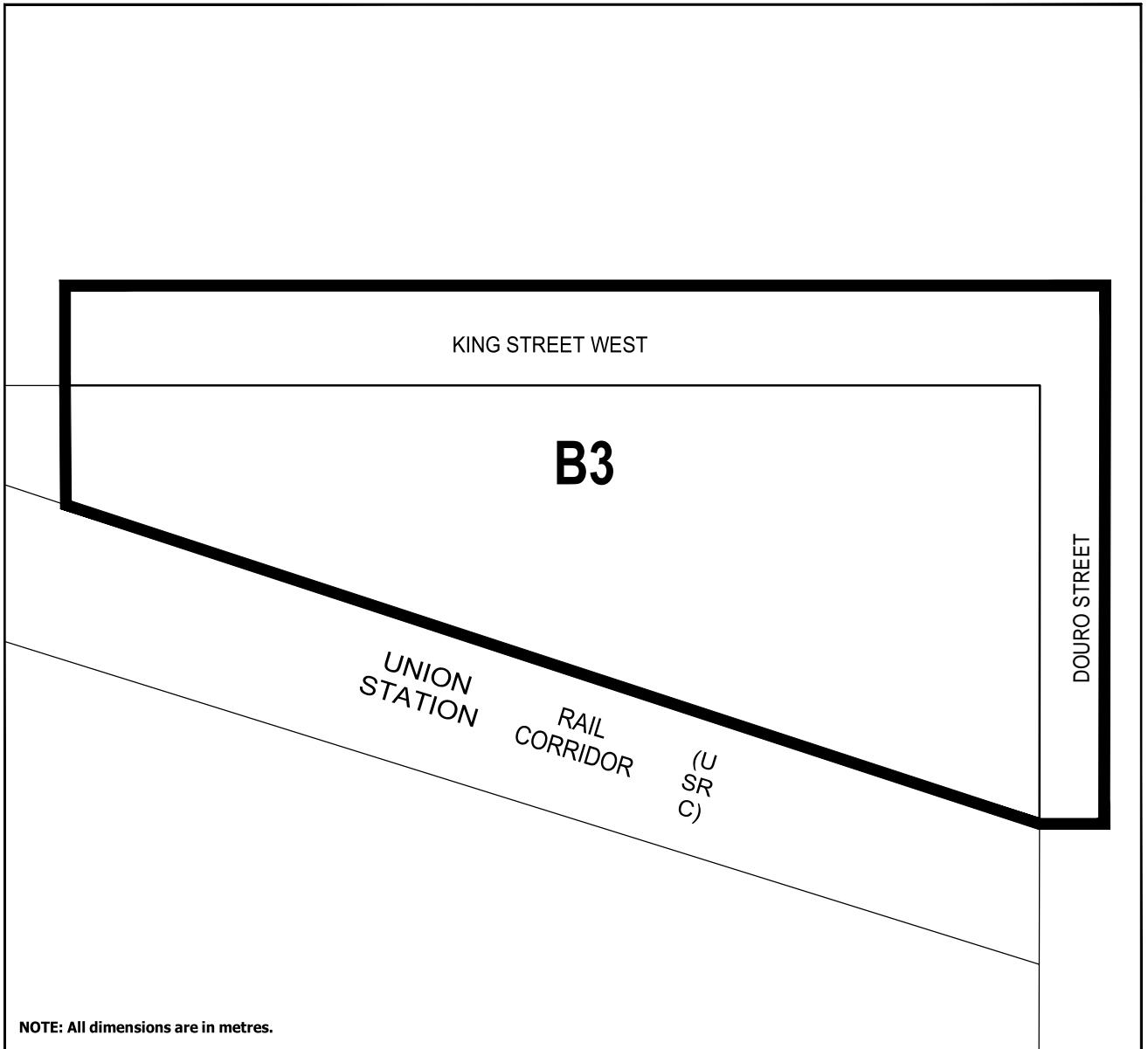
1071 King Street West, Toronto

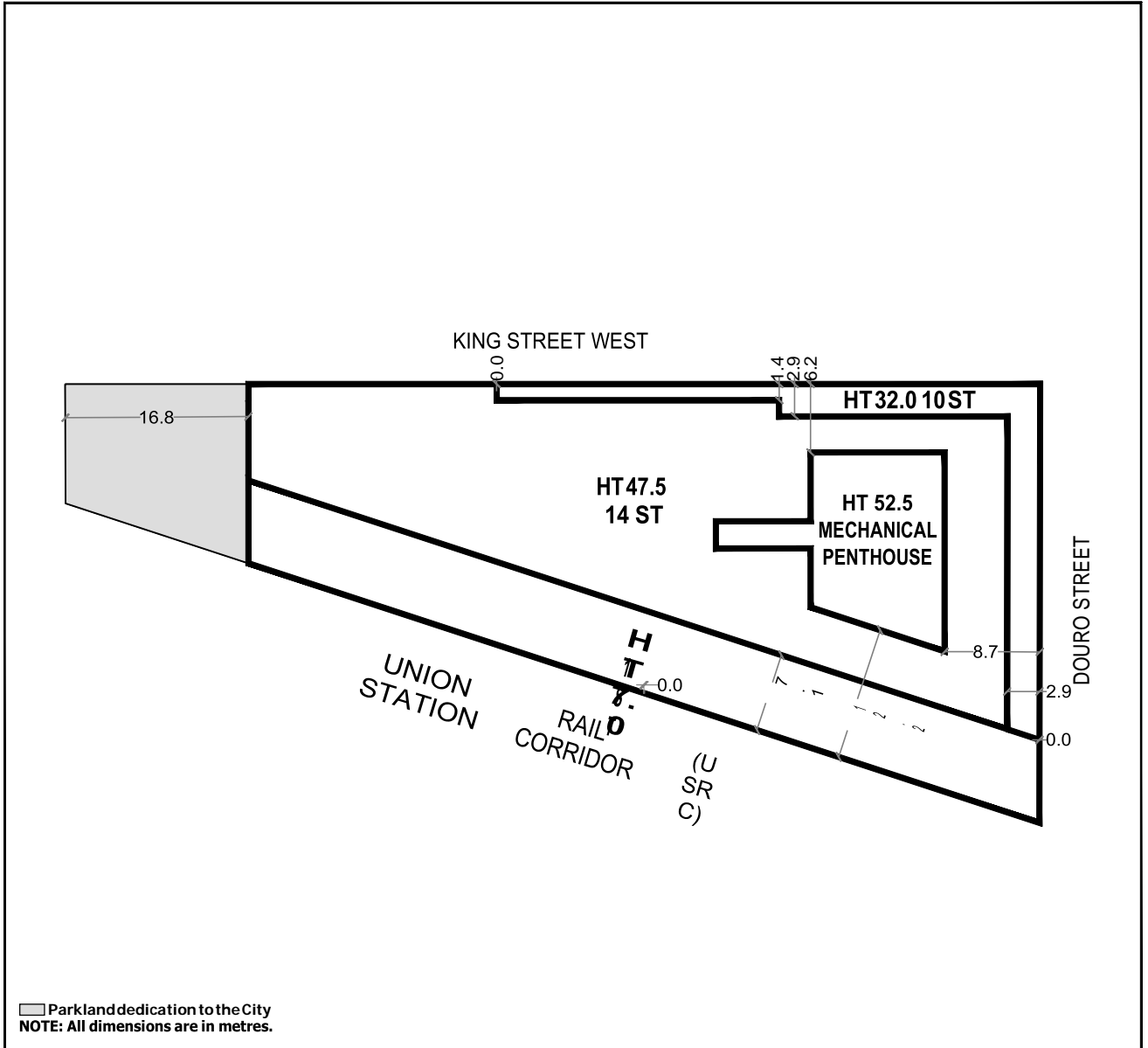
Diagram 4

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█ Parkland dedication to the City
NOTE: All dimensions are in metres.



1071 King Street West, Toronto

Diagram 6

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