

Authority: Toronto and East York Community Council Item TE34.34, as adopted by City of Toronto Council on July 19 and 20, 2022

CITY OF TORONTO

Bill

BY-LAW ~-2022

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 689 King Street West.

Whereas Council of the City of Toronto has the authority to pursuant to 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 provisions relating to the authorization of increases in height and density of development; and

Whereas Section 37.1 of the Planning Act provides that Subsections 37(1) to (4) of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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; 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, 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:

The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;

1. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
2. 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 3.0 (c1.0; r2.5) SS2 (x758) as shown on Diagram 2 attached to this By-law;
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying the following Policy Area label to these lands: PA4, as shown on Diagram 3 attached to this By-law;
4. Zoning By-law 569-2013, as amended, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1, and applying the following rooming house label to these lands: B3, as shown on Diagram 4 attached to this By-law; and
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying the following height label to these lands: HT 36.0, as shown on Diagram 5 attached to this By-law;
6. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 758 so that it reads:

(758) Exception CR 758

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 689 King Street, if the requirements of By-law [Clerks to insert by-law#] are complied with, a **building** or **structure** may be constructed in compliance with (B) to (X) below;
- (B) For the purposes of this exception, the **lot** comprises the lands delineated by heavy lines on Diagram 1 attached to By-law [Clerks to insert by-law#];
- (C) Despite Regulation 40.10.40.40(1), the permitted maximum non-residential **gross floor area** of a non-residential **building** or **structure** on the **lot** is 13,500 square metres;
- (D) Despite Clauses 40.10.20.10 and 40.10.20.20, only the following uses are permitted:
 - (i) **Hotel**; and,

- (ii) Ancillary uses to a **hotel**, which may include uses such as an **eating establishment, take-out eating establishment, recreation uses, personal service shop, retail store, office and wellness centre**;
- (E) Despite 40.10.20.100(1)(A), the maximum **interior floor area** for an **eating establishment** is 1,100 square metres;
- (F) Despite Regulation 40.10.20.100(1)(A), Clause (E) above, an **eating establishment** is not permitted above the second **storey**;
- (G) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 87.08 metres and the elevation of the highest point of the **building** or **structure**, excluding the elements permitted by Clause (I) below;
- (H) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "H" as shown on Diagram 6 of By-law [Clerks to insert By-law ##];
- (I) Despite Regulations 40.5.40.10(3) to (8) and (H) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram [#] of By-law [Clerks to insert By-law ##]:
 - (i) Equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 4.0 metres;
 - (ii) **Structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 4.0 metres;
 - (iii) Architectural features and elements, guard rails, **landscaping** features, guardrails, bollards, awnings, canopies, railings and parapets, by a maximum of 2.0 metres;
 - (iv) **Structures** associated with a **green roof**, by a maximum of 3.0 metres;
 - (v) **Building** maintenance units and window washing equipment by a maximum of 3.0 metres; and,
 - (vi) Trellises, pergolas, and unenclosed **structures** providing safety or wind protection by a maximum of 4.0 metres.
- (J) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 4.2 metres;

- (K) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are shown on Diagram 6 of By-law [**Clerks to insert By-law Number**];
- (M) Despite Clause 40.10.40.60, and Clause (K) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) **Landscape** features, wheel chair ramps, light fixtures, stairs and stair enclosures, awnings, canopies, railings, fences, vents, shafts, stacks, mechanical air shafts, chimneys, retaining walls, and window washing equipment by a maximum of 2.0 metres; and,
 - (ii) Architectural features or elements, including associated **structures**, fins or glazing by a maximum of 1.0 metre.
- (N) Regulation 40.10.50.10(3) regarding **soft landscaping** does not apply;

Despite Regulation 200.5.1.10(13), access to **parking spaces** will be from a **vehicle** elevator and the **vehicle** entrance and exit of each **vehicle** elevator must have a minimum width of 2.4 metres;
- (O) Despite 200.5.1(3)(A) and (B), the minimum width for a one or two **lane drive aisle** is 4.4 metres;
- (P) Despite Regulation 200.15.10(1), 0.0 accessible **parking spaces** are required;
- (Q) Despite Regulation 220.5.20.1(1) and Regulation 200.5.1.10(12), access to a **loading space** or **parking space** may be from a **lane** or private right-of-way with a minimum width of 6.0 metres, of which 3.0 metres must be located on the **lot**;
- (R) Despite Regulation 220.5.10.1, a minimum of one (1) Type ‘B’ **loading space** and one (1) Type ‘C’ **loading space** are required on the **lot**; and,
- (S) Despite 230.5.1.10(7), no shower and change room facilities are required.

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

- 7. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
- 8. Section 37 Requirements:
 - (i) 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 6 attached to 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 attached to this By-law

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;

- (ii) Where Schedule A attached to 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
- (iii) 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 on , 2022.

Frances Nunziata,
Speaker

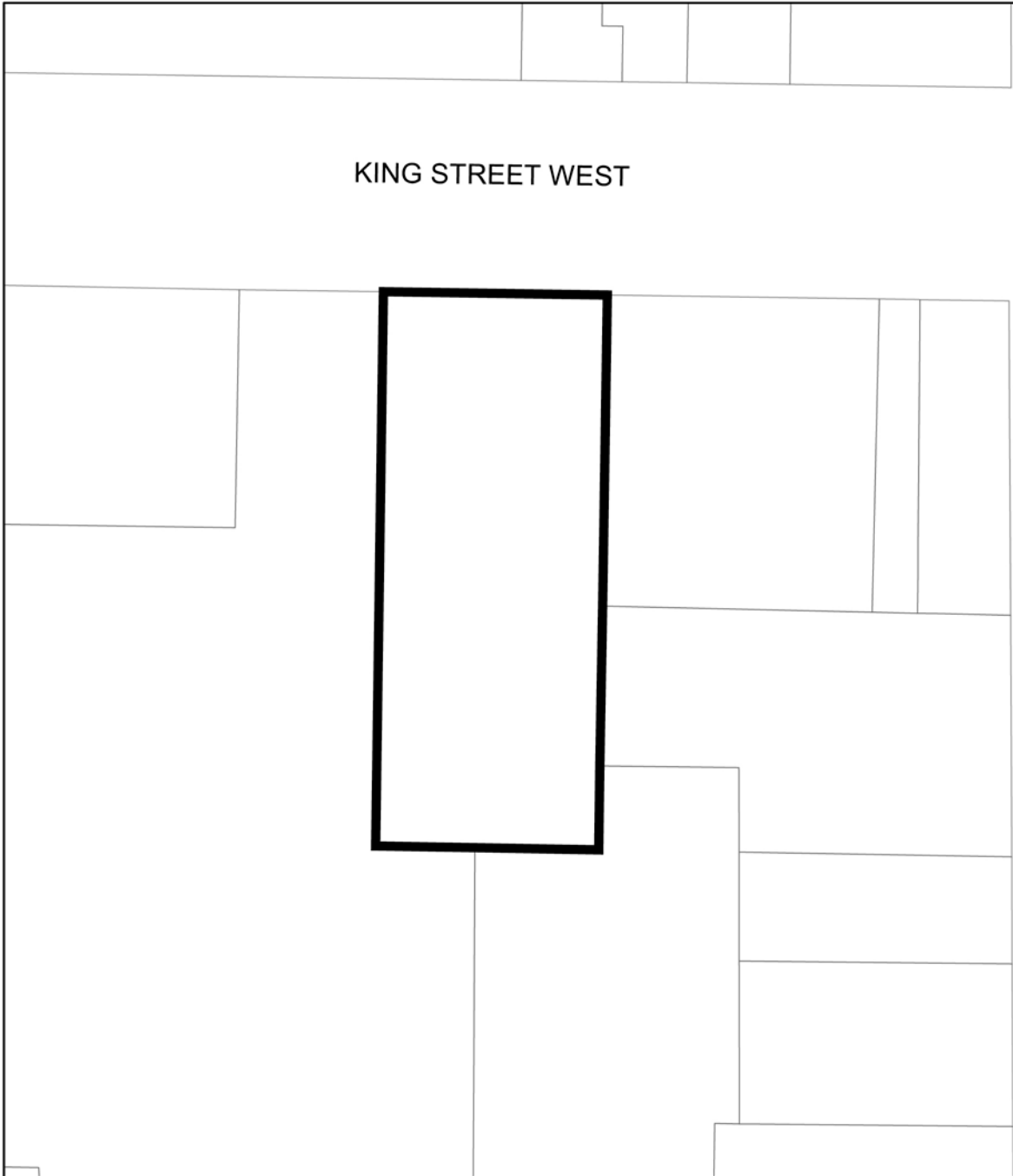
John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Requirements

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 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 any Building Permit, the owner shall enter into an agreement and the agreement shall be registered on title to the lands to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure facilities, services or matters set out below:
 - i) Prior to the issuance of the first above-grade building permit, a cash contribution of \$500,000 towards the improvements to parkland and the adjacent public realm at Stanley Park, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
 - ii) The cash contribution referred to in 1. i) shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date City Council adopts the zoning by-law amendment to the date of payment.
 - iii) In the event the cash contribution referred to in 1 i) has not been used for the intended purposes within three (3) years of the zoning by-law amendment 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, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 10; and
 - iv) Prior to Site Plan Approval, the owner shall submit, and thereafter implement, a Construction Management Plan to address matters such as wind, noise, dust, traffic mitigation, and street closures during construction, which shall be to the satisfaction of the General Manager, Transportation Services and Chief Planner and Executive Director, City Planning Division, and developed in consultation with the Ward Councillor.

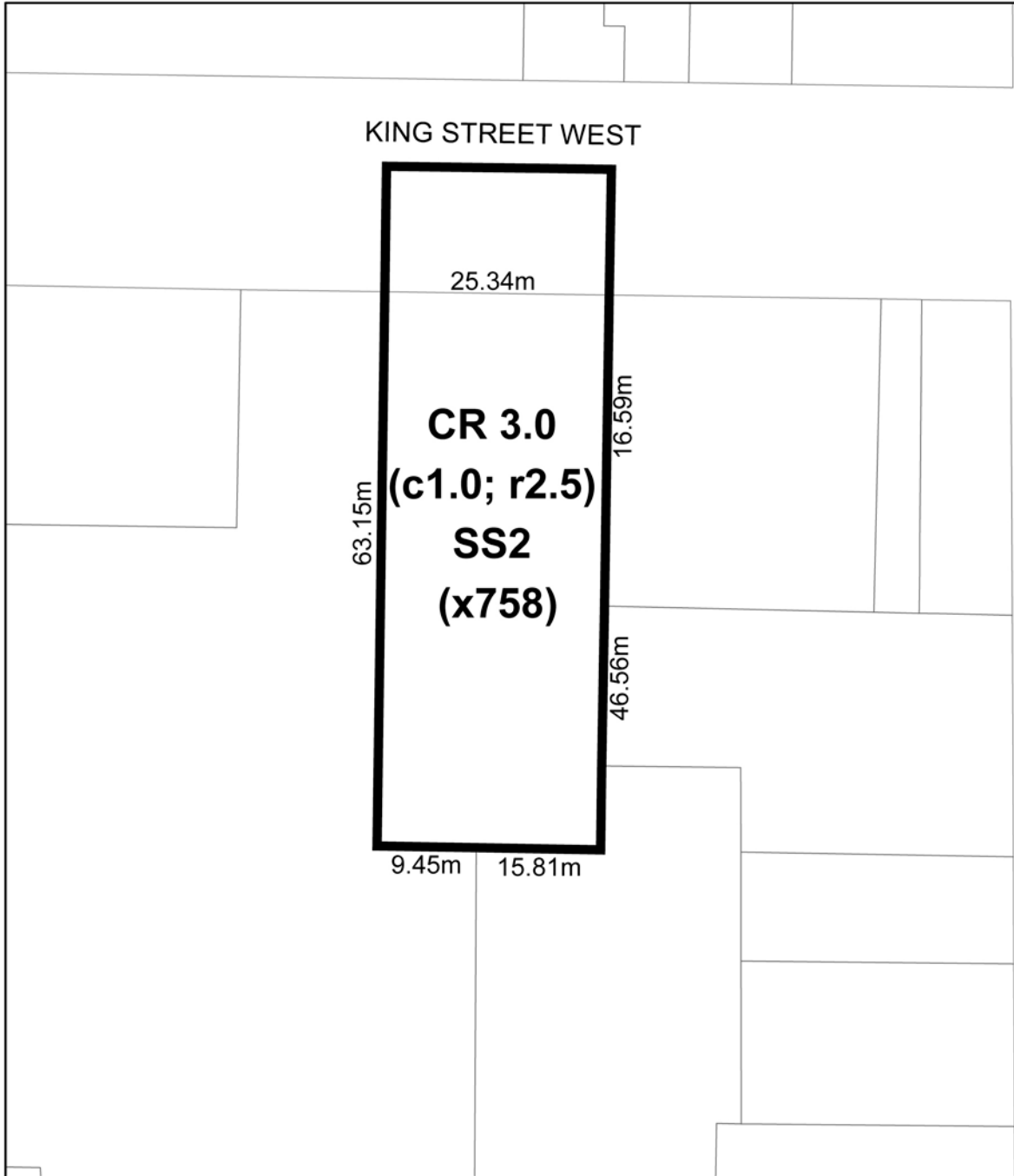


 **TORONTO**
Diagram 1

689 King Street West

File # 19 115906 STE 10 0Z



City of Toronto By-law 569-2013
Not to Scale
05/24/2022

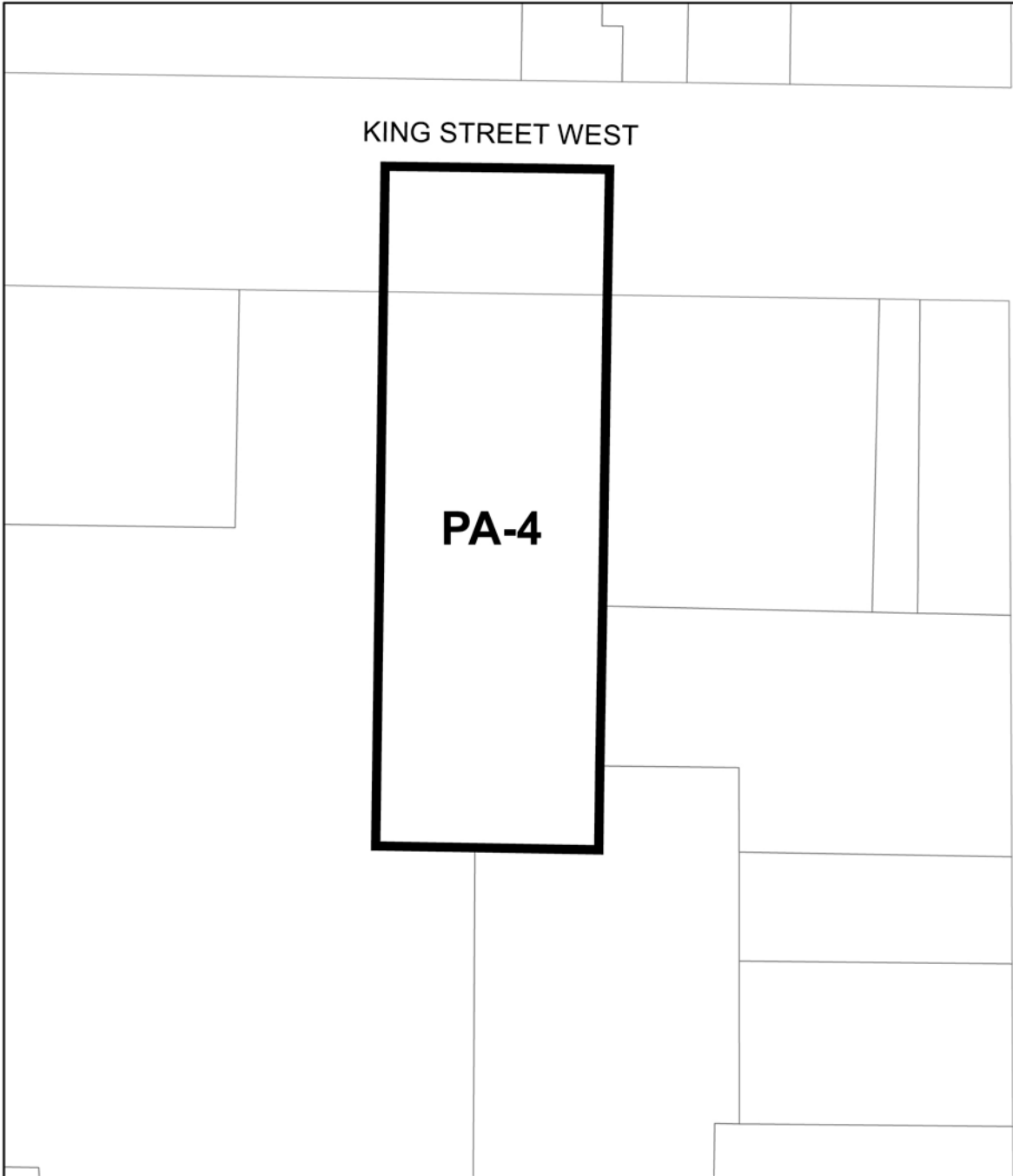


 **TORONTO**
Diagram 2

689 King Street West

File # 19 115906 STE 10 0Z



City of Toronto By-law 569-2013
Not to Scale
05/24/2022

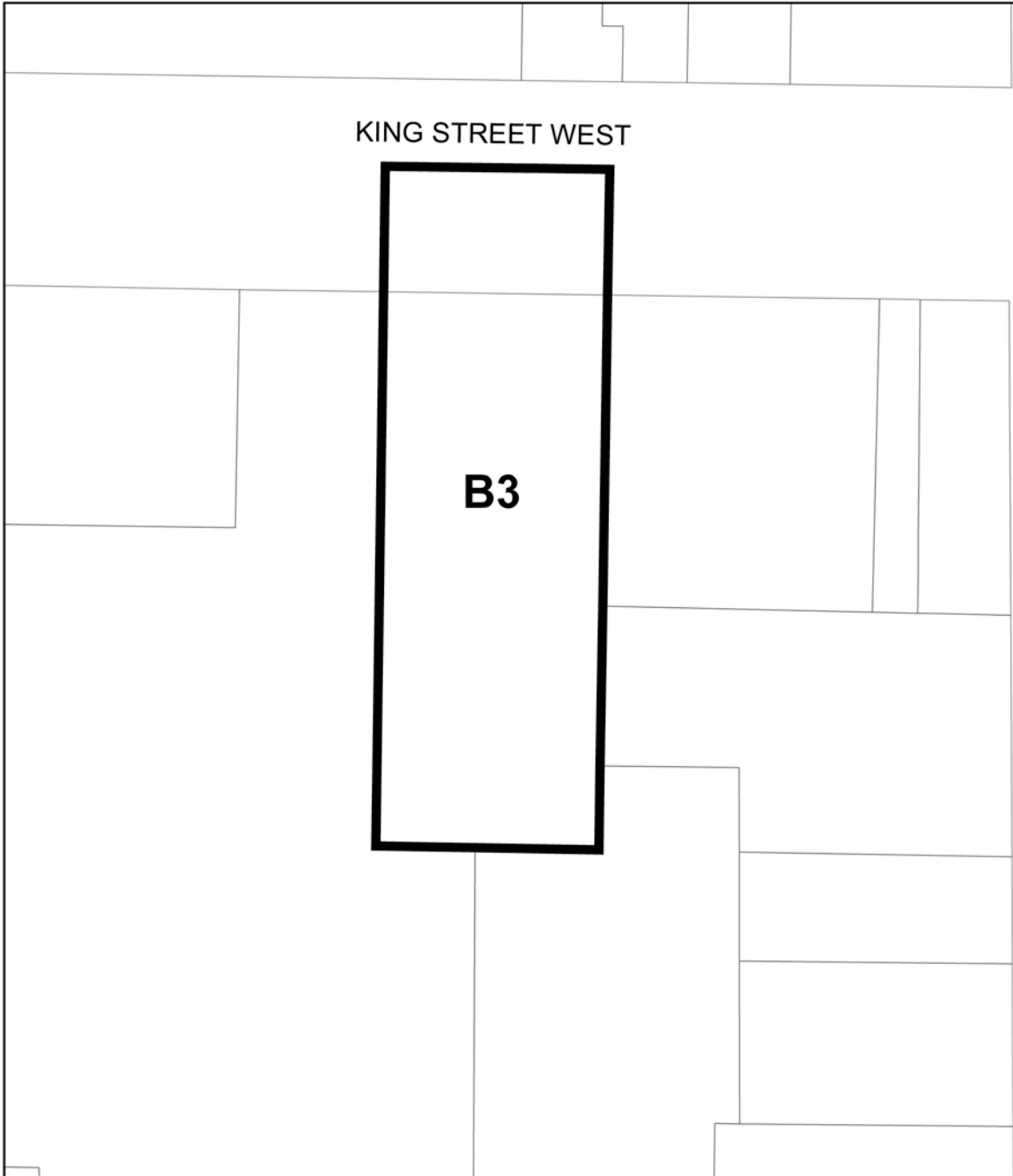


 **TORONTO**
Diagram 3

689 King Street West

File # 19 115906 STE 10 0Z



City of Toronto By-law 569-2013
Not to Scale
05/24/2022

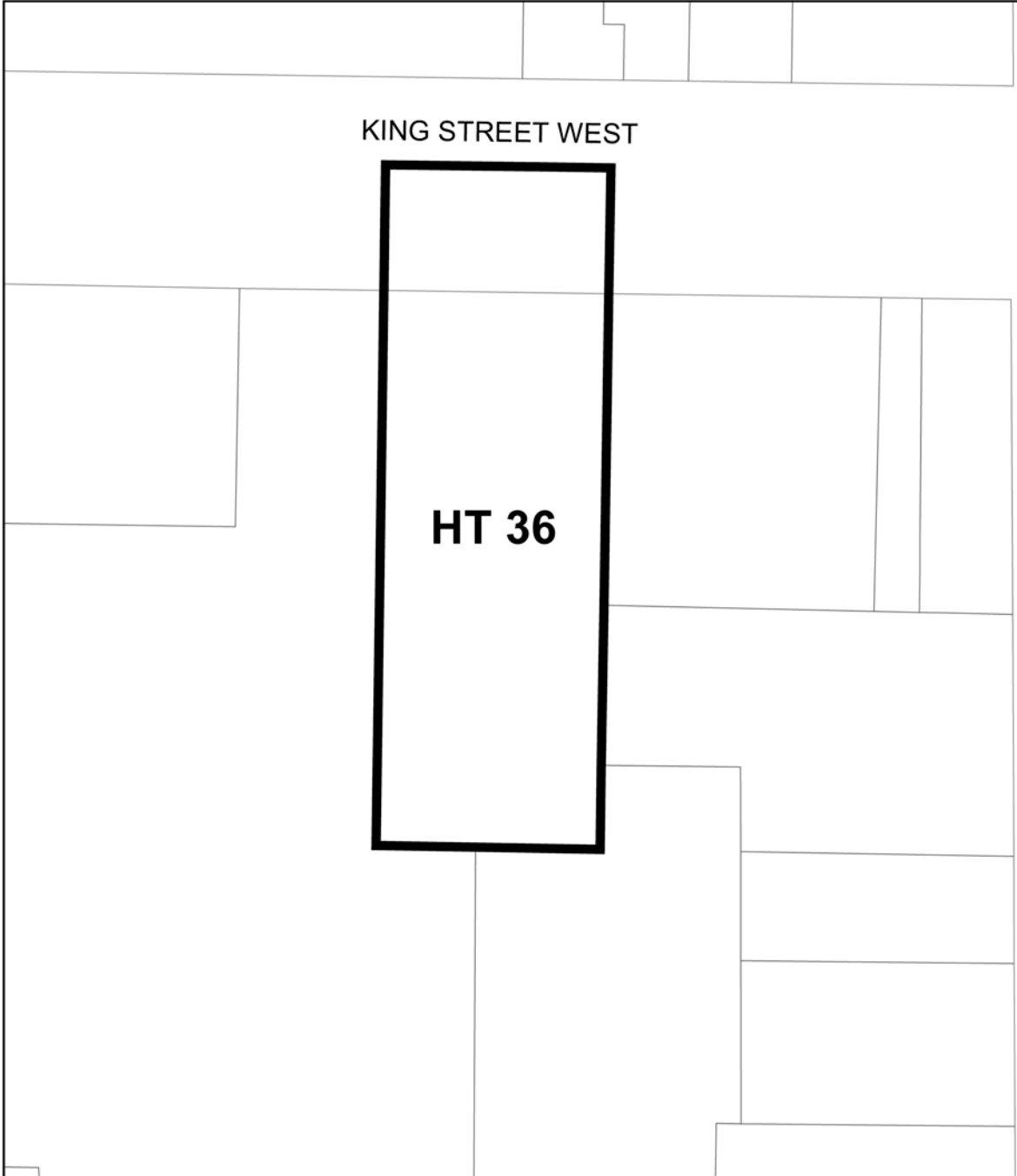


 **TORONTO**
Diagram 4

689 King Street West

File # 19 115906 STE 10 0Z



City of Toronto By-law 569-2013
Not to Scale
05/24/2022

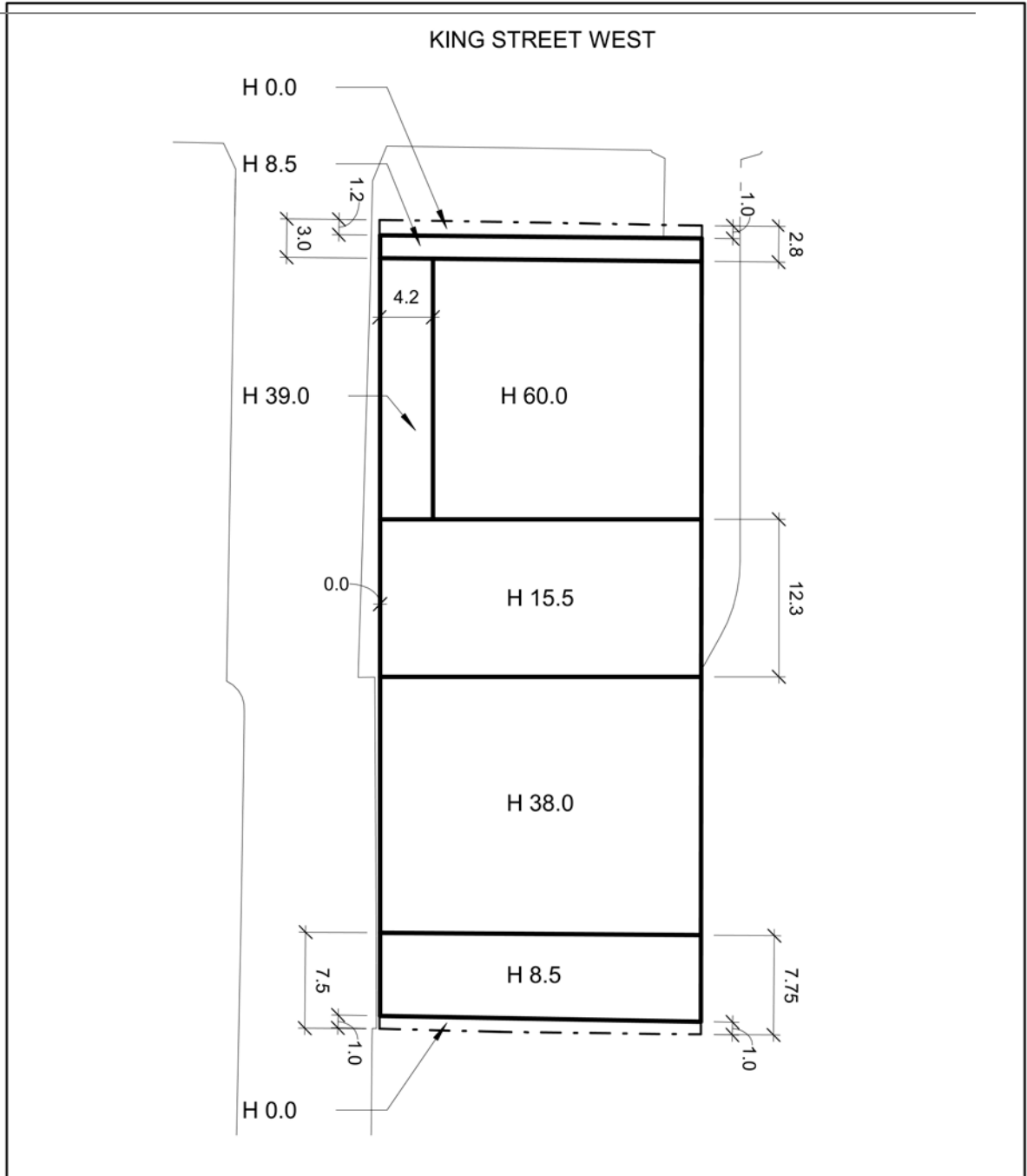


 **TORONTO**
Diagram 5

689 King Street West

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City of Toronto By-law 569-2013
Not to Scale
05/24/2022



 **TORONTO**
Diagram 6

689 King Street West

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City of Toronto By-law 569-2013
Not to Scale
06/28/2022