

Attachment 15: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item _____, as adopted by City of Toronto Council on _____, 2025

CITY OF TORONTO

BY-LAW ____-2025

To amend By-law 1480-2017 (OMB), being a By-law to amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands municipally known in the year of 2025 as 260-270 King Street West and 274-322 King Street West.

Whereas Council of the City of Toronto has the authority 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 pursuant to Subsection 37.1(3) of the Planning Act, R.S.O. c. P.13, Subsections 37(1) to (4) of the Planning Act as they 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to the COVID-19 Economic Recovery Act, 2020 came into force, shall continue to apply to a by-law passed pursuant to the repealed Section 37(1), prior to the date that a municipality passes a community benefits charge by-law and this by-law was passed prior to that date; and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 on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act; and

Whereas the Ontario Municipal Board issued its Decision on October 2, 2014 and Order issued on July 28, 2017, in OMB Case No. PL130629 adopted By-law 1480-2017(OMB) being a By-law "To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands municipally known as 260-270 King Street West and 274-322 King Street West" (the "site"); and

Whereas this By-law does not amend or remove the requirement to provide facilities, services and matters and therefore subsections 37(10 to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 of the COVID-19 Recovery Act, 2020 came into force continue to apply; and

Whereas subsection 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the density and/or height 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 has elected to provide certain facilities, services and matters in return for certain increases in density and height as set out in this By-law; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which are to be secured by one or more agreements between the owner and the City of Toronto; and

Whereas as a condition of By-law 1480-2017(OMB) the City of Toronto and the *owner* of the *site* entered into and registered an agreement pursuant to Section 37 of the Planning Act; and

Whereas the City of Toronto Committee of Adjustment granted certain variances, pursuant to Section 45 of the Planning Act, in Decision A0681/21TEY issued September 29, 2021; and

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force and subject to compliance with this By-law, the increase in *height* and density of development is permitted beyond that otherwise permitted on the lands shown on Map 1, 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 Appendix 1 of this By-law and which are secured by one or more agreements pursuant to the repealed 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 and enter into an agreement 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 or density pursuant to this By-law unless all provisions of Appendix 1 of this By-law are satisfied.
4. Map 3A of By-law 1480-2017(OMB) is deleted and replaced with the attached Map 3A.
5. Map 3B of By-law 1480-2017(OMB) is deleted and replaced with the attached Map 3B.
6. Map 3C of By-law 1480-2017(OMB) is deleted and replaced with the attached Map 3C.

7. Map 3D of By-law 1480-2017(OMB) is deleted and replaced with the attached Map 3D.
8. Map 3E of By-law 1480-2017(OMB) is deleted.
9. Map 3F of By-law 1480-2017(OMB) is deleted.
10. Except as otherwise provided herein the provisions of By-law 1480-2017(OMB) shall continue to apply to the *site*.
11. Section 9 of By-law 1480-2017(OMB) is deleted and replaced with the following:

The total *residential gross floor area* on the *site* shall not exceed 156,500 square metres, of which:

 - (a) a maximum of 101,160 square metres shall be located within the *west block*; and,
 - (b) a maximum of 54,976 square metres shall be located within the *east block*.
12. Section 10 of By-law 1480-2017(OMB) is deleted and replaced with the following:

The total *non-residential gross floor area* on the *site* shall not be less than 17,558 square metres, of which:

 - (a) a minimum of 10,839 square metres shall be located within the *west block*; and,
 - (b) a minimum of 6,719 square metres shall be located within the *east block*.
13. Section 11 of By-law 1480-2017(OMB) is deleted and replaced with the following:

The total number of *dwelling units* located within the *site* shall not exceed 2,272 and within that total maximum of 2,272:

 - (a) the maximum number of *dwelling units* located within the *west block* shall be 1,404; and
 - (b) the maximum number of *dwelling units* located within the *east block* shall be 868.
14. Section 14(b) of By-law 1480-2017(OMB) is deleted and replaced with the following:
 - (b) a minimum of 232 square metres of outdoor *residential amenity space* will be provided in the *east block*.
15. Section 15 of By-law 1480-2017(OMB) is deleted and replaced with the following:

No part of any *buildings* and *structures* will be erected except within the *building envelopes* defined by the distances shown on Maps 3A, 3B, 3C and 3D.

16. Section 16 of By-law 1480-2017(OMB) is deleted and replaced with the following:

Despite Section 15 and Section 19, the upper and lower limit of each *building envelope* as shown on revised Maps 3A, 3B, 3C and 3D may be increased or decreased cumulatively at each *elevation* level by 0.5 metres, up to the maximum *height* shown on revised Map 3C for the *east block* and revised Map 3D for the *west block*.

17. Section 17 of By-law 1480-2017(OMB) is deleted and replaced with the following:

Section 15 will not apply to the following projections:

- (d) from *grade* to 49.5 metres above *grade*, inclusive:
 - (i) to lighting fixtures, ornamental elements, architectural elements, trellises, window sills, soffits, balustrades, stairs, stair enclosures, wheelchair ramps, wind screens, door swings, and rotating door assemblies, which may extend to a maximum of 2.0 metres beyond a *building envelope*;
 - (ii) to awnings and canopies, which may extend to a maximum of 4.7 metres beyond a *building envelope*;
- (e) above 49.5 metres above *grade*: to lighting fixtures, ornamental elements, architectural elements, window sills, balustrades, soffits and wind screens, which may extend to a maximum of 1.5 metres beyond a *building envelope*;
- (f) to landscape and public art features; and
- (g) to any other permitted projection listed in Section 7(3) Part II 7 of By-law 438-86, provided that the restrictions set out in that Section are complied with.

18. Section 19(c) of By-law 1480-2017(OMB) is deleted and replaced with the following:

- (c) the podium of the *mixed-use buildings* within the *east block* will have a maximum *height* of 33.5 metres, and the podium *height* of the *mixed use building* within the *west block*, will have a maximum *height* of 44.0 metres.

19. Sections 20(b), (c) and (d) of By-law 1480-2017(OMB) are deleted and replaced with the following:

- (b) parapets, terrace guards and dividers, planters, railings, decorative screens, chimney stack or other heating, cooling or ventilating equipment, stair, stair

enclosures, partitions dividing outdoor recreation areas, and elements of a green roof located above the *height* of each of the roof levels of the *buildings* provided that the maximum cumulative *height* to the top of any such element(s) is no higher than the sum of 3.0 metres and the applicable *height* limit;

- (c) exhaust flues, canopies, and lightning rod and window washing equipment located above the *height* of each of the roof levels of the *buildings* provided that the maximum cumulative *height* to the top of any such element(s) is no higher than the sum of 5.0 metres and the applicable *height* limit; and
- (d) on the *east block*, a non-habitable architectural feature will extend up to 4.0 metres above the *height* limits shown on Map 3C and extend up to 4.0 metres outside the associated *building envelope* on the west elevation, and 7.0 metres outside the associated *building envelope* on the north elevation, for the *mixed use building*;
- (e) on the *west block*, a non-habitable architectural feature will extend up to 3.0 metres above the *height* limits shown on Map 3D for the *mixed-use building*.

20. Section 21 of By-law 1480-2017(OMB) is deleted and replaced with the following:

The portion of the *tower element* of the *mixed-use building* within the *west block* (for clarity, being those *storeys* above 49.5 metres above *grade*) will have the following *floor plate areas*:

- (f) all of the *storeys* above 49.5 metres above *grade* to the top of the *mixed-use building* will have a maximum average *floor plate area* of 1,358 square metres, and within those *storeys*:
 - (i) no more than thirty-one of those *storeys* will have a *floor plate area* that exceeds 1,437 square metres;
 - (ii) none of those *storeys* will have a *floor plate area* that exceeds 1,468 square metres, and
 - (iii) at least twelve of those *storeys* will have a *floor plate area* of no more than 1,005 square metres.

21. Section 22 of By-law 1480-2017(OMB) is deleted and replaced with the following:

The portion of the *tower element* of the *mixed-use building* within the *east block* above 30.65 metres above *grade* will have the following *floor plate areas*:

- (g) all of the *storeys* above 30.65 metres above *grade* will have a maximum average *floor plate area* of 995 square metres, and within those *storeys*;

- (i) none of those *storeys* will have a *floor plate area* exceeding 1,014 square metres; and
- (ii) at least ten of those *storeys* will have a *floor plate area* of no more than 935 square metres.

22. Subsections 23(a) and (d) of By-law 1480-2017(OMB) are deleted and replaced with the following:

Parking spaces shall be provided and maintained on the *site* in accordance with the following minimum requirements:

- (a) A minimum of 100 *parking spaces* will be provided and maintained in an underground *parking garage* for the *mixed-use building* within the *west block*, of which:
 - (i) A minimum of 6 parking spaces will be car-share parking spaces;
 - (ii) A minimum of 40 *parking spaces* will be reserved for visitors and the *non-residential gross floor area*;
 - (iii) A minimum of 54 *parking spaces* must be provided for the residents of the *mixed-use building* within the underground *parking garage* located below the *mixed-use building*. A maximum of 169 *parking spaces* for residents of the *mixed-use building* are permitted on the *west block*; and,
 - (iv) Resident *parking spaces* in the underground *parking garage* located below the *mixed-use building* will include an *energized outlet* capable of providing *level 2 charging* or higher to the parking space.
- (d) a minimum of 155 *parking spaces* including a minimum of 3 *car-share parking spaces* will be provided and maintained in an underground *parking garage* located within the *west block* for the *mixed-use building* within the *east block*, and 136 of these *parking spaces* will be provided solely for residents of the *mixed-use building*.

23. Section 23 of By-law 1480-2017(OMB) is further amended by adding subsections (h), (i), (j), (k) and (l):

- (h) a minimum of 11 accessible parking spaces must be provided and maintained on the *site*.
- (i) a minimum of 8 accessible *parking spaces* must have the following minimum dimensions:
 - (a) length of 5.6 metres;

- (b) width of 3.4 metres;
 - (c) the entire length of an accessible parking space must be adjacent to a 1.5 metre wide accessible barrier free aisle; and
 - (j) a maximum of 3 accessible parking spaces are permitted to have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres;
 - (k) Seven of the accessible parking spaces required by items (i) and (j) must have a minimum vertical clearance of 1.9 metres.
 - (l) An accessible parking space must be located within 15 metres of a barrier free passenger elevator that provides access to the first storey of the building.
24. Section 25 of By-law 1480-2017(OMB) is deleted and replaced with the following:
- Loading spaces* shall be provided and maintained on the *site* in accordance with the following minimum requirements:
- (a) within the *west block*, at least one *loading space – type C* and one *loading space – type G*;
 - (b) within the *east block*, at least two *loading spaces – type C* and one *loading space – type G*.
25. Section 29 of By-law 1480-2017(OMB) is deleted and replaced with the following:
- No doors or windows will be within 25.65 metres of *grade*, on the north facing wall of the *mixed-use building* located within the *east block* except egress doors required for fire exit.
26. Subsection 26(a) of By-law 1480-2017(OMB) is deleted and replaced with the following:
- (a) within the *west block*, *bicycle parking spaces* shall be provided on a ratio of one *bicycle parking space* per *dwelling unit* of which ten percent shall be *bicycle parking spaces – visitors*, which may be located outdoors or indoors, including within a secured room, enclosure of bicycle locker.
27. Subsections 33(a), (b) and (p) of By-law 1480-2017(OMB) are deleted and replaced with the following:

- (a) "*bicycle parking space*" has the same meaning as in the definition set forth in By-law 438-86, except that *bicycle parking spaces* may be provided in the form of a *stacked bicycle parking space*. A *stacked bicycle parking space* shall mean a horizontal *bicycle parking space* positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces* with either:
 - (i) a minimum vertical dimension of at least 2.6 metres and minimum horizontal dimensions of at least 0.4 metres width and 2.0 metres length; or
 - (ii) a minimum vertical dimension of at least 2.4 metres and minimum horizontal dimensions of at least 0.6 metres width and 1.8 metres length.
 - (b) "*Building envelope*" means a building envelope for each *height* area as delineated by heavy lines on Maps 3A, 3B, 3C and 3D, attached hereto;
 - (p) "*tower element*" means that portion of a *mixed-use building*, above the podium, permitted within the areas delineated by heavy lines and identified as wither the "WEST BLOCK TOWER" or the "EAST BLOCK TOWER", respectively, on Maps 3A, 3B, 3C and 3D attached hereto.
28. Section 33 of By-law 1480-2017(OMB) is further amended by adding the following:
- (s) "*energized outlet*" means a connected point in an electrical wiring installation at which current is taken to supply utilization equipment for electric vehicle charging; and,
 - (t) "*level 2 charging*" means a Level 2 electric vehicle charging level as defined by SAE International's J1772 standard, as amended.

Appendix 1

The facilities, services and matters set out below are required to be provided by the owner of the lot at its expense to the City in accordance with one or more agreements pursuant to Section 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;

The community benefits to be secured in the Section 37 Agreement are as follows:

1. Prior to the issuance of the first above-grade building permit for the *west block* tower, the owner shall make a contribution in the amount of \$250,000.00 to be allocated toward streetscape improvements within the vicinity of the site, to the satisfaction of the Executive Director, Development Review in consultation with the Ward Councillor, with such contribution to be indexed upwardly in accordance with the Statistics Canada Construction Price for Toronto from the date City Council adopts the Zoning By-law Amendment to the date the payment is made.
2. All previously secured items with the exception of requirements related to Festival Square enhancements as set out in Section 37 Agreement dated July 26, 2017 registered as Instrument AT4754091 to the satisfaction of the City Solicitor.











