

Authority: Toronto and East York Community Council Item TE27.1, as adopted by City of Toronto Council on November 7, 8 and 9, 2017

CITY OF TORONTO

Bill 1469

BY-LAW -2017

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2016 as 102-118 Peter Street and 350-354 Adelaide 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 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 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, 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 permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, as amended, is 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 of development is permitted beyond that otherwise permitted on the lands shown on Map 1 attached to and forming part 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 Appendix 1 of 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.
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 pursuant to this By-law unless all provisions of Appendix 1 of this By-law are satisfied.
4. None of the provisions of Section 2(1) with respect to the definitions of *grade*, *height*, *lot*, *non-residential gross floor area*, and *residential gross floor area*, Sections 4(2)(a), 4(5), 4(8), 4(11) (b) and (c), 4(12), 4(13), 4(16), Section 7(1), Section 7(3) Part I 1, Section 7(3) Part II 1, 3, 4, 5 and 7, Section 7(3) Part IV 4, 5, and 6, Section 12(2)132, 12(2)204, Section 12(2)246, Section 12(2)270, and Section 12(2)380 of the aforementioned Zoning By-law 438-86, as amended, shall apply to prevent the erection of a *mixed-use building*, *commercial parking garage*, *car-share parking spaces* and uses *accessory* to the foregoing uses on the *lot* provided that:
 - a) the *lot* comprises at least the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - b) in addition to the uses permitted in Section 7(1), a *commercial parking garage* and *car-share parking spaces* are also permitted on the *lot*;
 - c) the total *gross floor area* of all buildings and structures on the *lot*, excluding the *gross floor area* associated with the *commercial parking garage*, shall not exceed a maximum of 51,000 square metres, of which:
 - i. no more than 47,000 square metres of *gross floor area* shall be occupied by residential uses; and
 - ii. no more than 5,000 square metres of *gross floor area* shall be occupied by non-residential uses, and shall exclude the *gross floor area* associated with the *commercial parking garage*;
 - d) a minimum of ten percent of the total number of *dwelling units* shall be three (3) bedroom *dwelling units*;
 - e) no portion of any building or structure erected on the *lot* above finished ground level shall be located otherwise than wholly within the heavy lines identified on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - i. balconies to a maximum horizontal projection of 1.6 metres beyond the heavy lines, except as provided for in subsection h) below;
 - ii. cornices, sills, eaves, window-washing equipment, railings, balustrades, awnings, piers and sun-shades, canopies including supporting structures, covered walkways, privacy screens, planters, stairs, enclosed stairs, fencing, lighting, bollards, safety railings, trellises, guards, guardrails, retaining walls, ramps associated with an underground parking garage; wheelchair ramps, bicycle parking facilities, ornamental or architectural features, landscape features, street furniture, and art installations; and

- iii. structures, elements and enclosures permitted by subsection f) below;
- f) no portion of any building or structure erected on the *lot* shall have a greater *height* in metres than the *height* limits specified by the numbers following the letter "H" identified on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - i. structures, elements and enclosures permitted by subsection e) above;
 - ii. the erection or use of structures on any roof used for outdoor residential amenity space or open air recreation, maintenance, safety, wind protection purposes provided such projections are limited to a maximum vertical projection of 3.0 metres above the permitted building heights shown on Map 2 attached to and forming part of this By-law;
 - iii. the erection or use of structures on any roof used for green roof purposes, vestibules providing access to outdoor amenity or recreation space, cooling towers, parapets, mechanical and architectural screens, chimneys, vents, stacks, mechanical fans, elevators and related structural elements, structures and elements associated with green energy and renewable energy facilities, provided such projections are limited to a maximum vertical projection of 2.0 metres above the permitted building heights shown on Map 2 attached to and forming part of this By-law; and
 - iv. that portion of the underground parking garage and associated structures situated below finished ground level provided no portion of such structures is more than 1.0 metre above *grade*;
- g) notwithstanding subsections e) and f) above, within the hatched area shown on Map 3 attached to and forming part of this By-law, no part of any building shall be located between finished ground level and a minimum of 10.5 metres above finished ground level other than signage, lighting, columns, canopies, structural supports and design features;
- h) notwithstanding subsections e) and f) above, balcony projections and outdoor terraces are not permitted within the balcony restriction zone shown on Map 3 attached to and forming part of this By-law;
- i) a minimum 1.8 metre high privacy screen measured from the finished level of the roof shall be provided in the location shown on Map 4 attached to and forming part of this By-law;
- j) *residential amenity space* shall be provided on the *lot* in accordance with the following ratios:
 - i. a minimum of 2.0 square metres per *dwelling unit* of indoor *residential amenity space*;
 - ii. a minimum of 1.5 square metres per *dwelling unit* of outdoor *residential amenity space*; and

- iii. at least 40.0 square metres of outdoor *residential amenity space* shall be provided in a location adjoining or directly accessible from indoor *residential amenity space*;
- k) a minimum 1.8 metre wide landscape buffer area shall be provided on the finished level of the roof in the location shown on Map 4 attached to and forming part of this By-law;
- l) *parking spaces* shall be provided on the *lot* in accordance with the following ratios:
 - i. a minimum of 0.2 *parking spaces* per *dwelling unit*; and
 - ii. a minimum of 49 *parking spaces* shall be provided for visitors to the *dwelling units* and for the *gross floor area* occupied by non-residential uses on the *lot*;
- m) the *parking spaces* required for the visitors to the *dwelling units* and for the *non-residential gross floor area* may be provided within a *commercial parking garage* on the *lot* and may be shared on a non-exclusive basis;
- n) notwithstanding subsection l)i. above, up to a maximum of 35 of the required *parking spaces* may be provided as off-site parking with respect to the lands municipally known as 401 Richmond Street West in the year 2016, and such *parking spaces* may also be used for a *commercial parking garage*;
- o) for each *car-share parking space* provided on the *lot*, the minimum number of resident *parking spaces* required pursuant to subsection l) above may be reduced by one *parking space*, up to a maximum reduction of four (4) *parking spaces*;
- p) loading spaces shall be provided and maintained for all uses on the *lot*, in accordance with the following:
 - i. one (1) *loading space – type G*; and
 - ii. one (1) *loading space- type B*;

provided that, for the purpose of this provision, a *loading space - Type G* shall mean a loading space that has the following minimum dimensions:

- a. Length - 13.0 metres;
- b. Width - 4.0 metres; and
- c. Vertical clearance - 6.1 metres;

and a *loading space - type B* shall mean a loading space that has the following minimum dimensions:

- a. Length - 11.0 metres;
 - b. Width - 3.5 metres; and
 - c. Vertical clearance - 4.0 metres;
- q) in addition to the requirements in subsection p) above, in the event that a grocery shop, groceteria or supermarket, having a *gross floor area* of 500 square metres or greater, forms part of the non-residential uses in the building, one (1) additional *loading space - type B* shall be provided on the *lot*;
- r) *bicycle parking spaces* shall be provided on the *lot* in accordance with the following ratios:
- i. a minimum of 0.9 *bicycle parking spaces - occupant per dwelling unit*;
 - ii. a minimum of 0.1 *bicycle parking spaces - visitor per dwelling unit*, for visitors to the residential uses on the *lot*;
 - iii. a minimum of 0.2 *bicycle parking spaces – occupant per 100 square metres of non-residential gross floor area*, to be used by occupants of the non-residential uses on the *lot*; and
 - iv. a minimum 3 *bicycle parking spaces - visitor* plus 0.3 *bicycle parking spaces - visitor* for every 100 square metres of *non-residential gross floor area* for visitors or patrons of non-residential uses on the *lot*;
- s) required *bicycle parking spaces - occupant* and *bicycle parking spaces - visitor* may be provided within a *bicycle stacker*;
- t) a *privately-owned publicly accessible open space* with a minimum area of 380 square metres shall be provided on the ground level within the shaded area shown on Map 3 attached to and forming part of this By-law; and
- u) the *mixed-use building* on the *lot* shall include the *existing heritage buildings/structures* and the *existing heritage buildings/structures* are retained in situ subject to such alterations as are permitted pursuant to a Heritage Easement Agreement or amending agreement thereto entered into between the owner and the City of Toronto and registered on title to such lands pursuant to Section 37 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended, together with any permit issued pursuant to Section 33 of the *Ontario Heritage Act*.
5. None of the provisions of Zoning By-law 438-86, as amended, or this By-law shall apply to prevent a *temporary sales office* on the *lot*.
6. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law 438-86, as amended, with the exception of the following:

"*bicycle parking space*" means an area used for storing bicycles having the following minimum dimensions:

- a) where the bicycles are to be parked on a horizontal surface, has a minimum length of 1.8 metres, a minimum width of 0.6 metres and a minimum vertical clearance from the ground of at least 1.9 metres;
- b) where the bicycles are to be parked in a vertical position on a wall, structure or mechanical device, has a minimum length or vertical clearance of 1.9 metres, a minimum width of 0.6 metres and a minimum horizontal clearance from the wall of 1.2 metres; and
- c) where the bicycles are to be parked in a *bicycle stacker*, has a minimum vertical clearance of 2.4 metres for each *bicycle parking space*;

"*bicycle stacker*" means a device whereby a *bicycle parking space* is positioned above or below another *bicycle parking space* and is accessed by means of an elevating device;

"*car-share*" means the practice whereby a number of people share the use of one or more cars that are owned and operated by a profit or non-profit car-sharing organization, and where such organization may require that the 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;

"*car-share parking space*" means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes;

"*existing heritage buildings/structures*" means that portion of the heritage building(s) located on the *lot* in the year 2017 as shown on Map 2 attached to and forming part of this By-law, subject to alterations and additions in accordance with this By-law.

"*grade*" means 88.00 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 main wall of each floor level, exclusive of any areas in a building or structure used for:

- a) parking, loading and bicycle parking below-ground;
- b) required loading spaces on the ground level and required *bicycle parking spaces* at or above-ground;
- c) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- d) shower and change facilities that are required by this By-law for required *bicycle parking spaces*;

- e) *residential amenity space* required by this By-law;
- f) elevator shafts;
- g) garbage shafts;
- h) mechanical penthouse; and
- i) exit stairwells in the building;

"*height*" means the vertical distance between *grade* and the highest point of the roof of any building on the *lot*, except for those elements prescribed by this By-law;

"*lot*" means the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law; and

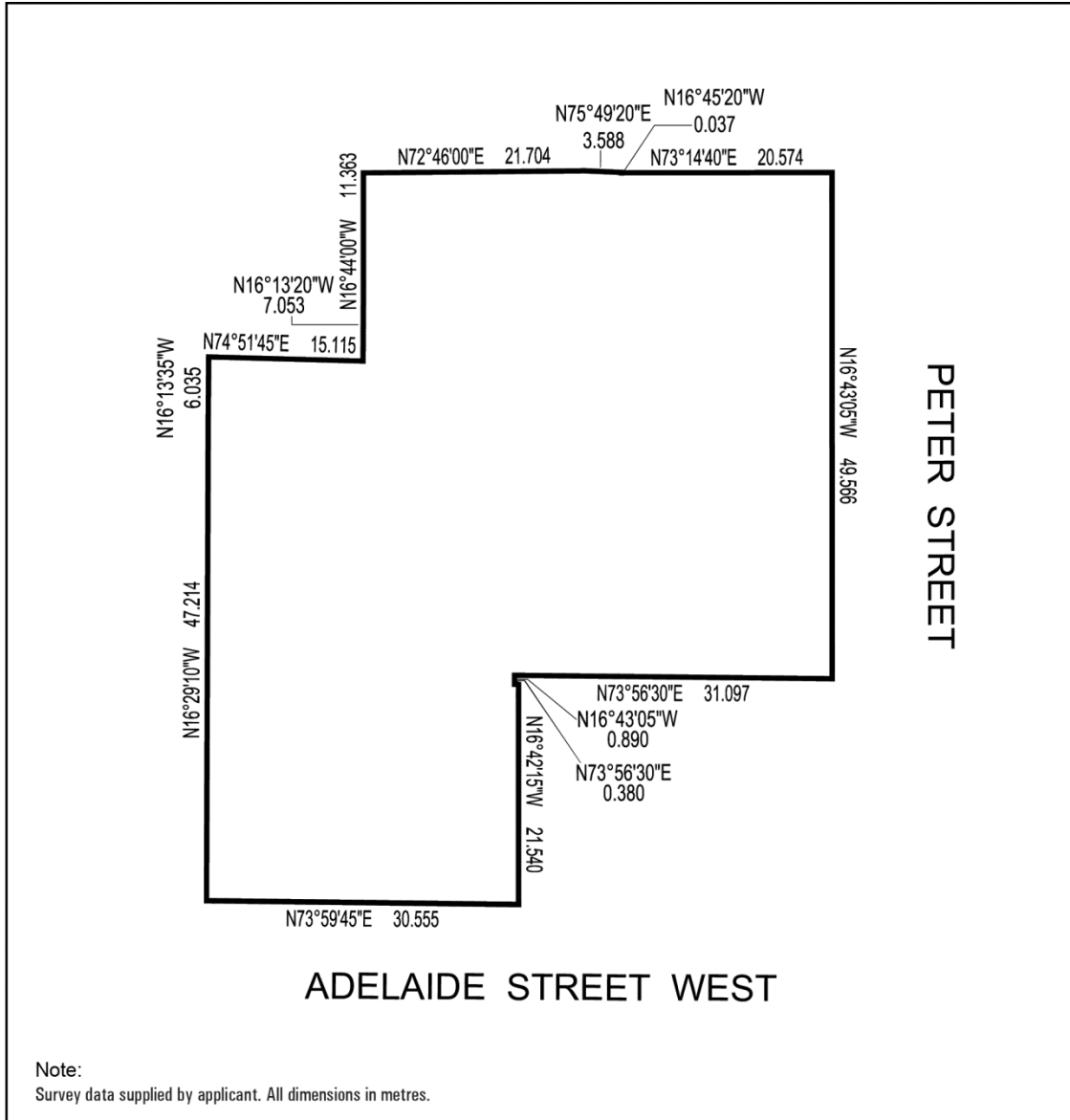
"*privately-owned publicly accessible open space*" means a space on the *lot* situated at ground level within the shaded area shown on Map 3 attached to and forming part of this By-law that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plazas, and ornamental structures and is used principally for the purpose of sitting, standing and other recreational uses, including the occasional use by the owner for special events as set out in Appendix 1, Clause 3 of this By-law.

- 7. Notwithstanding any 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 had occurred.
- 8. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure on the *lot* unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - a) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

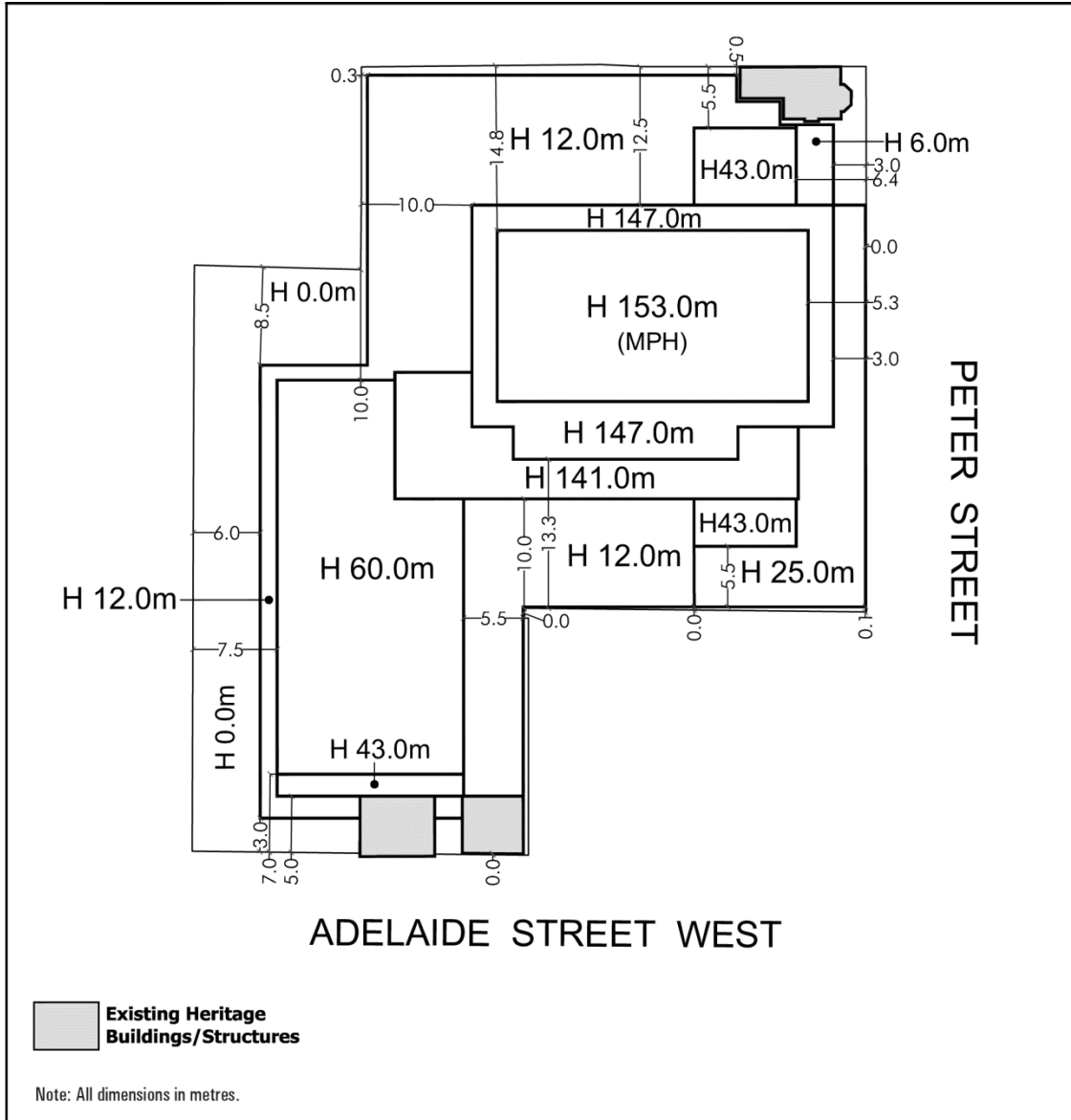
Enacted and passed on December , 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk



102-118 Peter Street
350-354 Adelaide Street West
 File # 16 183537 STE 20 0Z

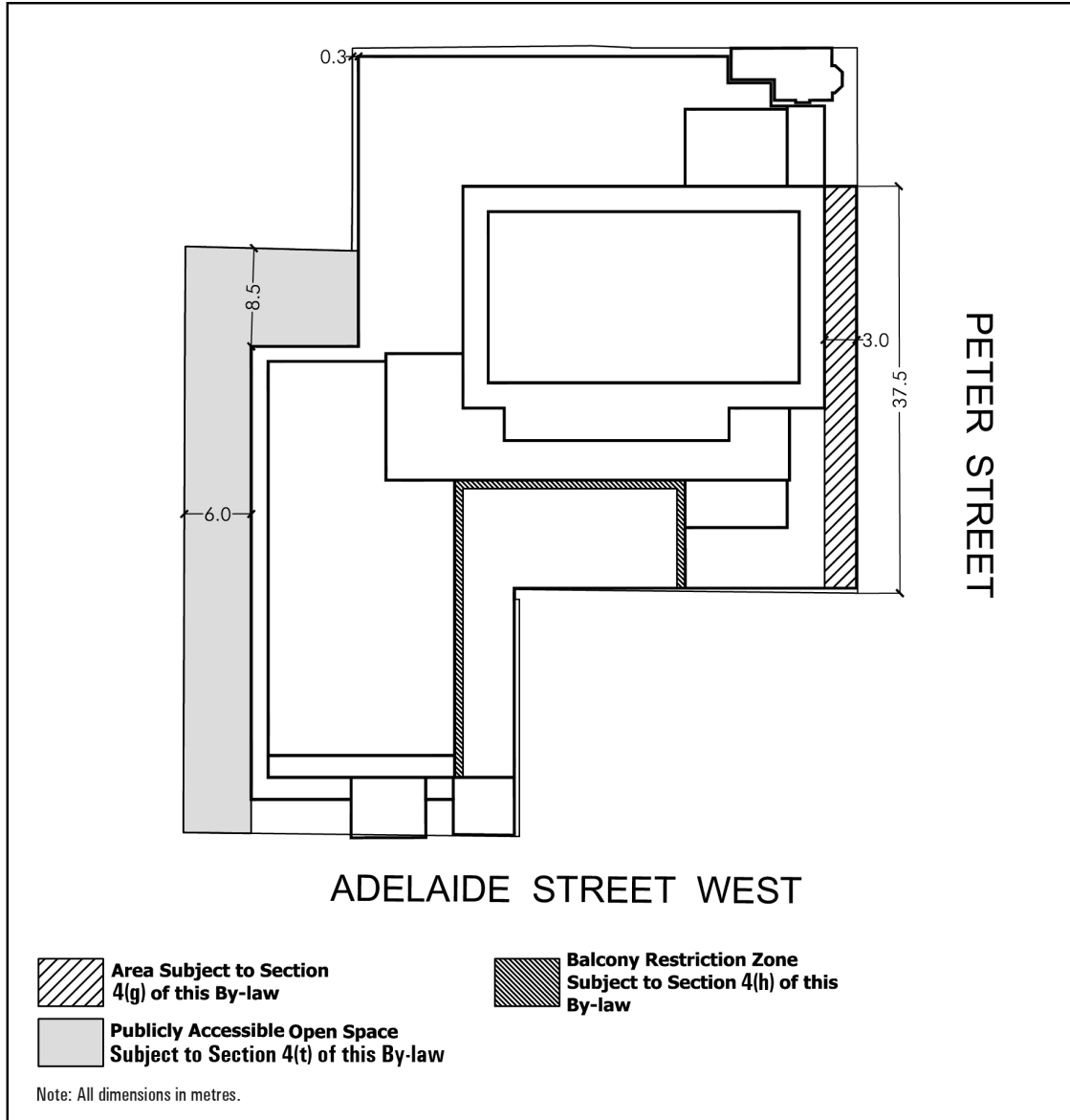


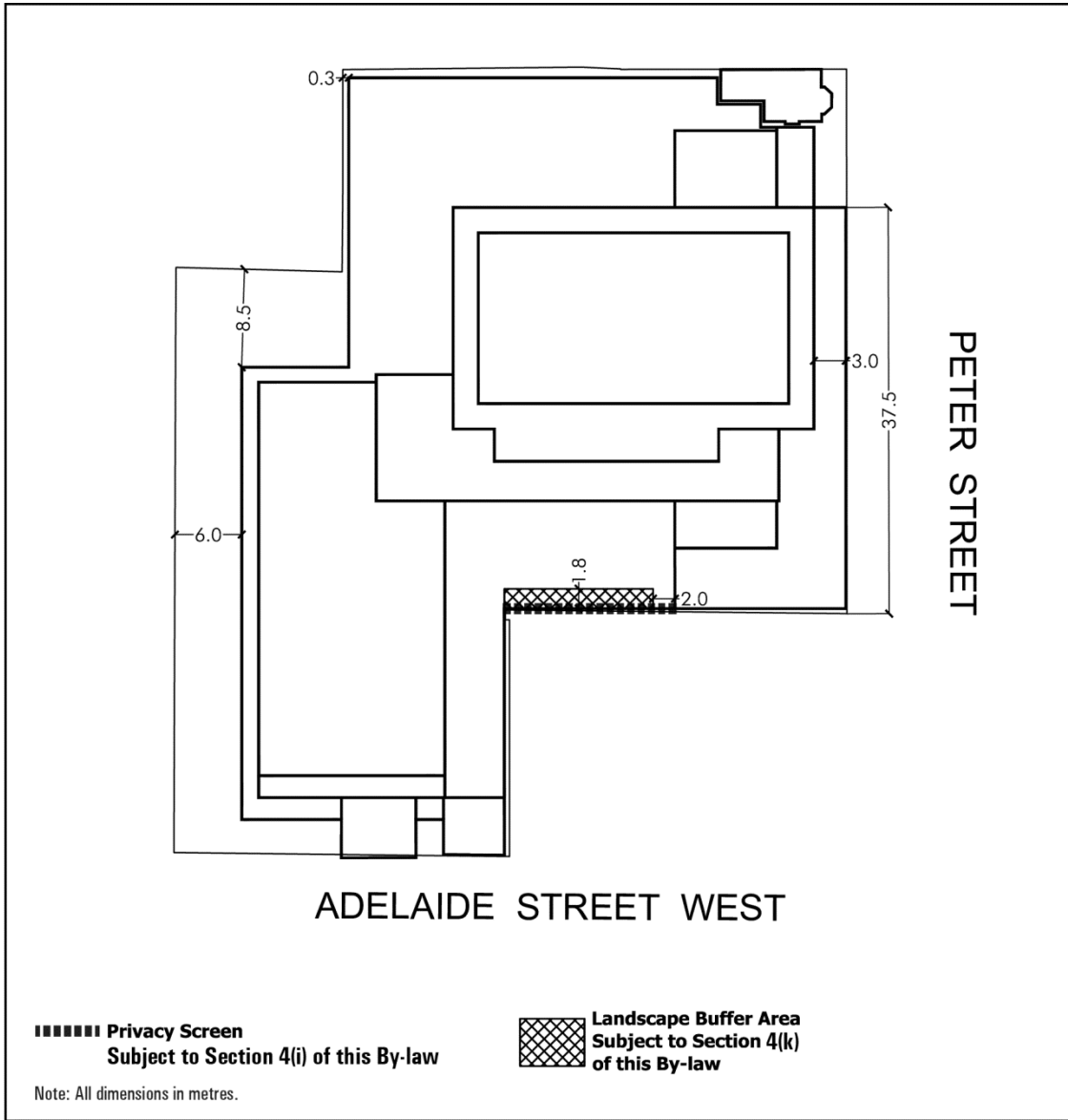
TORONTO
Map 2

102-118 Peter Street
350-354 Adelaide Street West
File # 16 183537 STE 20 02



City of Toronto By-Law 438-86
Not to Scale
10/26/2017





 **TORONTO**
Map 4

102-118 Peter Street
350-354 Adelaide Street West
File # 16 183537 STE 20 OZ

APPENDIX 1
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 *lot*, and secured in an agreement or agreements pursuant to Section 37(3) of the *Planning Act*, whereby the owner agrees as follows:

Financial Contribution

- (1) Prior to the issuance of the first above-grade building permit, unless otherwise specified, the owner shall make a financial contribution in the amount of three million two hundred thousand dollars (\$3,200,000 CAN) to be provided to the City for the following capital improvements payable by certified cheque to the Treasurer, City of Toronto, and to be allocated at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor as follows:
 - a) \$1,200,000 towards public realm improvements within the block bounded by Spadina Avenue, Peter Street, Richmond Street West and Adelaide Street West as outlined in the King-Spadina East Precinct Public Realm Strategy;
 - b) \$200,000 towards advancing the design of the public realm improvements in a. above payable upon the zoning by-law amendment coming into full force and effect;
 - c) \$1,160,000 towards any or all of the YMCA at 505 Richmond Street West, streetscape improvements in relation to the John Street Cultural Corridor and streetscape improvements on Mercer Street;
 - d) \$320,000 towards the provision of new rental housing units as part of the Alexandra Park and Atkinson Housing Co-operative Revitalization, to be directed to the Capital Revolving Fund for Affordable Housing; and
 - e) \$320,000 towards the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 20,

such amounts to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the day the payment is made.

- (2) In the event the financial contributions referred to in Clause (1) of this Appendix have not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the financial contributions 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 *lot*.

Privately-Owned Publicly Accessible Open Space

- (3) Prior to the earlier of one (1) year from any non-residential or residential use or occupancy, including interim occupancy pursuant to the *Condominium Act, 1998*, S.O. 1998, c.19, as amended, and registration of a condominium on the *lot*, the owner shall:
- a) construct and maintain thereafter an area of not less than 380 square meters at grade for use by the general public as *privately-owned publicly accessible open space*, along the west side and in the northwest corner of the site in a location generally as shown on Map 3, with the specific configuration and design of the *privately-owned publicly accessible open space* to be determined in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor; and
 - b) prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement, including support rights, in perpetuity in favour of the City over the *privately-owned publicly accessible open space*, which easement may allow for the occasional use by the owner for special events on terms set out in the Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning Division, including limiting the number of events.

Heritage Matters

- (4) Prior to the introduction of bills to City Council for the Zoning By-law Amendment, the owner shall:
- a) provide a Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment and Addendum for 350 and 352 Adelaide Street West and 118 Peter Street prepared by Goldsmith Borgal and Company Ltd. Architects, dated July 11, 2017, to the satisfaction of the Senior Manager, Heritage Preservation Services; and
 - b) enter into a Heritage Easement Agreement with the City for the properties at 350 and 352 Adelaide Street West and 118 Peter Street in accordance with the plans and drawings date stamped July 11, 2017, prepared by BBB Architects, and on file with the Senior Manager, Heritage Preservation Services, and the Heritage Impact Assessment (HIA), prepared by Goldsmith Borgal and Company Ltd. Architects, dated July 11, 2017, and in accordance with the approved Conservation Plan required in Clause (4) a. of this Appendix to the satisfaction of the Senior Manager, Heritage Preservation Services, with such Agreement to be subsequently registered on title to the properties at 350 and 352 Adelaide Street West and 118 Peter Street to the satisfaction of the City Solicitor.
- (5) Prior to final Site Plan approval for the proposed development for the properties located at 350 and 352 Adelaide Street West and 118 Peter Street, the owner shall:

- a) provide final site plan drawings including drawings related to the approved Conservation Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - b) provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - c) provide a Heritage Lighting Plan that describes how the heritage properties will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Preservation Services;
 - d) provide a detailed Landscape Plan for the subject property satisfactory to the Senior Manager, Heritage Preservation Services; and
 - e) submit a Signage Plan for the proposed development to the satisfaction of the Senior Manager, Heritage Preservation Services.
- (6) Prior to the issuance of any permit for all or any part of the properties at 350 and 352 Adelaide Street West and 118 Peter Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the *existing heritage buildings/structures* as are acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:
- a) obtain final approval for the necessary by-law amendments required for the alterations to the properties at 350 and 352 Adelaide Street West and 118 Peter Street, such amendments to have been enacted by City Council and to have come into effect in a form and with content acceptable to City Council as determined by the Chief Planner, and the Executive Director, City Planning Division, in consultation with the Senior Manager, Heritage Preservation Services;
 - b) provide building permit drawings for the subject Heritage Conservation Work and the Permitted Alterations, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services; and
 - c) provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan, Heritage Lighting Plan, Landscape Plan, and Interpretation Plan.
- (7) Prior to the release of the Letter of Credit the owner shall:

- a) have obtained final Site Plan approval for the proposed development, issued by the Chief Planner and Executive Director, City Planning Division;
 - b) provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work, required heritage lighting work, and the required interpretive work has been completed in accordance with the Conservation Plan, Lighting Plan, Landscape Plan, and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and
 - c) provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services.
- (8) The owner shall not object to the designation of the properties at 350 and 352 Adelaide Street West and 118 Peter Street under Part IV, Section 29 of the *Ontario Heritage Act*.

Three Bedroom Units

- (9) The owner shall provide a minimum of 10 percent of all *dwelling units* as three-bedroom *dwelling units* to the satisfaction of the Chief Planner and Executive Director, City Planning Division.