

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 1470

BY-LAW -2017

To amend Zoning By-law 569-2013, 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 of the City of Toronto under 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 569-2013, 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. The lands subject to this By-law are municipally known in the year 2016 as 102-118 Peter Street and 350-354 Adelaide Street West, as 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 569-2013, Chapter 800 Definitions.
3. Zoning By-law 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 in heavy lines to CRE (x14), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.12.10 Exception Number 14 so that it reads:

Exception CRE (14)

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 102-118 Peter Street and 350-354 Adelaide Street West, if the requirements of By-law [*Clerks to supply by-law #####*] are complied with, none of the provisions of Articles, Clauses and Regulations 5.10.40.70, 50.10.40.30(1), 50.10.40.1(4)(A), 50.10.90.40.(3), 200.5.1.10(10) and (12)(C), 600.10, and 900.12.10 (74), apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in By-law [*Clerks to supply by-law #####*] (B) to (X) below.
- (B) In addition to the uses permitted by Regulations 50.10.20.10(1) and 50.10.20.20(1), **public parking**, car-share **parking spaces** and a temporary sales facility are permitted.
- (C) For the purpose of this exception height is measured from Canadian Geodetic Datum elevation of 88.00 metres.
- (D) Despite Clauses 50.5.40.10, 50.10.40.10 and 50.10.40.60, the height of each portion of a **building** or **structure** is measured as the vertical distance between Canadian Geodetic Datum elevation of 88.0 metres and the highest point of the **building** or **structure**, and must not exceed the height in metres as specified by the numbers following the letter H as shown on Diagram 3 of By-law [*Clerks to supply by-law #####*], except for the following projections:
 - (i) **structures**, elements and enclosures permitted by Regulation (G) below;
 - (ii) **structures** on any roof used for outdoor **amenity space** or open air recreation, maintenance, safety or wind protection purposes provided such projections are limited to a maximum vertical projection of 3.0 metres above the permitted **building** heights shown on Diagram 3 of By-law [*Clerks to supply by-law #####*];
 - (iii) **structures** on any roof used for green roof purposes, vestibules providing access to outdoor **amenity 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 Diagram 3 of By-law [*Clerks to supply by-law #####*]; and
 - (iv) portions of an underground parking garage and associated structures situated below finished ground level provided no portion of such

structures is more than 1.0 metre above Canadian Geodetic Datum elevation of 88.0 metres.

- (E) The total **gross floor area** of the **buildings** and **structures** must not exceed a maximum of 51,000 square metres, of which:
 - (i) **buildings** and **structures**, occupied by residential uses must not exceed a **gross floor area** of 47,000 square metres; and
 - (ii) **buildings** and **structures**, occupied by non-residential uses must not exceed a **gross floor area** of 5,000 square metres, excluding the **gross floor area** associated with the **public parking** use.

- (F) A minimum of ten percent of the total number of **dwelling units** must be three (3) bedroom **dwelling units**.

- (G) Despite Clauses and Regulations 50.10.40.60, 50.10.40.70(1), (4) and (5) and 50.10.40.80, no portion of any **building** or **structure** above finished ground level is located other than wholly within the heavy lines on Diagram 3 of By-law [*Clerks to supply 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 Regulation (I) 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 Regulation (D) above.

- (H) Despite Regulations (D) and (G) above, within the hatched area shown on Diagram 4 of By-law [*Clerks to supply by-law #####*], no part of any **building** may 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.

- (I) Despite Regulations (D) and (G) above, balcony projections and outdoor terraces are not permitted within the balcony restriction zone shown on Diagram 4 of By-law [*Clerks to supply by-law #####*].

- (J) A minimum 1.8 metre high privacy screen measured from the finished level of the roof must be provided in the location shown on Diagram 5 of By-law [*Clerks to supply by-law #####*].

- (K) Despite Clause 50.10.40.50, **amenity space** must be provided in accordance with the following:
- (i) at least 2.0 square metres per **dwelling unit** of indoor **amenity space**;
 - (ii) at least 1.5 square metres per **dwelling unit** of outdoor **amenity space**;
and
 - (iii) at least 40.0 square metres of outdoor **amenity space** must be in a location adjoining or directly accessible to the indoor **amenity space**.
- (L) A minimum 1.8 metre wide landscape buffer area must be provided on the finished level of the roof in the location shown on Diagram 5 of By-law [*Clerks to supply by-law #####*].
- (M) Despite Regulations 200.5.1(2), 200.5.10.1(1) and (5), and 200.20.10(2), vehicle **parking spaces** shall be provided and maintained on the lands in accordance with the following ratios:
- (i) a minimum of 0.20 **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 non-residential **gross floor area**.
- (N) Despite Regulations 200.5.1(2) and 200.10.1(1) and (2), the **parking spaces** required for visitors to the **dwelling units** and the non-residential **gross floor area** may be provided within a **public parking** facility on the lands and may be shared on a non-exclusive basis.
- (O) For each car-share **parking space** provided, the minimum number of **parking spaces** for residents required pursuant to Regulation (M)(i) above may be reduced by one **parking space**, up to a maximum reduction of four (4) **parking spaces**.
- (P) Despite Article 50.5.80 and Regulation (M)(i) above, up to a maximum of 35 of the required residential **parking spaces** may be provided and maintained 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 **public parking** purposes.
- (Q) For the purpose of this Exception:
- (i) "**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; and
- (ii) "**car-share parking space**" means a **parking space** exclusively reserved and signed for a car used only for car-share purposes.
- (R) Despite Regulation 220.5.1(2) and Clause 220.5.10.1, **loading spaces** must be provided on the **lot** for residential and non-residential uses as follows:
- (i) one (1) Type "G" **loading space**; and
 - (ii) one (1) Type "B" **loading space**.
- (S) In addition to the requirements of Regulation (R) above, in the event that a grocery store 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 Type "B" **loading space** shall be provided on the **lot**.
- (T) For the purpose of this Exception:
- (i) "**privately-owned publicly accessible open space**" means a space on the lands situated at ground level, within the shaded area shown on Diagram 4 of By-law [*Clerks to supply 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 purposes of sitting, standing and other recreational uses, including the occasional use by the owner for special events as set out in Schedule A, Clause 3 of By-law [*Clerks to supply by-law #####*]; and
 - (ii) **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 Diagram 4 of By-law [*Clerks to supply by-law #####*].
- (U) Despite Regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**.
- (V) Despite Regulation 230.5.1.10(9)(B)(iii), required "long term" **bicycle parking spaces** for a **dwelling unit** may be located as follows:
- (i) on levels of the **building** below-ground commencing with the first level below-ground and moving down, in one level increments when at least 20 percent of the area of that level is occupied by **bicycle parking spaces**, until all required **bicycle parking spaces** have been provided; and
 - (ii) all such **bicycle parking spaces** located below-ground must be accessible via an elevator to the ground floor.
- (W) For the purpose of this Exception:

- (i) "**existing heritage buildings/structures**" means that portion of the heritage building(s) located on the **lot** in the year 2017 as shown on Diagram 3 of By-law [*Clerks to supply by-law #####*] subject to alterations and additions in accordance with By-law [*Clerks to supply by-law #####*]; and
 - (ii) the **building** or **structure** 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*.
- (X) Notwithstanding any severance, partition or division of the lands, the provisions of this By-law shall apply to the whole of the lands as if no severance, partition or division had occurred.

Prevailing By-laws and Prevailing Sections
NONE

5. Section 37 Provisions

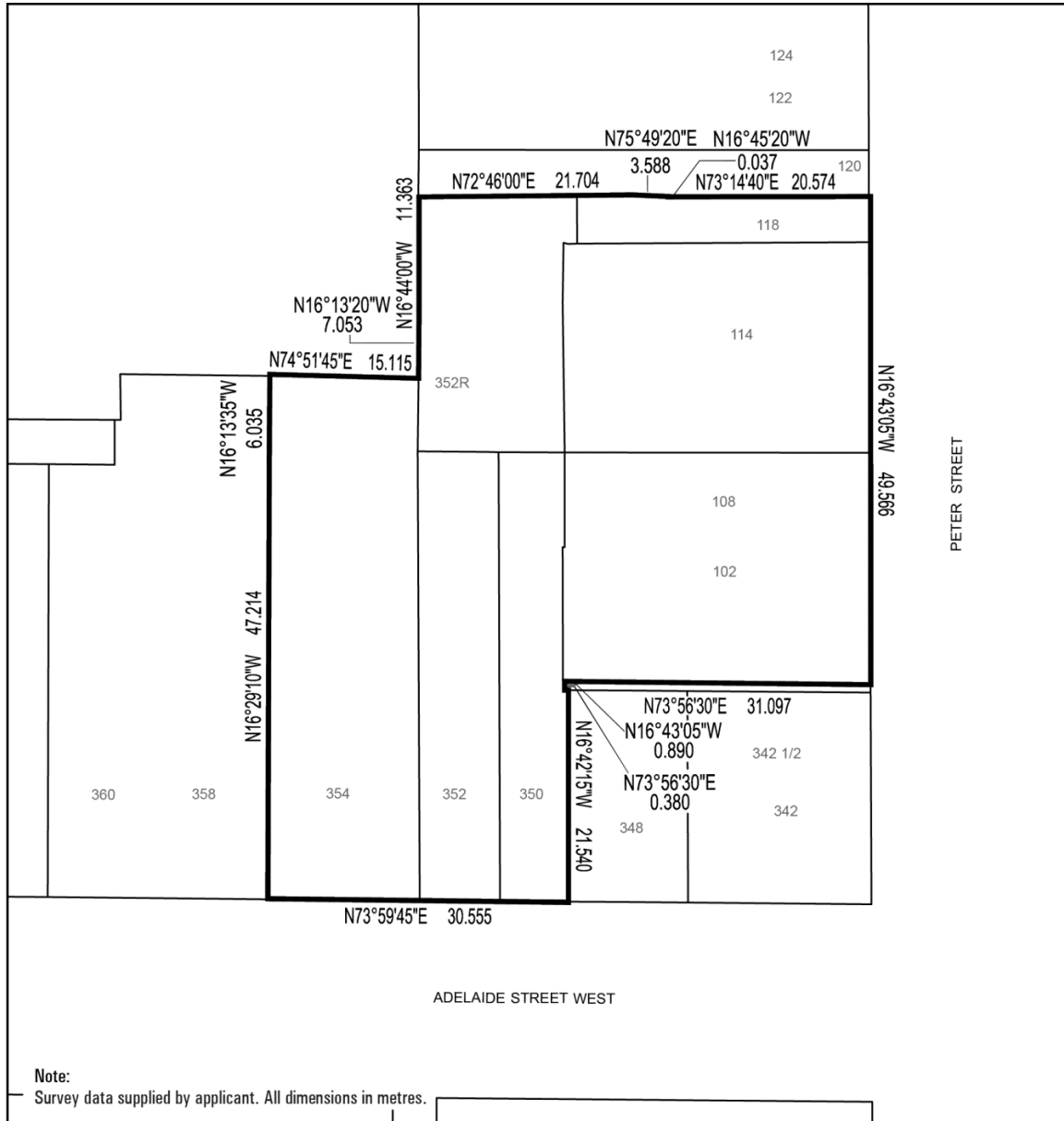
- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height of the development is permitted beyond that otherwise permitted on the lands shown as CRE (x14) on Diagram 2 attached to this By-law, in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A 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 pursuant to this By-law unless the provisions of Schedule A of this By-law are satisfied.

Enacted and passed on December , 2017.

Frances Nunziata,
Speaker

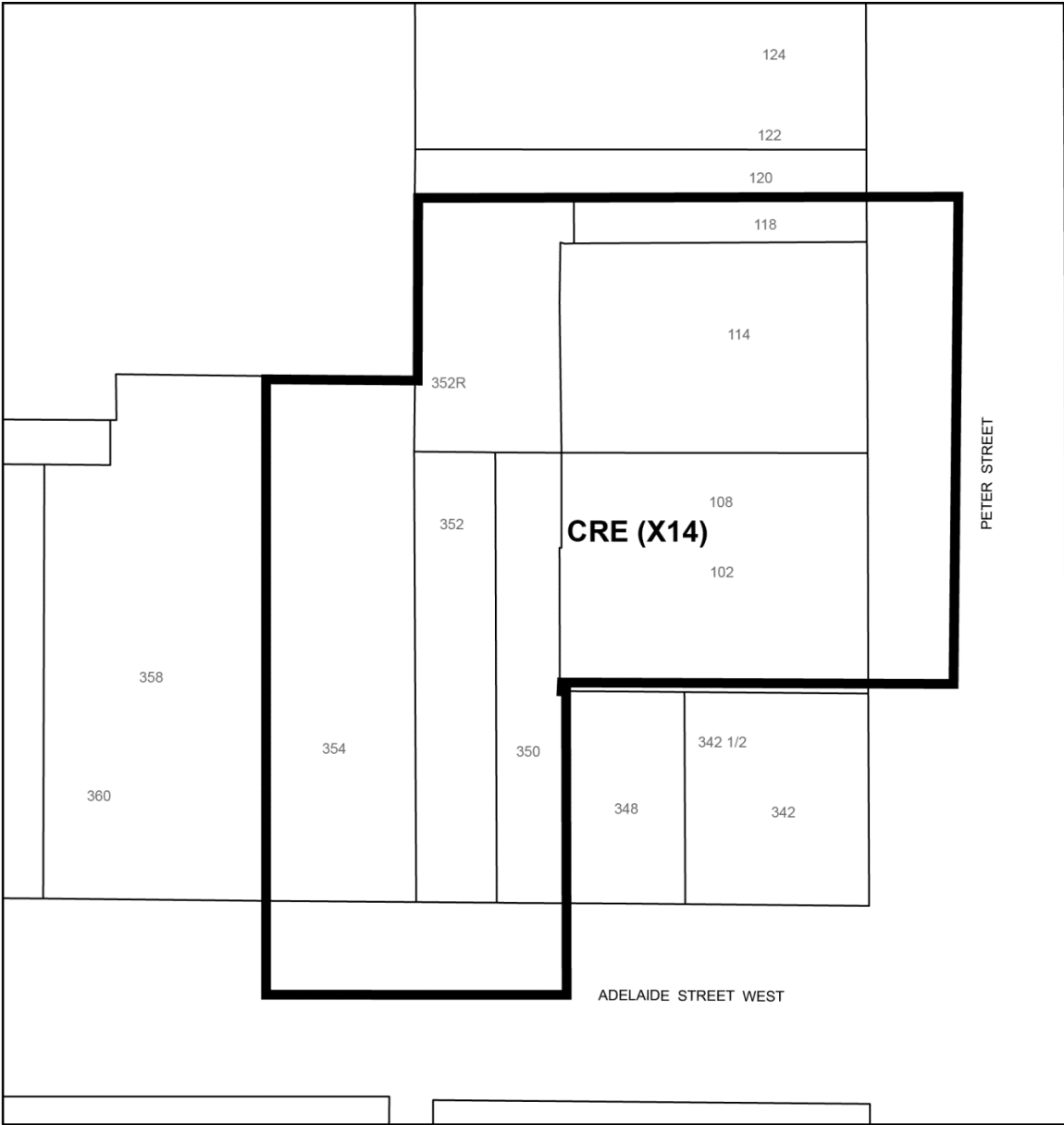
Ulli S. Watkiss,
City Clerk

(Seal of the City)



 **TORONTO**
Diagram 1

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

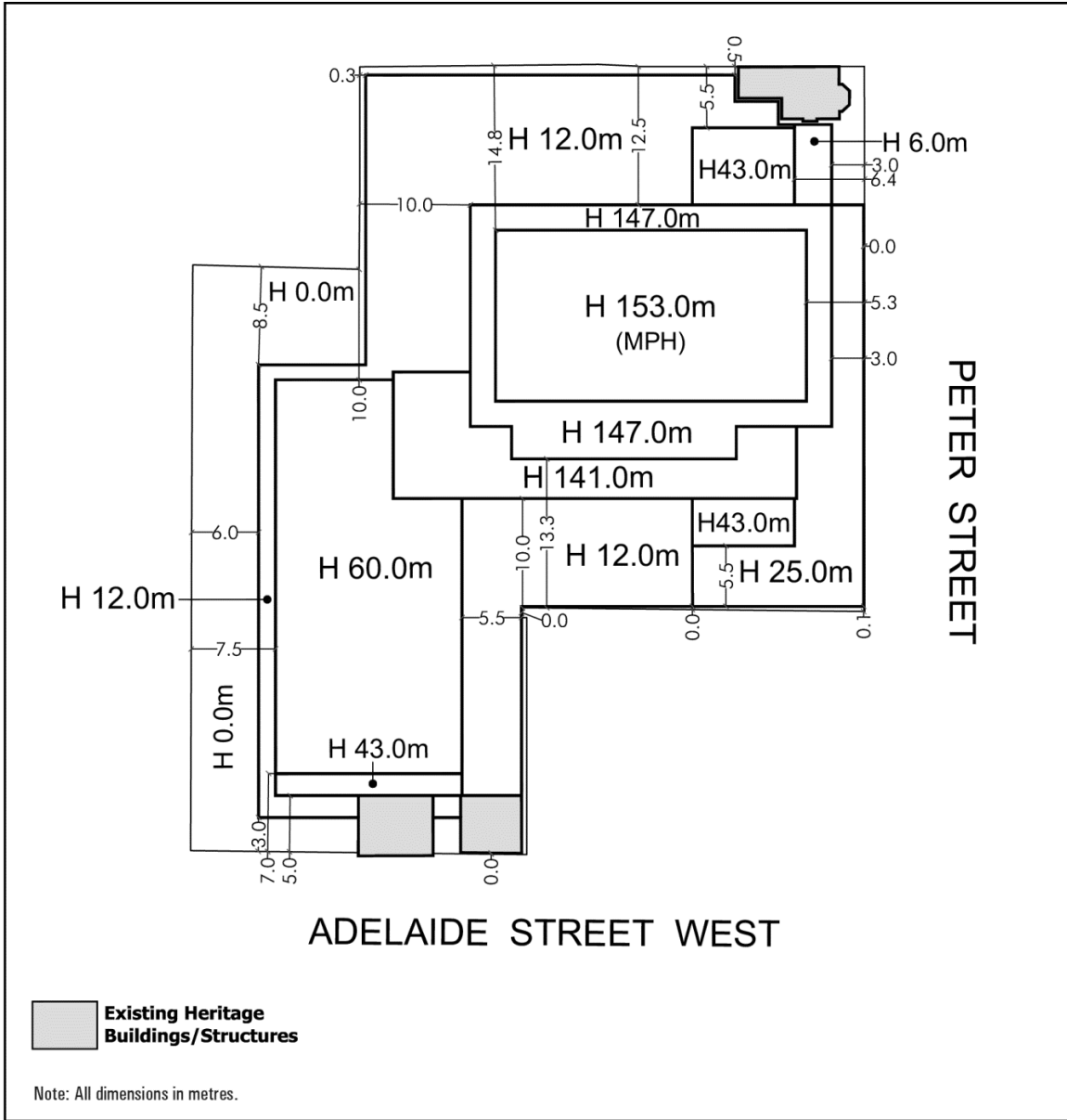


 **TORONTO**
Diagram 2

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



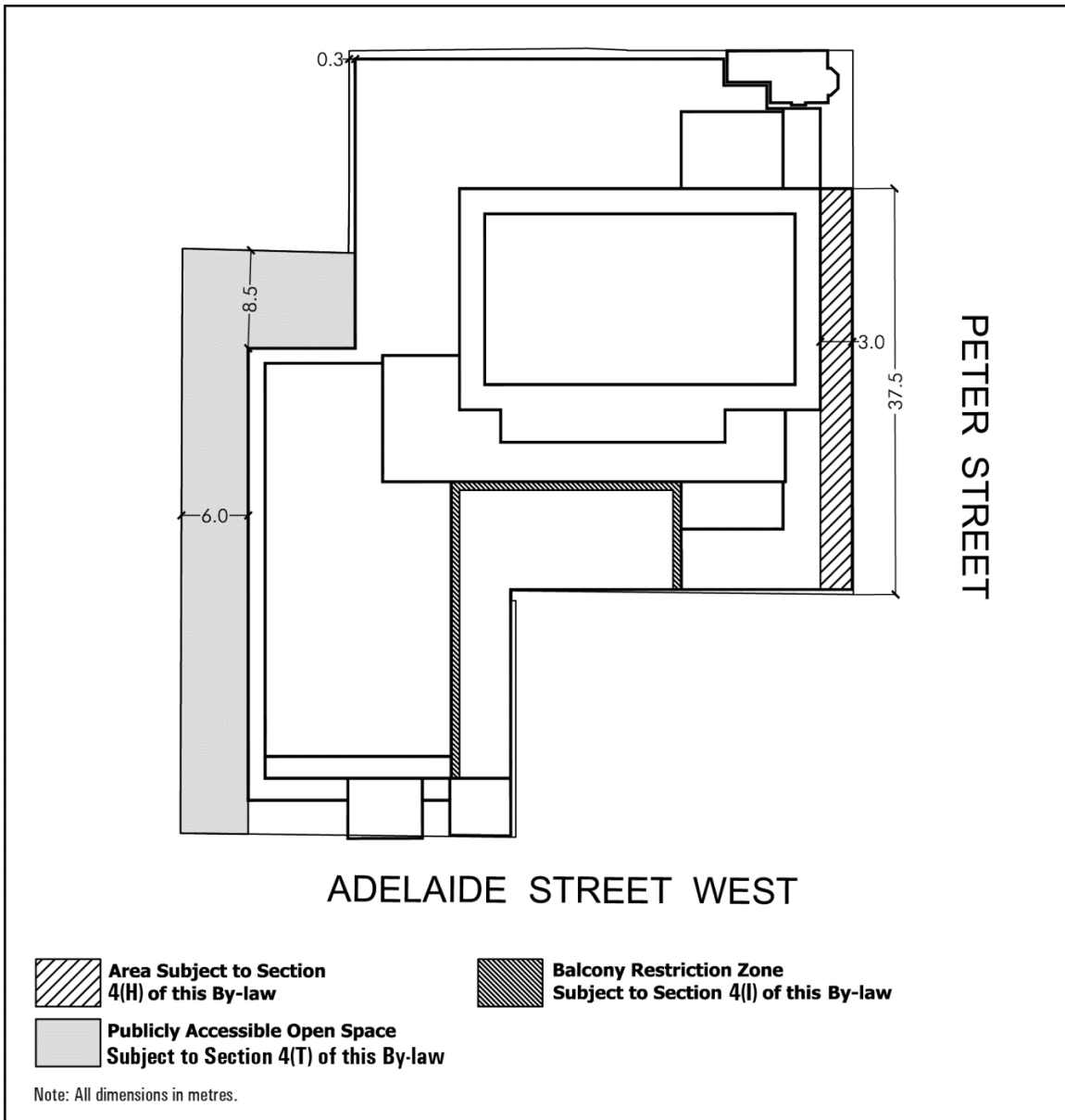
City of Toronto By-Law 569-2013
Not to Scale
10/26/2017



TORONTO
Diagram 3

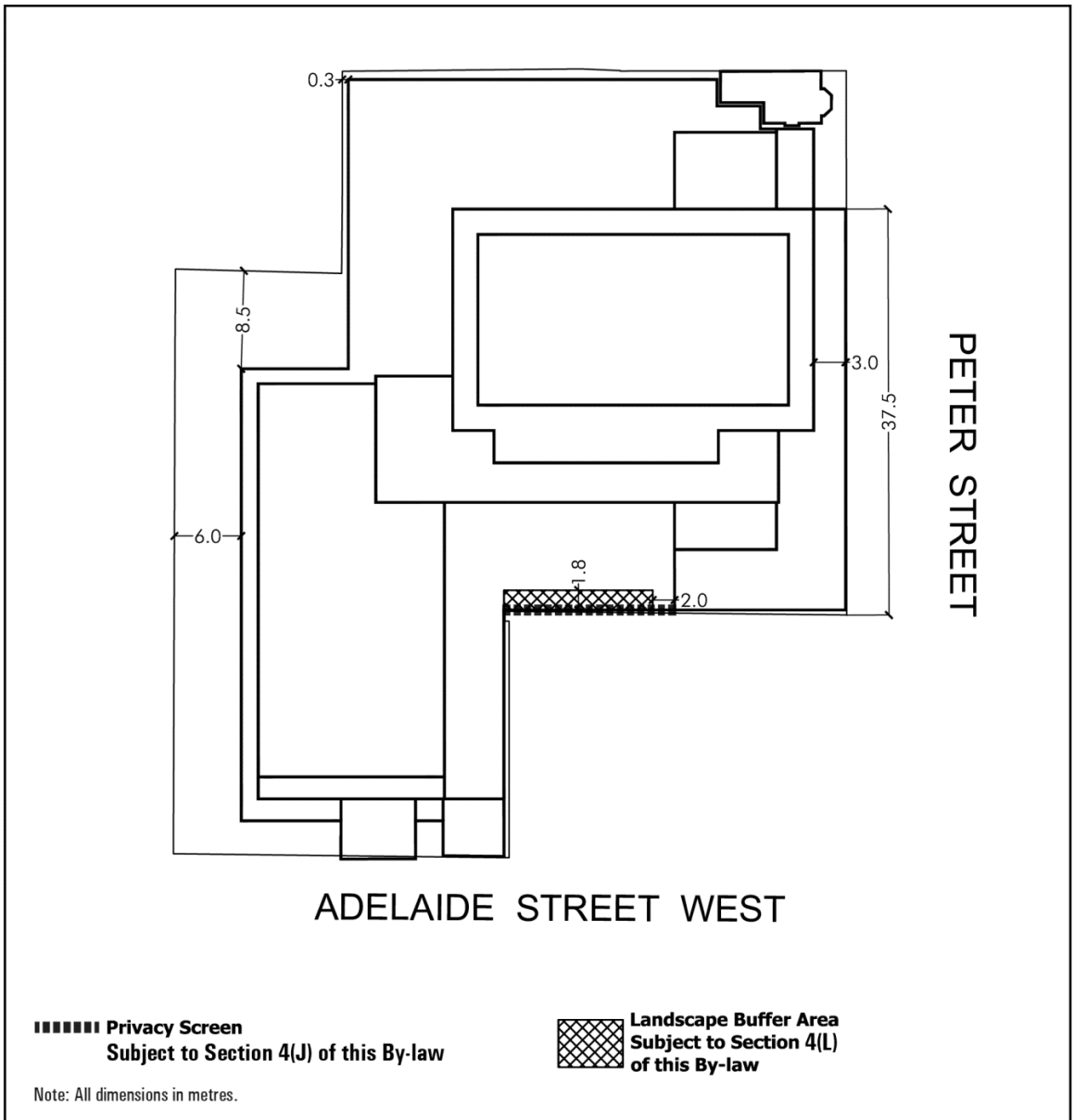
102-118 Peter Street
350-354 Adelaide Street West
 File # 16 183537 STE 20 OZ





 **TORONTO**
Diagram 4

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



 **TORONTO**
Diagram 5

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

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 shown as CRE (x14) on Diagram 2 of this By-law, 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 Schedule 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 lands.

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 lands, the owner shall:
- a) construct and maintain thereafter an area of not less than 380 square metres 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 Diagram 4, 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 Schedule 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.