

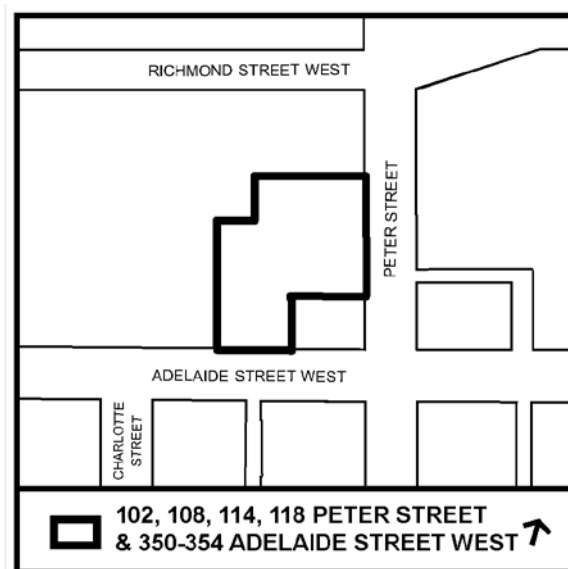
**102 -118 Peter Street and 350-354 Adelaide Street West  
Zoning Amendment Application – Supplementary Report**

<b>Date:</b>	November 8, 2017
<b>To:</b>	City Council
<b>From:</b>	Acting Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	P:\2017\Cluster B\PLN\CC127024 (File No. 16-183537 STE 20 OZ)

**SUMMARY**

At its meeting of October 17, 2017, Toronto and East York Community Council (TEYCC) submitted to City Council without recommendation the Final Report from Director, Community Planning, Toronto and East York District (August 16, 2017) together with a Supplementary Report from the Acting Director Community Planning, Toronto and East York District (October 16, 2017), on the zoning by-law amendment application to permit a 47-storey mixed-use building 146.8 metres high (excluding mechanical penthouse) with 696 dwelling units and 4,564 square metres of retail space at 102, 108, 114, and 118 Peter Street and 350, 352 and 354 Adelaide Street West. TEYCC also requested that City Planning organize a workshop with the applicant and neighbouring property owners to further advance plans to create a centralized publicly accessible open space in the interior of the block bounded by Spadina Avenue, Peter Street, Adelaide Street West and Richmond Street West, and work with Parks, Forestry and Recreation staff to review the suitability of the interior parking lot as potential public parkland and report back to the November 7 and 8, 2017 meeting of City Council.

This report provides information on the status of items requested by TEYCC and includes proposed changes to the parking requirements in the draft zoning by-law to permit parking for the adjacent lands at 401 Richmond Street West to be located within the development in order to facilitate the creation of a centralized



public open space or park within the block. The proposed development will continue to contribute to the objectives of the public realm strategy for this block within King-Spadina.

Draft zoning by-laws are proposed that include recommended changes to the parking requirements, minor revision to the timing for the completion of the publicly accessible privately-owned open space (POPS), minor revisions in relation to the timing for the registration of the Heritage Easement Agreement, a revised date of the Heritage Impact Assessment and, revision to the description of plans required for a heritage or building permit along with technical matters. It is recommended that the modified Recommendations in this report, which include previous recommendations, replace those of the Final Report from Director Community Planning, Toronto and East York District (August 16, 2017) and the Supplementary Report from the Acting Director Community Planning, Toronto and East York District (October 16, 2017) in their entirety.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend Zoning By-law 438-86, for the lands at 102 - 118 Peter Street and 350 - 354 Adelaide Street West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 1 to the report from the Chief Planner and Executive Director, City Planning Division, dated November 8, 2017.
2. City Council amend Comprehensive Zoning By-law 569-2013 for the lands at 102-118 Peter Street and 350 - 354 Adelaide Street West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 2 to the report from the Chief Planner and Executive Director, City Planning Division, dated November 8, 2017.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to address the outstanding items in relation to servicing outlined in the memorandum from Engineering and Construction Services dated November 2, 2017 to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
5. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act to secure the following matters, services and facilities:
  - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:

- i. prior to the issuance of the first above-grade building permit, unless otherwise specified, the owner shall make a cash contribution of \$3,200,000.00 payable by certified cheque to the Treasurer, City of Toronto to be allocated toward the following capital improvements at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor;
  - A. \$1,200,000.00 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. \$200,000.00 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. \$1,160,000.00 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. \$320,000.00 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. \$320,000.00 towards the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 20.
- ii. The required cash contribution pursuant to recommendation 5.a.i.A. to E. inclusive are 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;
- iii. In the event the cash contributions in recommendation 5.a.i.A. to E. inclusive have not been used for the intended purpose within three (3) years of the by-law coming into full force and effect, the cash 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; and

- iv. 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, and registration of a condominium on the lands, the owner shall:
  - A. construct and maintain an area of not less than 380 square metres at grade for use by the general public as publicly accessible, privately-owned open space (POPS), along the west side and in the northwest corner of the site in a location generally identified in the Zoning By-law Amendments, with the specific configuration and design of the POPS 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, 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 publicly accessible, privately-owned open space (POPS), which easement may allow for the occasional use of the POPS 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.
- b. The following matters are also recommended to be secured in the Section 37 Agreement in support of the development:
  - i. Prior to the introduction of bills to City Council for the Zoning By-law Amendment, the owner shall 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 Conservation Plan required in recommendation 5.b.ii. 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;

- ii. Prior to the introduction on Bills to City Council for the Zoning By-law Amendment, the owner shall 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;
- iii. 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 required in Recommendation 5.b.ii., 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.
- iv. 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 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 required in recommendation 5.b.ii., 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;
- v. Prior to the release of the Letter of Credit required in Recommendation 5.b.iv.C., 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.

- vi. The owner shall provide not less than 10% of all dwelling units as three-bedroom dwelling units to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- vii. 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*.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On September 6, 2017 Toronto and East York Community Council (TEYCC) adjourned the public meeting for a final report on the zoning by-law amendment application until October 17, 2017. TEYCC also made two requests including:

- a. That the Director, Community Planning Toronto and East York District in consultation with the Ward Councillor organize an immediate meeting with the applicant, parks staff, and relevant neighbouring property owners to further explore and advance plans to create a centralized publicly accessible open space in the interior of the block bounded by Spadina Avenue, Peter Street, Adelaide Street West, and Richmond Street West.
- b. That the Director, Community Planning, Toronto and East York District continue discussions with the applicant respecting amendment to Recommendation 5.a.v., in the report (August 16, 2017) that may be necessary to address the timing, terms and conditions or other aspects of the future access easements proposed to be granted in favour of adjacent landowners to the west in order to facilitate a centralized publicly accessible open space in this area.

The Final Report is available on the City website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.9>

At its meeting of October 17, 2017 TEYCC considered a Supplementary Report (October 16, 2017) that provided the results of the meeting of City staff with the applicant and adjacent landowners concerning the public realm strategy for the block and changes to the proposal to address built form issues raised by adjacent owners. TEYCC submitted the report to the City Council without recommendation and made two requests including:

- a. That the Acting Director, Community Planning Toronto and East York District in consultation with the Ward Councillor organize an immediate workshop with the applicant, Parks, Forestry and Recreation staff, and relevant neighbouring property owners to advance plans to create a centralized publicly accessible open space in the interior of the block bounded by Spadina Avenue, Peter Street, Adelaide Street West, and Richmond Street West and to report directly to the November 7 and 8, 2017 meeting of City Council.
- b. That the Acting Director, Community Planning, Toronto and East York District, to work with Parks, Forestry and Recreation staff to review the suitability of the interior parking

Staff report for action – Supplementary Report 102-118 Peter Street and 352-354 Adelaide Street West

lot as potential public parkland, and to report back as part of the report being prepared for the November 7 and 8, 2017 meeting of City Council.

The Supplementary Report is available on the City's website at:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE27.1>

## **BACKGROUND**

### **Official Plan**

The site is located in the *Downtown* and in the King-Spadina Secondary Plan Area. The site is designated *Regeneration Areas* in the Official Plan

### **Downtown Policies**

As an area where growth is anticipated and encouraged, the Official Plan provides for new development in the *Downtown* that, among other matters, achieves a minimum combined growth target of 400 jobs and residents per hectare, builds on the strength of the area as an employment centre and provides for a range of housing opportunities. The Official Plan directs growth to the *Downtown* in order to achieve multiple City objectives. Among other matters, it promotes efficient use of municipal services and infrastructure, concentrates jobs and people in areas well served by transit, provides increased opportunity to live close to work, encourages walking and cycling, all in keeping with the vision for a more liveable City. The Official Plan recognizes that as the population of the *Downtown* increases, ensuring that public amenities and infrastructure are maintained and upgraded, enhancing existing parking and acquiring new parks, and preserving and strengthening the range and quality of social, health, community services and local institutions are essential to improving the quality of life for *Downtown* residents.

### **Built Form and Public Realm Policies**

The public realm policies of Section 3.1.1 of the Official Plan recognize the essential role of our parks, open spaces, streets and other key shared public assets in creating a great City. These policies seek to ensure that a high level of quality is achieved in architecture, landscape architecture and urban design to ensure that the public realm is functional, beautiful, comfortable, safe and accessible. The Plan provides that new parks and open spaces will be located and designed to, among other things, connect and extend existing parks and natural areas, provide a comfortable setting for community events as well as individual use, provide appropriate space and layout for recreational needs and emphasize and improve unique aspects of the community's natural and human-made heritage.

The Official Plan recognizes that most of the City's future development will be infill and as such will need to fit in, respect and improve the character of the surrounding areas. As a result, the built form policies of Section 3.1.2 seek to ensure that new development is located, organized and massed to fit harmoniously with the existing and/or planned context.



Among other matters this harmony is achieved by: massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion; creating appropriate transitions in scale to neighbouring or existing planned buildings, providing for adequate light and privacy, adequately limiting shadowing of and uncomfortable wind conditions on neighbouring streets, properties and open spaces and minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks.

### **Parks and Open Space Policies**

Section 3.2.3 (8) sets out the criteria for consideration of parkland and provides that the location and configuration of land to be conveyed should:

- a) be free of encumbrances unless approved by Council;
- b) be sufficiently visible and accessible from adjacent public streets to promote the safe use of the park;
- c) be of a usable shape, topography and size that reflects its intended use;
- d) be consolidated or linked with an existing or proposed park or green space or natural heritage system where possible; and
- e) meet applicable Provincial soil regulations and/or guidelines for residential/parkland uses.

### **Regeneration Areas Policies**

A broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses are permitted within *Regeneration Areas* to promote reinvestment and revitalization. The framework for new development within *Regeneration Areas* is set out in a Secondary Plan intended to promote the desired type and form of physical development for an area.

The policies of Section 4.7.1 provide for the restoration, re-use and retention of existing buildings that are economically adaptable for re-use, particularly heritage buildings and structures in *Regeneration Areas*. Section 4.7.2 sets out the intent of Secondary Plans for *Regeneration Areas* and provides that they will guide the revitalization of the area through among other matters;

- urban design guidelines related to the unique character of the area;
- strategies to promote greening and community improvements; and
- a heritage strategy identifying important heritage resources, conserving them and ensure new buildings are compatible with adjacent heritage resources.

### **King-Spadina Secondary Plan Review**

King Spadina is one of the highest growth areas in the downtown and it has a strongly influential heritage character. The in-force King-Spadina Secondary Plan emphasizes reinforcement of the area's existing characteristics and qualities through special attention to built form, heritage areas of identity, and the public realm. The Secondary Plan is currently under review and a final report on the entire Secondary Plan area is anticipated in late 2017.

An estimated 50,000 people will live in King Spadina and the area will accommodate space for an estimated 50,000 jobs. The review recognizes that the Secondary Plan area has evolved from an area of employment (non-residential uses) into an area with a diverse range and mix of uses including employment and residential use.

The updated Secondary Plan will recognize that while the area will continue to grow and change, it must do so in a way that positively contributes to liveability, is better supported by hard infrastructure and community infrastructure, retains a strong employment base, and more carefully responds to the strong heritage and character of the area.

The King-Spadina Secondary Plan review has identified the SPAR block as an area of special identity within King-Spadina. Policies to enhance the public realm, and strengthen the role of the block as a cultural hub are proposed and were presented at a Community Meeting on the Secondary Plan review on October 11, 2017. These policies seek to ensure that:

- new development on the block will contribute to a public open space in the middle of the block;
- pedestrian connections within the block will be enhanced; and
- the role of the block as a cultural hub is protected

### **King-Spadina East Precinct Public Realm Strategy**

The King-Spadina East Precinct Public Realm Strategy identifies opportunities for public realm enhancements within the larger block bounded by Peter Street, Spadina Avenue, Richmond Street West, and Adelaide Street West (SPAR block). The surface parking lot in the centre of the block is identified as a possible future opportunity for an open space or park within the block. As well the existing north to south and east to west laneways that extend through the block are noted as areas for future enhancements to create pedestrian connections through the block and to a centrally located open space.

### **TOcore: Planning Downtown**

TOcore: Planning Downtown is a three-year, inter-divisional study, led by City Planning. Building on Downtown's existing planning framework, the purpose of TOcore is to ensure growth positively contributes to Downtown as a great place to live, work, learn, play and invest by determining how future growth will be accommodated and shaped, what physical and social infrastructure will be needed, where it will go, and how it will be secured.

TOcore highlights the critical balance between growth and supporting infrastructure that must be achieved to ensure a liveable, connected and prosperous downtown. Specifically, TOcore calls for the expansion and enhancement of the parks and public realm system, which requires creative solutions for delivering parks and open space in high density areas like the Downtown. City Council adopted the TOcore Proposals Report in December 2016. The Proposals Report outlines five guiding principles and 128 policy directions that will inform the development of a Downtown Secondary Plan. These directions highlight the need for expanded park provision in the downtown to support and balance recent population growth.

## **COMMENTS**

### **City Staff and Landowner Meetings**

Planning and Parks staff met with the applicant and the adjacent owner at 401 Richmond Street West on October 30, 2017 to continue discussions on opportunities to create a centralized open space or public parkland within the block. The meetings included City Planning and Parks staff, the Ward Councillor, the applicant and the owner of 401 Richmond Street West. Discussions focussed on options to relocate parking, and to relocate or reconfigure loading including shared facilities in order to achieve a central open space or parkland on the block. Participants agreed that the preferred option to achieve a central open space or parkland on the block would be that existing parking be relocated from its central location, and that loading within this area be relocated or reconfigured.

### **Parking and Loading – Proposed Development and Adjacent Properties**

The development application site would be accessed by a driveway off of Peter Street that leads to four level underground garage. Loading is proposed at the ground level within the building with 188 parking spaces proposed in the garage below. Pedestrian access is proposed from a walkway along the west side of the site that would lead to a larger open space in the northwest corner of the site adjacent to the 401 Richmond Street West surface parking area. Both the walkway and the larger open space are proposed as publicly accessible privately-owned open space (POPS).

There is currently a shared arrangement for access to parking and loading for the properties at 401 Richmond Street West and 360 Adelaide Street West that are immediately west of the development site. There are surface parking lots on the 401 Richmond Street West site to the rear of the building with a total of approximately 35 parking spaces. There is also a loading area at 401 Richmond Street West at the northwest corner of the parking lot. The primary vehicular access to the loading and parking is provided from a driveway off of Richmond Street West at the east edge of the 401 Richmond Street West property.

There are no parking facilities at 360 Adelaide Street West. There are two loading docks along the north face of the building. Access to these loading docks is provided from a driveway off of Adelaide Street West. The driveway from Richmond Street West, on the 401 Richmond Street West site is also accessible to these loading docks. Loading vehicles for 360 Adelaide Street West are required to use the 401 Richmond Street West property for manoeuvring to access the loading docks through a private agreement. The existing driveways are also used by pedestrians to access the block.

### **Parking**

At the meeting, the applicant put forward an option to address the surface parking on the 401 Richmond Street West property. They advised that parking spaces could be made available within the proposed underground garage for the development to replace the surface parking at 401 Richmond Street West and could be purchased by 401 Richmond Street West. However, this would result in less parking being available for the residential uses proposed in the development. As a result, either additional parking would need to be constructed within the development, or a reduction in required parking permitted to enable this option to be considered. The applicant requested that consideration be given to reducing the parking requirements for the development.

The draft zoning by-law requires a minimum of 139 residential parking spaces as well as 49 parking spaces to serve the commercial uses and visitors for a total of 188 parking spaces to serve the development. There are approximately 35 surface parking spaces on the 401 Richmond Street West property and the applicant advised that 35 spaces could be made available in the parking garage. This would result in 104 parking spaces remaining available for the residential uses in the building should all of the space on the 401 Richmond Street West site be replaced within the development. Transportation Services staff reviewed the proposal and are concerned that a reduction in the parking for the development would create a deficiency of parking for the residential uses proposed and as a result do not support a reduction in the parking. Planning staff have reviewed the parking proposal and consider it appropriate within the downtown context of this block and in relation to freeing up lands to facilitate a new public open space on the block as envisioned in the Public Realm Strategy.

The SPAR block is located within an area of the downtown that is experiencing significant growth. The Official Plan and King-Spadina Secondary Plan seek to ensure that as the population increases that public amenities such as parks and open spaces are enhanced and new parks and open spaces added to improve the quality of life for downtown residents. The TOcore study has also highlighted the critical balance between growth and supporting infrastructure that must be achieved to ensure a liveable, connected and prosperous downtown and recognizes that creative solutions for delivering parks and open space in high density areas like the Downtown are required.

The SPAR block has been identified in the King-Spadina Secondary Plan review as an area of special identity due to the existing heritage resources, the cultural centre at 401 Richmond Street West, and the opportunity for public realm improvements in the centre of the block. There are limited opportunities for new open space or parkland within the King-Spadina Secondary Plan area, and an opportunity has been presented to facilitate a public open space within the centre of the SPAR block as envisioned in the King-Spadina Public Realm Strategy.

Planning staff consider it appropriate to provide an option in the draft zoning by-law to reduce the parking for the proposed development to facilitate this public realm initiative on the block. Rather than reducing the required parking standard for the proposed development however, Planning staff are recommending that the draft zoning by-law be revised to provide the option for up to 35 residential parking spaces within the development to be allocated to the uses at 401 Richmond Street West. This would enable the relocation of all or a portion of the surface parking at 401 Richmond Street West as determined appropriate by the applicant and the owner of 401 Richmond Street West, while ensuring that remaining parking would continue to be provided for the proposed development.

## **Loading**

Options in relation to loading were also discussed including considering changes that would be required to loading arrangements to facilitate a central open space on the 401 Richmond Street West lands. Loading vehicles for both 401 Richmond Street West and 360 Adelaide Street West manoeuvre on the 401 Richmond Street West lands and access to these properties occurs from more than one driveway on the block. Given the greater level of complexity in relation to the shared loading arrangements, further study is appropriate to determine loading solutions including additional discussions with the owner of 360 Adelaide Street West.

The current accesses and loading areas at 401 Richmond Street West and 360 Adelaide Street West are not impacted by the proposed development. The development is proposed to have vehicular access only from Peter Street, and vehicular access through the development site is not required to service the adjacent lands. As outlined in the Final Report, the applicant has agreed to provide a Section 37 contribution of \$200,000 towards advancing the design of the public realm improvements on the block. Staff are recommending that this study also include considerations in relation to addressing the loading arrangements on lands at 401 Richmond Street West and 360 Adelaide Street West adjacent to the development site.

## **Parkland Considerations at 401 Richmond Street West**

The owner of 401 Richmond Street West appeared before TEYCC at the statutory public hearing on October 17, 2017 on the zoning amendment application. The owner has worked with the City over a number of years on the planning studies for King-Spadina and the SPAR block including extensive work on considering options on achieving a central open space in the block. The 401 Richmond Street West owner supports the public realm objectives to create a public open space in the centre of the block and has also offered the lands on the 401 Richmond Street West site currently occupied by surface parking for consideration as public parkland. Alternative parking and loading arrangements would need to be secured for 401 Richmond Street West. The owner expressed concern that the opportunity to achieve parkland would be lost if a solution to address parking and loading was not found in association with proposed development on the block. TEYCC requested that staff review the suitability of the parking area as parkland.

The Official Plan requirements for parkland were discussed in relation to the parking area on the 401 Richmond Street West site. As well, constraints on the site that would need to be addressed for consideration as public parkland were identified and discussed. In addition to the constraints presented by the surface parking and loading activity, discussed in more detail above, other issues that would need to be addressed included ensuring that the potential park had public street frontage, that the area is appropriately configured for park uses, and that the lands meet City and Provincial environmental requirements for park use as outlined in the City's Official Plan.

There is currently a driveway from Richmond Street West that provides access to the central parking area which could provide street frontage to a larger interior public open space. This would provide visibility and access should the lands be considered suitable for parkland use. The parking area is framed to the north and south by historically significant buildings and appropriate setbacks would need to be determined from these these buildings to ensure that the area had suitable shape and size to be functional for park uses. In addition, the site would need to meet City and Provincial environmental requirements for park use.

Achieving a central public open space on the SPAR block is an important objective of the King-Spadina Public Realm Strategy and the emerging framework for King-Spadina Secondary Plan review to address growth pressures within this area of the downtown. Planning and Parks staff are supportive of the idea of the lands as a potential public park. The owner will be providing additional information including a site survey and environmental documentation in relation to the lands. Staff will continue to work with the owner of 401 Richmond Street West to determine the suitability of the lands for park purposes as more information becomes available.

Planning for a central open space/park on the SPAR block will require consultation with all of the owners on the block to ensure that connections through the block can be optimized and the space can be designed for maximum size and function to serve both adjacent neighbours and the community as a whole. The space will not only provide opportunities to support the cultural uses that already exist on the block but can be expanded by achieving more open space on adjacent properties, as is the case with the POPS and pedestrian connection proposed on the development site. If the site were acquired as parkland, funds would come from the Ward 20 above 5% parks account.

### **Zoning Amendment**

Planning staff continue to recommend that Council approve the zoning by-law amendment application. The proposal development does not preclude the ability for open space or parkland to be achieved in the centre of the block as envisioned in the Public Realm Strategy and identified in the King Spadina Secondary Plan review. The proposed development also contributes to the central open space on the block by incorporating a POPS on the site consistent with the Public Realm Strategy and the emerging directions from the King-Spadina Secondary Plan review.

The proposed revisions to the parking requirements in the zoning by-law provide an opportunity to relocate the surface parking at 401 Richmond Street West removing a major constraint to achieving open space or public parkland on this site. The applicant has also agreed to provide a Section 37 contribution of \$200,000 towards advancing the design of the public realm improvements on the block including considering the redesign of the loading arrangements for 401 Richmond Street West and 360 Adelaide Street West.

The draft zoning by-law amendments are included as Attachments 1 and 2 to this report. In addition to the changes proposed to the parking provisions, minor modifications are also recommended to the Section 37 requirements. These include a revision to Recommendation 5.b.i. to require only the execution of the Heritage Easement Agreement prior to the introduction of the bills to City Council and the registration of the Agreement subsequently to ensure City Council authorization of the by-laws prior to registration of agreements. As well, the date of the Heritage Impact Assessment has been updated to reflect the accepted Assessment and further changes have been incorporated relating to the nature of plans required prior to heritage and building permits. Heritage Preservation Services supports these changes. This will also ensure consistency with the recommendations of the Alterations to Designated Heritage Properties, Intention to Designate under Part IV, Section 29 of the *Ontario Heritage Act* and Authority to

Enter into a Heritage Easement Agreement - 350 and 352 Adelaide Street West and 118 Peter Street Report from the Chief Planner and Executive Director, City Planning Division, Item TE27.20 to be considered by City Council on this agenda. A revision is also proposed to Recommendation 5.a.iv.B. in relation to the timing for the conveyance of the POPS space, to ensure that the POPS has been fully constructed prior to the conveyance of an easement for public use.

## **CONTACT**

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## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Acting Chief Planner and Executive Director  
City Planning Division

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## **ATTACHMENTS**

Attachment 1: Draft Zoning By-law Amendment 438-86

Attachment 2: Draft Zoning By-law Amendment 569-2013

## Attachment 1: Draft Zoning By-law Amendment 438-86

Authority: Toronto and East York Community Council Item● as adopted by City of Toronto Council on ●, 20●

Enacted by Council: ●, 20●

### CITY OF TORONTO

Bill No. ●

#### BY-LAW --20~

**To amend General Zoning By-law 438-86 for the former City of Toronto, 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*, 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, are 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 and density of development permitted is permitted beyond that otherwise permitted on the lands shown on Map 1 in return for the provision by the owner, as the owner's expense of the facilities, services and matters set out in Appendix 1 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.
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 and density pursuant to this By-law unless all provisions of Appendix 1 are satisfied.
4. None of the provisions of Section 2 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(12), 4(13), 4(16), Section 7(1), Section 7(3) Part I 1, Section 7(3) Part II 1, 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 (10%) of the total number of *dwelling units* must be three (3) bedroom *dwelling units*;

- e) no portion of any building or structure erected on the *lot* 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 regulation 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 regulation 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 from finished ground level to a minimum of 10.5 metres above ground 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 deep 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*; and
  - t) a *publicly accessible privately-owned open space* with a minimum area of 380 square metres shall be provided in the area on the ground level within the shaded area shown on Map 3 attached to a forming part of this By-law.
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 dimension from the ground of at least 1.9 metres;
- B. where the bicycles are to be parked in a vertical position, has a minimum length or vertical clearance from the wall of 1.2 metres, a minimum width of 0.6 metres and a vertical dimension of at least 1.9 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 where by 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;

*“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:

- i. parking, loading and bicycle parking below-ground;
- ii. required *loading spaces* on the ground level and required *bicycle parking spaces* at or above-ground;
- iii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- iv. shower and change facilities that are required by this By-law for required *bicycle parking spaces*;
- v. *residential amenity space* required by this By-law;
- vi. elevator shafts;
- vii. garbage shafts;
- viii. mechanical penthouse; and
- ix. 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

“*publicly accessible privately-owned open space*” means a space on the *lot* situated at ground level within the shaded area shown on Map 3 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 passive recreational uses.

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:
  - i. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20●.

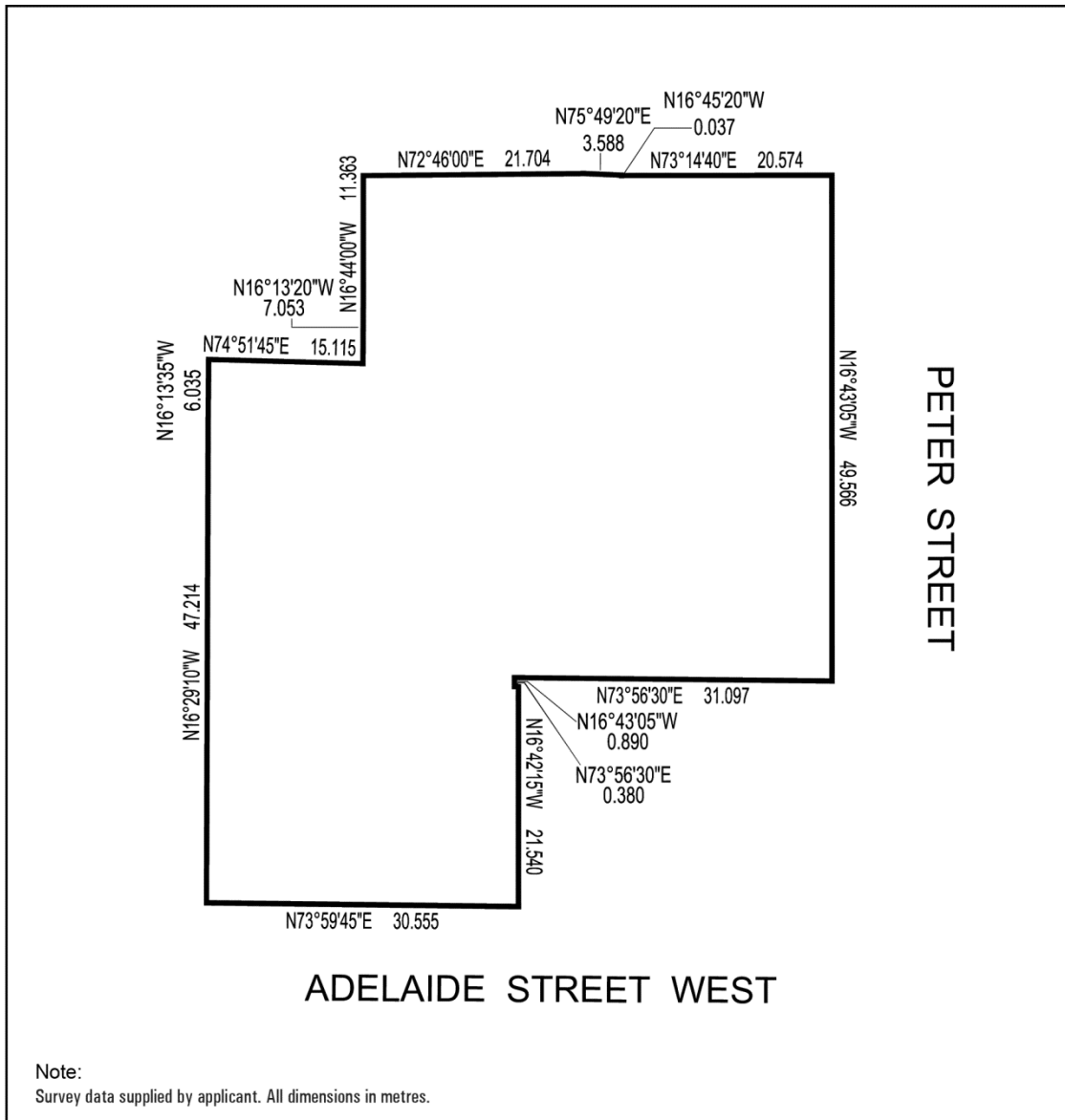
JOHN TORY

ULLI S. WATKISS,

Mayor

City Clerk

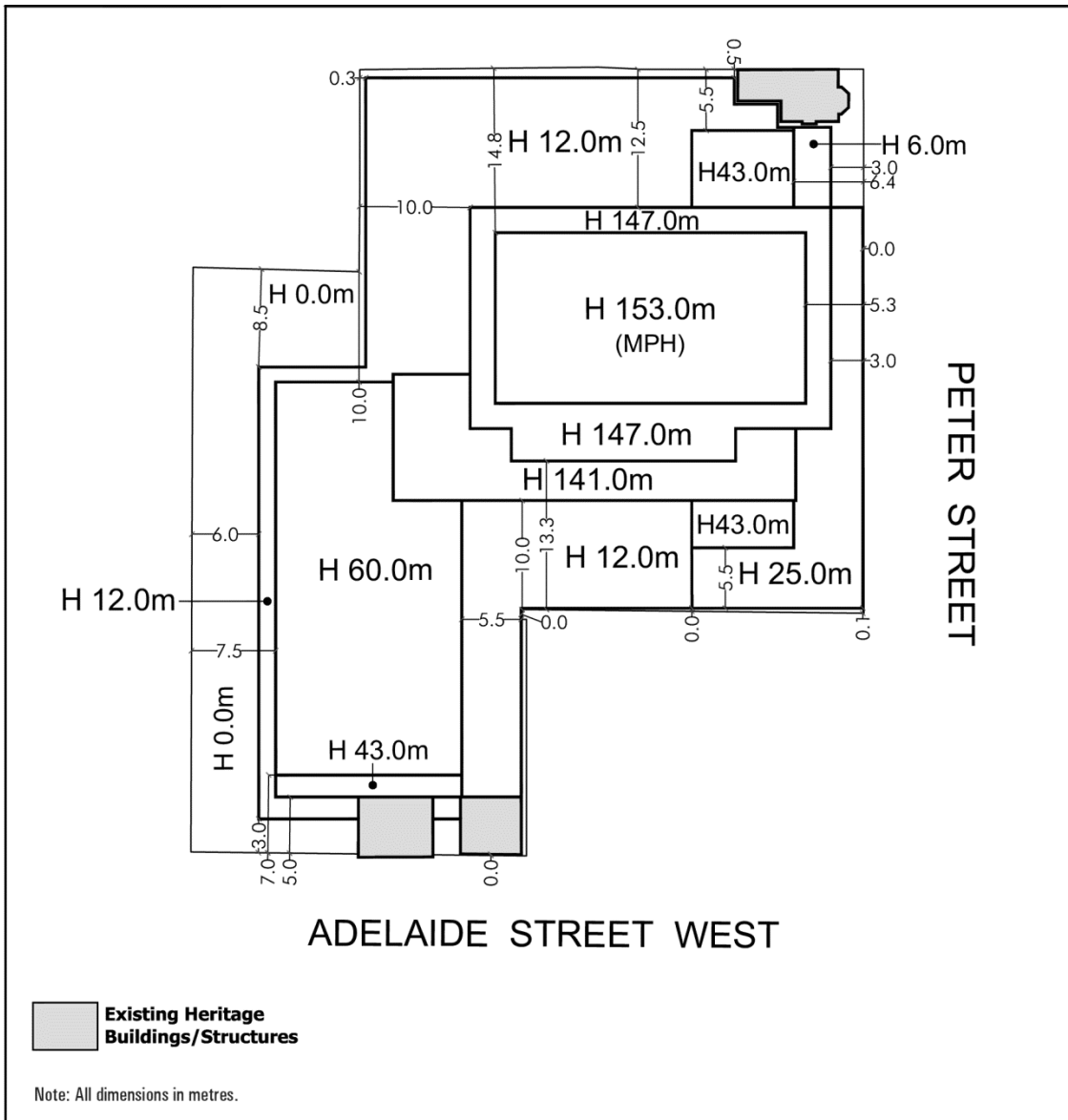
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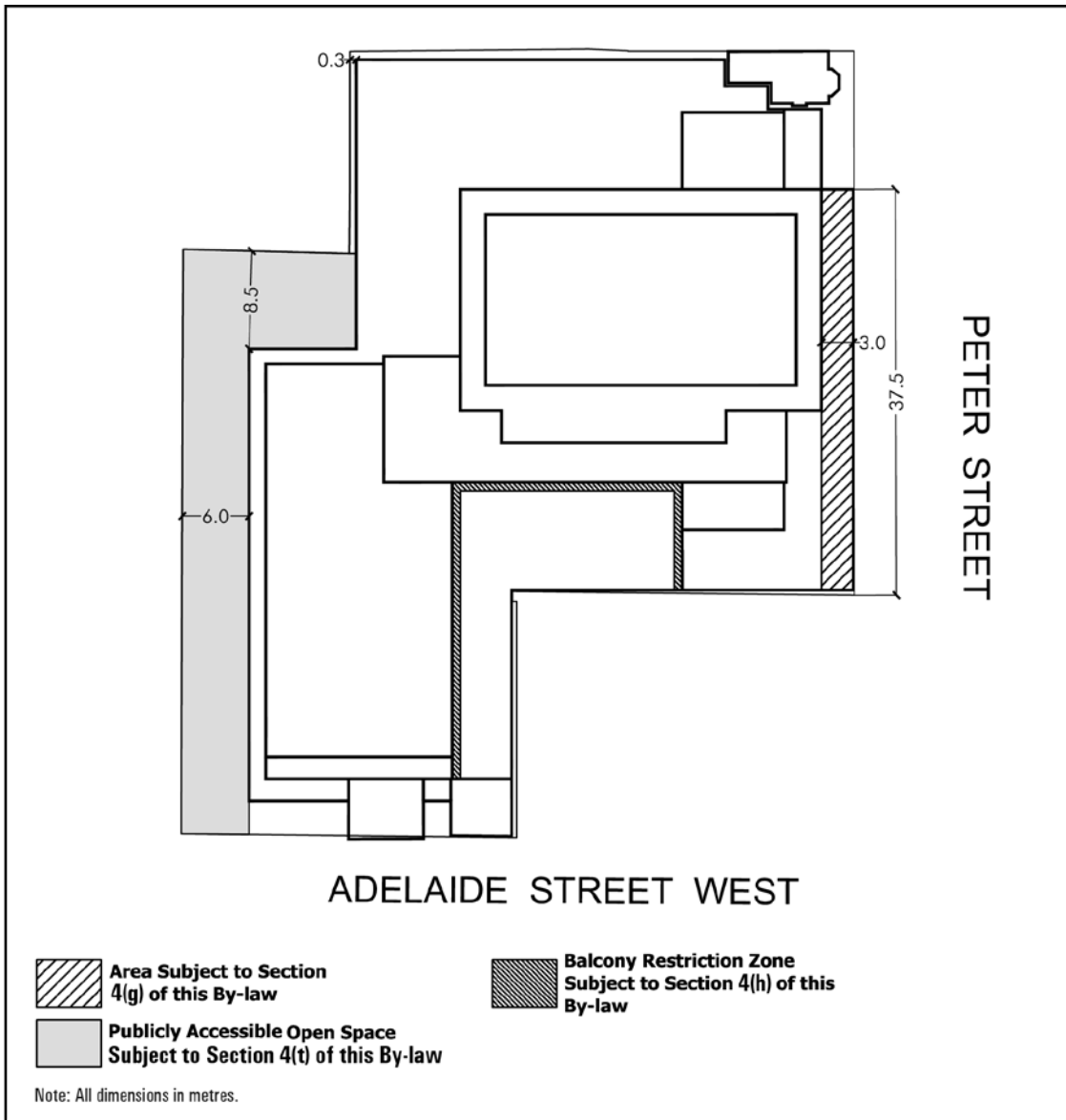


**102-118 Peter Street**  
**350-354 Adelaide Street West**  
 File # 16 183537 STE 20 0Z

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




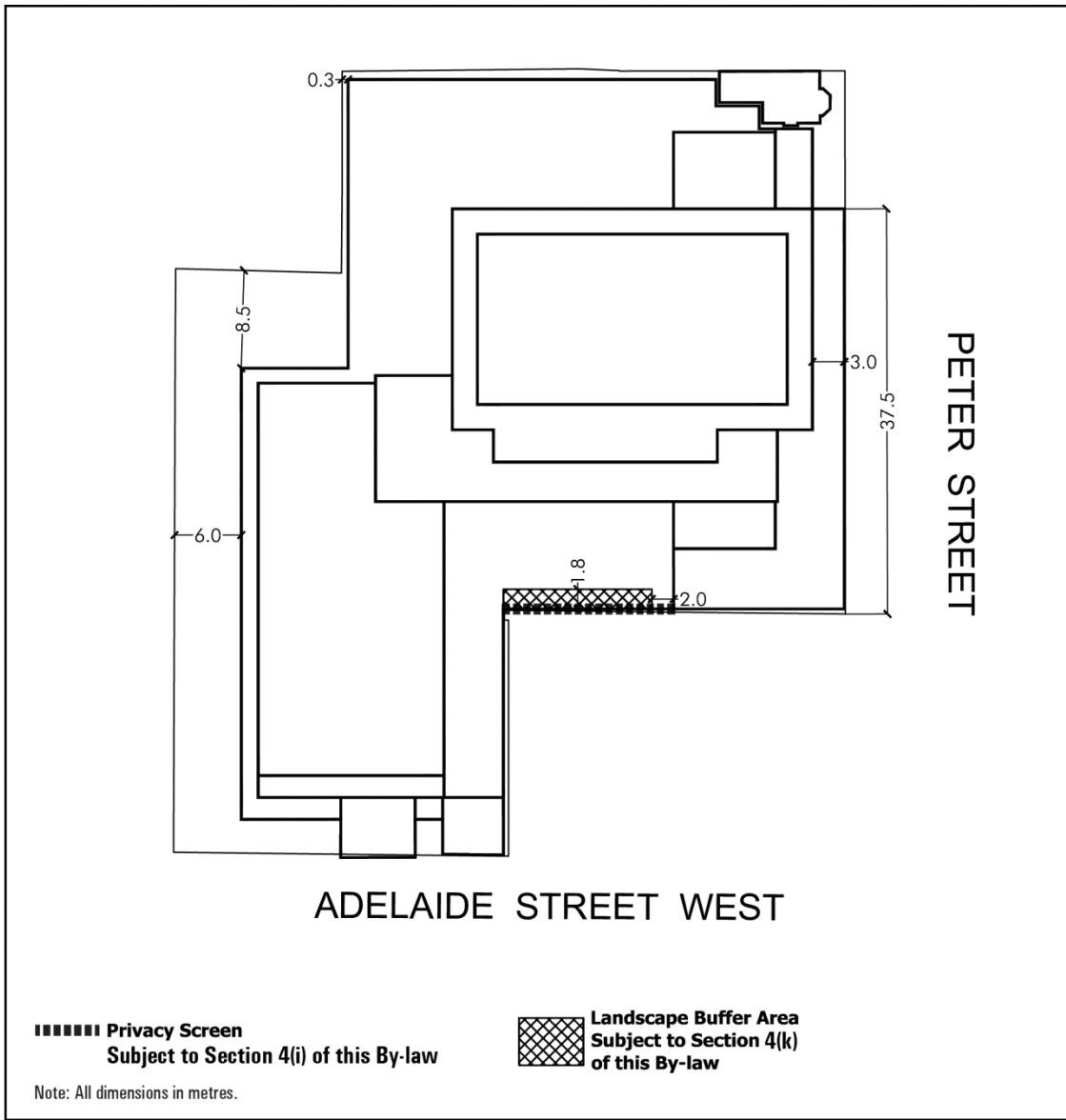




**TORONTO**  
Map 3

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

  
 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 02

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

## 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 in Ward 20, 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*.

- (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, and registration of a condominium on the *lot*, the owner shall:
- a. construct and maintain an area of not less than 380 square metres at grade for use by the general public as publicly accessible, privately-owned open space (POPS), 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 POPS 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 publicly accessible, privately-owned open space (POPS), which easement may allow for the occasional use of the POPS 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.
- (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 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 provide a minimum of 10% of all *dwelling units* as three-bedroom *dwelling units* to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- (9) 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*.

## Attachment 2: Draft Zoning By-law 569-2013

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ●, 20●

Enacted by Council: ●, 20●

### CITY OF TORONTO

Bill No. ●

### BY-LAW --20~

#### 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*, 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, are 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 (14), 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 Clause and Regulations 5.10.40.70, 50.10.40.30(1), 50.10.90.40.(3), 200.5.1.10(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 (W) below.
- (B) In addition to the uses permitted by regulation 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 all of regulations 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 symbol 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 XXXX-2017 [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 (10%) of the total number of **dwelling units** must be three (3) bedroom **dwelling units**.
- (G) Despite all of 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 ground 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 4(l) 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 4(D) above.
  
- (H) Despite Regulations 4(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 to a minimum of 10.5 metres above ground other than signage, lighting, columns, canopies, structural supports and design features.
  
- (I) Despite Regulations 4(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 regulation 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 deep 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) and 200.5.10.1(1) and (5) 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(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 4(M)(i) above

may be reduced by one **parking space**, up to a maximum reduction of four (4) **parking spaces**;

- (P) Despite regulations 50.5.80 and (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 regulations 220.5.1(2) and 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 4(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) “publicly accessible privately-owned 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 passive recreational uses; and
  - (ii) “publicly accessible privately-owned open space” with a minimum area of 380 square metres shall be provided in the area 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% 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; and
- (W) 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 and density of the development is permitted beyond that otherwise permitted on the lands shown as CRE (x14) on Diagram 2 of By-law [Clerks to supply 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 and density pursuant to Exception CRE 14 of By-law 569-2013, as amended, unless the provisions of Schedule A of such By-law are satisfied.

ENACTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20●.

**IN WITNESS WHEREOF** the parties hereto have executed this Agreement under the hands of their duly authorized officers effective as of the date first written above.

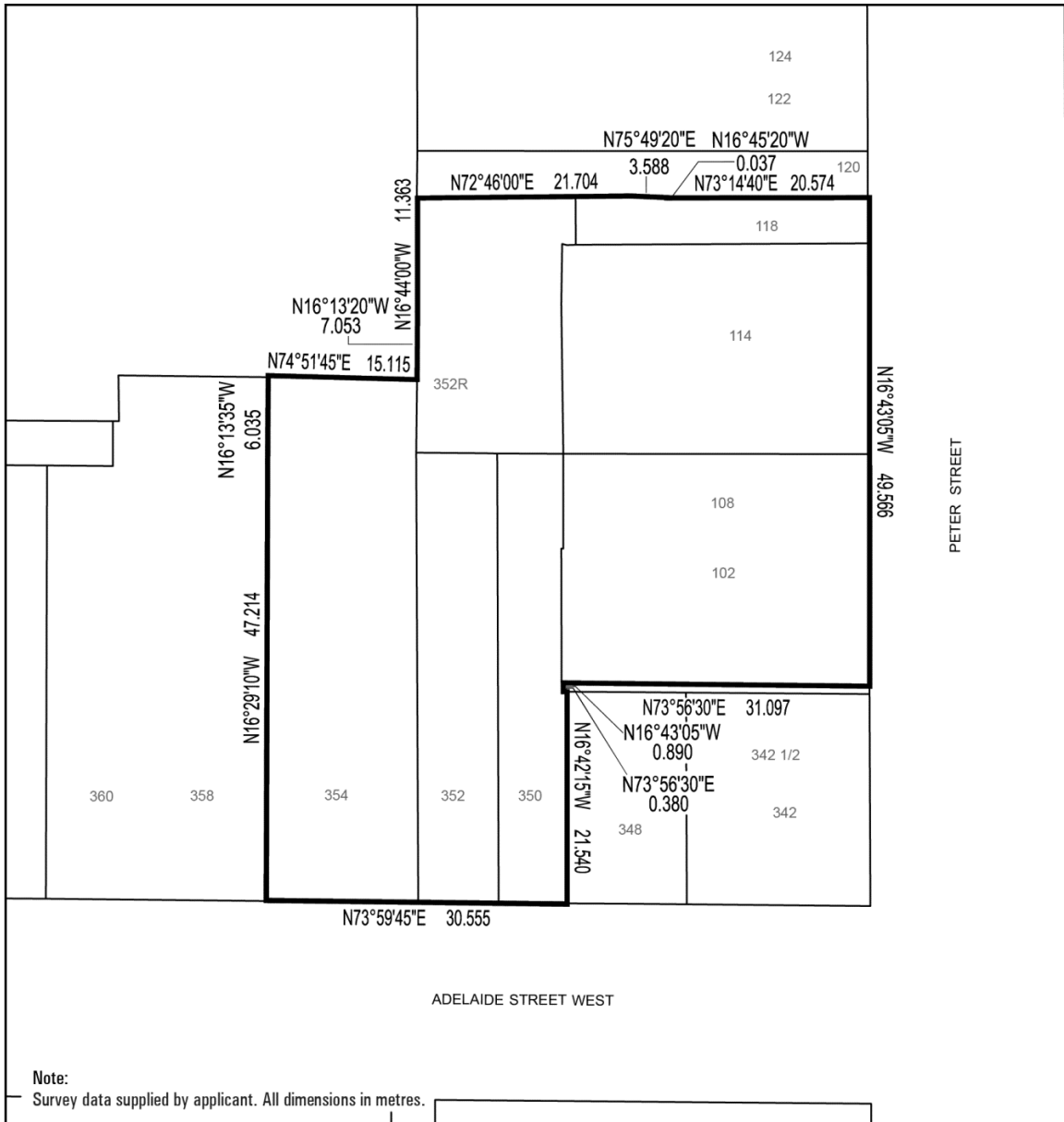
JOHN TORY

ULLI S. WATKISS,

Mayor

City Clerk

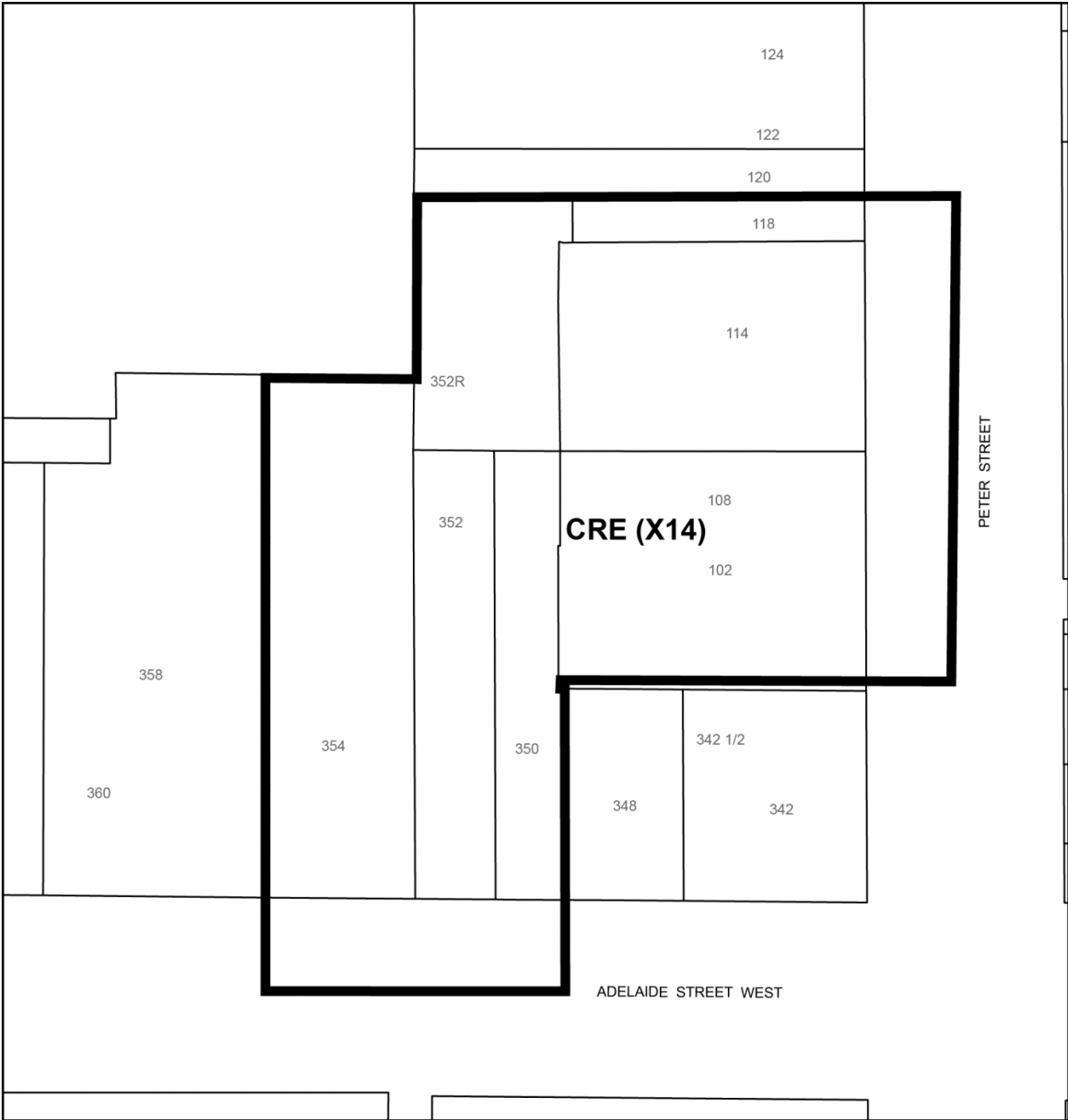
Corporate Seal)



**TORONTO**  
Diagram 1

**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

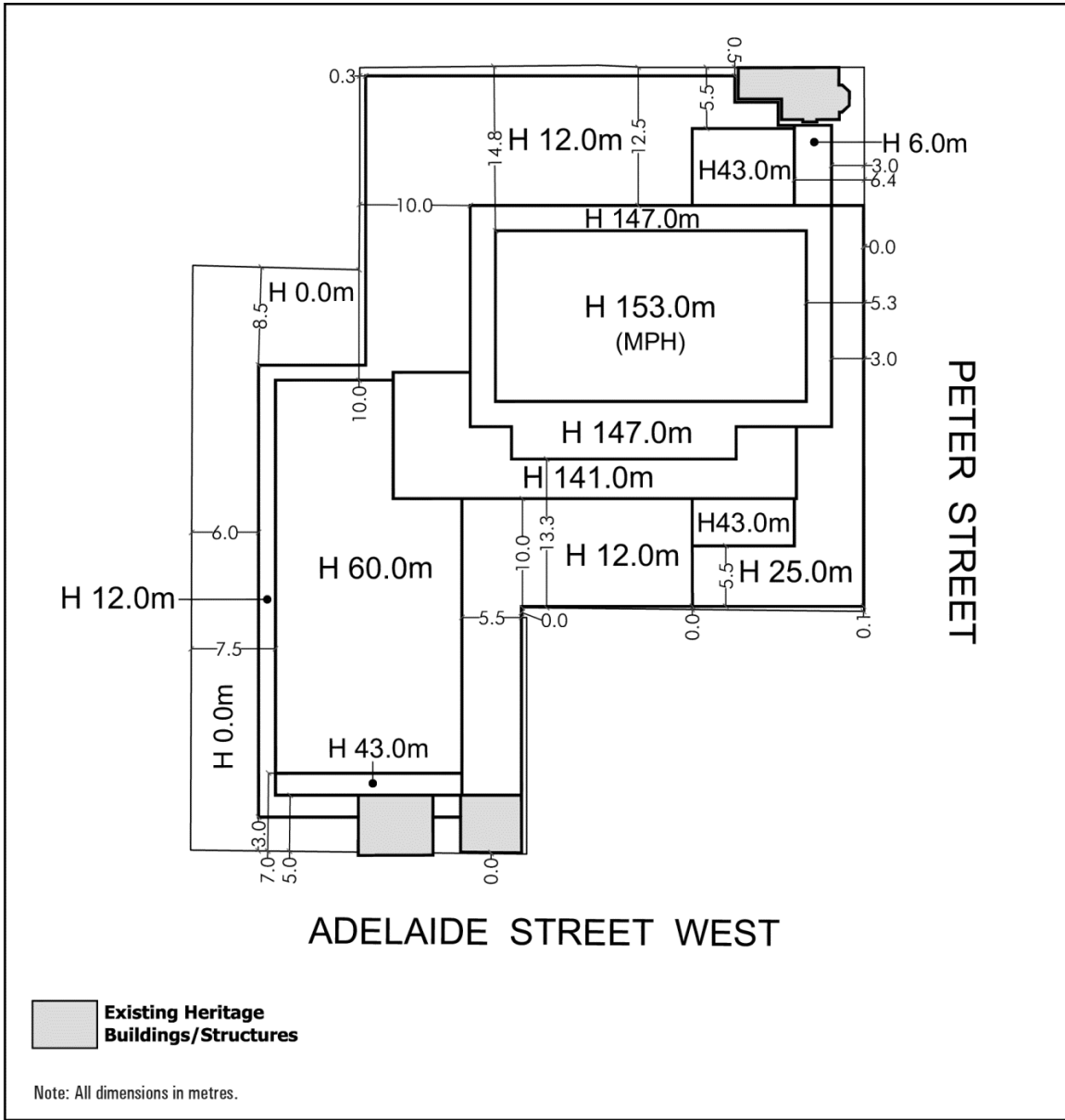


**TORONTO**  
**Diagram 2**

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

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

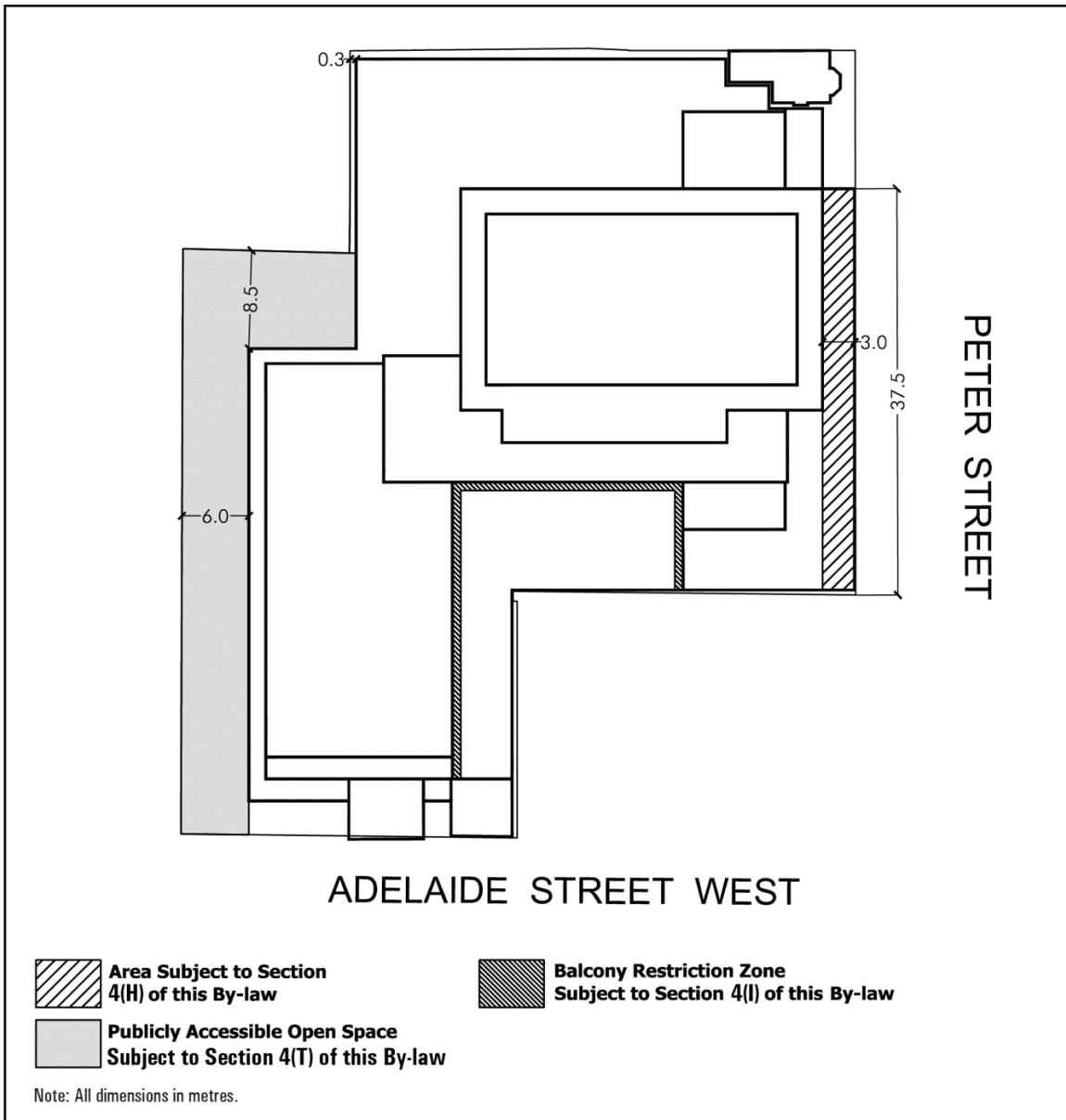




**TORONTO**  
**Diagram 3**

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

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

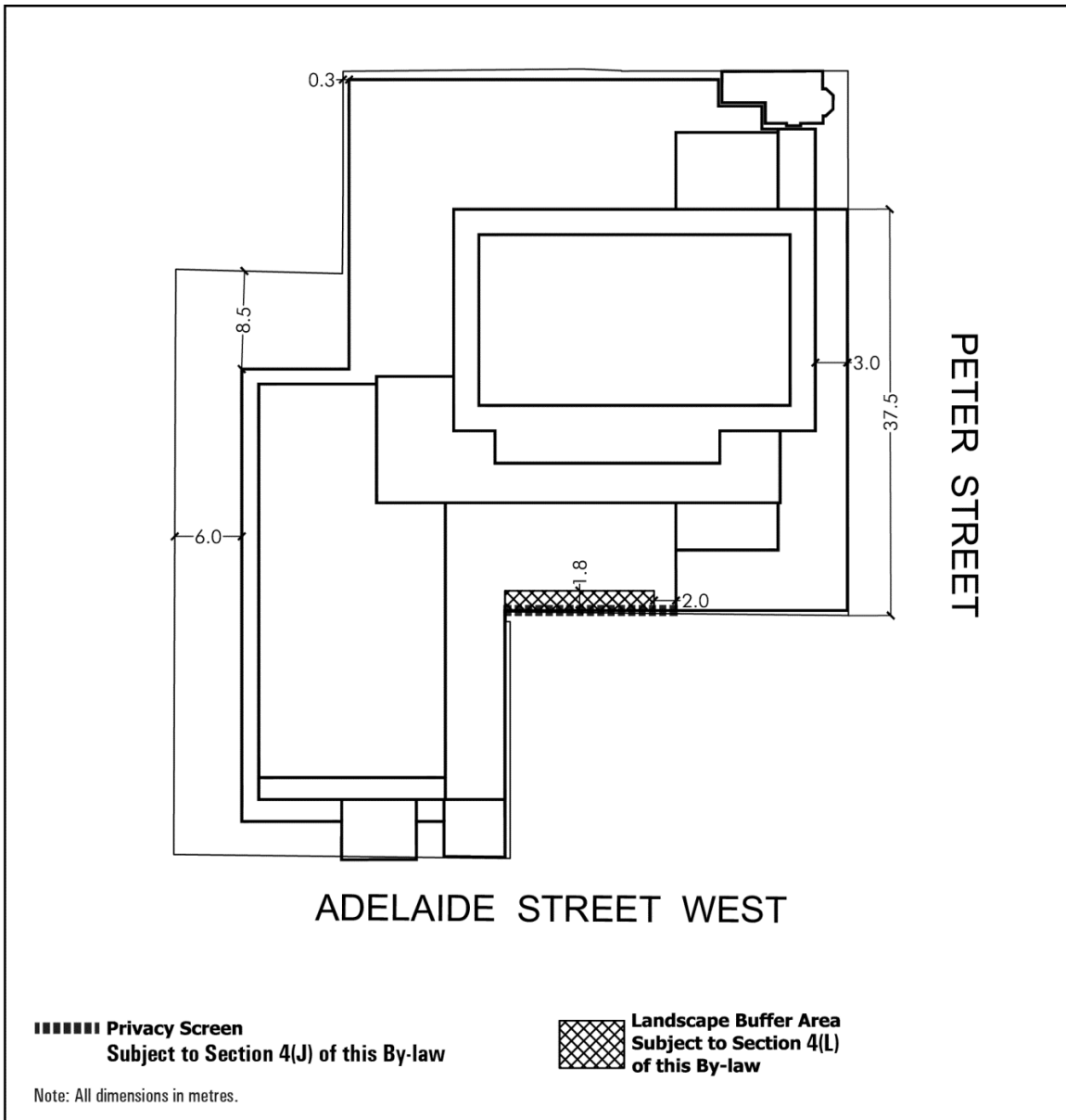


TORONTO  
Diagram 4

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



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



**TORONTO**  
**Diagram 5**

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



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

## 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 in Ward 20, 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.

- (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, and registration of a condominium on the lands, the owner shall:
  - a. construct and maintain an area of not less than 380 square metres at grade for use by the general public as publicly accessible, privately-owned open space (POPS), 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 POPS 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 publicly accessible privately-owned open space (POPS), which easement may allow for the occasional use of the POPS 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.
  
- (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 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 Encumbrances, 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 provide a minimum of 10% of all **dwelling units** as three-bedroom **dwelling units** to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- (9) 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*.