

Authority: Toronto and East York Community Council Item 4.2,  
as adopted by City of Toronto Council on March 8 and 9, 2011  
Enacted by Council: May 19, 2011

## CITY OF TORONTO

### BY-LAW No. 663-2011

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto,  
as amended, with respect to the lands municipally known as 117 Peter Street and  
287 Richmond 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 pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in 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 in return for the provision of such facilities, services or matters as are set 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 or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86 of the City of Toronto, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 2(1) with respect to the definition of *grade*, 4(2)(a), 4(5), 4(8), 4(16), 7(3) Part II and 12 (2)246, 12 (2) 260(III) of Zoning By-law No. 438-86 being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of a *mixed-use building* on the *lot* containing both residential and non-residential uses, including uses *accessory* thereto, provided that:

- (1) not more than 410 *dwelling units* are erected on the *lot*, of which not less than 10% of the total number of *dwelling units* shall contain three *bedrooms*;
- (2) for the purposes of this By-law, the *lot* shall consist of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- (3) the total *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 29,900 square metres, of which a minimum *non-residential gross floor area* of 300 square metres shall be provided and the total *non-residential gross floor area* on the *lot* shall not exceed 2,800 square metres;
- (4) no portion of any building erected above finished ground level is located outside the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, with the exception of the following:
  - (a) lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, parapets, railings, privacy screens, terraces, cabanas, planters, balustrades, bollards, stairs, stair enclosures, wheel chair ramps, ornamental or architectural features, landscape features, and art installations may extend beyond the heavy lines shown on the attached Map 2;
- (5) No person shall erect or use a building or structure on the *lot* having a greater *height*, in metres than the *height* in metres specified by the numbers following the symbol H on the attached Map 2, provided this does not prevent:
  - (a) the erection or use of the structures, elements and enclosures permitted by Section 1.(4) of this By-law subject to the following additional requirements:
    - (i) parapets and railings to a maximum vertical projection of 1.5 metres above the *height* limits shown on Map 2;
    - (b) elements on the roof of the building or structure used for green roof technology or alternative roofing system, provided the maximum vertical projection of such elements is no higher than 0.5 metres above the *height* limits shown on Map 2; and
    - (c) roof top stacks and vents to a maximum vertical projection of 3.0 metres above the *height* limits shown on Map 2;
- (6) no *dwelling unit* in the building shall be located below a *height* of 20.5 metres.

- (7) *parking spaces* are provided and maintained on the *lot* in accordance with the following requirements:

Residents' Parking:

- (a) a minimum of 187 *parking spaces*;

Residential Visitor Parking:

- (b) a minimum of 0.06 *parking space* per *dwelling unit* for residential visitors;
- (c) the *parking spaces* required under (b) above may be used by the occupants of or visitors to the non-residential uses on the *lot*;

Non-Residential Parking:

- (d) a minimum of 7 *parking spaces* shall be provided for non-residential uses, of which a minimum of 3 spaces shall be provided as *car-sharing parking spaces*;
- (e) the *parking spaces* required under (d) above may be used by residential visitors;
- (8) no *parking spaces* are required for retail uses on the *lot*;
- (9) where the calculation of the number of *parking spaces* required to be provided and maintained by Section 1(7) of this by-law results either in a fraction of a *parking space*, or in a whole number of *parking spaces* and a fraction of a *parking space*, the fraction if equal to or greater than 0.5 shall be taken to be 1.0 and added to the whole number of the *parking spaces* required to be provided and maintained, and if the fraction is less than 0.5 it shall be excluded from the determination of the number of *parking spaces* that are required to be provided and maintained in respect of the building or structure to be erected or used;
- (10) the minimum number of loading spaces to be provided and maintained on the *lot* shall be:
- (a) 1 *loading space* – type G; and
- (b) 1 *loading space* – type C

2. 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 unless the following municipal services are provided to the *lot* line and the following provisions are complied with:

- (1) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and

- (2) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
3. Pursuant to Section 37 of the *Planning Act*, the height of the development is permitted to increase beyond that otherwise permitted on the lands by By-law No. 438-86 and in return, the owner shall, at its sole expense, enter into an agreement with the City satisfactory to the Chief Planner and Executive Director, City Planning Division and City Solicitor, to secure the provision of the facilities, services and matters set out below, and shall register such agreement on title to the lands as a first charge, subject to permitted encumbrances satisfactory to the City Solicitor, and such agreement and registration shall be to the satisfaction of the City Solicitor:
- (1) The provision of a publicly accessible open space on the lot with a minimum area of 500 square metres, provided that:
    - (i) such publicly accessible open space is located at finished ground level and is accessible from both Peter Street and Richmond Street West;
    - (ii) the final configuration and design is subject to the development review process contemplated by Section 114 of the City of Toronto Act, 2006 or Section 41 of the *Planning Act*;
    - (iii) the use of which by the public shall be limited to reasonable restrictions as set out in the Section 37 Agreement;
    - (iv) the publicly accessible open space is permitted to be used for accessory non-residential uses such as but not limited to, outdoor café seating and uses ancillary to the adjacent retail spaces; and
    - (v) no structures with enclosing walls will be permitted within the publicly accessible open space.
  - (2) A public art installation and upgrade to the publicly accessible open space is provided as follows:
    - (i) a sculpture shall be completed substantially in accordance with the proposal prepared by Shayne Dark dated January 19, 2011, subject to changes satisfactory to the Ward Councillor in consultation with the Chief Planner, secured by a letter of credit in the amount of \$363,000 to cover the approximate cost of the sculpture, delivered prior to the issuance of the first above-grade building permit; and
    - (ii) upgraded paving, secured by a letter of credit in the amount of \$150,000 to cover the approximate cost of the upgraded paving, delivered prior to the issuance of the first above grade building permit.

- (3) Improvements to the northeast corner of Richmond Street West and Peter Street, based on the concept design by Claude Cormier dated July 23, 2010 with the understanding that the final design may require amendments to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor. The maximum cost of these improvements shall not exceed \$1,050,000, with such cost secured by a letter of credit delivered prior to the issuance of the first above-grade building permit for the development, with such cost to be indexed upwardly in accordance with the Non-Residential Construction Price Index (CPI) for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of the Section 37 Agreement. The streetscape improvements are to be completed to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor. Should the maximum cost of these improvements be less than \$1,050,000, the unexpended dollar amount should be allocated to parks and/or streetscape improvements, including improvements to John Street, in Ward 20.
  - (4) A \$120,000 cash payment to be used for capital improvements to the Toronto Community Housing Corporation properties in Ward 20, to be paid prior to the issuance of the first above-grade building permit for the development, with such cost to be indexed upwardly in accordance with the CPI, calculated from the date of the Section 37 Agreement.
  - (5) Reconstruction of portions of the 117 Peter Street façade to reflect the warehouse character of the neighbourhood to the satisfaction of the Chief Planner and to be secured in the Site Plan Agreement, secured by a letter of credit in the amount of \$150,000 to cover the approximate cost of the façade reconstruction, delivered prior to the issuance of the first above-grade building permit for the development.
  - (6) At least Ten Percent (10%) of the total number of *dwelling units* to be constructed in the building shall be three *bedroom dwelling units* in compliance with the provisions of the Ontario Building Code.
  - (7) No *dwelling unit* in the building shall be located below a *height* of 20.5 metres.
4. None of the provisions of this By-law or By-law No. 438-86, as amended, as of the date of the passing of this By-law, shall apply to prevent a *sales office* on the *lot*.
5. Definitions:

For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended, except for the following:

- (1) "*car-share parking space*" means:
  - (a) an unimpeded area that is readily accessible at all times for the parking and removal of a motor vehicle that is owned 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 kilometres driven, and set membership requirements of the car;

- (2) "*grade*" means 88.4 metres Canadian Geodetic Datum; and
- (3) "*sales office*" means a building or structure for the purpose of marketing and sales related to use(s) permitted on the *lot*.

ENACTED AND PASSED this 19th day of May, A.D. 2011.

FRANCES NUNZIATA,  
Speaker

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



