

Authority: Toronto and East York Community Council Item 23.7, adopted as amended, by City of Toronto Council on May 7, 8, 9 and 10, 2013 and MM39.13, moved by Councillor Vaughan, seconded by Councillor Bailão, as adopted by City of Toronto Council on October 8, 9, 10 and 11, 2013

## **CITY OF TORONTO**

### **BY-LAW No. 1503-2013**

#### **To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 81 and 87 Peter Street.**

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended to pass this By-law; and

Whereas Council 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 increase in height and density of development; 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 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 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 aforesaid land has elected to provide the facilities, services and matters, as set out in this By-law; and

Whereas the increases in the density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 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 and are to be secured by one or more agreements by the owner of the aforesaid lands and the City of Toronto;

The Council of the City of Toronto enacts:

1. None of the provisions of Sections 4(2)(a), 4(5) (b), 4(5) (h), 4(8), 4(12), 4(14)(a), 4(16), 4(17), 7(3) PART II 1(i) (3) & (5), 7(3) PART II 1 (I) & 3, 7(3) PART II 7, 7(3) PART II 8(ii), 7(3) PART III 2, 7(3) PART IV 4 & 5, 12 (2) 132, 12(2) 246 of Zoning By-law No. 438-86, of the former City of Toronto, as amended, 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", shall apply to prevent the erection or use of a *mixed-use building* on the *lot* which may contain *dwelling units*, non-residential uses and a *commercial parking garage*, including uses accessory thereto, provided that:

#### Lot Description

- (a) the *lot* consists of at least those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;

#### Units and Gross Floor Area

- (b) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 43,030 square metres, including the area of a *commercial parking garage*;
- (c) the total *residential gross floor area* erected and used on the *lot* shall not exceed 37,550 square metres;
- (d) the total *non-residential gross floor area* erected and used on the *lot* shall not exceed 5,480 square metres;
- (e) the maximum number of *dwelling units* shall not exceed 598;

#### Setbacks

- (f) no part of any building or structure on the *lot* erected or used above finished ground level is located other than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law with the following exceptions applicable to other than a *lot* line:
  - (i) cornices, awnings, skylights, ornamental elements, trellises, window sills, balustrades, stairways and railings, stair enclosures, wheelchair ramps, underground and above *grade* garage ramps, retaining walls, landscape and public art features may project to a maximum of 1.5 metres beyond the heavy lines shown on Map 2; and
  - (ii) canopies and balconies may project to a maximum of 1.8 metres beyond the heavy lines shown on Map 2;

#### Height

- (g) no part of any building or structure on the *lot* erected or used above finished ground level shall exceed the *height* limits shown in metres and specified by the numbers following the letter "H" in the areas delineated by heavy lines on Map 2 subject to the following:
  - (i) any parapets, terrace guards and dividers, planters, railings, decorative screens, chimney stack or other heating, cooling or ventilating equipment or window washing equipment, green roof elements, may exceed the *height* specified provided that the maximum *height* of the top of any such element does not exceed the sum of 2.0 metres and the applicable *height* limit shown on Map 2; and

- (ii) a mechanical penthouse shall be permitted anywhere within the area delineating a height limit of 154.0 metres as shown on Map 2, but in no case shall the overall *height* of the building, including the mechanical penthouse, exceed 154.0 metres;
- (h) despite section 14(4) of Zoning By-law No. 438-86, as amended, and identification of a "Proposed Public Lane Widening" shown in hatching on Map 2, the building or structure on the *lot* shall be permitted to extend below *grade* to the easterly limit of the hatched area shown on Map 2;

#### Residential Amenity Space

- (i) *residential amenity space* shall be provided and maintained on the *lot* as follows:
  - (i) a minimum of 1.97 square metres of indoor *residential amenity space* for each *dwelling unit* on the *lot* shall be provide in a multi-purpose room or rooms in the building of which a maximum of 70 square metres of this area may be provided in guest suites; and
  - (ii) a minimum of 0.46 square metres of outdoor *residential amenity space* for each *dwelling unit* on the *lot* shall be provided in locations adjoining or directly accessible from the indoor *residential amenity space*; and

#### Parking

- (j) *parking spaces* shall be provided for and maintained on the *lot* in accordance with the following:
  - (i) a minimum of 98 *parking spaces* shall be provided for the use of the residents of the building;
  - (ii) a maximum of 120 *parking spaces* for non-residential uses and residential visitor *parking spaces* shall be provided within the *commercial parking garage*; and
  - (iii) for each on-site *car-share parking space* provided on the *lot*, the resident parking requirement shall be reduced by 4 *parking spaces*; and
  - (iv) the maximum number of *car-share parking spaces* shall be 7;
- (k) despite section 12(2)132 of Zoning By-law No. 438-86, as amended, an above grade *commercial parking garage* shall be permitted on the *lot*, and shall contain a maximum of 120 *parking spaces*;
- (l) a minimum of one combined *loading space - Type G* shall be provided and maintained on the *lot* and access to a parking area below grade may be temporarily obstructed when the *loading space - Type G* is occupied;

- (m) a minimum number of 490 residential *bicycle parking spaces - occupant* shall be provided and maintained on the *lot* on Level P1 to Level P5;
  - (n) a minimum number of 123 *bicycle parking spaces - visitor* shall be provided and maintained on the *lot* between the ground floor and Level P1; and
  - (o) no *bicycle parking spaces* shall be required for the *non-residential* uses on the *lot*.
2. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *lot* contemplated herein is permitted in return for the provision by the *owner*, at the *owner's* expense, of the facilities, services and matters set out below 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 *lot* to the satisfaction of the City Solicitor:
- (a) prior to issuance of an above grade building permit the *owner* shall make a cash contribution to the City in the amount of one million three hundred thousand dollars (\$1,300,000.00 CAN) to be applied toward streetscape improvements in the East Precinct of King Spadina at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment;
  - (b) prior to the earlier of condominium registration of the building on the *lot* and the 2<sup>nd</sup> anniversary date of execution of the Section 37 Agreement, the owner of the *lot* shall make a cash contribution to the City in the amount of one million, three hundred thousand dollars (\$1,300,000.00 CAN) to be applied at the discretion of the Chief Planner toward the City's Capital Revolving Fund for Affordable Housing and used for the development of affordable housing in Ward 20, such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment;
  - (c) the *owner* shall:
    - (i) provide and maintain a public art contribution approved by the Chief Planner and Executive Director, City Planning Division which is focused on the enhancement of the facades of the above-grade parking on terms to be set out in the Section 37 Agreement and that has a minimum value of two hundred and fifty thousand dollars (\$250,000.00 CAN) with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of issuance of the first above-grade building permit, but not including a conditional above-grade building permit issued by the Chief Building Official, for all or any part of the proposed building on the *lot*;

- (ii) construct at least ten percent (10%) of the total number of *dwelling units* on the *lot* as having three or more bedrooms in compliance with the provisions of the Ontario Building Code; and
  - (iii) submit a wind study as part of the related Site Plan Approval Application for the proposed development, and implement and maintain any recommended wind mitigations measures identified to the satisfaction of the Chief Planner and Executive Director, City Planning.
- 3. Where Section 2 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.
- 4. 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 Section 2 are satisfied.
- 5. For the purposes of this By-law, each word or expression that is italicized shall have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended, except for the following:
  - (a) "*bicycle parking space - occupant*" means an area that is equipped with a bicycle rack, stacker or locker for the purpose of parking and securing bicycles; and
    - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
    - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
    - (iii) notwithstanding paragraphs (a)(i) and (a)(ii) above, where the bicycles are to be parked in a stacker, being a device that allows bicycles to be positioned above or below one another with the aid of an elevating mechanism, space within the stacker shall have a length of at least 1.6 metres, a width of at least 0.4 metres, and the stacker may be located in an area with a vertical dimension of at least 2.5 metres;
  - (b) "*bicycle parking space - visitor*" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles; and
    - (i) where the bicycles are to be parked on a horizontal surface, "*the bicycle parking space - visitor*" has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;

- (ii) where the bicycles are to be parked in a vertical position, the "*bicycle parking space - visitor*" has horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
  - (iii) notwithstanding paragraphs (b)(i) and (b)(ii) above, where the bicycles are to be parked in a stacker, being a device that allows bicycles to be positioned above or below one another with the aid of an elevating mechanism, space within the stacker shall have a length of at least 1.6 metres, a width of at least 0.4 metres, and the stacker may be located in an area with a vertical dimension of at least 2.5 metres; and
  - (iv) a *bicycle parking space - visitor* may be located within a secured room, enclosure or bicycle locker;
- (c) "*grade*" means 161.03 metres Canadian Geodetic Datum;
- (d) "*car-share*" shall mean the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization and such *car-share* motor vehicles are made available to at least the occupants of the building for short term rental, including hourly rental. *Car-share* organizations may require that the *car-share* motor vehicles be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
- (e) "*car-share parking space*" shall mean a *parking space* exclusively reserved and signed for a motor vehicle used only for *car-share* purposes;
- (f) "*City*" means the City of Toronto;
- (g) "*height*" means the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise expressly permitted pursuant to this By-law;
- (h) "*lot*" means at least the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- (i) "*owner*" means the registered owner of the *lot* other than the City of Toronto in connection with lands conveyed for municipal purposes;
- (j) "*parking space*" means an area having minimum dimensions of 5.6 metres in length and 2.6 metres in width which is readily accessible at all times for parking and removal of a motor vehicle without the necessity of moving another vehicle, and may include a maximum of one bicycle parking space located wholly or partially within the minimum *parking space* dimensions; and

- (k) "*sales office*" shall mean means a temporary building, structure, facility or trailer on the *lot* used for the purpose of the initial sale and/or initial leasing of *dwelling units* or *non-residential gross floor area* to be erected on the *lot*.
6. None of the provisions of By-law No. 438-86, as amended, shall apply to prevent a *sales office* on the *lot*.
7. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot* as well as the buildings and structures on the *lot*.
8. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the *lot* as well as the buildings and structures on the *lot*.
9. 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:
- (a) 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
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Enacted and passed on November 15, 2013.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)





