

## CITY OF TORONTO

### BY-LAW No. 222-2014(OMB)

#### **To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 11 Peel Avenue.**

Whereas authority is given to the Ontario Municipal Board under the *Planning Act*, R.S.O. 1990, c. P.13, as amended, upon hearing the appeal of the Owners of the lands, to pass this By-law;

Therefore By-law No. 438-86, as amended, of the former City of Toronto, is further amended by the Ontario Municipal Board as follows:

1. Except as otherwise provided herein, the provisions of former City of Toronto By-law No. 438-86 shall continue to apply to the *lot*.
2. None of the provisions of Sections 2 with respect to the definition of *grade*, *height*, and *residential amenity space* or sections 4(2), 4(4)(b), 4(6), 4(7), 4(12), 4(13), 4(16), 8(1), 8(3) Part I, 8(3) Part II (4)(c), 8 Part XI(2), 9, 12(1)307 and 12(2)270 of former City of Toronto By-law No. 438-86 shall apply to prevent the erection or use of one or more *mixed-use buildings*, a *commercial parking garage*, and structures *accessory* thereto, on the *lot*, provided that all of the provisions of this by-law are complied with.
3. The *lot* shall consist of those lands outlined in heavy lines on Map 1 attached hereto, located above and below *grade*, and the portion of the lands within the shaded area shown on Map 1 located below the Canadian Geodetic elevation of 92.0 metres.

#### **GROSS FLOOR AREA**

4. The *residential gross floor area* on the *lot* shall not exceed 30,850 square metres.
5. The minimum *non-residential gross floor area* on the *lot* shall be 6,000 square metres.
  - (a) In the event that an additional 700 square metres of non-residential gross floor area over and above the minimum required by Section 5 above is provided then the reduction of parking spaces allowed by paragraph 13(b) may increase to 65.
6. The total *non-residential gross floor area* on the *lot* used for one or more *retail stores* and a supermarket shall not exceed 4,300 square metres.

#### **PROJECTIONS**

7. No portion of any building or structure erected and used above *grade* is located otherwise than wholly within the area delineated by heavy lines on Map 2, attached hereto and forming part of this By-law, with the exception of the following:
  - (a) cornices, sills, pilasters, parapets, light fixtures, ornamental elements, eaves, and balustrades which may project 0.4 metres outside of the heavy lines on the attached Map 2;

- (b) balconies which may project 1.8 metres outside of the heavy lines on the attached Map 2;
- (c) underground garage ramps and their associated structures, retaining walls, fencing, canopies, decks, railings, and planters, which may extend beyond the heavy lines on the attached Map 2;

## HEIGHT

8. No person shall erect or use a building or structure on the lot having a greater height in metres than the height limits specified by the numbers following the symbol H on the attached Map 2, with the exception of the following:
- (a) the maximum height for terrace and balcony guards and dividers, planters, elements of a green roof, landscape features, vents, flues, light fixtures, railings, decorative screens, window washing equipment, and ornamental architectural features shall be the sum of 1.8 metres and the applicable height limit shown on the attached Map 2;
  - (b) the maximum height for parapets shall be the sum of 1.5 metres and the applicable height limit shown on Map 2;
  - (c) in the areas labelled "MPH" on the attached Map 2, the maximum height for mechanical penthouses and stair enclosures shall be the sum of the applicable height limit and the number following the "+" symbol.

## STOREYS

9. No person shall erect or use a building or structure on the lot having a greater number of *storeys* above *grade* than as shown by the number following the symbol S on the attached Map 2.
10. Notwithstanding the provisions of Section 2 of By-law No. 438-86 with respect to the definition of *storey*, neither a mechanical penthouse nor a partial intermediate floor located within a *grocery store* shall constitute a *storey*.

## RESIDENTIAL AMENITY SPACE

11. A minimum of 590 square metres of indoor *residential amenity space* shall be provided in accordance with the following:
- (a) guest suites shall be considered as indoor *residential amenity space*;
  - (b) indoor *residential amenity space*, other than that provided in guest suites, shall be provided in no more than 2 separate areas each of which may contain multiple contiguous rooms; and
  - (c) One of the 2 areas shall be adjacent to the outdoor *residential amenity space* and shall contain a kitchen and a washroom.

12. A minimum of 585 square metres of outdoor *residential amenity space* shall be provided.

## **PARKING AND LOADING**

13. *Parking spaces* shall be provided below *grade* in accordance with the following:
- (a) Parking for residents shall be provided on the *lot* or at 20 Gladstone Avenue as follows:
    - i. 0.7 *parking spaces* for each *bachelor dwelling unit*;
    - ii. 0.8 *parking spaces* for each *one bedroom dwelling unit*;
    - iii. 0.9 *parking spaces* for each *two bedroom dwelling unit*;
    - iv. 1.1 *parking spaces* for each *three bedroom dwelling unit*;
  - (b) Notwithstanding subsections (a)i to (a)iv above, the total number of *parking spaces* required by these ratios for the residents of *dwelling units* may be reduced by 53 *parking spaces*;
  - (c) A minimum of 62 *parking spaces* for the non-residential uses shall be provided as unreserved spaces within a *commercial parking garage* on the lot or at 20 Gladstone Avenue;
  - (d) A minimum of 0.06 *parking spaces* per dwelling unit shall be provided on the *lot* or at 20 Gladstone Avenue for visitors, provided that:
    - i. A maximum of 9 of the required visitor *parking spaces* may be provided within a *commercial parking garage* on the *lot* or at 20 Gladstone Avenue but they must be dedicated for use by visitors to the residents of 11 Peel Avenue;
    - ii. A minimum of 17 of the required visitor *parking spaces* must be dedicated for use by visitors to the residents of 11 Peel Avenue and there shall be no charge for their use.
14. Notwithstanding Section 4(17) of By-law No. 438-86, up to 8 of the required *parking spaces* may be obstructed on one side and have a minimum width of 2.6 metres and a length of 5.6 metres.
15. A minimum of 342 *bicycle parking spaces* shall be provided, 260 for residents at or below *grade*, 65 for visitors at *grade* and 17 for non-residential uses at or below *grade*, provided that:
- (a) Up to 30 of the required *bicycle parking spaces* - visitors may be provided on 20 Gladstone Avenue;
  - (b) *Bicycle parking spaces* required by Section 15 above shall not be provided within a *dwelling unit* or a balcony thereof nor within a commercial suite.

16. A minimum of one *loading space – type "G"*, three *loading spaces – type "B"* and two *loading spaces – type "C"* shall be provided and maintained on the *lot*.
- (a) Notwithstanding (16), up to one of the required *loading spaces – type "B"* may be provided on *20 Gladstone Avenue*.

### PERMITTED USES

17. No person shall use a *lot* or erect or use a building within the *lot* for any purpose except one or more of the following uses:
- (a) a *mixed-use building*;
- (b) *artist or photographers studio, bake-shop, branch of a bank or financial institution, caterer's shop, clinic, community centre, courier service, day nursery, custom workshop, dry cleaning shop, duplicating shop, grocery store, laundry shop, office, performing arts studio, personal grooming establishment, pet shop, private academic, philanthropic or religious school, premises of a charitable institution or non-profit institution, public art gallery, private art gallery, retail store, restaurant, service rental or repair shop, showroom, software and design establishment, tailoring shop, take out restaurant and theatre uses*;
- (c) despite Section 17(b) above, a *restaurant* is only permitted to a maximum *non-residential gross floor area* of 200 square metres, exclusive of storage, kitchen facilities, washrooms and corridors;
- (d) despite Section 17(b) above, any one retail store, or grocery store, is only permitted to a maximum *non-residential gross floor area* of 2,665 square metres;
- (e) a *commercial parking garage*, which may only be located below *grade*, on the P1 parking level; and
- (f) uses accessory thereto.
18. No *dwelling units* to be located below *grade*.

### UNIT MIX

19. A minimum of 20 of the *dwelling units* on the *lot* shall contain at least three bedrooms.
20. In addition to the *dwelling units* required by Section 19 above, a minimum of 190 *dwelling units* shall contain at least two bedrooms.

### PEDESTRIAN OPENING

21. A pedestrian opening is provided in the area labelled on Map 2 as "pedestrian opening". The pedestrian opening shall:
- (a) provide unobstructed pedestrian access with the exception of pillars and structural

elements required to support the building above, bicycle parking, landscape features, and outdoor seating areas;

- (b) Have a minimum clear height of 4.5 metres; and
- (c) Have a minimum width as shown on Map 2.

## **MUNICIPAL SERVICES**

**22.** 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
- (c) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

## **IMPLEMENTATION**

**23.** No person shall erect or use any building or structure above grade prior to satisfying the following conditions:

- (a) The owner of the Lands shall enter into an agreement with the City of Toronto pursuant to Section 37 of the Planning Act to secure facilities, services and matters, the said agreement to include provisions relating to indemnity, insurance, GST, termination, unwinding, registration and priority of agreement and the indexing of any financial contributions and register against the title to the *lot* as a first charge;
- (b) The owner, at its own cost, shall provide a cash contribution of \$2.1 million to the City for the following capital facilities:
  - i. the construction of a new public park at 405 Dufferin Street and 17-21 Peel Avenue; and
  - ii. if not all funds are used for the park construction, the remaining funds to be used towards *affordable artist work studios* for artists, owned and operated by the City or by a not-for-profit artspace management organization approved by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.
- (c) The cash contribution is to be paid prior to the issuance of the first above-grade permit for the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

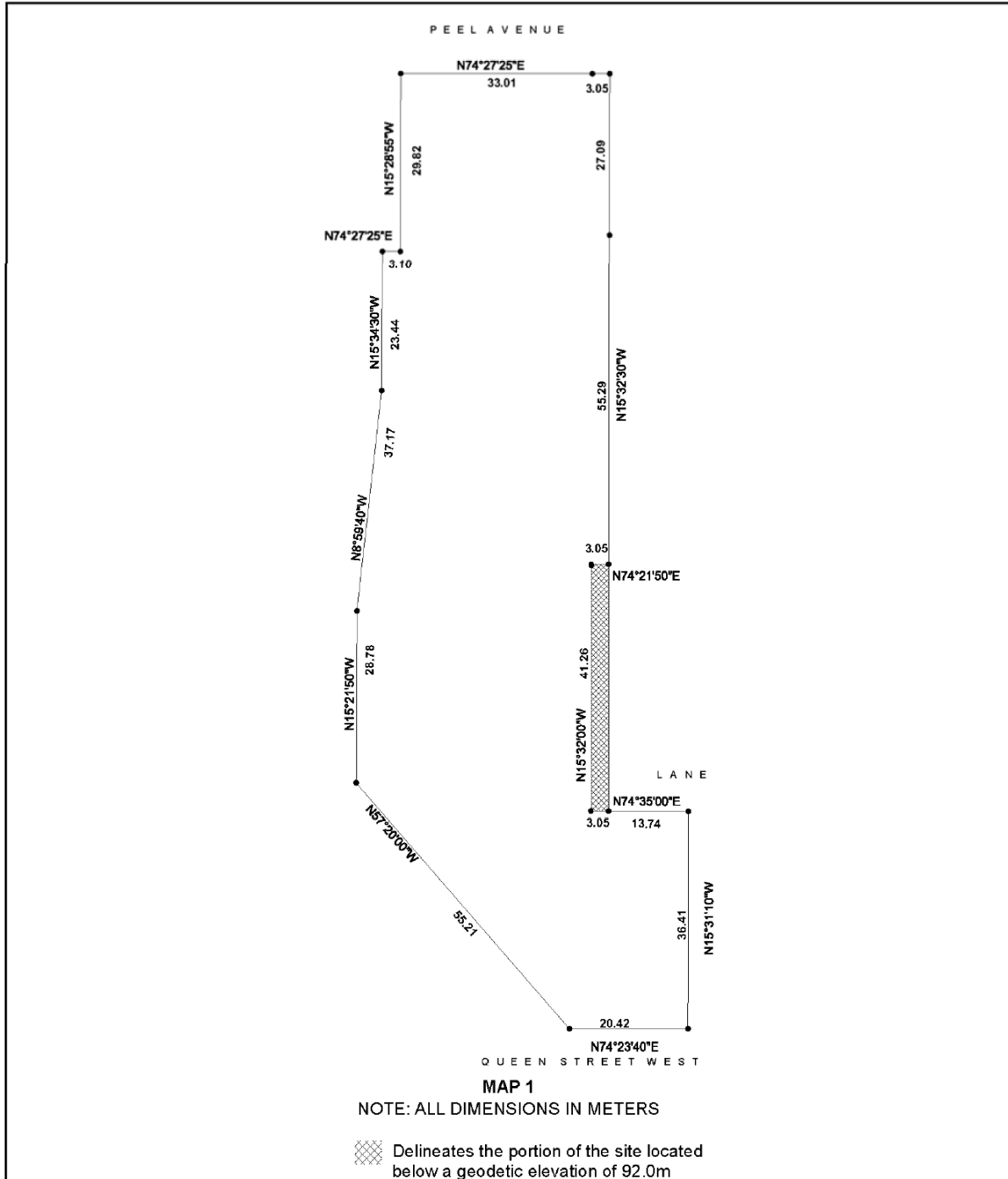
- (d) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- i. all building materials will be secured through site plan approval;
  - ii. provide for any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Executive Director of Engineering and Construction Services should be determined that upgrades to such infrastructure is required to support this development;
  - iii. the Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee; and
  - iv. the Owner shall lower the grade, at their own cost, on the property known as 405 Dufferin Street to the grade agreed to by the General Manager, Parks, Forestry and Recreation for the new public park on the site.

## DEFINITIONS

24. For the purposes of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended, except for the following expressions which shall have the following meaning:
- (a) *20 Gladstone Avenue* means the adjacent property shown as "20 Gladstone Avenue" on the attached Map 3;
  - (b) *affordable artist work studio* shall mean a studio for the production of art and which is the subject of an agreement between the City and the owner, registered on title, that it will be rented at below market rates to a working artist or artists to the satisfaction of the Director, Business Development and Retention and/or the Director of Culture for a period of no less than 20 years from the date of first occupancy of the studio;
  - (c) *grade* means the Canadian Geodetic elevation of 92.8 metres;
  - (d) *height* shall mean the vertical distance between *grade* and the highest point of the structure;
  - (e) *non-residential gross floor area* has the same meaning as provided in By-law No. 438-86, as amended, with the exception that the floor area occupied by *parking spaces* provided on the *lot* for residents and visitors of *20 Gladstone Avenue* and a *commercial parking garage* and uses accessory thereto shall be excluded from the calculation of *non-residential gross floor area*;

- (f) *residential amenity space* shall mean a common area or areas within the *lot* provided for recreational and social purposes which shall be provided exclusively for the use of the residents of the buildings on the *lot* and *20 Gladstone Avenue*.

PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JANUARY 15, 2014 UNDER OMB FILE NO. PL130330.



## Map 1

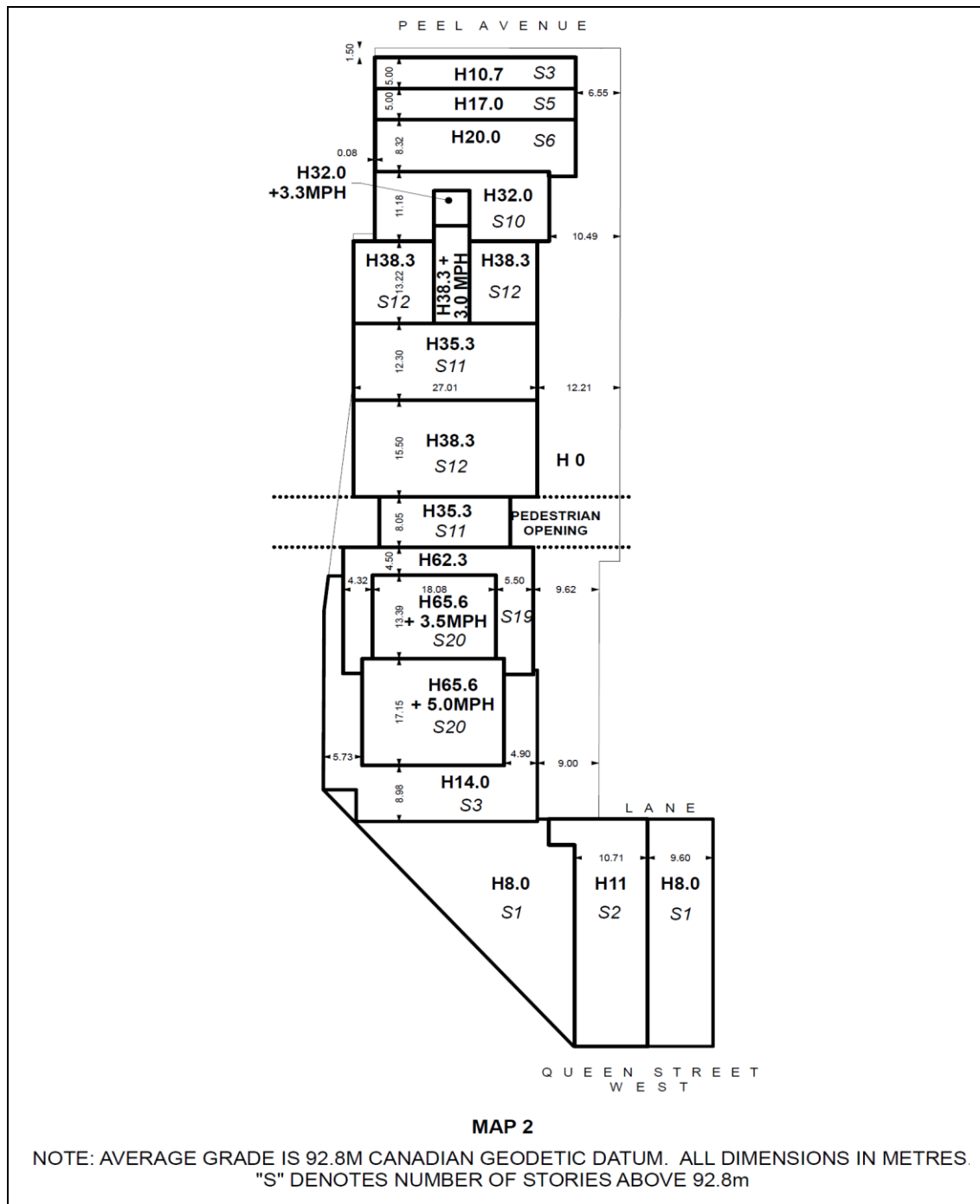
Applicant's Submitted Drawing

Not to Scale  
MM/DD/YY

11 Peel Street

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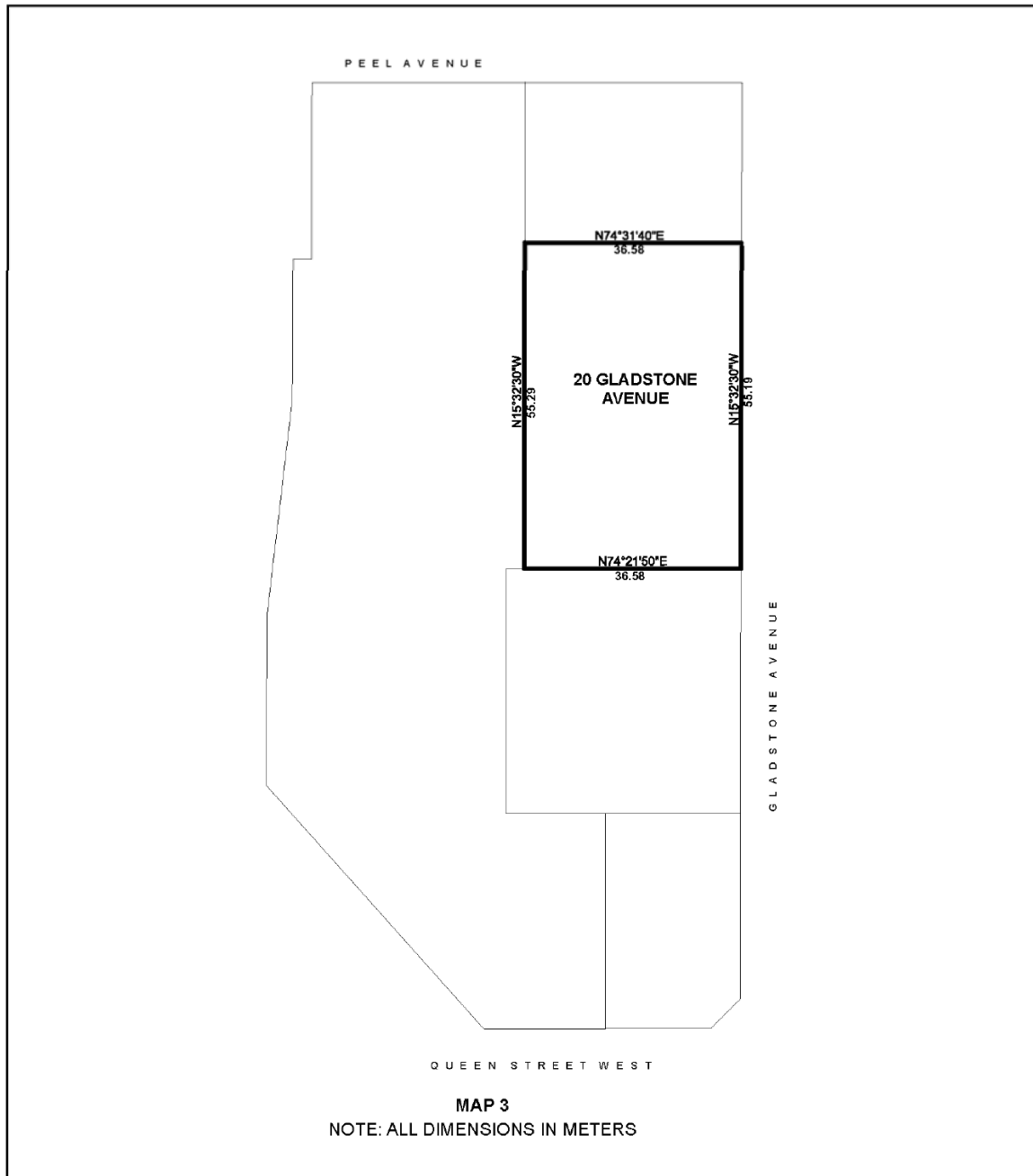


**Map 2**

Applicant's Submitted Drawing

Not to Scale  
MM/DD/YY**11 Peel Street**

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**Map 3**

Applicant's Submitted Drawing

Not to Scale  
MM/DD/YY**11 Peel Street**

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