

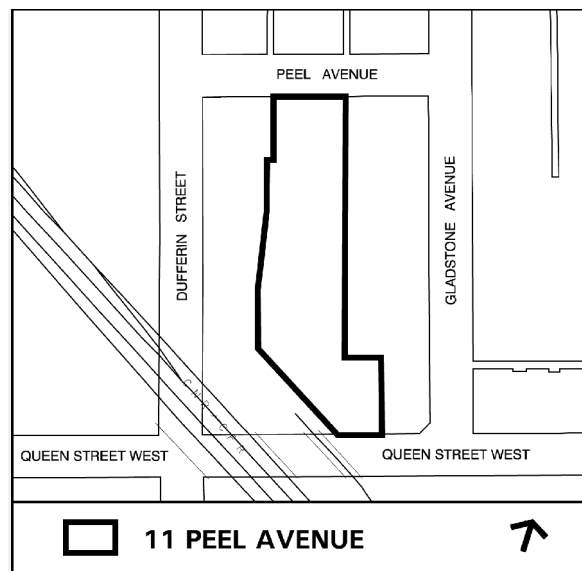
**11 Peel Ave – Official Plan and Zoning Amendment Applications – Request for Direction Report**

<b>Date:</b>	November 13, 2013
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 18 – Davenport
<b>Reference Number:</b>	P:\2013\Cluster B\PLN\PGMC\PG13090 (11 302503 STE 18 OZ)

**SUMMARY**

These applications propose to amend the Official Plan and Zoning By-law to permit 434 residential units (31,103 square metres), 4,288 square metres of retail space, and 1,897 square metres of non-residential, non-retail space in a building ranging in height from 4 to 20 storeys (13.5 to 62 metres) at 11 Peel Avenue. Three hundred and fifty six parking spaces are located underground on the site. The site is currently designated *Employment Areas* in the Official Plan and is zoned Industrial in former City of Toronto By-law 438-86, as amended.

This report reviews and recommends approval of the applications to amend the Official Plan and the Zoning By-law and directs staff to attend the Ontario Municipal Board hearing set for January 7 and 8, 2014 in support, subject to appropriate conditions of approval.



**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council authorize the City Solicitor together with City Planning Staff and any other appropriate staff to attend the

Ontario Municipal Board Hearing scheduled for January 7 and 8, 2014 with respect to 11 Peel Avenue and support the proposal described in this report dated November 13, 2013 from the Chief Planner and Executive Director, City Planning Division, including the draft Official Plan Amendment and the draft Zoning By-law Amendment attached as Attachments No. 14 and 15.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required.
3. City Council direct staff to request that the Ontario Municipal Board withhold its final order on the Zoning By-law until the owner has entered into an Agreement with the City pursuant to Section 37 of the Planning Act as follows:
  - a. The matters recommended to be secured in the Section 37 Agreement are:
    - i. A \$2.2 million cash contribution to be used as follows:
      - a) the entire cash amount, or a portion, for the construction of a new public park at 405 Dufferin Street; or
      - b) a maximum of \$500,000 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 in consultation with the Executive Director, Toronto Culture either on or off the subject site, but within the immediate vicinity of the site, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.

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.

- b. The following matters are also recommended to be secured in the Section 37 Agreement in support of the development:
  - i. the owner shall pay for the implementation of wind mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - ii. the owner shall pay for and provide 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 it be determined that upgrades to such infrastructure are required to support this development; and

- iii. the owner shall lower the grade and remove all excess material, at their own cost, on the property known as 405 Dufferin Street to the satisfaction of the General Manager, Parks, Forestry and Recreation for the proposed new public park on the site.
4. City Council direct that any cash-in-lieu (CIL) of parkland dedication payment that is above the first 5%, be directed towards the cost to construct the above base park improvements of the lands to be developed as parkland.
5. City Council authorize the appropriate City staff to take any necessary steps to implement the foregoing.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The Preliminary Report for the Official Plan Amendment applications was adopted by the Planning and Growth Management Committee on February 16, 2012. The report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG11.3>

This site was referenced in the report dated October 23, 2012 regarding the Official Plan Review and the Municipal Comprehensive Review. This report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG19.5>

The conversion of this site from *Employment Areas* to *Mixed Use Areas* is also discussed in the report from the Chief Planner and Executive Director, City Planning Division which was submitted to the November 21, 2013 meeting of the Planning and Growth Management Committee meeting with respect to the Municipal Comprehensive Review.

### **ISSUE BACKGROUND**

#### **Proposal**

These applications propose to amend the Official Plan and the Zoning By-law to permit residential, retail and non-residential uses on the site. There have been some positive changes in the proposal since it was first submitted including: a reduction in the overall height of the tower, a lowering of the height of the townhouse units facing Peel Avenue, the introduction of three bedroom units, an increase in the amount of non-residential, non-retail space, the provision of dedicated visitor parking spaces and the elimination of shadows on nearby properties designated *Neighbourhoods*.

The planning for this site has been considered within the context of the other development parcels on the block, all of which are being developed by the same developer (Streetcar Developments), as they share parking ramps, garbage loading areas, amenity space and portions of the parking garage. There is also a large proposed public park on City-owned land to the west of the site at 405 Dufferin Street.

Here is a summary of the status and the relationship of the development parcels on the block:

<b>Address</b>	<b>Status</b>	<b>Shared Elements</b>
2 Gladstone Avenue	Approved, occupied and registered	Parking access, underground garage and garbage loading shared with 8 Gladstone
8 Gladstone Avenue	Approved and occupied	Parking access, underground garage and garbage loading shared with 2 Gladstone, garbage loading shared with 20 Gladstone
20-38 Gladstone Avenue	Final Report at Nov. 19, 2013 TEYCC	Parking access, underground garage and amenity space shared with 11 Peel, garbage loading shared with 8 Gladstone
11 Peel	Request for Direction Report at Dec. 4, 2013 PGM	Parking access, underground garage and amenity space shared with 20 Gladstone

The layout of the 11 Peel site specifically is comprised of one building stretching from Peel Avenue, down the west side of the site, to Queen Street West. A privately owned (but publicly accessible) laneway runs along the east side of the site until it meets with the east-west laneway that runs between the buildings at 2 and 8 Gladstone Avenue. This creates an L-shaped laneway system for the block that provides vehicular and pedestrian access from Gladstone Avenue to Peel Avenue. In addition to the laneway, a pedestrian connection runs east-west through the block, from Dufferin Street, through the centre of the 11 Peel Avenue site, through the 20 Gladstone site to Gladstone Avenue.

Four hundred and thirty-four residential units, (31,103 square metres) are proposed in a building ranging in height from 4 storeys (13.5 metres) at the north end of the site, rising up to 20 storeys (62 metres) at the south end of the site. In the middle portion of the site, the buildings have various heights from 6 to 13 storeys. Access to the residential is from Peel Avenue (for those units fronting on Peel Avenue, located at grade), and from two residential lobbies located off the laneway, adjacent to the pedestrian connection through the site. The unit types include 2 studios units, 218 1-bedroom units, 194 2-bedroom units and 20 3-bedroom units.

The non-residential, retail uses on the site include a proposed grocery store and additional retail space located at the south end of the site with access from the laneway or Queen Street West. The majority of the non-residential, non-retail space on the site is located on the west side of the site, facing the new park on Dufferin Street. It is located on 2 levels and it has access from the park and the laneway. The uses for this space include uses

which are compatible with the residential uses on the site, and are listed in detail in the Comments section of this report.

Three hundred and fifty-six spaces are located underground with access from the laneway on the east side of the site. Two hundred and sixty-one are for residents of the building and 95 are in a commercial parking garage on the P1 level. Of the 95 commercial spaces, 83 spaces are for the non-residential component of the project, and 12 are for residential visitors. In addition, 60 spaces on the P3 level of the development at 20 Gladstone will be dedicated to residents of the 11 Peel Avenue building. A total of 344 bicycle parking spaces are proposed, 262 for residents, 65 for visitors and 17 for the non-residential uses on the site.

Please see Attachments 1-10 for drawings of the proposal, and Attachment 13 for the Application Data Sheet.

### **Site and Surrounding Area**

The 5,925 square metre site runs from Peel Avenue on the north, to Queen Street West at the south. It is located between the City-owned property known as 405 Dufferin Street and the properties from 2 to 50 Gladstone Avenue. The site is currently vacant except for the Queen Street West façade of the building that was on the site which will be re-used as an entry point to the retail use on-site.

North: To the north of the site is a stable residential neighbourhood, characterized by 2-storey dwellings. This area is designated *Neighbourhoods* in the Official Plan.

East: To the immediate east of the site, north of Queen Street West are 2, 8-storey, recently approved mixed-use developments known as 2 and 8 Gladstone Avenue. To the north of 8 Gladstone are 10 properties which have been consolidated and are subject to a Zoning By-law Amendment application for a 7-storey mixed use building. At the southwest corner of Peel and Gladstone are 2-storey mixed use buildings fronting on Gladstone Avenue, and a house and abandoned property facing Peel Avenue. These properties are all designated *Mixed Use Areas* in the Official Plan.

On the east side of Gladstone Avenue is the historic Gladstone Hotel at Queen Street West, then moving north: a large grocery store with a surface parking lot, 2 unoccupied commercial buildings, all designated *Mixed Use Areas* in the Official Plan, and then 2 storey residential buildings up to Peel Avenue all designated as *Neighbourhoods*.

South: To the south of the site is Queen Street West and the Lower Galt Subdivision Rail Line. This is the rail line that is being expanded to accommodate the air rail link to Pearson International Airport. On the south side of Queen Street West is an area designated *Regeneration Areas* in the City's Official Plan which contains many recent developments ranging in height from 2-storey townhouses to 21-storey condominium towers.

West: On the west side of the site is a sloped, grassed, City-owned parcel (known as 405 Dufferin Street) which is part of the newly completed Dufferin Street Jog project and three privately owned residential dwellings fronting on Peel Avenue. On the west side of Dufferin Street is a large, 1-storey industrial building which contains a variety of non-residential uses including a wood working studio, hair salon, furniture design studio, and a dance company, among others. All these properties are designated *Employment Areas* in the Official Plan.

## **The Planning Act**

Section 2 of the Planning Act which deals with Provincial Interests requires councils of municipalities to have regard to matters of provincial interest such as:

- (l) the protection of the financial and economic well-being of the province and its Municipalities;
- (o) the protection of health and safety; and
- (p) the appropriate location of growth and development.

## **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS establishes the policy foundation for regulating the use and development of land. City Council's planning decisions are required to be consistent with the PPS. The PPS requires the City to promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) planning for, protecting and preserving *Employment Areas* for current and future uses; and
- d) ensuring the necessary *infrastructure* is provided to support current and projected needs.

The PPS defines *Employment Areas* as those areas designated in an Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Section 1.3.2 of the PPS states that the City may only give consideration to converting lands within *Employment Areas* to non-employment uses when a *comprehensive review* has met the following two-part test:

- (i) the land is not required for employment purposes over the long-term; and
- (ii) that there is a need for the conversion.

### **Growth Plan for the Greater Golden Horseshoe**

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict with, the Growth Plan.

The Growth Plan requires the City to maintain an adequate supply of lands providing locations for a variety of appropriate employment uses in order to accommodate the employment growth forecasts of the Plan. The Plan requires municipalities to promote economic development and competitiveness by:

- a) providing for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) planning for, protecting and preserving *employment areas* for current and future uses; and
- d) ensuring the necessary infrastructure is provided to support current and forecasted employment needs.

The definition of an *Employment Area* in the Growth Plan is the same as that used in the PPS.

### **Official Plan**

Map 18 of the City's Official Plan shows the subject lands designated as *Employment Areas* (see Attachment 11).

### **Zoning**

The existing zoning on the site is I1 D2 (Industrial) with a height limit of 14 metres in former City of Toronto By-law 438-86. Please see Attachment 12 for the zoning map.

## **Site Plan Control**

An application for Site Plan Control was submitted on November 1, 2011 and is under review. The Site Plan Control application has not been appealed to the Ontario Municipal Board.

## **Municipal Comprehensive Review**

This project was reviewed within the context of the Municipal Comprehensive Review. The results of the Municipal Comprehensive Review were outlined in the report from the Chief Planner and Executive Director, City Planning Division which will be submitted to the November 21, 2013 meeting of the Planning and Growth Management Committee meeting.

## **Reasons for Application**

Official Plan Amendment Application - The proposed residential and larger retail uses are not permitted on lands designated *Employment Areas* in the Official Plan.

Zoning Amendment Application – The proposed residential uses density and height are not permitted in areas zoned "I" (Industrial).

## **Community Consultation**

A Community Consultation meeting was held on May 3, 2012 at Alexander Muir Public School. Approximately 30 members of the public attended, along with the local Councillor, the applicant and City Planning staff. Comments and questions were raised about the heights of the building, the overall density and number of units, the amount of non-residential space and the uses that would be permitted in that space, the type of community benefits that would be secured as part of any approval, and the amount of traffic that would be generated by the proposal.

A second meeting, with invitations addressed to those who attended the first meeting, was held on October 1, 2013 to follow up on the revisions to the proposal. The topics discussed in this meeting included the proposed amount of non-residential space, the potential traffic impact on the community and the distribution of any Section 37 benefits.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the PPS and the proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.



## Land Use

The conversion of this property from an *Employment Areas* designation to *Mixed Use Areas* in the Official Plan was discussed in the Municipal Comprehensive Review report from the Chief Planner and Executive Director, City Planning Division submitted to the November 21, 2013 agenda of the Planning and Growth Management Committee. Planning staff are recommending that the property at 11 Peel Avenue be redesignated to *Mixed Use Areas* in the Official Plan for a number of reasons outlined below.

The existing supply of *Employment Areas* is sufficient to meet the 2031 Provincial employment forecasts in Toronto and it is anticipated that the City will meet the employment forecasts allocated to the municipality pursuant to the Growth Plan. It should be noted however that while no single conversion request would affect this outcome, multiple conversions will impact Toronto's ability to meet the Provincial employment forecast.

Although the City does not need to convert any employment designated lands to meet the population forecasts as provided by the Growth Plan, a need does exist in certain instances to convert a subject site to address land use incompatibilities. The subject site is surrounded by residential and mixed uses on the north, east, and south and as such land use incompatibilities could be created should the employment permissions continue on the subject lands.

As part of the Dufferin Jog project, which saw Dufferin Street continue under the rail corridor, where it had previously jogged using Peel and Gladstone Avenue, an Environmental Assessment (EA) was completed to look at the future configuration and character of Gladstone and Peel Avenues. The result of this EA is that both Gladstone and Peel will become neighbourhood streets, narrower, with the addition of tree plantings, additional on-street parking, and most significantly, one-way north (Gladstone) and west (Peel). This means that the property at 11 Peel will only have access from minor, neighbourhood streets, which further reduces its potential as an industrial property. It should be noted that the property does have frontage on Queen Street West, at a grade equivalent to the P1 level. This frontage would not be suitable for anything other than pedestrian access.

The property has become an isolated piece of *Employment Area* designated land, surrounded by a *Mixed Use Area*, a *Neighbourhood* and a City-owned property that will become *Parks* through the Municipal Comprehensive Review. The property is not part of a larger *Employment Area*, and the conversion of it will not destabilize an active *Employment Area*, or set a precedent for further conversions. However, the addition of residential permissions to the site comes with a number of requirements set out in the Official Plan in a Site and Area Specific Policy (SASP). As well, the site-specific zoning by-law for the site and in the Section 37 Agreement will include additional obligations. These conditions reflect the particular importance that the history of the site as a non-residential, industrial site has on not only the immediate neighbourhood, but also the City at large.

The proposed Site and Area Specific Official Plan Policy and the zoning by-law both require a minimum amount of non-residential space be part of any redevelopment of the site. Specifically, the SASP states that a minimum of 1 times the area of the lot must be non-residential, and a minimum of 0.35 times the area of the lot must be non-residential and non-retail. The draft zoning by-law also sets out a minimum non-residential component (expressed in square metres). This ensures that the site will provide a variety of employment types at a scale which is appropriate. The building that existed on the site was a one-storey warehouse building, so the one times the area of the site requirement reflects what existed on the site when it was last used for an industrial use, which is an appropriate reference point in this case.

Further, as part of the redevelopment of the West Queen West Triangle area located south of the subject site, a ratio of 0.7 times non-residential was generally secured. Staff wanted to secure a higher ratio as part of the redevelopment of 11 Peel to achieve a "no net loss" of employment space.

### **Non-Residential Space**

The proposed Zoning By-law permits the non-residential space to be used for any of the following uses: community centre, day nursery, public art gallery, bake-shop, caterer's shop, courier service, dry cleaning shop, duplicating shop, laundry shop, personal grooming establishment, retail store, restaurant, tailoring shop, take out restaurant, artist or photographers studio, custom workshop, software and design establishment, and office. These uses are compatible with the residential uses on the site, and provide a range of possible tenants for the non-residential space in the building. In addition the zoning by-law includes limits on the size of restaurants (200 square metres) and the size of any one retail store (2,300 square metres), the size of the proposed grocery store.

### **Height and Massing**

The appropriate height and massing on the site was determined by examining the site characteristics, the placement of height on the site, the relationship and perception of the buildings from the public streets, the surrounding built form and shadows cast by the building.

The site location is unusual. Despite its size, it has very little frontage on public streets. As described above, there is pedestrian access from Queen Street West, directly adjacent to the rail corridor. The other access point is Peel Avenue which is only 32 metres wide. By proposing an internal laneway system that runs along the eastern portion of the site it allows the site to be connected to the streets and forms an accessible and public space in the middle of the block. In addition, an east-west mid-block pedestrian connection runs from Gladstone Avenue to Dufferin Street.

Starting at the north end of the site the proposal includes four-storey townhouse units, with individual access from Peel Avenue reflecting the lower scale, residential character of Peel Avenue. The building then steps up to 6-storeys (at 7.5 metres from the north property line) and then 10-storeys (20 metres from the north property line). The building then alternates between 11 and 13-storeys until, at 80 metres from the north property line,

the 20-storey tower is located. The mid-block part of the building, at 10 to 13-storeys is appropriate because it does not produce shadow on lands designated as *Neighbourhoods* on the equinoxes, and it is setback substantially from any public street.

The massing of the 10 to 13-storey part of the building is acceptable for two main reasons. Firstly, it is setback 10 metres from the eastern property line, which allows for a 20 metre separation from the mid-rise building proposed at 20 Gladstone Avenue. This is an appropriate separation distance in this comprehensive redevelopment given its scale, and will allow for privacy and light for the units in both developments.

Secondly, the design includes 6 distinct façade treatments for the building. These different treatments include not only differences in colour, but also different materials, fenestration patterns, and balcony types. These differing designs, along with the variety in heights make the building appear to be a series of buildings, as opposed to one large building. This breaks up the visual scale of the building which is especially important on the west façade facing the new public park.

The tallest part of the building is located at the south end of the site, next to the rail corridor. The height of the tower is 62 metres or 20 storeys. This height is appropriate in this location for the following reasons. Firstly, the shadows from the tower (or from any part of the building for that matter) do not touch any properties designated *Neighbourhoods* on either the north side of Peel Avenue, or the east side of Gladstone Avenue on the equinoxes. Secondly, the tower is over 45 metres setback from Queen Street West, 50 metres from Gladstone Avenue and 30 metres from Dufferin Street. The overall height of the tower is appropriate on this site, given the site characteristics and the location of the tower on the site.

### **Shadow Studies and Wind Study**

As part of the review of this application staff studied the shadow studies submitted by the applicant. The studies that were submitted as part of the initial application showed unacceptable shadowing on properties designated *Neighbourhoods*. As part of the revisions to the proposal the overall height of the tower and the townhouses facing Peel were lowered, and the heights of the middle portion of the building were adjusted to eliminate the shadow on the *Neighbourhoods*. The shadow studies are now acceptable to staff.

The applicant also submitted Wind Assessment from GME – Gradient Microclimate Engineering Inc, dated October 25, 2011. Overall, the study concluded that, "the majority of the grade-level pedestrian areas are expected to be satisfactory for the anticipated activities with local and isolated mitigation required in some areas." The study concluded that some mitigation was required including perimeter windscreens on the outdoor amenity areas (1.8 metres tall) and canopies over entranceways. These will be secured in the Section 37 agreement and through Site Plan Approval.

## Traffic Impact

A Traffic Impact Study was submitted by the applicant as part of the application process. Transportation Services staff have reviewed the study and have found that the development will generate 174, 134 and 289 two way trips during the AM, PM and Saturday peak hours respectively. Given these estimated trips, the road network will continue to operate at acceptable levels and Transportation Services staff have accepted the Traffic Study.

## Parking

The proposed parking for the development at 11 Peel is complex. Firstly, the parking garage under the building at 11 Peel is proposed to be a shared underground garage with the development at 20 Gladstone. In essence, there will be one, 3-level underground garage under the 11 Peel and 20 Gladstone sites.

Secondly, some of the residential parking for 11 Peel, will be located on the P3 level of the 20 Gladstone portion of the garage.

Thirdly, a proposed commercial parking garage linked to the grocery store at 11 Peel, but also open to the general public, is located on the P1 level of the 11 Peel portion of the underground garage. Some, but not all, of the visitor parking for both 11 Peel and 20 Gladstone is located in the commercial garage. The rest of the visitor parking for both projects is located on the P1 level of the 20 Gladstone portion of the garage.

Following is a summary of the proposed parking numbers and location:

	11 Peel			20 Gladstone			Total
	P1	P2	P3	P1	P2	P3	
Resident Parking for 11 Peel		130	131			60	321
<b>Total Res Spots</b>							<b>321</b>
Dedicated, free visitor parking for 11 Peel				17			17
Dedicated visitor parking, in commercial lot, for 11 Peel	9						9
Dedicated visitor parking, in commercial lot for 20 Gladstone	3						
<b>Total Visitor Spots</b>							<b>26</b>
Commercial Parking	83						
<b>Total Commercial Spots</b>	<b>95</b>						

Resident Parking Spaces – The total amount of residential parking spaces dedicated to 11 Peel is 321. Most (261) are located on the P2 and P3 level of 11 Peel. The remaining 60 will be located on the P3 level of the portion of the garage under 20 Gladstone. The provision of these spaces, both on and off site (since locating them under 20 Gladstone is technically locating them off-site), will be secured in the Zoning By-law.

Visitor Parking Spaces – The original application proposed all of the visitor parking spaces to be located within the commercial parking garage. Planning staff were concerned with this approach as it did not guarantee availability of these spots to visitors. Staff asked the applicant to provide a certain percentage of the visitor spaces as dedicated and free and another percentage as dedicated. A revised plan, accepted by staff, dedicates 17 free parking spaces to visitors of the 11 Peel development and 9 of the spaces in the commercial parking garage to be dedicated to visitors of 11 Peel. Visitors can also use any other space in the commercial parking garage.

Commercial Parking – The commercial parking garage will serve many users. It will provide parking to visitors to the grocery store and other retail on the site, users and visitors to the non-residential, non-retail uses on the site, and as described above, provide some parking for residential visitors to the site. The reason why all these users can share the spaces in the commercial garage is that the spaces will be used for different purposes at different times of the day. While the non-residential, non-retail uses will require more parking during working hours, the retail uses and the residential visitor demand will increase in the evenings and weekends.

Transportation Services staff have reviewed all the information provided by the applicant including a parking study, a further study of parking usage at a nearby site, sales numbers for the residential parking spaces and citywide studies on parking. Staff have accepted the proposed number of parking spaces, and their distribution.

### **Vehicular and Pedestrian/Cyclist Access**

As described in the Height and Massing section above one of the key parts of the proposal is the new privately-owned but publicly-accessible laneway which will run from Gladstone Avenue to Peel Avenue through the 11 Peel site. It is this laneway from which all the developments on the block will access their underground parking, their servicing as well as access to the new park on Dufferin Street. In addition to this vehicular, cyclist and pedestrian laneway, a pedestrian and cyclist only connection from Dufferin Street, through the middle of the block to Gladstone Avenue has also been proposed.

The access to the 3-level underground parking garage for residents in 11 Peel is off the laneway. This parking ramp will also be shared with the development at 20 Gladstone Avenue if that proposal is approved. Vehicles wanting access to this laneway must enter through Gladstone Avenue, and can then exit the laneway either at the north end of the site onto Peel Avenue, or through the entrance on Gladstone Avenue. The consolidation of the vehicular movements to one inbound location, and two outbound locations reduces the number of curb cuts which increases pedestrian safety, and provides for a better pedestrian environment along the west side of Gladstone Avenue. This parking ramp will also be used for those vehicles using the underground parking for the grocery store, or the other retail spaces, at the south end of the site.

Pedestrian and cyclist access to the site is more varied than vehicular access. There is a pedestrian access directly into the retail portion of the development off Queen Street West. This entrance maintains an active use on Queen Street, while allowing access to the

site without having to go up either Gladstone Avenue or Dufferin Street. A publicly accessible pedestrian and cyclist connection from the new park on Dufferin Street, through the building at 11 Peel, into the laneway, then through the building proposed at 20 Gladstone, to Gladstone Avenue itself is a benefit not only to the residents of the buildings, but to the larger community as well. This connection is at least 9 metres wide and 6 metres tall at its shortest point.

All these connections through the site break up a large block to make it more permeable, and pedestrian and cyclist friendly which encouraging the community to move through the block, rather than moving around it. This will improve the viability of the non-residential space and will make the internal laneway safer for all.

The pedestrian realm on Peel Avenue will be temporarily finished with a three metre wide sidewalk. However, the City has completed an Environmental Assessment for Peel and Gladstone Avenues which will see the street narrowed, sidewalks widened, street parking added and trees planted. The reconstruction of the streets is scheduled for 2016. The applicant will be responsible for the temporary completion of the Peel Avenue sidewalk, and will also provide the City with funds (through Site Plan approval) that will be used towards the reconstruction of the street in their final form.

One final note on the accessibility of the east-west pedestrian and cyclist connection through the site. This connection, as proposed, contains a series of steps to make up the difference in grade between the laneway and the park, and is therefore not wheelchair accessible. Staff did ask the applicant to make this connection accessible by putting in a ramp. The applicant then demonstrated that a ramp over 100 metres in length would be required. As an alternative there is an elevator in the south residential lobby, which will be staffed on a 24-hour basis which provides access to the park level, the laneway level, then the residential units above. Given that this lobby will be staffed, those requiring an accessible way to move from the park to the laneway may use the elevator.

### **Municipal Servicing and Garbage Pick-up**

As part of the application process a Functional Servicing and Stormwater Management Plan, a Grading Plan, a Site Servicing Plan and an Erosion Control Plan were all submitted, reviewed by staff, revised and all have been accepted by city staff.

Garbage and loading facilities for the development are located off the laneway, between the grocery store and the residential lobby. The loading facilities consist of 1 Type "G" loading space to be used by the residential component of the development and 3 Type "B" loading spaces which will be dedicated to the grocery store. In addition, 2 Type "C" loading spaces are located at the side of the laneway adjacent to the non-residential, non-retail space. Engineering Services has requested that an additional Type "B" loading space be added to the site, and the proposed Zoning By-law makes this a requirement.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan

shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.78 to 1.55 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes 434 residential units and 6,493 square metres of non-residential uses on a site with a net area of 5,925 square metres. At the alternate rate of 0.4 hectares per 300 units specified in By-law 1020-2010 the parkland dedication requirement is 0.582 hectares or 119% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use, and the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 510 square metres.

The City would consider an offsite parkland dedication to expand the City-owned lands located on the west side of the development site, subject to conformity with Section 3.2.3 Policy 7 of the Official Plan, and subject to the City's requirements for parkland conveyance. It is staff's understanding that the applicant has acquired the lands at 17-21 Peel Avenue which, subject to parkland dedication conditions, would make an appropriate off-site dedication. If parkland is not conveyed, the parkland dedication requirement, or any shortfall in parkland dedication requirement, is to be satisfied through cash-in-lieu. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit for the site.

### **New Park on Dufferin Street**

Immediately adjacent, on the west side of the subject property is the property known as 405 Dufferin Street. It is owned by the City, having been expropriated during the Dufferin Jog project. Currently, it is a grassed, sloping part of the Dufferin Street right-of-way under the jurisdiction of Transportation Services. As part of the development at 11 Peel Avenue funds would be secured through Section 37 to construct a new public park on the site. The Parks Division has been involved in all the discussions about this approach and is supportive given that this is a parks deficient area, the City already owns the land and funding is available to build the park.

Staff are proposing that the applicant dedicate the lands they own at 17-21 Peel Avenue to the City to add to the city-owned land at 405 Dufferin Street. This would increase the area of the park from 2,600 square metres to 3,100 square metres, and would take the park right up to Peel Avenue, thereby increasing its visibility and use. This new park would be an asset for all members of the community and it would be delivered concurrently with the development at 11 Peel Avenue. On the subject block alone, up to 700 new residential units will be approved, and in the West Queen West Triangle, approximately 2300 new units have been built. This is a parks deficient area and the opportunity to acquire new parkland as part of a development is a good opportunity for the City.

The process of park design and construction will move ahead upon completion of the Official Plan and Zoning By-law Amendment applications. It will involve the City, the

applicant and the community. Key considerations in the development of the park include re-grading the site to make it more useable, providing a protected connection to the West Toronto Railpath that can be implemented when the Railpath is extended, appropriate screening from both Dufferin Street and the rail corridor, facilities to encourage family use of the park, and the integration of the non-residential spaces at 11 Peel with the park.

Given that the proposed building at 11 Peel Avenue is facing onto this new park, a Limiting Distance Agreement is required to be signed between the City and the applicant prior to the Zoning By-law coming into full force and effect.

### **Unit Type and Size**

The unit breakdown for the project is as follows:

Studio	1-bedroom	2-bedroom	3-bedroom	Total
2	218	194	20	434

The number of 2 and 3 bedroom units proposed is more than what is typically seen in this type of development. The average unit size for the 2 and 3-bedroom units is 730 and 1150 square metres respectively. Both the number and size of these units is encouraging as 2 and 3 bedroom units are more difficult to find in the condominium market but they play a key role in providing options for different types of families.

### **Amenity Space**

The amenity space for this project is located on the 2<sup>nd</sup> and 3<sup>rd</sup> floor, above the proposed grocery store. The indoor amenity space is split between these two floors and the outdoor space is located on the roof of the proposed grocery store, immediately adjacent to a portion of the indoor space. The plan is for the amenity space to be used by both the residents of 11 Peel, and also 20 Gladstone Avenue. The proposal includes 597 square metres of indoor residential amenity space and 585 square metres of outdoor amenity space. This translates into a ratio of approximately 1.4 square metres per unit which is acceptable to staff. The total amount of space will increase if and when the development at 20 Gladstone moves to approval.

### **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law will secure performance measures for the Tier 1 development features including cycling infrastructure and automobile infrastructure. Other applicable TGS performance measures will be secured through the Site Plan Approval process including urban heat



island reduction, separation of waste, recycling and organic waste and storm water management.

### **Section 37**

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. A \$2.2 million cash contribution to be used as follows:
  - a) the entire cash amount, or a portion, used towards the construction of a new public park at 405 Dufferin Street; or
  - b) a maximum of \$500,000 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 in consultation with the Executive Director, Toronto Culture either on or off the subject site, but within the immediate vicinity of the site, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.

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.

The park that will be constructed to the west of the subject site is an important benefit of this development. This is a parks deficient area of the City, and given that the City already owns the lands at 405 Dufferin, the addition of the adjacent lands at 17-21 Peel Avenue would create a 3,100 square metre park within the use of the funds secured as a community benefit. Given the value of real estate in this area, land costs often make the purchase of new park land prohibitive. This site presents a rare opportunity for the City to convert land it already owns to valuable park space. This park will serve the rapidly growing population in this area as well as benefitting people who work and visit the area.

The option to use a portion of the cash contribution for arts-related space is to address the continued interest of the community in promoting this neighbourhood as an important cultural district. Flexibility to use the contribution off-site is directly related to space that has already been secured through other developments (workshop space at 48 Abell Street for example), but which does not yet have enough of a subsidy to attract an appropriate user group. The amount of the cash contribution that could potentially go to the arts-related space has been capped to ensure that the majority of the funds will be available for capital improvements to the parkland which will serve the broader community.

The following matters are also recommended to be secured in the Section 37 Agreement in support of the development:

- a) the owner shall pay for the implementation of wind mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning;
- b) provision of 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; and
- c) 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.

## **Conclusion**

Staff recommend that the Official Plan and Zoning By-law Amendment applications at 11 Peel be approved. The conversion of the site from *Employment Areas* to *Mixed Use Areas*, is appropriate provided that the Site and Area Specific Policy is applied to the conversion. The built form of the proposal, including the height of the tower is appropriate due to the site characteristics, and limited impact on lands designated as *Neighbourhoods*. The creation of a new public park on the west side of the site, and the inclusion of a laneway and pedestrian circulation system connect the site to its surrounding uses and the shared access, loading, parking and amenity space with the adjacent developments creates a functional and attractive block of development in keeping with the objectives of the Official Plan to create complete communities.

## **CONTACT**

Sarah Phipps, Senior Planner  
Tel. No. (416) 392-7622  
Fax No. (416) 392-1330  
E-mail: sphipps1@toronto.ca

## **SIGNATURE**

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Jennifer Keesmaat, M.E.S., MCIP, RPP  
Chief Planner and Executive Director  
City Planning

## **ATTACHMENTS**

Attachment 1: Context Plan

Attachment 2: Site Plan

Attachment 3: Ground Floor Plan

Attachment 4: P1 Parking Level

Attachment 5: South Elevation

Attachment 6: North Elevation

Attachment 7: East Elevation

Attachment 8: West Elevation

Attachment 9: 3-D View Looking West

Attachment 10: 3-D View Looking South down Dufferin Street

Attachment 11: Official Plan

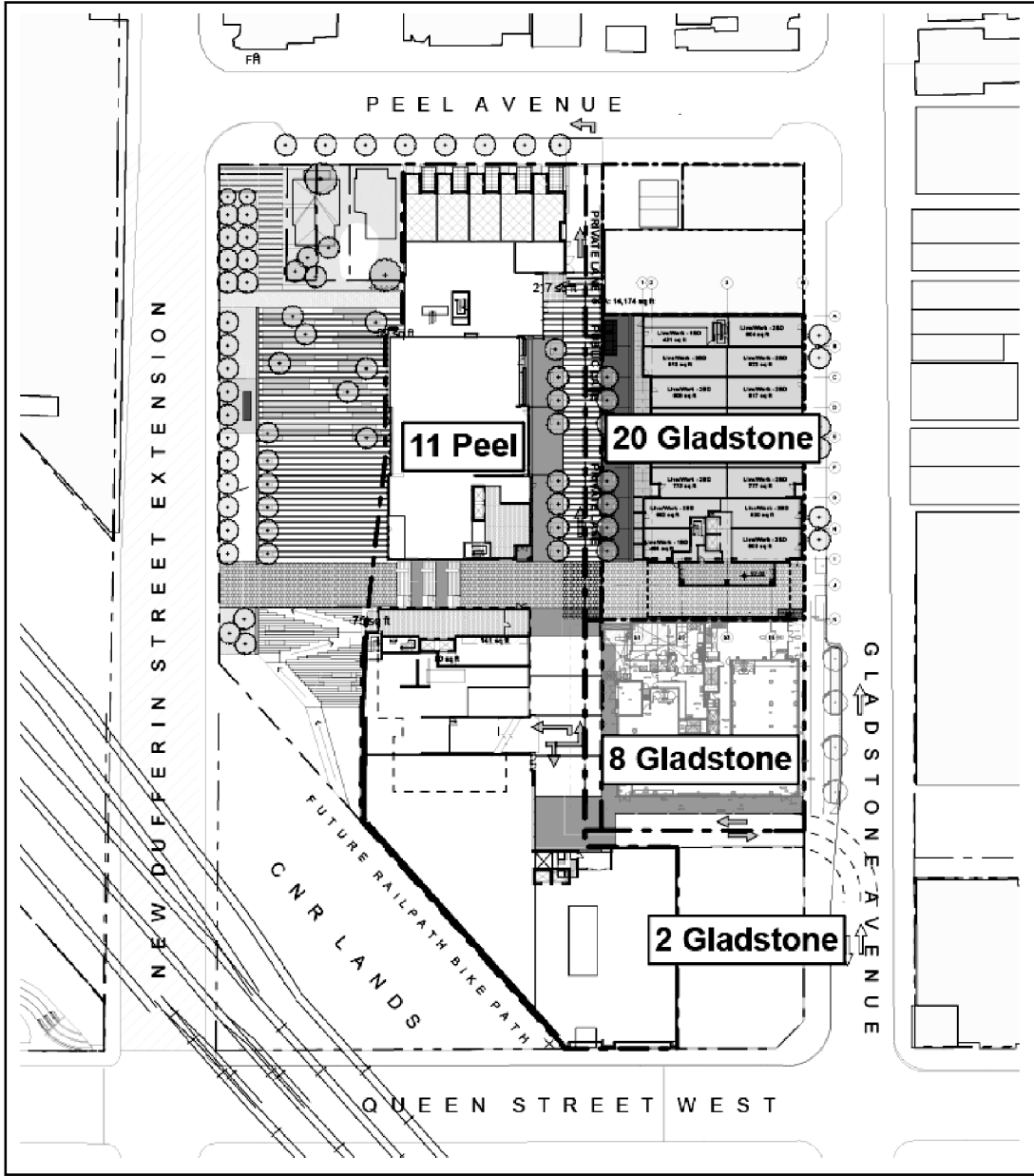
Attachment 12: Zoning By-law

Attachment 13: Application Data Sheet

Attachment 14: Draft Official Plan Amendment

Attachment 15: Draft Zoning By-law


**Attachment 1: Context Plan**



**Context Plan**

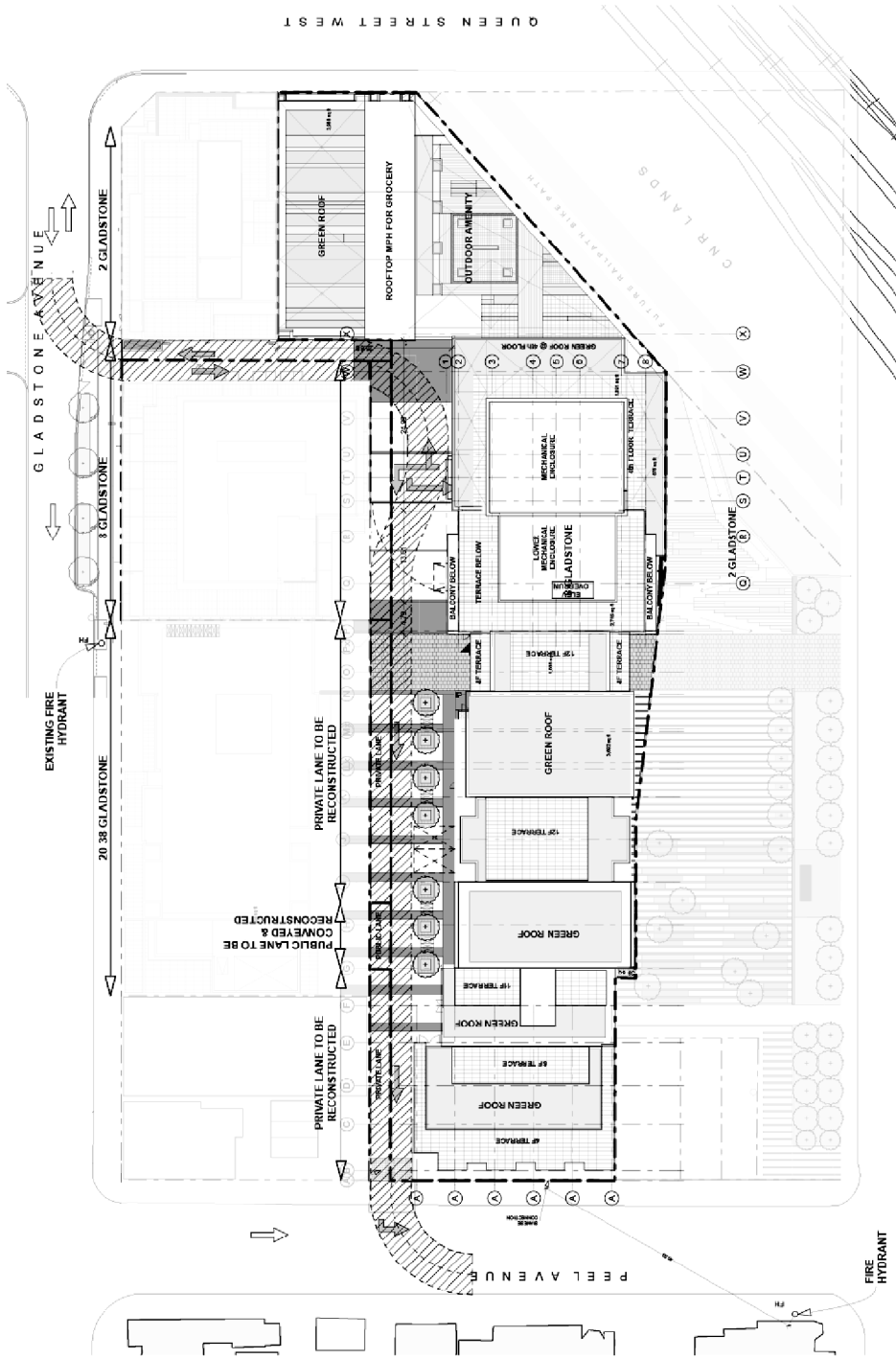
**11 Peel Avenue**

Applicant's Submitted Drawing

Not to Scale 

File # 11\_302503

Attachment 2: Site Plan



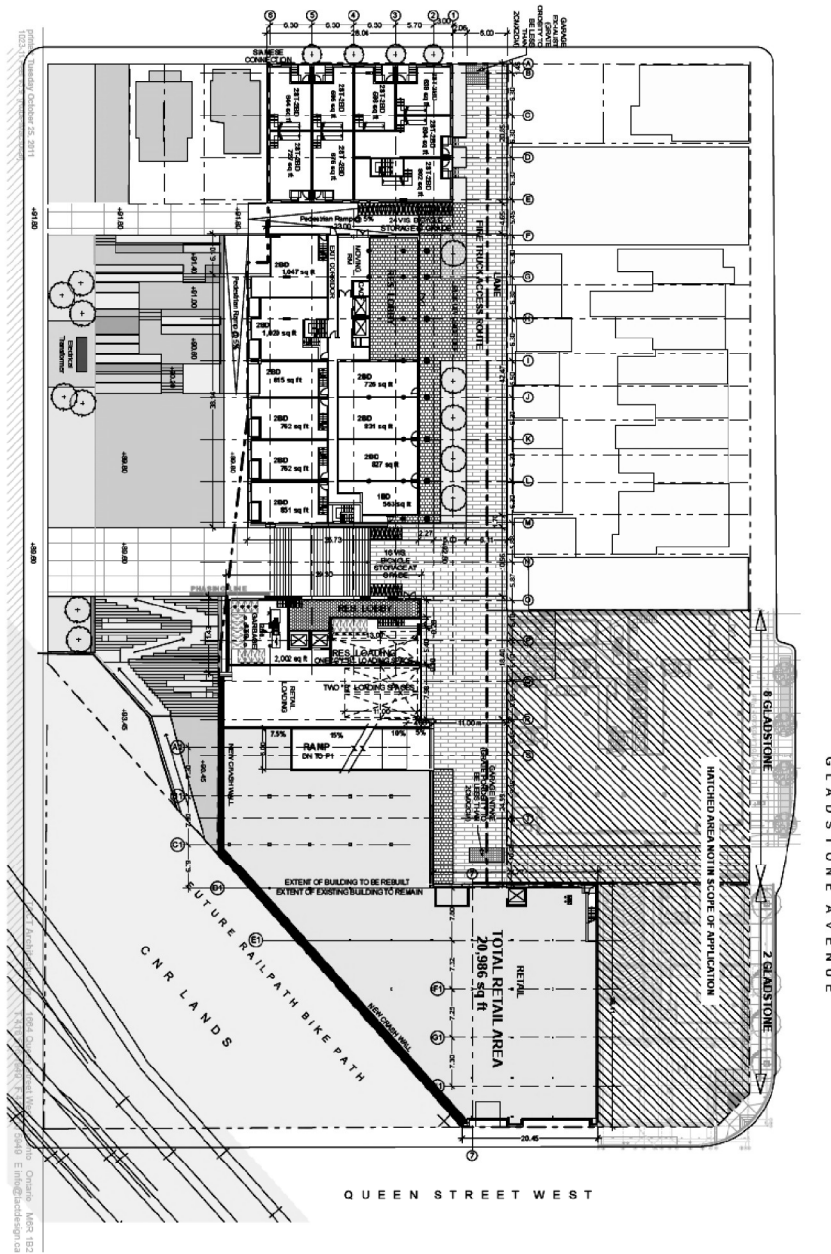
11 Peel Avenue

Site Plan  
 Applicant's Submitted Drawing

File # 03\_302503

Not to Scale  
 10/10/13

### Attachment 3: Ground Floor Plan



### Ground Level Floor Plan

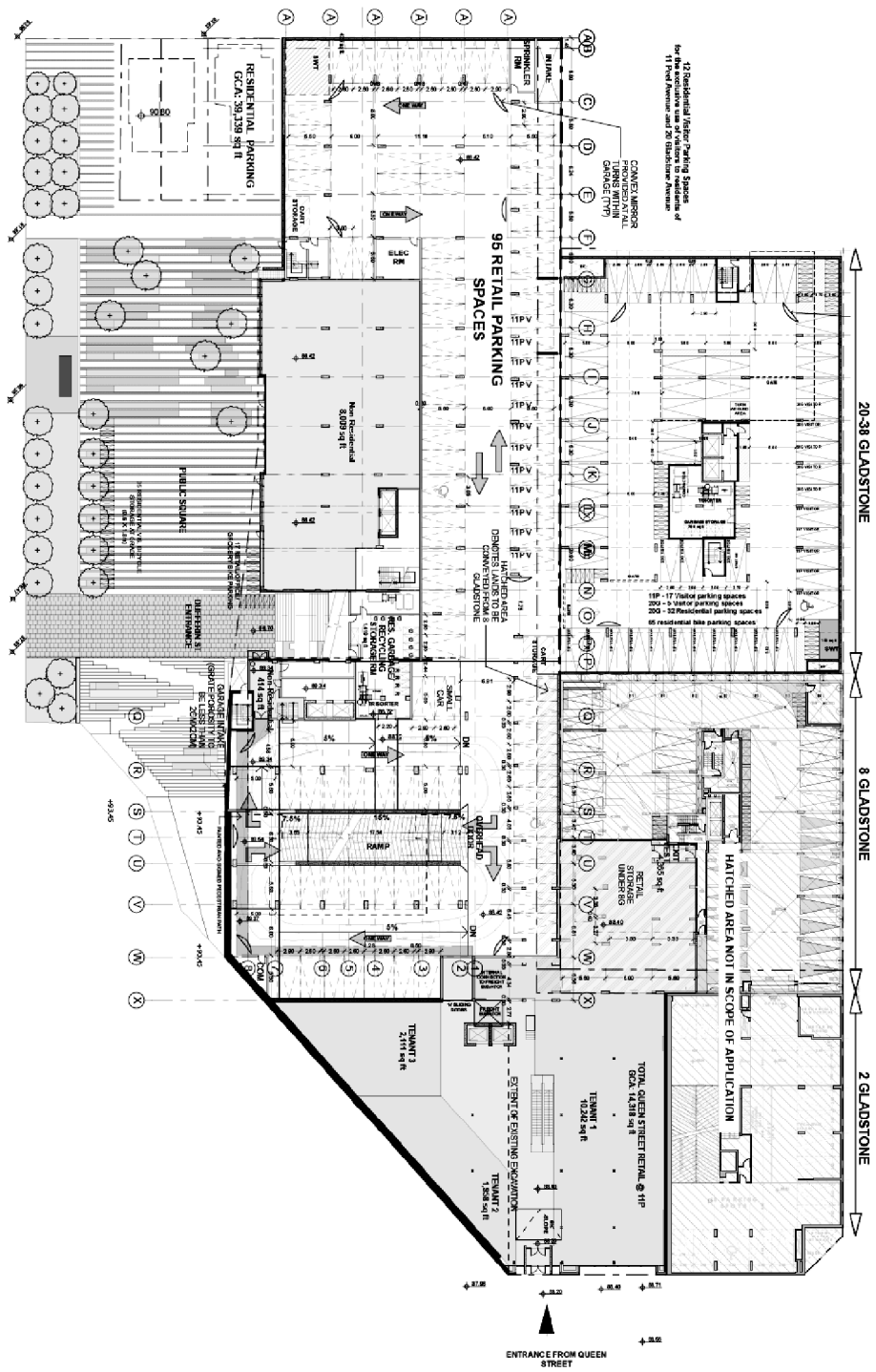
11 Peel Avenue

Applicant's Submitted Drawing

Not to Scale 

File # 11\_302503

# Attachment 4: P1 Parking Level



Park Level / P1

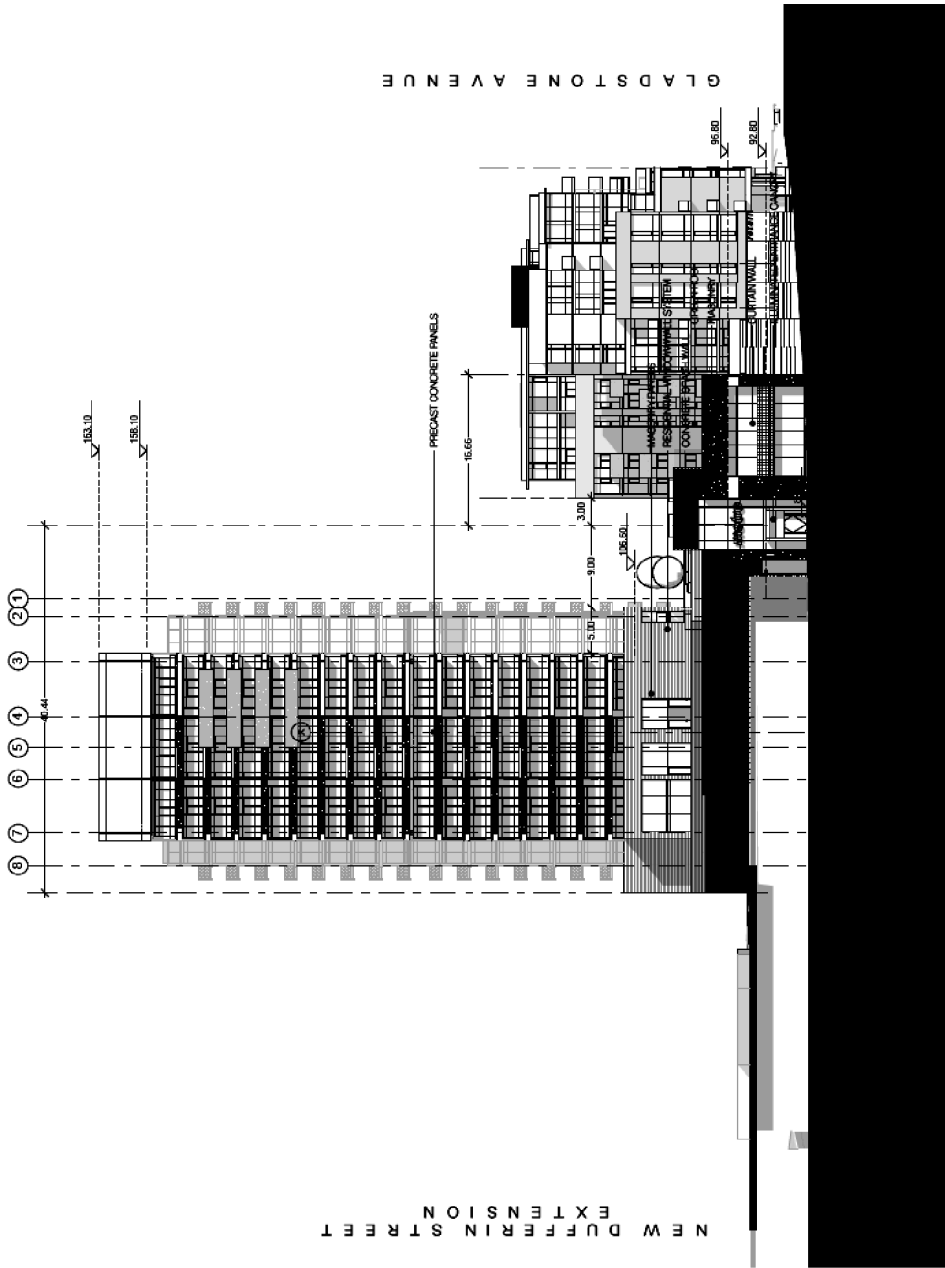
Applicant's Submitted Drawing

Not to Scale  
10/10/13

11 Peel Avenue

File # 03\_302503

# Attachment 5: South Elevation



11 Peel Avenue

South Elevations

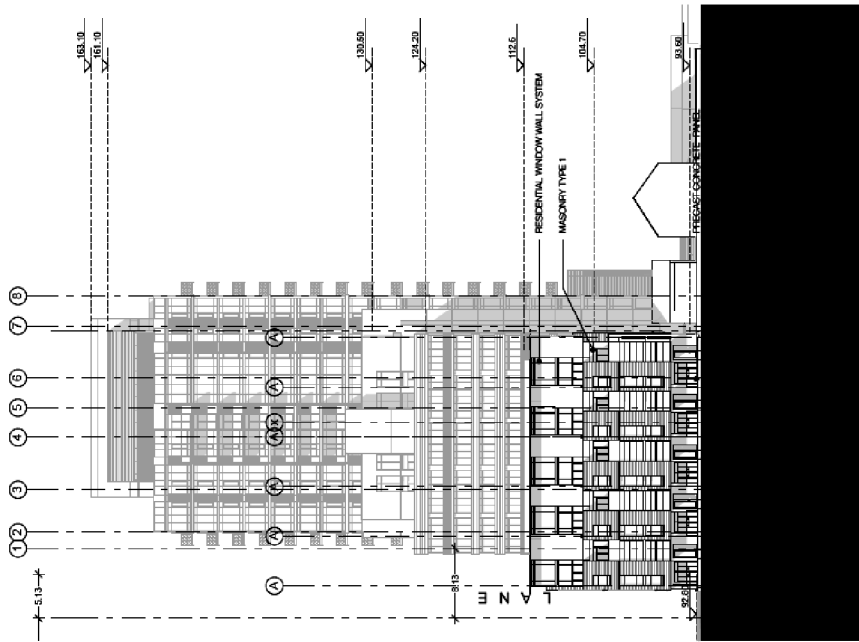
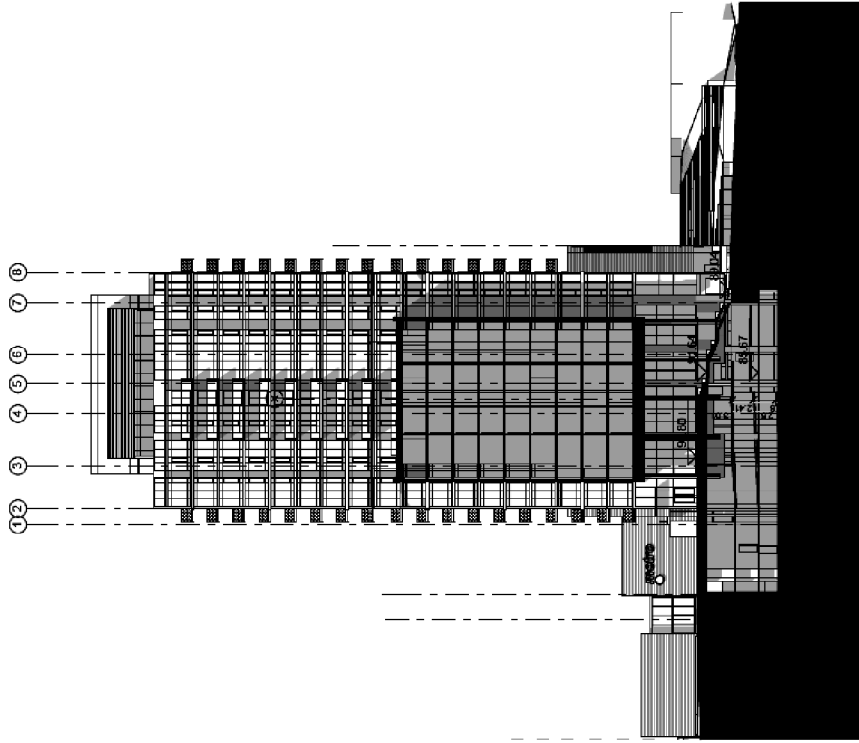
Applicant's Submitted Drawing

Not to Scale  
10/10/13

File # 03\_302503



Attachment 6: North  
Elevation



11 Peel Avenue

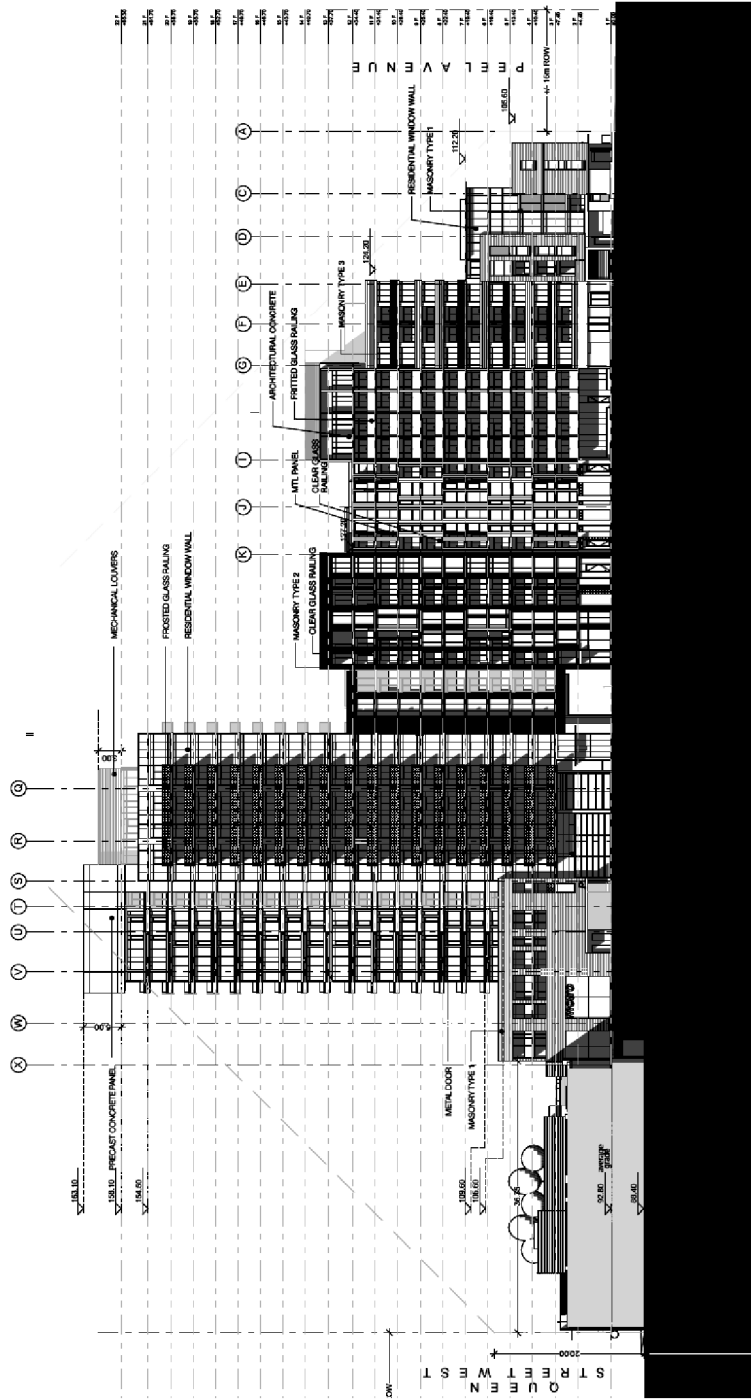
File # 03\_302503

North Elevations

Applicant's Submitted Drawing

Not to Scale  
10/10/13

# Attachment 7: East Elevation



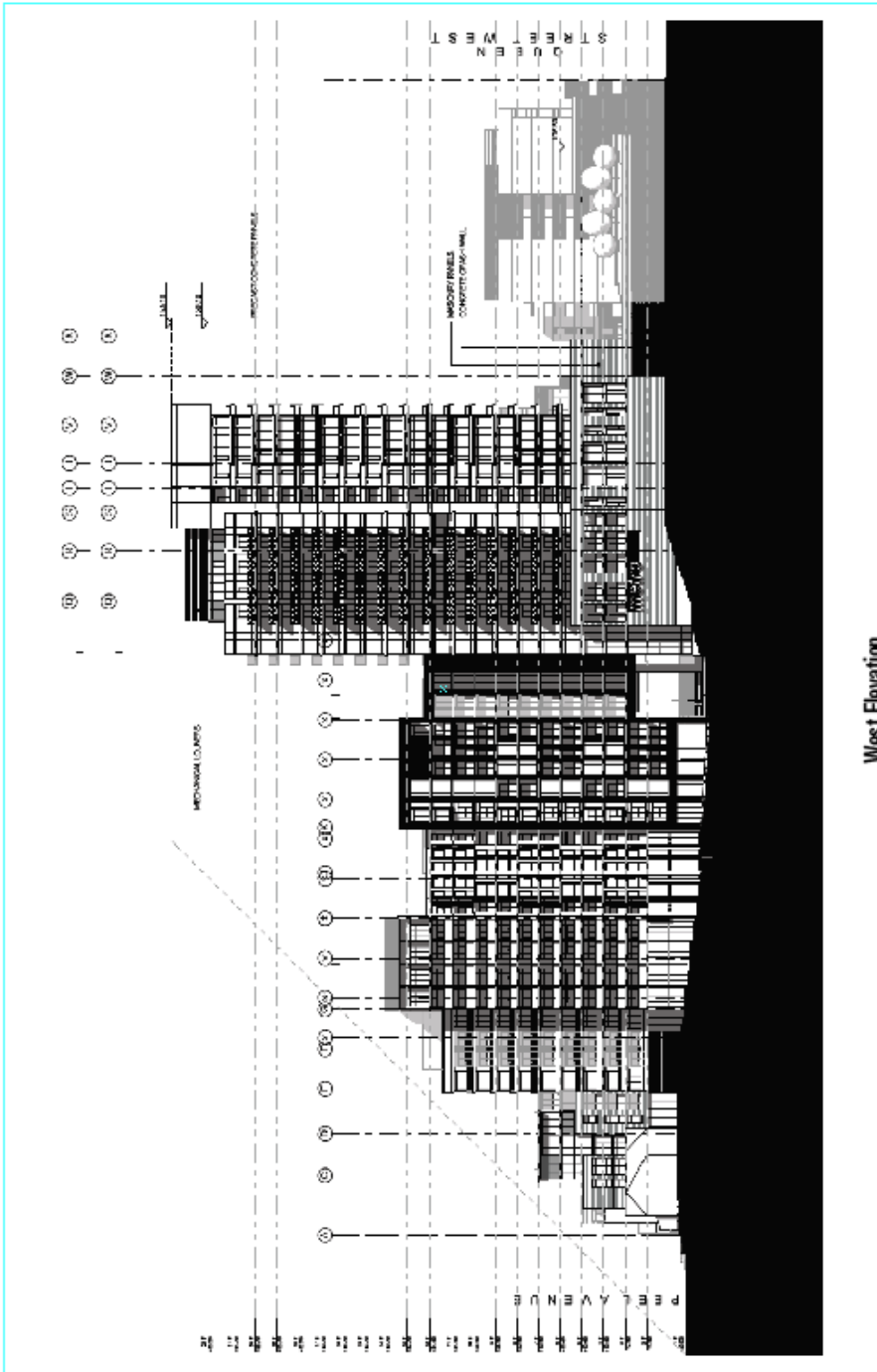
East Elevation

11 Peel Avenue

**Elevations**  
 Applicant's Submitted Drawing  
 Not to Scale  
 10/10/13

File # 03\_302503

**Attachment 8: West  
Elevation**



**11 Peel Avenue**

**Elevations**

Applicant's Submitted Drawing

Not to Scale  
10/01/13

File # 03\_302503

## Attachment 9: 3-D View Looking West



TACT Architecture Inc. 1864 Queen Street West Toronto Ontario M8R 1B2  
T 416.516.1649 F 416.516.2649 E info@tactdesign.ca

printed Tuesday, October 25, 2011  
[023.11 Peel v.0.0 [room-lobby.dwg]]

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### Overview Looking West

Applicant's Submitted Drawing

Not to Scale  
01/12/12

11 Peel Avenue

File # 11\_302503

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**Attachment 10: 3-D View Looking South down Dufferin Street**



TACT Architecture Inc. 1094 Queen Street West Toronto Ontario M5R 1B2  
T 416 510 1449 F 416 510 5449 E info@tactdesign.ca

View: 11 Peel Ave - 11/2011  
11/2011 11/2011 11/2011

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**Overview Looking South**

**11 Peel Avenue**

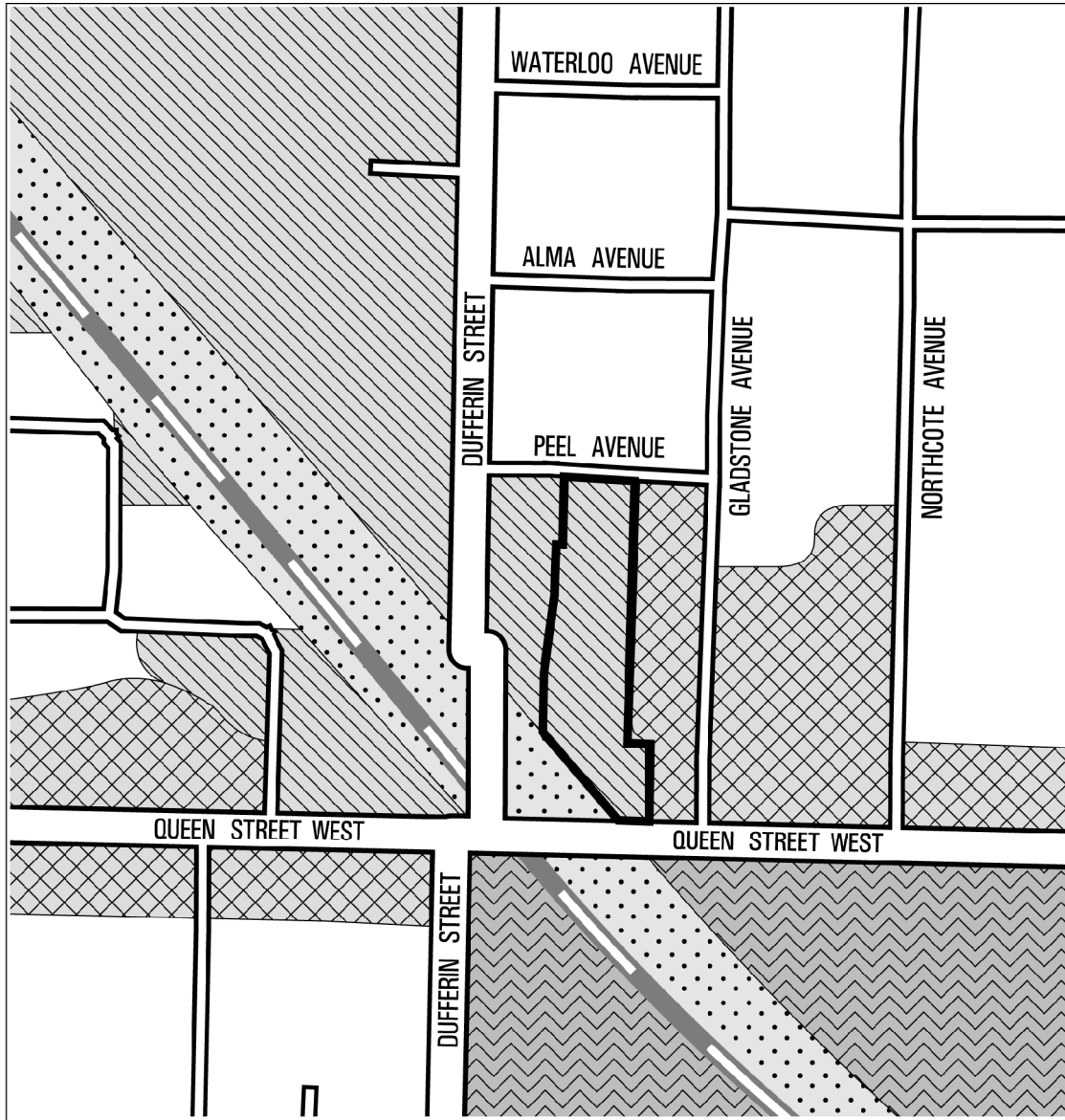
Applicant's Submitted Drawing

Not to Scale  
01/12/12

File # 11\_302503

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# Attachment 11: Official Plan



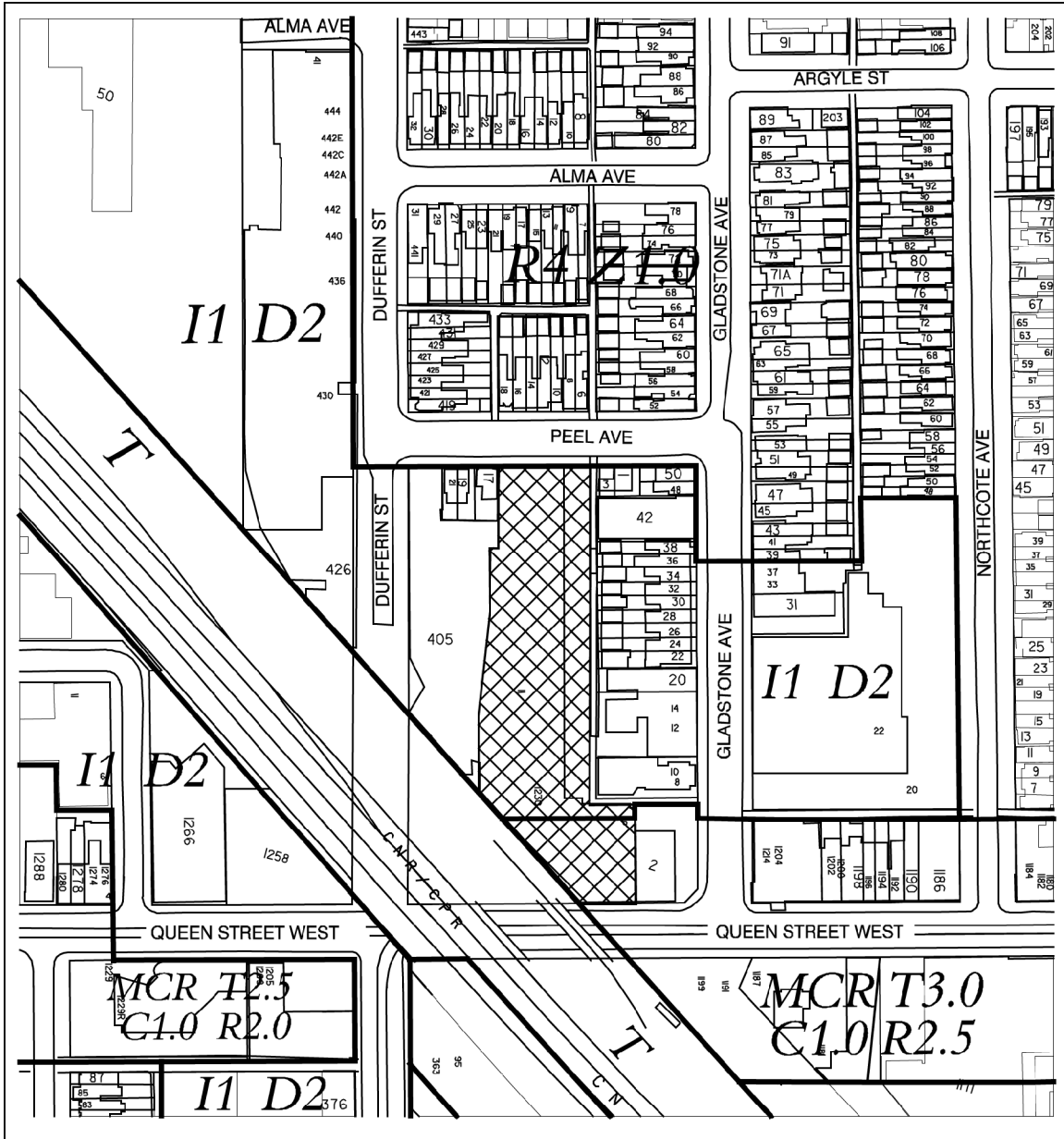
**TORONTO** City Planning Division  
**Official Plan**

11 Peel Avenue

File # 11\_302503

- |                          |                           |                     |                              |
|--------------------------|---------------------------|---------------------|------------------------------|
| Site Location            | Parks & Open Spaces Areas | Institutional Areas | Utility Corridors            |
| Neighbourhoods           | Natural Areas             | Regeneration Areas  | <br>Not to Scale<br>01/12/12 |
| Apartment Neighbourhoods | Parks                     | Employment Areas    |                              |
| Mixed Use Areas          | Other Open Space Areas    |                     |                              |

# Attachment 12: Zoning By-law



11 Peel Avenue  
File # 11\_302503

- R4 Residential District
- MCR Mixed-Use District
- I1 Industrial District
- T Industrial District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 01/12/2012

### Attachment 13: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	11 302503 STE 18 OZ
Details	OPA & Rezoning, Standard	Application Date:	November 1, 2011

Municipal Address: 11 PEEL AVE  
 Location Description: PLAN D137 CON B PT PARK LOT 28 \*\*GRID S1807  
 Project Description: Employment Lands Conversion. Proposal to construct multiple buildings including 20 sty condo and low rise residential with a total of 434 residential units, 3 levels of below grade parking, and commercial/non residential at grade. Also see Site Plan Approval.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
STREETCAR DEVELOPMENT INC		TACT ARCHITECTURE	11 PEEL AVENUE INC

#### PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	
Zoning:	I1 D2	Historical Status:	N
Height Limit (m):	14 metres	Site Plan Control Area:	Y

#### PROJECT INFORMATION

Site Area (sq. m):	5924.9	Height:	Storeys:	20
Frontage (m):	33.01		Metres:	70.3
Depth (m):	160			
Total Ground Floor Area (sq. m):	4585			<b>Total</b>
Total Residential GFA (sq. m):	31103		Parking Spaces:	356*
Total Non-Residential GFA (sq. m):	6185		Loading Docks	6
Total GFA (sq. m):	37288			
Lot Coverage Ratio (%):	77			
Floor Space Index:	6.3			

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	31103	0
Bachelor:	2	Retail GFA (sq. m):	4288	0
1 Bedroom:	219	Office GFA (sq. m):	1897	0
2 Bedroom:	195	Industrial GFA (sq. m):	0	0
3 + Bedroom:	20	Institutional/Other GFA (sq. m):	0	0
Total Units:	436			



**Attachment 14: Draft Official Plan Amendment**

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 No. ~-20~**

**To adopt an amendment to the Official Plan  
for the City of Toronto  
respecting the lands known municipally in the year 2012 as  
11 Peel Avenue**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

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*;

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

1. The attached Amendment No. \_\_\_\_ to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

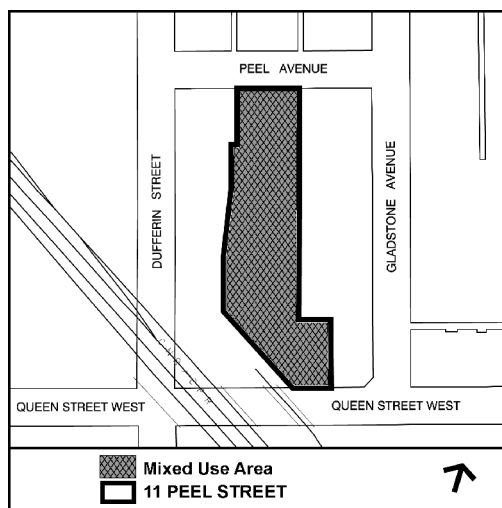
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**AMENDMENT NO. \_\_\_ TO THE OFFICIAL PLAN**  
**LANDS MUNICIPALLY KNOWN IN THE YEAR 2012 AS**  
**11 PEEL AVENUE**

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The Official Plan of the City of Toronto is amended as follows:

1. Map 18 Land Use Plan, is amended by re-designating the lands known municipally in 2012 as 11 Peel Avenue from *Employment Areas* to *Mixed Use Areas*, as shown here:



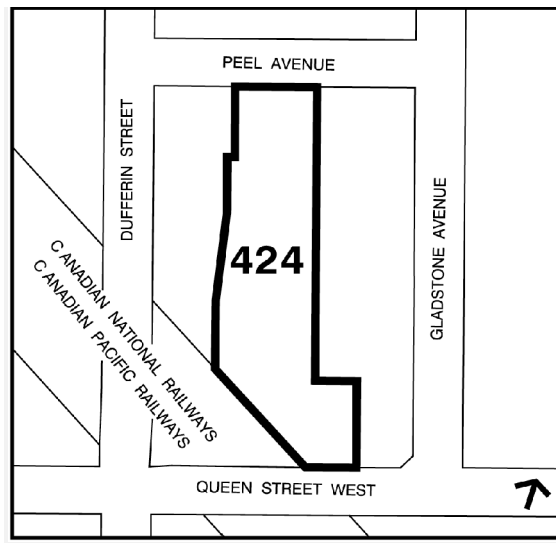
2. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 424 for the lands known municipally in 2012 11 Peel Avenue as follows:

**424. 11 Peel Avenue**

Residential uses are only permitted provided at 11 Peel Avenue if the following conditions of redevelopment are met:

- a. A minimum density of one times the area of the lot of non-residential uses must be provided as part of any redevelopment of the lot;
- b. A minimum density of 0.35 times the area of the lot of non-residential, non-retail uses must be provided as part of any redevelopment of the lot;

- c. A commercial parking garage does not count towards the non-residential or non-retail uses as described in (a) and (b) above;
- d. The maximum gross floor area of any one retail store on the site (including back of house activities) is 2,300 square metres;
- e. Publicly accessible pedestrian connections through the site to allow access from Gladstone Avenue to Dufferin Street must be provided;
- f. No new shadowing on properties designated as *Neighbourhoods* is permitted on the spring and fall equinoxes; and
- g. The site must provide direct pedestrian access to Queen Street West.



- 3. Chapter 7, Map 29, Site and Area Specific Policies, is amended to add the lands known municipally in 2012 as 11 Peel Avenue shown on the map above as Site and Area Specific Policy No. 424.

## Attachment 15: Draft Zoning By-law

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 No. ~-20~

#### **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 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 Subsection 37(3) of the *Planning Act*, the Council of a municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height and/or density of development beyond that otherwise permitted by the zoning by-law, in return for the provision of such facilities, services and matters as are set out in the by-law; and

WHEREAS the increases in the density and heights permitted hereunder, beyond that otherwise permitted on the land by former City of Toronto 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 to be secured by one or more agreements between the owner of such land and the City of Toronto (hereinafter referred to as the "City");

The Council of the City of Toronto HEREBY ENACTS 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), 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.
6. The total *non-residential gross floor area* on the *lot* used for one or more *retail stores* and a grocery store 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 1.0 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* 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) Notwithstanding (a) above, up to 62 of the required resident *parking spaces* may be provided on 20 *Gladstone Avenue*;
  - (d) A minimum of 62 *parking spaces* for the non-residential uses shall be provided as unreserved spaces within a *commercial parking garage*;

- (e) A minimum of 0.06 *parking spaces* per dwelling unit shall be provided on the *lot* 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* but they must be dedicated for use by visitors to the residents of the building;
  - ii. Notwithstanding (e), a minimum of 17 of the required visitor *parking spaces* may be provided on *20 Gladstone Avenue*, provided they are 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 (17) 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”*, four *loading spaces – type “B”* and two *loading spaces – type “C”* shall be provided and maintained on the *lot*.
  - (a) Notwithstanding (18), 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 19(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 19(b) above, any one retail store, or grocery store, is only permitted to a maximum *non-residential gross floor area* of 2,300 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 (21) 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.
- (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
- (b) 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 \$2.2 million to the City for the following capital facilities:
    - i. the entire cash amount, or a portion, for the construction of a new public park at 405 Dufferin Street; or
    - ii. a maximum of \$500,000 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 in consultation with the Executive Director, Toronto Culture either on or off the subject site, but within the immediate vicinity of the site, as determined 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. the owner shall pay for the implementation of wind mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning;
    - 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; and
    - iii. 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.

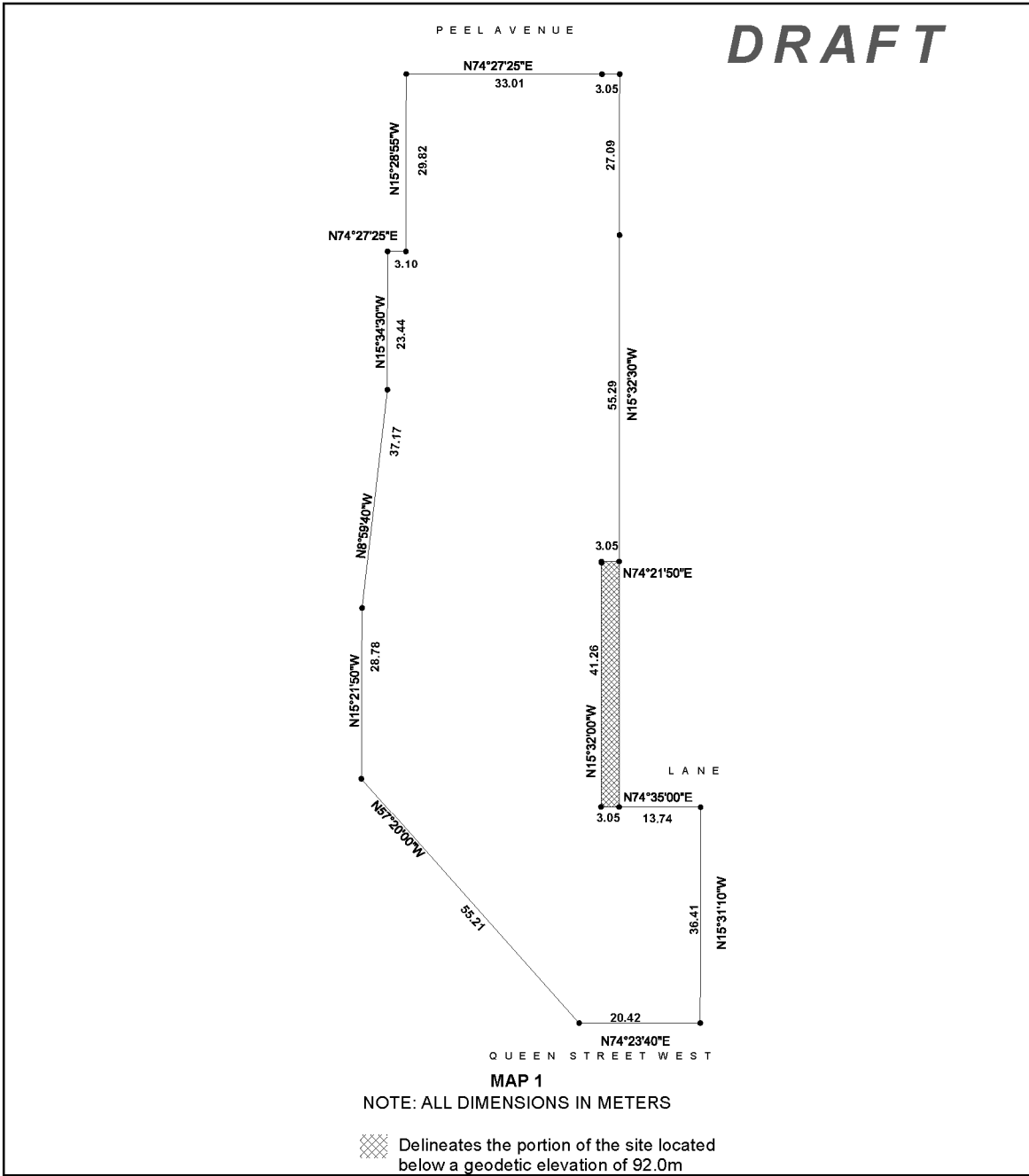
## DEFINITIONS

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 438-86 as amended, with the exception that the floor area occupied by 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*.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,  
Mayor  
(Corporate Seal)

ULLI S. WATKISS,  
City Clerk



**Map 1**

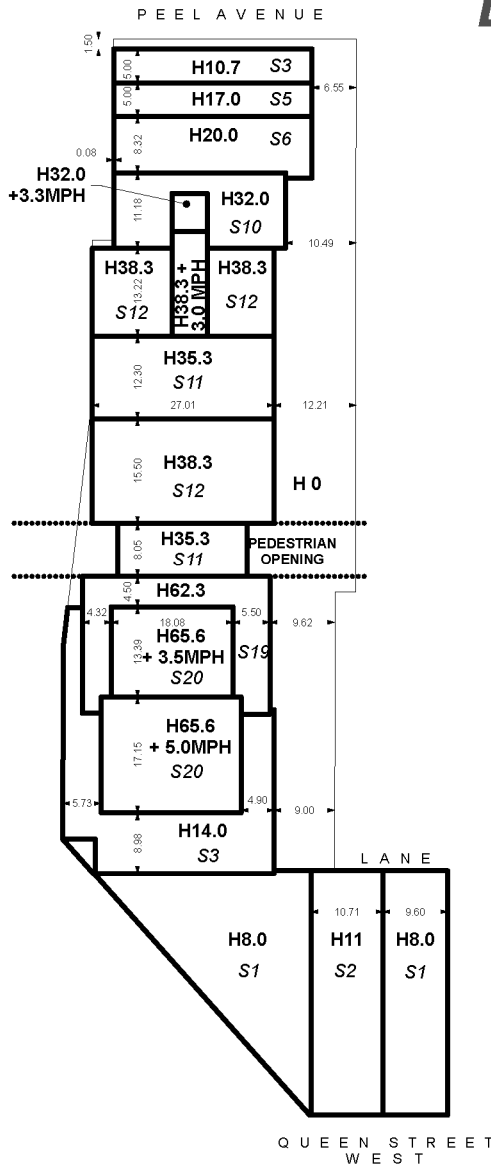
Applicant's Submitted Drawing

Not to Scale  
MM/DD/YY

**11 Peel Street**

File # 11\_302503

**DRAFT**



MAP 2

NOTE: AVERAGE GRADE IS 92.8M CANADIAN GEODETIC DATUM. ALL DIMENSIONS IN METRES.  
"S" DENOTES NUMBER OF STORIES ABOVE 92.8m

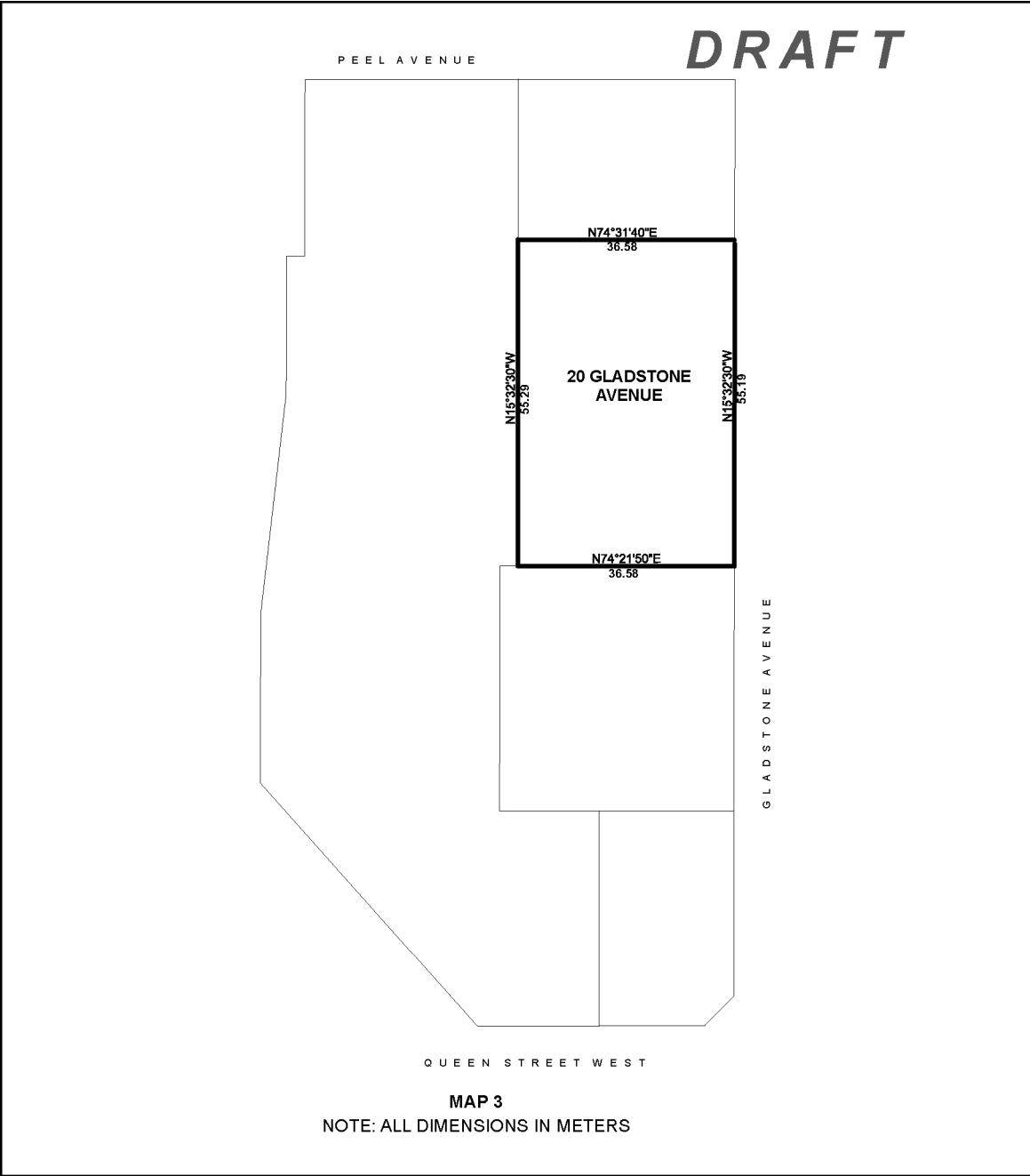
**Map 2**

Applicant's Submitted Drawing

Not to Scale  
MM/DD/YY

**11 Peel Street**

File # 11\_302503



**Map 3**

Applicant's Submitted Drawing

Not to Scale  
MM/DD/YY

**11 Peel Street**

File # 11\_302503