

Attachment 6 – Draft Zoning By-law 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 amend Zoning By-law No. 438-86, as amended,  
With respect to the lands municipally known as,  
81-87 Peter Street**

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 has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

WHEREAS an increase in height and density has been requested; 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; and

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

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

1. None of the provisions of Sections 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”, as amended, 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 provided that:

#### Lot Description

- (a) the *lot* consists of 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 attached to and forming part of this By-law with the following exceptions;
- (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 other than *lot* boundary lines; and
- (ii) canopies and balconies may project to a maximum of 1.8 metres beyond the heavy lines shown on Map 2 other than *lot* boundary lines.

## 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 with the following exceptions:
  - (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 within the area on Map 2, provided the overall *height* of the building does not exceed 154 metres.
- (h) despite section 14(4) of Zoning By-law 438-86, as amended, within the area shown in hatching and labelled "public lane widening" on Map 2, the building or structure on the *lot* shall be permitted to extend, below *grade* to within 2.25 metres of the centre line of the public lane located east of the *lot*;

## 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 and, of which a maximum of 70 square metres of this area may be provided in guest suites; and
  - (ii) a minimum of 0.45 square metres of outdoor *residential amenity space* for each dwelling unit shall be provided of which 275 square metres shall be provided in a location adjoining or directly accessible from the indoor *residential amenity space*
  - (iii) a minimum of 1,114 square metres of interior and 275 square metres of exterior *residential amenity space* shall be provided on the 5<sup>th</sup> floor.

## Parking

- (j) a minimum number of *parking spaces* shall be provided for and maintained on the *lot* in accordance with the following:
  - (i) 178 *parking spaces* for the use of the residents of the building;
  - (ii) 110 *parking spaces* for non-residential uses and visitors; and

- (iii) dedicated visitor *parking spaces* shall be provided within the commercial parking garage at a rate of 0.06 *parking spaces per dwelling unit*.
- (iv) for each on-site *car-share parking space* provided on the *lot*, the resident parking requirement shall be reduced by 4 *parking spaces*;
- (v) the maximum number of *car-share parking spaces* shall be 7;
- (k) despite section 12(2)132 of Zoning By-law 438-86, as amended, an above grade *commercial parking garage* shall be permitted on the *lot*, and shall contain a maximum of 110 *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.
- (o) no *bicycle parking spaces* shall be required for the *non residential* uses on the *lot*;

## 2. Section 37 Provisions:

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* is permitted in return for the *owner's* election to provide, at the *owner's* expense, 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 satisfactory to the City Solicitor and registered on title to the *lot*:

- a. Prior to issuance of an above grade building permit the *owner* shall;
  - i) make a cash contribution in the amount of one million three hundred thousand dollars (\$1,300,000.00 CAN) payable to the Treasurer, City of Toronto, 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;

- ii) unless notice has been received by the City pursuant to subsection b)iii) hereof, enter into Agreements of Purchase and Sale with Habitat for Humanity Toronto, or other non-profit provider of below-market ownership housing selected by the Director of Community Housing, and/or the City of Toronto in the standard form of agreement used by the *owner* for the dwelling units within the development on the *lot*, as modified by the provisions herein to the satisfaction of the City Solicitor, with respect to the conveyance of residential condominium units contemplated in subsection (b (ii) below and which agreement includes a provision allowing the Agreements of Purchase and Sale to be assignable by the purchaser(s) on terms satisfactory to the City
- b. The *owner* shall:
- i) provide and maintain a public art contribution approved by the Chief Planner and Executive Director, City Planning Division which has a minimum value of two hundred and fifty thousand dollars (\$250,000.00 CAN) and which focuses on the enhancement of the facades of the above-grade parking, 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 prior to the issuance of the first above-grade building permit;
  - ii) subject to subsection b)(iii) below, make a one million three hundred thousand dollar (\$1,300,000.00 CAN) contribution toward affordable housing in the form of the conveyance of residential condominium units on the *lot* to Habitat for Humanity Toronto, or a similar non-profit provider of below-market ownership housing selected by the Director of Community Housing, the total number of units and the total square footage to be to the satisfaction of the Chief Planner and Executive Director, City Planning, on the following terms:
    - A) the only adjustments payable on closing of the purchase transactions shall be for condominium fees (including reserve fund allocations) and property taxes;
    - B) the units shall be provided to the same finished standard as the market units in the building, ready for occupancy and including 5 appliances;
    - C) each unit shall include a bicycle parking space; and
    - D) each unit shall be conveyed within 60 days of the date of registration of the development as a condominium pursuant to the *Condominium Act*, as amended;

- iii) notwithstanding subsections a)(i) and b)(ii) above and where the City so elects, in its sole discretion and by written notice to the *owner* prior to the issuance of an above grade building, the *owner* shall make a cash contribution payable to the Treasurer, City of Toronto, for the City's Capital Revolving Fund for Affordable Housing in the amount of one million three hundred thousand dollars (\$1,300,000.00 CAN) with such payment to be due upon the earlier of registration of the plan of condominium for the building or within two (2) years of execution of the Section 37 Agreement and to be applied toward 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;
- iii) provide and maintain at least ten percent (10%) of the total number of dwelling units to be constructed on the *lot* as having three or more bedrooms in compliance with the provisions of the Ontario Building Code; and
- iv) 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. 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, such *car-share* motor vehicles to be made available 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 car used only for *car-share* purposes and such *car-share* is for the use of at least the occupants of the building;
  - (f) "*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;
  - (g) "*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;
  - (h) "*sales office*" shall mean means a 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*;
  - (i) "City" means the City of Toronto;

- (j) “*lot*” means the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
4. None of the provisions of By-law No. 438-86 shall apply to prevent a *sales office* on the *lot*.
5. 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.
6. 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.

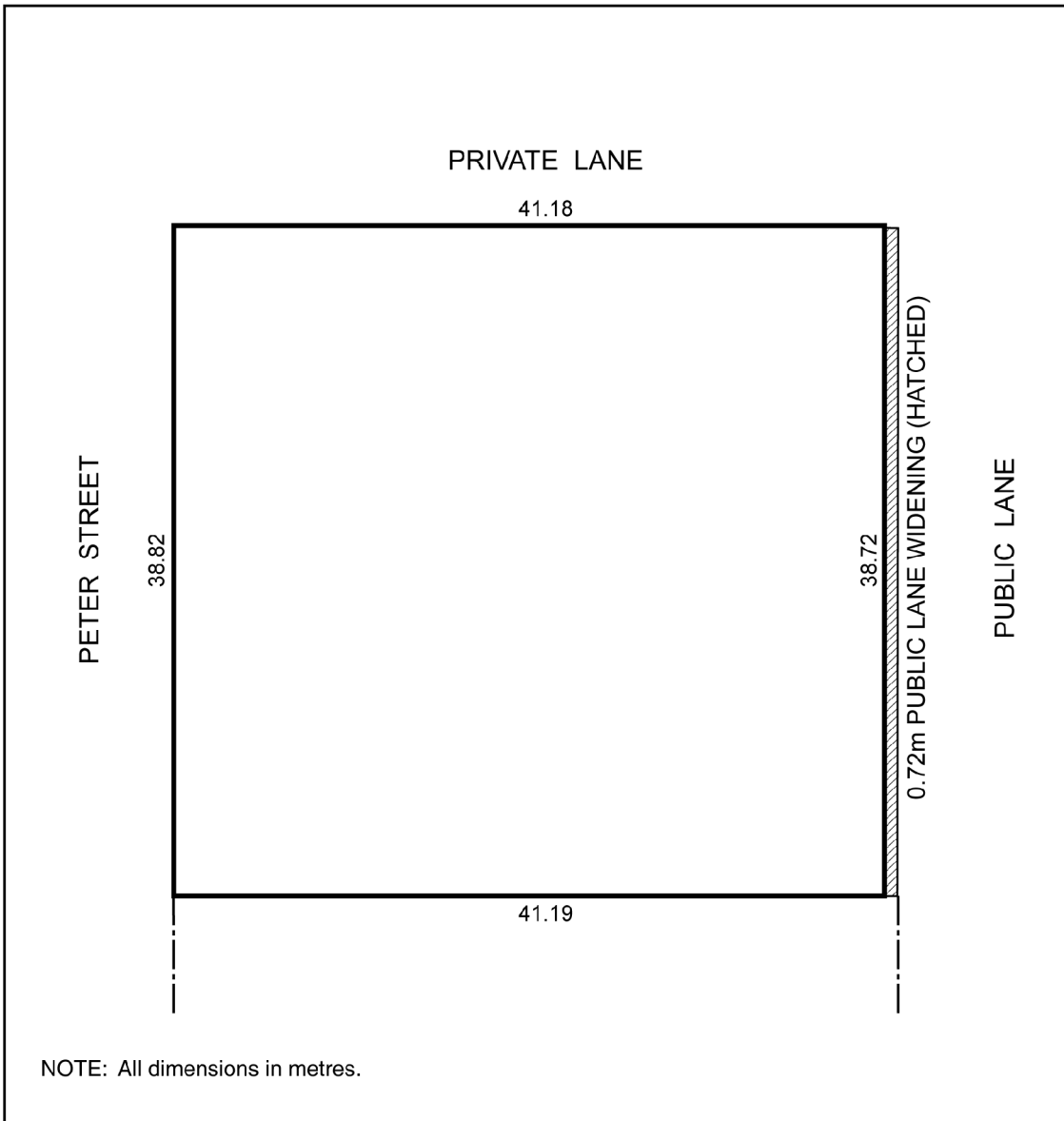
ENACTED AND PASSED this ~ day of ~, A.D. 2013.

ROB FORD,  
Mayor  
(Corporate Seal)

ULLI S. WATKISS,  
City Clerk



City of Toronto By-law No. xxx 2013



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