

Authority: Toronto and East York Community Council Item TE27.2, as adopted by City of Toronto Council on November 7, 8 and 9, 2017

CITY OF TORONTO

BY-LAW 1249-2018

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known municipally in 2018 as 666 Spadina Avenue.

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

Whereas Council 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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted 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 and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. By-law 20-69 of the former City of Toronto is repealed.
3. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
4. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to R (d1.0) (x41) and O as shown on Diagram 2 attached to this By-law.

5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 41, so that it reads:

Exception R 41

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 666 Spadina Avenue, if the requirements in Section 6 and Schedule A of By-law 1249-2018 are complied with, none of the provisions of 10.10.40.10(1) and 10.10.40.40(1) apply to prevent the erection and use of a **building, structure**, addition or enlargement permitted in compliance with (B) to (W) below;
- (B) Despite regulation 10.5.40.10(1), the height of the **building** is the distance between the Canadian Geodetic Datum elevation of 111.10 metres and the elevation of the highest point of the **building**;
- (C) Despite regulation 10.10.40.10(1) the height of any **building** or **structure** on the **lot** must not exceed the maximum height in metres specified by the numbers following the symbol HT as shown on Diagram 3 of By-law 1249-2018;
- (D) Despite regulation 10.5.50.10(4) the **lot** must have:
- (i) a minimum 45 percent of the area of the **lot** for **landscaping**; and
 - (ii) a minimum of 65 percent of the **landscaping** area required in (i) above, must be **soft landscaping**;
- (E) A minimum of 725 square metres of privately owned publicly accessible open space, and one privately owned publicly accessible pedestrian walkway easement must be provided on the lot generally in the locations as shown on Diagram 3 of By-law 1249-2018;
- (F) In addition to the uses permitted pursuant to Section 10.10.20.10(1) the following uses are also permitted within Building A, as shown on Diagram 3 of By-law 1249-2018 **art gallery, artist studio, automated banking machine, eating establishment, financial institution, personal service shop, office, retail store, recreation use, or take-out eating establishment**;
- (G) Despite regulation 10.10.20.100(12), more than one **retail store** is permitted within Building A as shown on Diagram 3 of By-law 1249-2018, provided:
- (i) the total **gross floor area** of all **retail stores** does not exceed 700 square metres; and
 - (ii) **retail stores** are located on the first **storey**;

- (H) Regulation 10.10.40.30(1)(B), with respect to **building depth**, does not apply;
- (I) Despite regulation 10.10.40.40(1), the maximum **gross floor area** of all **buildings** and structures is 30,600 square metres and:
- (i) the total **gross floor area** for Building A as shown on Diagram 3 of By-law 1249-2018 must not exceed 10,400 square metres, of which a maximum of 9,700 square metres may be used for residential uses and a maximum of 700 square metres may be used for non-residential uses; and
 - (ii) the total **gross floor area** for Building B as shown on Diagram 3 of By-law 1249-2018 must not exceed 20,200 square metres;
- (J) Despite regulation 10.10.40.50(1) **amenity space** for all **dwelling units** in Building A and Building B as shown on Diagram 3 of By-law 1249-2018 must be provided in accordance with the following:
- (i) a minimum of 860 square metres of indoor **amenity space** must be provided and maintained on the **lot**, consisting of a multi-purpose room or rooms that must include food preparation and sanitary facilities; and
 - (ii) a minimum of 1,237 square metres of outdoor **amenity space** that does not have to be adjoining or be directly accessible from the indoor **amenity space**;
- (K) Despite regulations 10.5.40.70(1) and 10.10.40.70 the required minimum **building setbacks** are shown on Diagram 3 of By-law 1249-2018;
- (L) Despite clause 10.5.40.60 the following building elements are permitted to encroach into the required setbacks:
- (i) balustrades, eaves, cornices, guardrails, ornamental elements, lighting fixtures, transformer vault, trellises, window sills, vents, stairs, railings, and wheelchair ramps, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage;
 - (ii) balconies may project a maximum of 1.8 metres beyond the heavy lines and **building** envelopes specified on Diagram 3 of By-law 1249-2018; and
 - (iii) canopies may encroach into the required setbacks but must be located within the areas delineated by the dashed lines as identified on Diagram 4 of By-law 1249-2018;
- (M) Despite clause 10.5.40.10 the following **building** elements and **structures** are permitted to project vertically beyond the height limits specified in Diagram 3 of By-law 1249-2018;

- (i) parapets, antennas, elevator overruns, guardrails, railings, balustrades, stairs, stair enclosures, privacy screens, flues, vents and air intakes, trellises, eaves, frames, ornamental or architectural elements, insulation and roof surface materials, landscape elements, lighting fixtures, solar panels and solar hot water heaters, communications equipment, lightning rods, window washing equipment, and elements or structures on the roof of the building used for outside or open air recreation, green roof, drainage, safety or wind protection purposes which may project a maximum of 2.0 metres above the height specified by the numbers following the "HT" beyond the heights specified on Diagram 3;
- (N) Despite regulation 10.5.40.10(3) no projection, other than those permitted in (M) above, are permitted beyond the height specified by the numbers following the "HT" as shown on Diagram 3 of By-law 1249-2018: for the area labeled "Top of Mechanical Penthouse";
- (O) Regulation 10.5.40.10(4)(A), regarding the functional operation area of a building does not apply;
- (P) Despite regulation 200.5.1(3) the minimum **drive aisle** width may be 5.48 metres;
- (Q) Despite clause 200.5.1.10(2)(B) and (D), a **parking space** existing on July 27, 2018 in the underground garage may have the following minimum dimensions:
 - (i) length of 5.6 metres;
 - (ii) width of 2.6 metres; and
 - (iii) vertical clearance of 2.0 metres;
- (R) Despite the parking rates in Table 200.5.10.1 and regulation 200.5.1.10.1(1) **parking spaces** for all residential units on the lot must be provided as follows:
 - (i) a minimum of 159 **parking spaces** for residents;
 - (ii) a minimum of 37 **parking spaces** for residential visitors; and
 - (iii) no **parking spaces** are required for non-residential uses;
- (S) Despite (R) above, if Building A contains fewer than 133 **dwelling units**, the number of **parking spaces** required in (R) above may be reduced by 0.34 **parking spaces** for each **dwelling unit** that is reduced;

- (T) Despite regulation 200.15.1(1) and 200.15.1.5 an accessible **parking space** may:
- (i) have a vertical clearance of 2.0 metres; and
 - (ii) a **parking space** does not have to be located closest to a main pedestrian access to a **building**;
- (U) Despite regulation 220.5.10 one **loading space - Type C**, and one **loading space - Type G** must be provided on the **lot**;
- (V) Despite regulation 230.5.1.10(6) and (9), and 230.5.10.1(1) and (5) **bicycle parking spaces** for all **dwelling units** in Building A and Building B must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of one hundred and fourteen (114) **bicycle parking spaces** – long-term must be provided within Parking level 1 and Parking level 2;
 - (ii) a minimum of forty-six (46) **bicycle parking spaces** – long-term must be provided at grade;
 - (iii) a minimum of fourteen (14) **bicycle parking spaces** – short-term shall be provided at grade; and
 - (iv) no **bicycle parking spaces** are required for nonresidential uses;
- (W) Despite regulation 5.10.40.70(2), setbacks below grade do not apply; and
- (X) Section 600.10, with respect to tall building regulations in the Downtown does not apply.

Prevailing By-laws and Prevailing Sections: (None Apply)

6. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in **height and density** of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

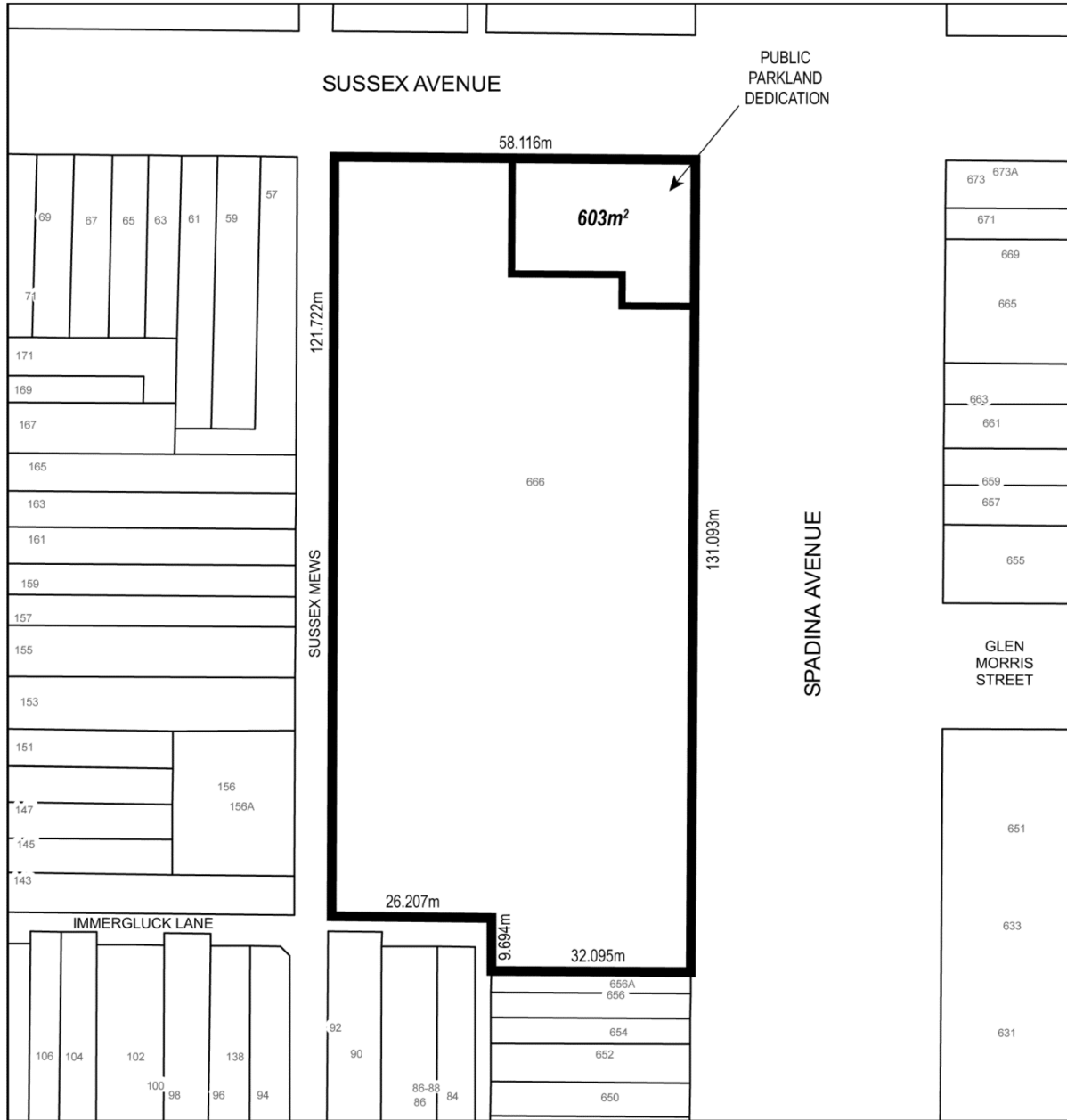
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July 27, 2018.

Glenn De Baeremaeker,
Deputy Speaker

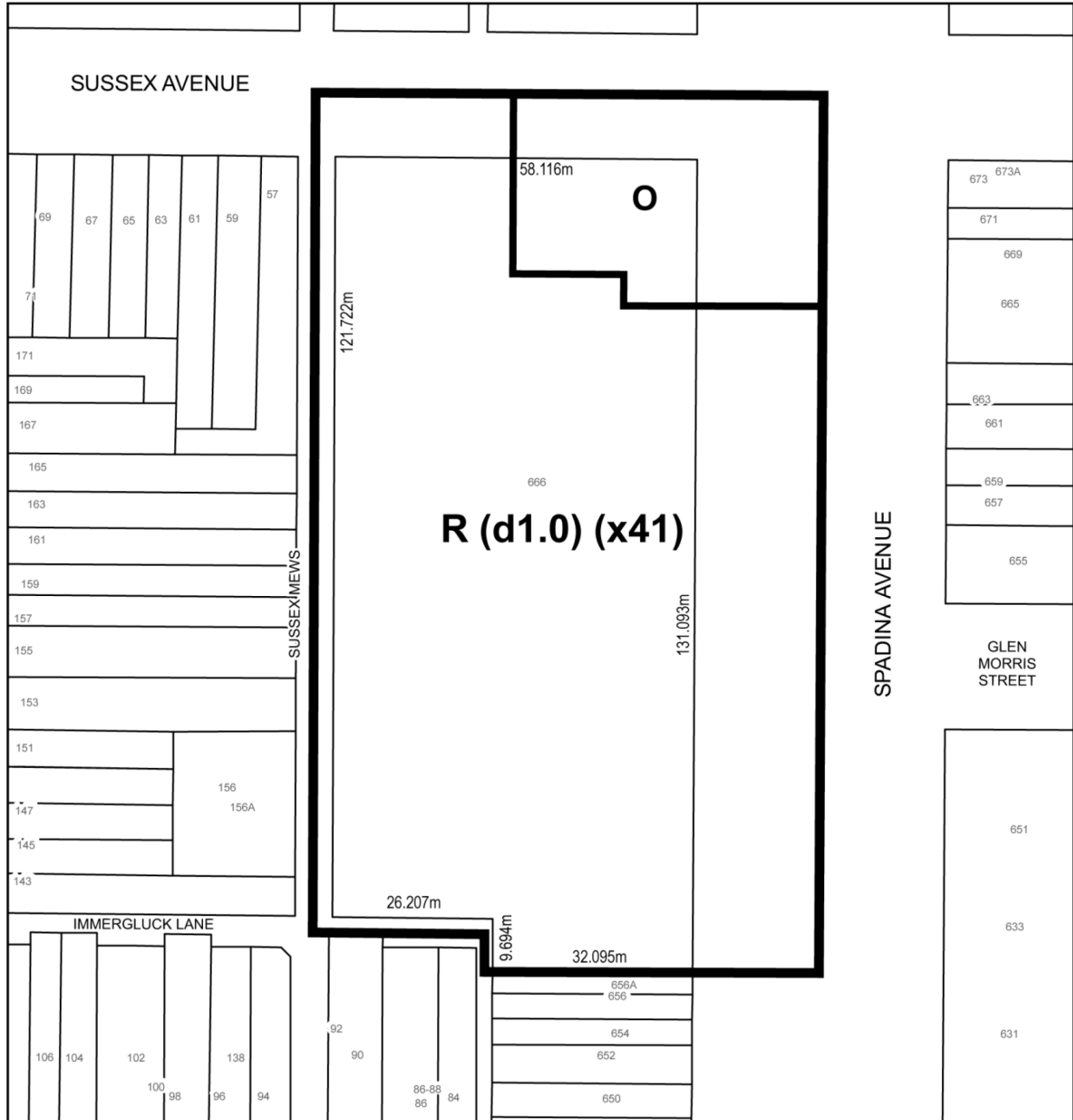
Ulli S. Watkiss,
City Clerk

(Seal of the City)



666 Spadina Avenue

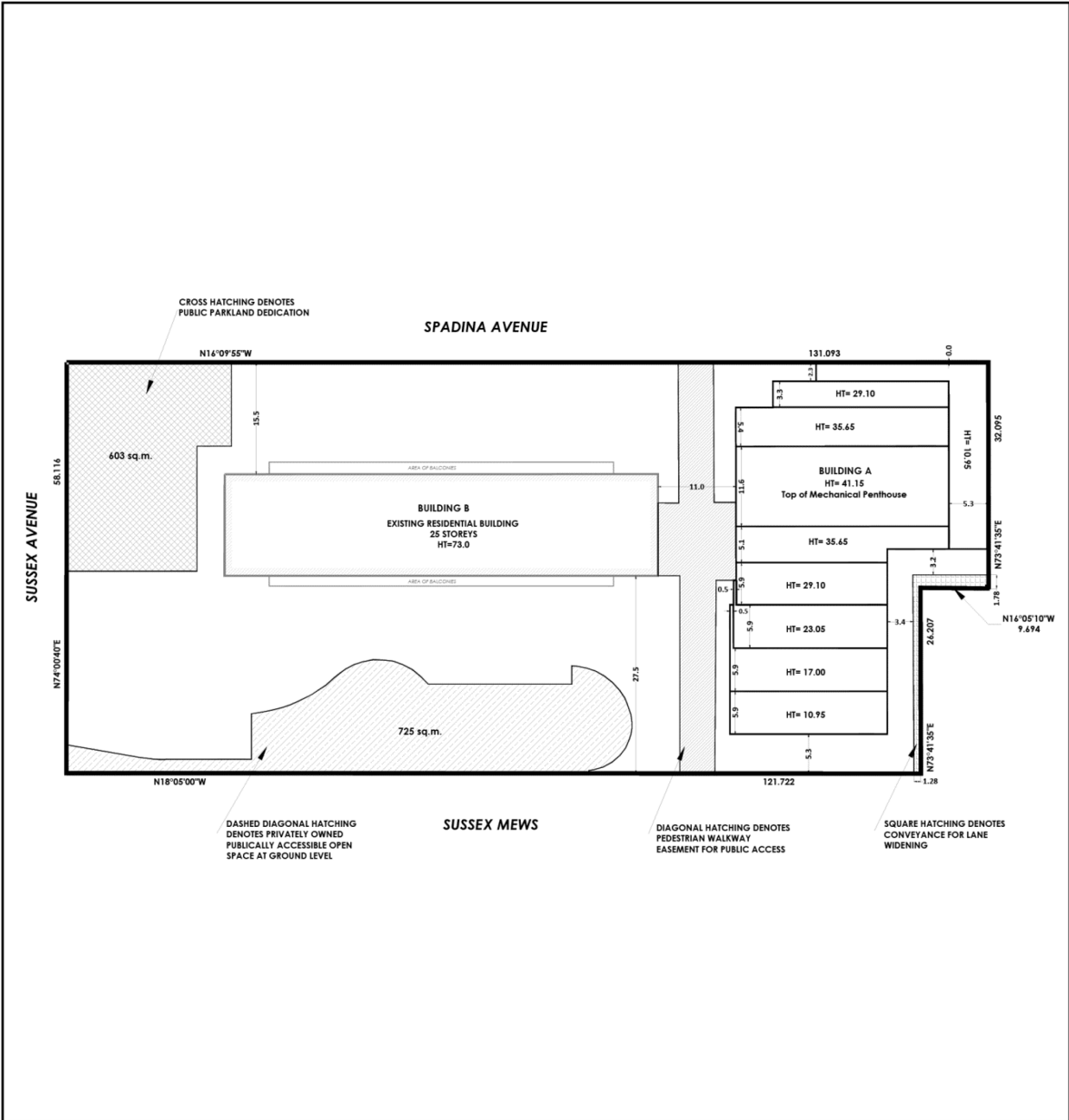
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666 Spadina Avenue

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666 Spadina Avenue

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Schedule A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the *owner's* expense in return for the increase in height and density of the proposed development on the *lot* and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to the issuance of the first above-grade building permit, the owner shall pay a cash contribution of \$800,000.00 to the City to be allocated as follows:
 - a) \$475,000 to Wigwamen for new affordable housing on their site at 14 Spadina Road, in consultation with the Chief Planner and Executive Director, City Planning, and the Ward Councillor; and
 - b) \$325,000 towards local streetscape, and/or public realm, and/or neighbourhood greening improvements in the vicinity of the site which may include those identified as part of the Harbord Village Green Plan at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. The payment amounts identified in Section 1 above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment.
3. In the event the cash contributions referred to in Section 1 above have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
4. The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience to support development, at the owner's expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:
 - a) The owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a privately owned publicly accessible open space (POPS) of not less than 725 square metres, as generally shown on Diagram 3 of this Zoning By-law;
 - b) Prior to the issuance of Site Plan Approval, the owner shall convey to the City for nominal consideration an easement along the surface of the lands which shall constitute the POPS. The owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of the day and night, 365 days of the year. The specific location, configuration and design of the POPS shall also

- be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;
- c) The Owner shall construct, to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway, as generally shown on Diagram 3 of this Zoning By-law, which shall have a minimum width of 2.5 metres;
 - d) Prior to final site plan approval, the owner shall convey to the City, for nominal consideration, an easement along the surface of the lands which shall constitute the pedestrian walkway, to the satisfaction of the City Solicitor. The specific location, configuration and design of the pedestrian walkway shall be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;
 - e) The owner shall provide and maintain the 334 existing rental housing units at 666 Spadina Avenue as rental housing for the period of at least 20 years, from the date of the Zoning By-law coming into full force and effect, with all associated facilities and building amenity improvements to be secured for the rental housing units, at no extra cost to the existing tenants, and with no applications for demolition or conversion from residential rental use, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor;
 - f) The owner shall provide at least 30 percent 2-bedroom units and 10 percent 3-bedroom units within Building;
 - g) Prior to the issuance of any building permit, the owner will submit a Construction Management Plan and Mitigation Strategy, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, details regarding size and location of construction staging areas, dates and significant concrete pouring activities, mitigation strategies to reduce the impact on adjacent residents including negative effects of safety lighting, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary;
 - h) Prior to the issuance of any building permit, the owner will submit a Tenant Communication Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - i) Any applications required to remove or injure trees (both City and private) shall be completed to the satisfaction of the General Manager, Parks, Forestry and Recreation;

- j) Prior to site plan approval, the owner shall submit a revised Wind Study for the proposed development and an undertaking to implement any necessary mitigation measures, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- k) On-site dog amenities will be provided at the owner's expense with proper disposal facilities for the building residents including dog relief stations, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- l) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard as it relates to Building A;
- m) The owner shall be financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- n) In support of development, the owner shall pay for and construct any improvements to the existing municipal infrastructure determined to be necessary as set out in a Functional Servicing Report accepted by the Chief Engineer and Executive Director Engineering and Construction Services;
- o) The owner shall construct and maintain the indoor amenity space to be shared by both buildings;
- p) The owner will provide and maintain new and renovated indoor amenity space to the satisfaction of the Chief Planner and Executive Director, City Planning in order to provide for at least the following: a common room with at least one boardroom table; a fitness and exercise room; and a party room that will include a kitchenette, and direct access to a washroom;
- q) The owner shall make available all indoor and outdoor amenity spaces generally shown on the Ground Floor Plan for Building A and Building B to tenants of both buildings without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings;
- r) Prior to the issuance of the first above-grade building permit for Building A, as indicated on Diagram 3, and not including any building permit for shoring, piling, excavation or foundation no less than 603 square metres of unencumbered parkland shall be satisfactorily conveyed to the City, located on the north-east corner of the site with frontage on both Spadina Avenue and Sussex Avenue, pursuant to section 42 of the Planning Act. These lands shall meet Parks, Forestry and Recreations environmental requirements and base park conditions, as set out in the Memorandum to Community Planning and City Legal provided by Planning, Design and Development Parks, Forestry and Recreation dated September 27, 2016 as well as have no remaining underground parking garage

structure beneath the park aside from a portion of the retaining walls parallel to Sussex Avenue and Spadina Avenue that is no higher than 1.5 metres below grade and is drilled with drainage holes, all to the satisfaction of the General Manager, Parks Forestry and Recreation; and

- s) The owner shall be required to enter into Limiting Distance Agreements in relation to the new parkland should they be determined to be necessary by the General Manager, Parks, Forestry and Recreation.