

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

Bill 1268

BY-LAW -2018

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in 2018 as 666 Spadina Avenue.

Whereas Council of the City of Toronto has the authority to 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 438-86 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. Pursuant to Section 37 of the Planning Act, the *heights* and density of development permitted in this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix A, the provisions of which shall be secured by an agreement or agreement's pursuant to Section 37(3) of the Planning Act.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Appendix A, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.

3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the *City* pursuant to Section 37 of the Planning Act, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. The lands subject to this By-law are outlined by heavy black lines on Map 1 attached to this By-law.
5. By-law 20-69 of the former City of Toronto is repealed.
6. None of the provisions of Section 2 with respect to '*lot*', '*height*', '*grade*', '*bicycle parking space - occupant*' and '*bicycle parking space - visitor*' and Sections 4(2), 4(4), 4(5), 4(6)b, 4(8), 4(12), 4(13), 4(17) parking dimensions, 6(2)8, 6(3) Part I 1, 6(3) Part II 2, 6(3) Part II 3(i), 6(3) Part II 3.F(i), 6(3) Part II 4, 6(3) Part II 5, Section 6(3) Part III 1(b), Section 12 (1) 232, 12(2)380, of Zoning By-law 438-86 of the former City of Toronto , 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 of two residential apartment buildings, including uses accessory thereto, on the *lot* provided that:
 - a) the lot consists of those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - b) the buildings on the *lot* shall be comprised of *Building A* and *Building B*, on the lands municipally known as 666 Spadina Avenue, as shown on Map 2 attached hereto and forming part of this By-law;
 - c) the total gross floor area erected or used on the *lot* shall not exceed 30,600 square metres of which:
 - (i) the total gross floor area shall not exceed 10,400 square metres in the *Building A* consisting of 9,700 square metres of *residential gross floor area* and 700 square metres of *non-residential gross floor area*; and
 - (ii) the total *residential gross floor area* shall not exceed 20,200 square metres in *Building B*, as existing in the year 2017.
 - d) despite Section 6(1) of By-law 438-86 more than one *retail stores* are permitted on the first storey of the *apartment building* within *Building A* to a maximum 700 square metres of *gross floor area*;
 - e) in addition to the uses permitted pursuant to Section 6(1) of By-law 438-86, the following uses are also permitted within *Building A*: *retail store*, office, *branch of a bank or financial institution*, *personal grooming establishment*, fitness studio, *bake-shop*, *artist's or photographer's studio*, *private art gallery*, *restaurant* and *take-out restaurant*;

- f) no portion of *Building A* or *Building B* or any structure erected or used above *grade* on the *lot* shall exceed the height limits above *grade* in metres as specified by the numbers following the symbol "H" as shown on attached Map 2, with the exception of the following:
- (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 by a maximum of 2.0 metres above the height specified by the numbers following the "H" as shown on attached Map 2.
- g) no portion of *Building A* or *Building B* or any structure erected or used on the *lot*, above *grade* or above finished ground on the *lot*, shall be located other than wholly within areas delineated by the building envelope on Map 2, with the exception of the following:
- (i) eaves, cornices, window frames, lighting fixtures, fences and safety railings, trellises, balustrades, chimneys, vents, transformer vault, wheelchair ramps, retaining walls, landscape features, ornamental structures, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, stair landings, decks, planters, and public art features;
 - (ii) balconies to a maximum horizontal projection of not more than 1.8 metres; and
 - (iii) canopies may encroach into the required setbacks but cannot be located other than wholly within the areas delineated by the dashed lines as identified on Map 3.
- h) *residential amenity* space shall be provided for all residential units on the *lot* as follows:
- (i) minimum of 860 square metres of *indoor residential amenity space* shall be provided and maintained on the *lot* in a multi-purpose room or rooms that may or may not be contiguous, and that will collectively contain a kitchenette and a washroom; and
 - (ii) a minimum of 1,237 square metres of *outdoor residential amenity space* shall be provided on the *lot* and in a location that may or may not adjoin or be directly accessible from the indoor *residential amenity space*.
- i) a minimum of 45 percent of the lot area shall be maintained as *landscaped open space* and minimum of 65 percent of the *landscaped open space* must be used for *soft landscaping*;

- j) a minimum of 725 square metres of Privately Owned Publicly Accessible Open Space, and one publicly accessible pedestrian walkway easement shall be provided on the lot generally in the locations as shown on Map 2;
 - k) a minimum of 174 *bicycle parking spaces* shall be provided and maintained for all *residential apartment units* on the *lot* as follows:
 - (i) a minimum of one hundred and fourteen (114) *bicycle parking spaces – occupant* shall be provided within the Parking level 1 and Parking level 2 on the *lot*;
 - (ii) a minimum of forty-six (46) *bicycle parking spaces – occupant* shall be provided on the *lot*, at grade; and
 - (iii) a minimum of fourteen (14) *bicycle parking spaces – visitor* shall be provided on the *lot*, at grade.
 - l) a minimum of 193 *parking spaces* shall be provided and maintained for all *residential apartment units* on the *lot* in accordance with the following ratios:
 - (i) a minimum of 159 *vehicle parking spaces* for all *dwelling units* within the existing underground parking structure;
 - (ii) a minimum of 34 *vehicle parking spaces – visitor*, within the existing underground parking structure; and
 - (iii) a maximum of 3 *parking spaces* may be provided at grade.
 - m) Despite (l) above, if *Building A* contains fewer than 133 *dwelling units*, the number of *parking spaces* may be reduced by 0.34 *parking spaces* for each *dwelling unit* that is reduced.
 - n) a *parking space* existing in the year 2017 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.
 - o) No *parking spaces* shall be required for non-residential uses on the *lot*;
 - p) the minimum driveway widths for two-way operation in the existing underground garage may be 5.48 metres; and
 - q) a minimum of one *loading space - Type C* and one *loading space - Type G* shall be provided on the *lot*.
7. Zoning By-law 438-86, as amended, is further amended by changing the zoning designation of the north portion of the lands identified on Map 1 attached to and forming part of this by-law from R3 Z1.0 to G.

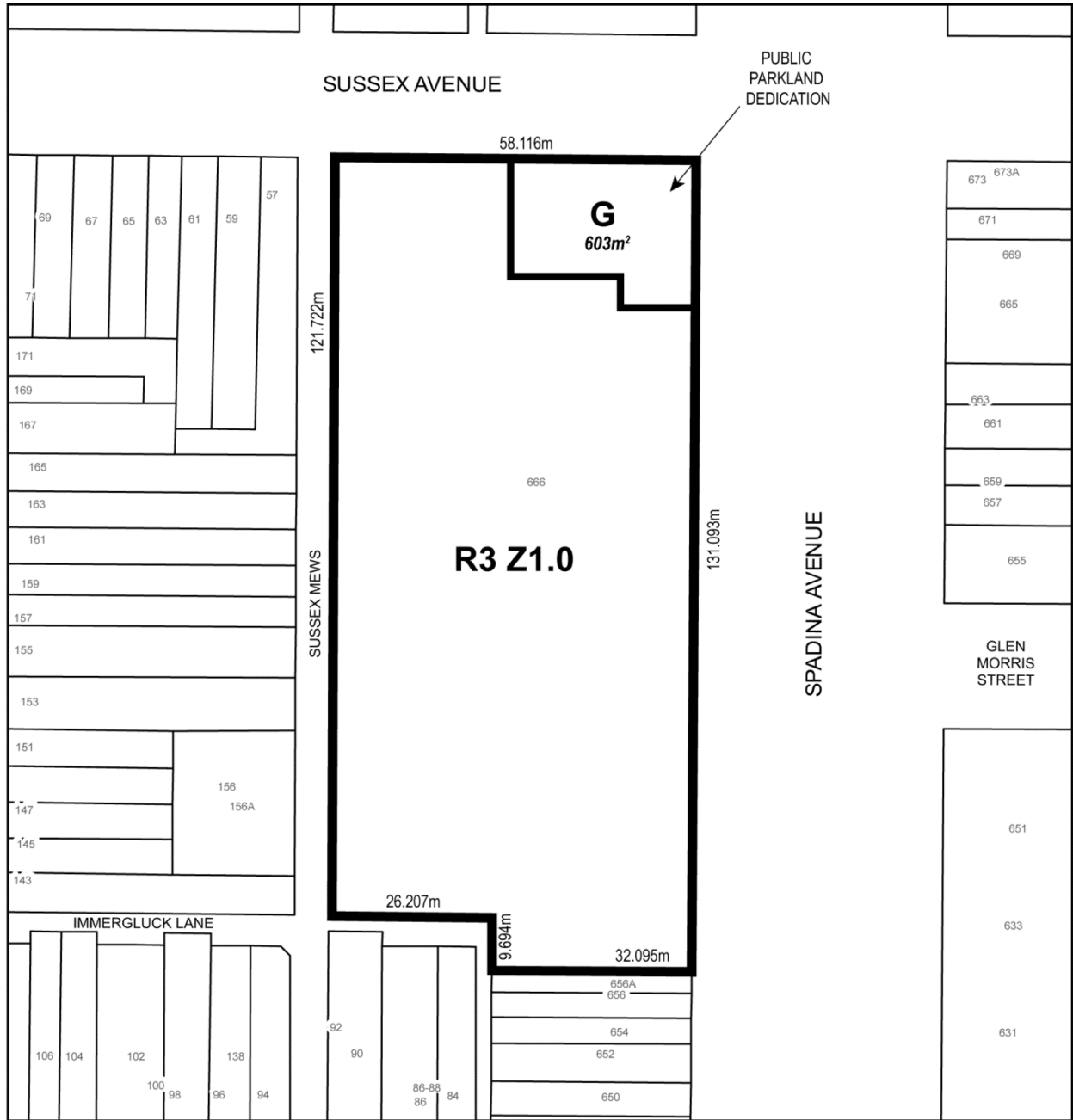
8. Notwithstanding the definitions provided in Section 2(1) of *By-law 438-86*, as amended, for the purposes of this By-law, the following definitions will apply to the *lot* unless indicated otherwise in this By-law. Where italicized terms referred to in this By-law are not defined in this By-law, the definitions provided in Section (2)1 of *By-law 438-86*, will apply:
- a) "*outdoor residential amenity space*" means a common area or areas within a lot which are provided for the use of residents of a building for recreational or social purposes and may be accessible from the public realm;
 - b) "*grade*" means the established grade at 111.10 metres Canadian Geodetic Datum;
 - c) "*Building A*" means any building or structures, other than the *existing building*, above or below *grade*, located within the heavy lines shown on Map 2 as the new building;
 - d) "*Building B*" means the existing apartment building, subject to internal modifications or alterations that do not result in any additional *gross floor area*, except as provided herein, located on the *lot* in the year 2017 as shown on Map 2; and
 - e) "*height*" means the vertical distance between grade and the highest point of the building or structure on the roof except for those elements prescribed in s. 3(g)i of this By-law.
9. Notwithstanding any existing or future severance, partition or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition or division occurred.
10. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Enacted and passed on July , 2018.

Frances Nunziata,
Speaker

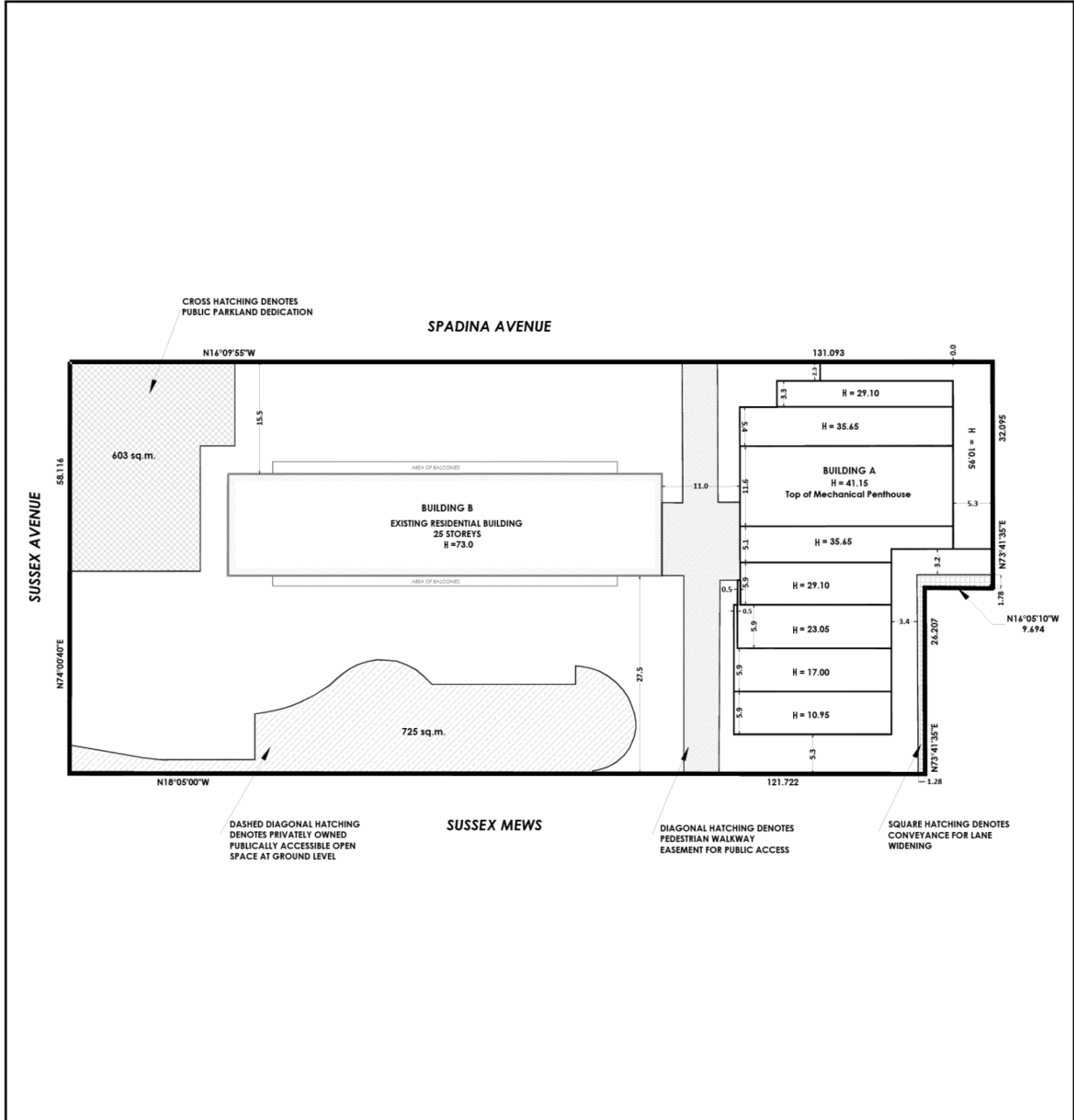
Ulli S. Watkiss,
City Clerk

(Seal of the City)



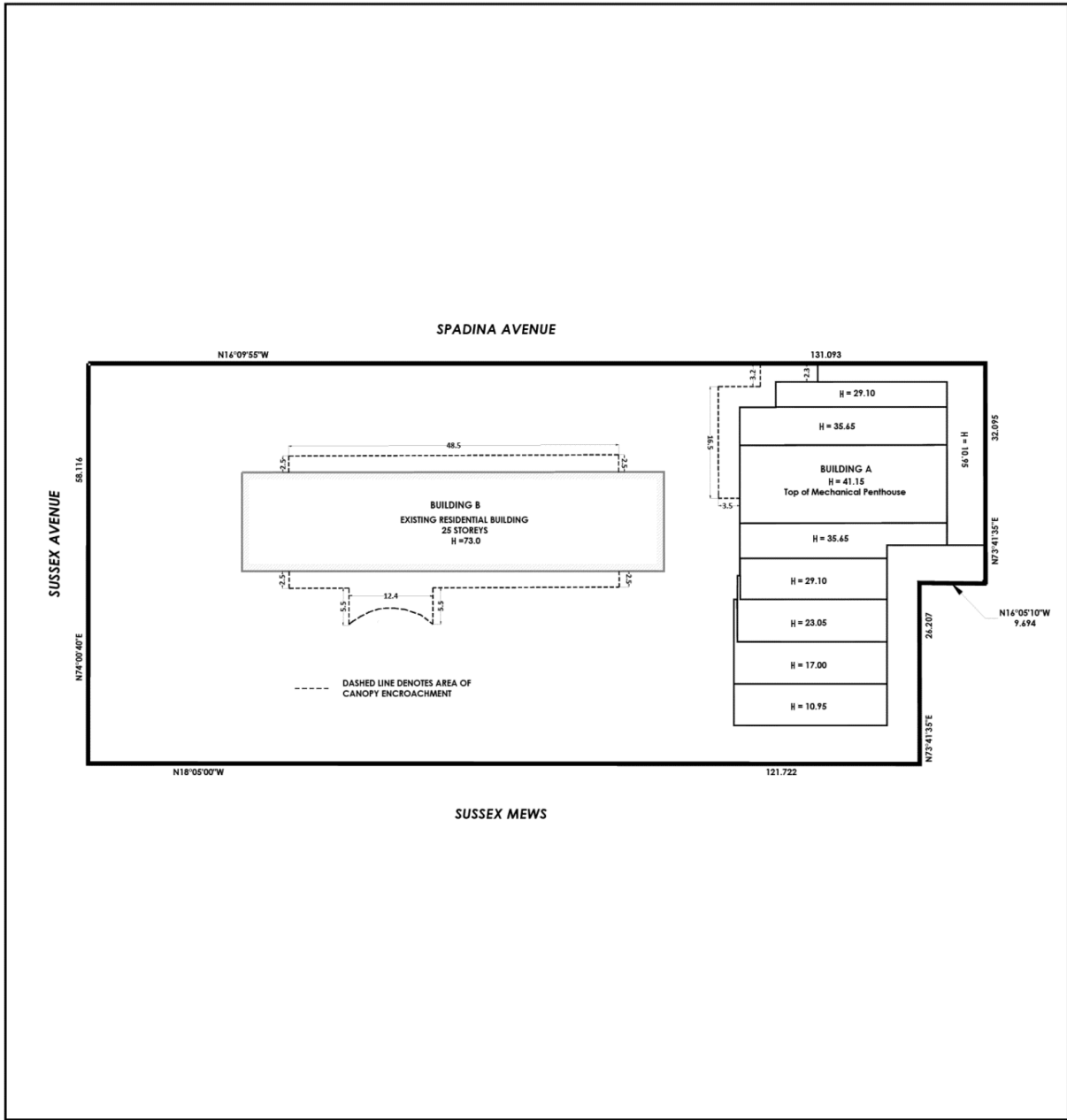
666 Spadina Avenue

File # 16 198194 STE 20 0Z



666 Spadina Avenue

File # 16 198194 STE 20 OZ



666 Spadina Avenue

File # 16 198194 STE 20 0Z

Appendix 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 Map 2 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 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 Map 2 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 Map 2, 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.