

Authority: Toronto and East York Community Council Item 34.16, adopted as amended, by City of Toronto Council on August 25, 26, 27 and 28, 2014

CITY OF TORONTO

BY-LAW No. 1062-2014

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in 2014 as 57 Spadina Avenue.

Whereas Council of the City of Toronto has the authority in 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 the height 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 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 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 No. 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. The words highlighted in bold type in this By-law have the same meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.12.10 Exception number [80] so that is reads:

(80) Exception CRE 80

The lands, or portion thereof as noted below, are subject to the following Site Specific Provisions:

Site Specific Provisions

- (A) On 57 Spadina Avenue, if the requirements of By-law 1062-2014 are complied with, none of the provisions of 50.5.40.10 (4), 50.5.40.10 (5), 50.10.40.10 (1), 50.10.40.10 (3), 50.10.40.30, 50.10.40.50, 50.10.40.60 (1), 50.10.40.70 (1), 50.10.40.70 (3), 50.10.40.70 (5)(A), 50.10.40.80(3), 200.5.10.1(1), 230.5.10.1(1), 230.5.10.1 (5), and 230.40.1.20 (2) apply to prevent the erection or use of a **building, structure**, addition or enlargement or **public parking** permitted in By-law 1062-2014, if the **building, structure**, or **public parking** complies with subsections (B) to (Y) of By-law 1062-2014;
- (B) The maximum **gross floor area** is 28,000 square metres, of which:
- (i) A maximum of 24,000 square metres of **gross floor area** may be used for residential uses;
 - (ii) A maximum of 5,000 square metres of **gross floor area** may be used for non-residential uses, of which, a minimum of 2,500 square metres of **gross floor area** must be for office uses; and
 - (iii) The area used for **public parking** is not included in the calculation of **gross floor area**;
- (C) A medical office or dental office is not permitted;
- (D) The whole of the **building** or **structure** must be located within the areas delineated by heavy lines shown on Diagram 2 of By-law 1062-2014;
- (E) The height of a **building** or **structure**, is measured from the Canadian Geodetic Datum elevation of 86.25 metres, and must not exceed the height in metres specified by the numbers following the symbol HT on Diagram 2 of By-law 1062-2014;
- (F) The number of **storeys** in a **building**, must not exceed the number following the symbol ST on Diagram 2 of By-law 1062-2014;
- (G) Despite subsections (D) and (E) of this By-law, the following **building** elements and **structures** are permitted to project horizontally beyond the heavy lines and **building** envelopes other than a **lot** line, specified on Diagram 2 of By-law 1062-2014, subject to the following limitations:

- (i) Eaves, cornices, window sills, landscape features, wheel chair ramps, light fixtures, stairs and stair enclosures, balustrades, guardrails, bollards - no limitations;
 - (ii) Awnings, canopies - a maximum of 3.0 metres beyond the exterior of the wall to which such awnings and canopies are attached;
 - (iii) Balconies - a maximum of 2.0 metres beyond the heavy lines shown on Diagram 2; and
 - (iv) Ornamental elements, architectural elements - a maximum of 2.0 metres beyond the heavy lines shown on Diagram 2;
- (H) Despite subsections (D) and (E) of this By-law, the following **building** elements and **structures** are permitted to extend vertically above the maximum heights and building envelopes specified on Diagram 2 of By-law 1062-2014, subject to the following limitations:
- (i) Elements associated with a **green roof** - a maximum vertical projection of 0.5 metres above the heights shown on Diagram 2;
 - (ii) Railings - a maximum vertical projection of 1.2 metres above the heights shown on Diagram 2;
 - (iii) Fences, privacy screens - a maximum vertical projection of 2.4 metres beyond the heights shown on Diagram 2;
 - (iv) Vents, stacks, chimneys - a maximum vertical projection of 3.2 metres above the heights shown on Diagram 2;
 - (v) Parapets - a maximum vertical projection of 1.2 metres above the height of 31.65 metres shown on Diagram 2, and parapets on all other portions of the **building** are limited to a maximum vertical projection of 0.9 metres above the heights shown on Diagram 2; and
 - (vi) Structures used for outside or open air recreation, safety or wind protection purposes and the structures shall not enclose space so as to constitute a form of penthouse or other room or rooms - a maximum vertical projection of 3.0 metres above the heights shown on Diagram 2;
- (I) Despite subsection (G) of this By-law, balconies, ornamental and architectural elements over the area of the 1.3 metre future stratified **lane** widening are permitted if such balconies, ornamental and architectural elements are located a minimum of 10 metres above the Canadian Geodetic Datum elevation of 86.25 metres;
- (J) Despite subsection (G) of this By-law, balconies attached to the northerly **main wall** of the **building**, subject to a height limit of 116.25 metres and shown with an

east-west dimension of 19.01 metres on Diagram 2 of By-law 1062-2014, are limited to a maximum horizontal projection of 0.23 metres;

- (K) Despite subsection (H) of this By-law, **building** elements and **structures** permitted to extend above the height of the mechanical penthouse as identified on Diagram 2 of By-law 1062-2014 are limited to vents, stacks, chimneys, parapets, screens and railings, subject to the limitations noted in subsection (H) of this By-law;
- (L) A minimum of 288 square metres of outdoor **amenity space** must be provided and maintained and:
- (i) At least 40.0 square metres must be adjoining or directly accessible to the indoor **amenity space**; and
 - (ii) No more than 25% of the required outdoor **amenity space** may be provided as a **green roof**;
- (M) Indoor amenity space must be provided at a rate of at least 2.0 square metres for each **dwelling unit** and must be directly accessible to at least one room with a kitchen and washroom;
- (N) **Parking spaces** for residents on the **lot** must be provided and maintained in accordance with the following minimum standards:
- (i) 0.3 **parking spaces** for each bachelor **dwelling unit**;
 - (ii) 0.5 **parking spaces** for each bedroom **dwelling unit**;
 - (iii) 0.75 **parking spaces** for each two bedroom **dwelling unit**; and
 - (iv) 1.20 **parking spaces** for each three or more bedroom **dwelling unit**;
- Despite the total number of resident **parking spaces** provided pursuant to the above noted ratios, the total number of required resident **parking spaces** may be reduced by a maximum of 38 **parking spaces**, provided that a minimum of two of the **parking spaces** required by subsection (R) are provided as *car share* spaces;
- (O) A minimum of one **loading space** - type G and one **loading space** - type B must be provided and maintained on the **lot**;
- (P) **Parking spaces** for residents on the **lot** may be reduced at a rate of 1 **parking space** for each 5 **bicycle parking space** provided in excess of the minimum number of required **bicycle parking spaces** for the lot based on the standards in subsection (Q) of this By-law, provided the reduction is not greater than 20% of the total minimum **parking spaces** required in subsection (N) of this By-law;

- (Q) **Bicycle parking spaces** must be provided in accordance with the following minimum standards:
- (i) A minimum of 1.0 **bicycle parking spaces** for each **dwelling unit**, allocated as 0.8 "long term" **bicycle parking spaces** per **dwelling unit** and 0.2 "short term" **bicycle parking spaces** per **dwelling unit**;
 - (ii) A minimum of 0.2 "long term" **bicycle parking spaces** for each 100 square metres of **gross floor area** of office uses, and a minimum of the greater of 0.2 "short term" **bicycle parking spaces** for each 100 square metres of **gross floor area** of office uses or 6 **bicycle parking spaces**; and
 - (iii) A minimum of 0.2 "long term" **bicycle parking spaces** for each 100 square metres of **gross floor area** of retail uses, and a minimum of the greater of 0.3 "short term" **bicycle parking spaces** for each 100 square metres of **gross floor area** of retail uses or 6 **bicycle parking spaces**;
- (R) A minimum of 25 **parking spaces** for visitors to the **dwelling units**, and visitors and occupants of the non-residential uses must be provided, and may be in a **public parking** use on the lot. The following minimum number of **parking spaces** must be reserved for the exclusive use of visitors to the **dwelling units**:
- (i) Between Monday 6:01 a.m. to Friday 6:00 p.m.:
 - (a) 2 **parking spaces** between the hours of 6:01 a.m. to 12:00 p.m.;
 - (b) 7 **parking spaces** between the hours 12:01 p.m. to 6:00p.m.;
 - (c) 14 **parking spaces** between the hours 6:01 p.m. to 6:00 a.m.; and
 - (ii) Between Friday 6:01 p.m. to Monday 6:00 a.m., 14 **parking spaces**;
- (S) Despite regulation 200.5.1.10 (2), 4 **parking spaces** may have a minimum length of 5.3 metres and are not subject to regulation 200.5.1.10 (2) (D);
- (T) Despite regulation 230.5.1.10 (4), a **stacked bicycle parking space** may have a minimum width of 0.45 metres;
- (U) This exception will apply to all of the lands regardless of future severance, partition or division;
- (V) For the purposes of By-law 1062-2014, the terms set forth in bold type must have the same meaning as such terms have for the purposes of By-law 569-2013 as amended, except that the following definitions must apply:
- (i) "*Owner*" means the registered owner of the **lot**; and

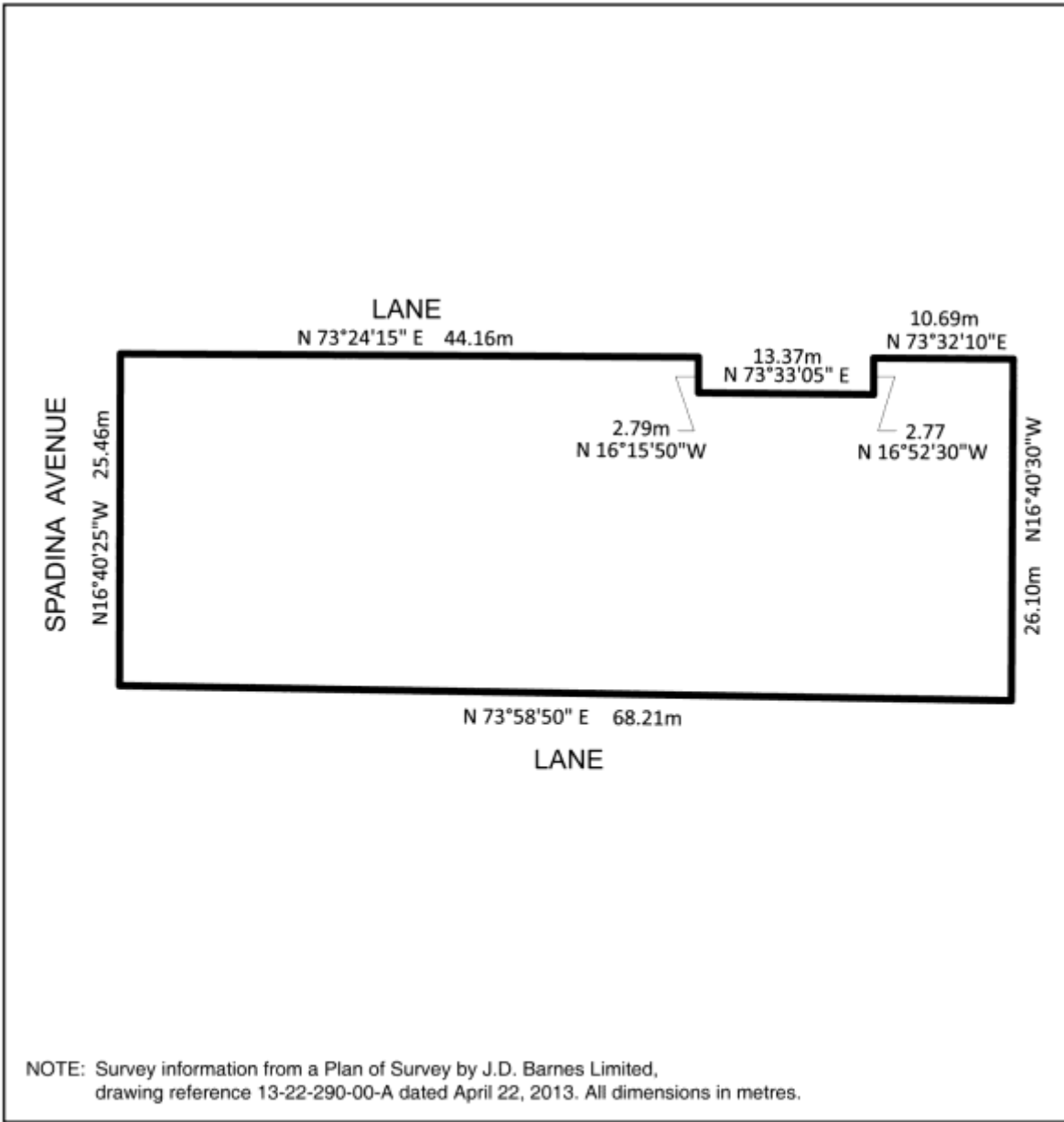
- (ii) "*Car share*" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or not be refundable;
- (W) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height of the development permitted in By-law 1062-2014, is permitted beyond that otherwise permitted on the land in return for the provision by the *owner*, at the *owner's* expense of the facilities, services and matters set out in Schedule A hereof 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;
- (X) 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; and
- (Y) The *owner* shall not use, or permit the use of, a **building** or **structure** erected with an increase in height pursuant to this By-law unless all provisions of Schedule A of By-law 1062-2014 are satisfied.

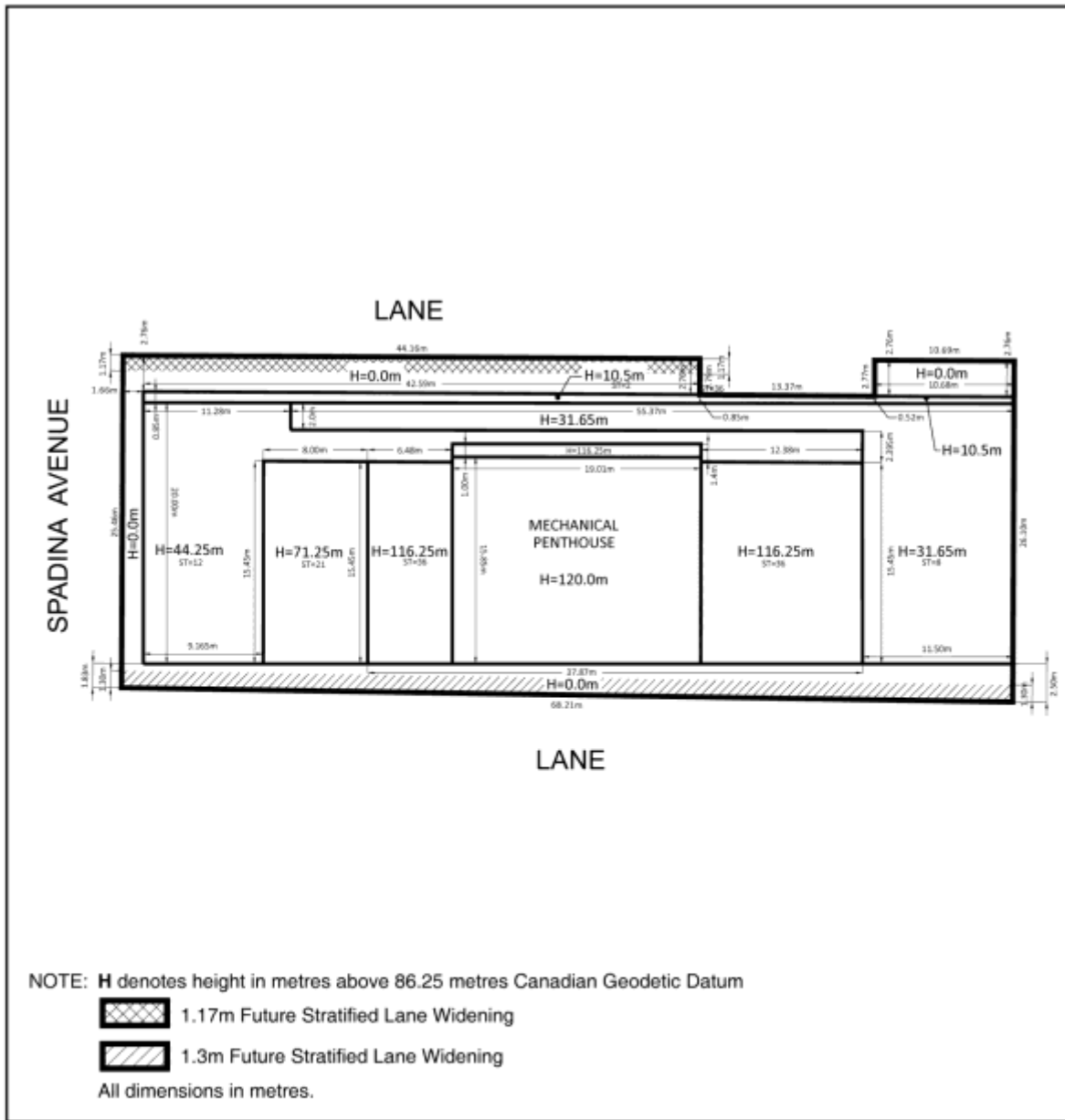
Enacted and passed on August 28, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





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 of the proposed development on the lands as shown in Diagram 2 in this By-law and secured in an agreement under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

1. Prior to the issuance of an above-grade permit, the **owner** shall pay to the City a cash contribution amount of Two Million Dollars (\$2,000,000), 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 approval of the bill to the date the payment is made, to be applied toward the following:
 - (a) Two Hundred Thousand Dollars (\$200,000) towards the City's Capital Revolving Fund for Affordable Housing for the purpose of maintaining and constructing affordable rental housing units in Ward 20, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
 - (b) One Million and Three Hundred Thousand Dollars (\$1,300,000.00) towards community services and facilities and public realm improvements in Ward 20, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor; and
 - (c) Five Hundred Thousand Dollars (\$500,000.00) towards improvements to the City-owned laneway to the south of the property, between Spadina Avenue and the east limit of the property at 393 King Street West, excluding the lane widening to be conveyed to the City, the design of such to be determined in conjunction with, and co-ordinated with, site plan approval of the development, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, and construction co-ordinated with the Construction Management Plan referred to in Section (3)(d).
2. In the event the cash contributions or portions thereof referred to in Section 1(a) and (b) above have not been used for the intended purposes within three (3) years or in the event the cash contribution or portions thereof referred to in Section 1(c) above has not been used for the intended purpose within five (5) years of this By-law coming into full force and effect, then, after the time lapse applicable to each such benefit has expired, the cash contributions or remaining portions thereof may be redirected for another purpose at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the **lot**.

3. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support the development:
- (a) The *owner* shall submit a Pedestrian Wind Study, and implement the mitigation measures listed in the Study through the Site Plan Approval process to ensure wind velocity is within acceptable levels, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (b) The *owner* shall provide 10% family sized dwelling units in the development. A minimum of 8% of the units in the development shall be constructed as 3 bedroom units with a minimum unit area of 79 square metres, in compliance with the Ontario Building Code. A minimum of 2% of the units in the development may be constructed as 2 bedroom units that are convertible to 3 bedroom units through renovation or through knock out panels between units, in compliance with the Ontario Building Code;
 - (c) The *owner* shall construct the streetscape fronting on Spadina Avenue, subject to any requirements imposed in the Site Plan Approval process, in accordance with the Streetscape Manual or to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (d) Prior to the issuance of the first building permit, the owner shall submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor and thereafter in support of the development, shall implement the plan during the course of construction. The Construction Management Plan will include details regarding size and location of construction staging areas, dates and significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary;
 - (e) Prior to Site Plan Approval on the lot, the owner shall convey land to the City for the purpose of widening public laneways, to the satisfaction of the General Manager of Transportation Services and the City Solicitor as follows:
 - (i) A strip of land approximately 1.17 metres in width and abutting the City owned laneway to the north shall be conveyed commencing a minimum of 1.2 metres below finished ground level; and
 - (ii) A strip of land approximately 1.3 metres in width and abutting the City owned laneway to the south shall be conveyed commencing from a minimum of 1.2 metres below finished ground level to a minimum of 10 metres but not more than 10.3 metres above finished ground level;
 - (f) Prior to final approval of the Development Review Process (Site Plan), the *owner* shall submit a revised Functional Servicing Report to address all servicing issues

in respect of the Development to the satisfaction of the Executive Director of Engineering and Construction Services;

- (g) Prior to the final approval of the Development Review Process (Site Plan), the *owner* shall enter into an agreement to pay for or construct, to the satisfaction of the Executive Director of Engineering and Construction Services, such improvements to the existing municipal infrastructure as are determined by the Executive Director of Engineering and Construction Services; and
- (h) The *owner* of the Lands shall enter into and register on title to the Lands one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in this Schedule.