

Authority: Local Planning Appeal Tribunal Decision
issued February 8, 2019 and Local Planning Appeal Order
issued on October 10, 2019 in File PL140705

CITY OF TORONTO

BY-LAW 1547-2019(LPAT)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands known municipally as 170 Spadina Avenue and 1-7 Cameron Street.

Whereas the Local Planning Appeal Tribunal Decision issued on February 8, 2019 and Local Planning Appeal Tribunal Order issued on October 10, 2019, in File PL140705, upon hearing an appeal under Section 34(11) of the Planning Act R.S.O. 1990, c.P.13, as amended deems it advisable to amend By-law 438-86, as amended, for the City of Toronto for the lands municipally known as 170 Spadina Avenue and 1-7 Cameron Street; 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 or 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 matter 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, a 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;

Now therefore pursuant to the Decision/Order of the Local Planning Appeal Tribunal, By-law 438-86 as amended, of the former City of Toronto, is amended as follows:

1. Upon execution and registration of the agreement(s) to be entered into with the City pursuant to Section 37 and Section 111 of the Planning Act, as amended, in accordance with the provisions of Section 5 herein, Height and Minimum Lot Frontage Map 50H-311 contained in Appendix "B" of By-law 438-86, as amended, is further amended by re-designating the lands outlined by heavy lines on Map 2 attached to and forming part of this By-law to H 0.0, H 7.3, H 25.9, H 28.8, H 31.6, H 34.6, H 37.6, H 41.1, H 46.1, and H 46.9 as shown on Map 2.
2. None of the provisions of Sections 2(1) with respect to the definition of *grade* and *lot*, 4(2)(a), 4(5), 4(12), 4(13), 4(16), 8(3) Part I, 8(3) Part II and 12(1)445 of Zoning By-law 438-86, 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 building 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", shall apply to prevent the use of the

lands as outlined by heavy lines on Map 1 attached hereto for a *mixed-use building*, provided:

- a. the *lot* comprises the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
- b. no portion of any building or structure erected and used above *grade* is located otherwise than wholly within the heavy line on Map 2 attached to and forming part of this By-law, except for the following which may encroach a maximum of 1.6 metres:
 - i. Cornices, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balconies, balustrades, railings, wheel chair ramps, vents, fences, screens, landscape and public art features, planter boxes and exhaust vents;
 - ii. Elements and structures identified in Section 2(c); and
 - iii. Notwithstanding i, and ii above, nothing shall encroach into the area identified by hatched shading on Map 2 to this by-law;
- c. the *height* of any building to be erected shall not exceed those heights, in metres, following the symbol H, shown on Map 2 attached hereto with the exception of the following elements:
 - i. Elements and structures as provided in Section 2(b) of this by-law which may project a maximum of 1.1 metres;
 - ii. Structures on any roof used for outside or open-air recreation, maintenance, safety, or wind protection purposes, landscape garden amenities, green roofs, parapets, terrace guards/landscape planters, vents, stacks, ladders which may project 1.1 metres;
 - iii. Privacy fencing between units which may project a maximum of 2.1 metres; and
 - iv. Window washing equipment which may project a maximum of 3.0 metres;
- d. Section 12(1)445 of By-law 438-86 does not apply to the *lot*;
- e. the number of *dwelling units* shall not exceed 164 and will comprise the following unit mix:
 - i. Minimum of 37 percent two-bedroom *dwelling units*; and
 - ii. Minimum of 10 percent three-bedroom *dwelling units*;

- f. the total of the *residential gross floor area* and *non-residential gross floor area* on the lot shall not exceed 12,900 square metres, provided:
 - i. The maximum *residential gross floor area* shall not exceed 12,450 square metres; and
 - ii. The maximum *non-residential gross floor area* shall not exceed 450 square metres;
- g. *residential amenity space* for each *dwelling unit* shall be provided in accordance with the following minimums:
 - i. A minimum of 1.2 square metres of indoor *residential amenity space* for each *dwelling unit*; and
 - ii. A minimum of 2.0 square metres of outdoor *residential amenity space* shall be provided per dwelling unit;
- h. a minimum of 0.21 *parking spaces* per dwelling unit shall be provided on the *lot* in accordance with the following:
 - i. A minimum of 0.15 *parking spaces* per *dwelling unit* shall be provided for the use of residents;
 - ii. A minimum of 0.06 *parking spaces* per *dwelling unit* shall be provided for the use of residential visitors; and
 - iii. *Parking spaces* for non-residential uses are not required;
- i. the requirements of Section 4(17) of By-law 438-86, as amended, shall apply with the exception that a *parking space*, accessed by a one-way or two-way drive aisle having a minimum width of 6.0 metres or more, notwithstanding that such *parking spaces* may be obstructed on one or two sides in accordance with Section 4(17)(e) of By-law 438-86, as amended, shall have the following minimum dimensions:
 - i. Length – 5.6 metres;
 - ii. Width – 2.6 metres; and
 - iii. Vertical clearance – 2.0 metres;
- j. notwithstanding Section 2(i) above, up to ten (10) percent of *parking spaces* provided on the *lot* for residents may be provided as *small car parking spaces*;

- k. *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- i. A minimum of 0.9 long-term *bicycle parking spaces* for the use of the residents shall be provided on the *lot*;
 - ii. A minimum of 0.1 short-term *bicycle parking spaces* for the shared use of residents shall be provided on the *lot*;
 - iii. A minimum of 3 plus 0.3 short-term *bicycle parking spaces* per 100 square metres of gross floor area for retail uses shall be provided on the *lot*; and
 - iv. A minimum of 0.2 long-term *bicycle parking spaces* per 100 square metres of gross floor area for retail uses shall be provided on the *lot*; and
- l. one *loading space - Type G* shall be provided and maintained on the *lot*.
3. Despite any existing or future consent, severance, partition or division of the *lot*, the provisions of this By-law shall apply to the *lot* as if no consent, severance, partition or division occurred.
4. None of the provisions of former City of Toronto By-law 438-86, as amended, or any provision of this By-law, shall apply to prevent the erection and use of a temporary sales office on the *lot*.
5. 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* contemplated herein is permitted in return for the provision by the *owner*, at the *owner's* expense, of the facilities, services and matters set out in Schedule 1 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 *lot*, to the satisfaction of the City Solicitor.
6. Where Schedule 1 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.
7. The *owner* shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule 1 are satisfied.
8. For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each word or expression as defined in the said By-law 438-86, as amended, except for the following:
- a. "*grade*" means 92.25 metres Canadian Geodetic Datum;
 - b. "*lot*" means the lands outlined by heavy lines on Map 1 attached to this By-law;

- c. "*height*" means the height of land outlined by heavy lines on Map 2 attached to and forming part of this By-law;
 - d. "*mezzanine level*" the floor level between the ground level and second level of a building;
 - e. "*small car parking spaces*" means a clear area that has minimum dimensions of 5.0 metres in length, 2.4 metres in width and a vertical height of 1.84 metres; and
 - f. "*temporary sales office*" means a building, structure, facility or trailer used for the purpose of the sale of *dwelling units* to be erected on the *lot*.
9. Despite any existing or future severance, partition, or division of *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
10. Except as otherwise provided herein, the provisions of By-law 438-86, as amended shall continue to apply to the lands shown on Map 1.
11. Within the *lot* no person shall use any land or erect or use any building or structure unless the following municipal sewers are provided to the lot line and the following provisions are complied with:
- a. all new public roads have been constructed to a minimum 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.

Local Planning Appeal Decision issued February 8, 2019 and Local Planning Appeal Tribunal Order issued on October 10, 2019 in File PL140705.

SCHEDULE 1
Section 37 Provisions

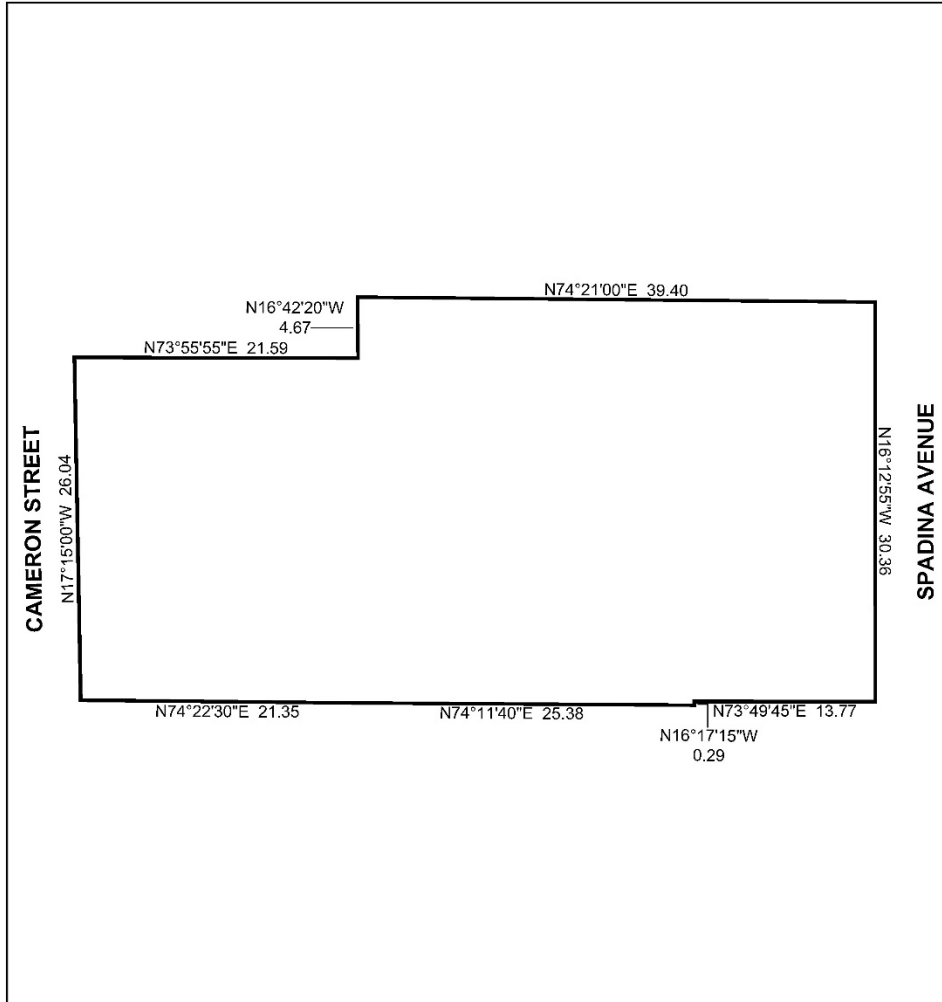
The facilities, services and matters set out below are required to be provided to the City at the *owner's* expense in return for the increase in *height* and density of the proposed development on the *lot* and secured in an agreement or agreements under section 37(3) of the Planning Act whereby the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

1. Prior to issuance of the first above-grade building permit for a building on the lot, the owner shall make a cash contribution in the amount of five hundred and seventy five thousand dollars (\$575,000.00), indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment, to be used toward the provision of affordable rental housing within Ward 10, in the vicinity of the site, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. In the event the financial contribution referred to in Section 1. of this Schedule has not been used for the intended purpose within five (5) years of this By-law coming into full force and effect, the financial 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(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lot.
3. Prior to the issuance of the first above-grade building permit, the owner shall submit a Wind Study to the satisfaction of the Chief Planner and Executive Director, City Planning that will identify recommendations for the pedestrian realm and the outdoor areas of the podiums to mitigate wind impacts year-round. The owner shall implement and maintain any recommendations from such Wind Study to the satisfaction of the Chief Planner and Executive Director, City Planning.
4. The Owner shall submit a revised Functional Servicing Report to the City for review and acceptance by the Chief Engineer & Executive Director, Engineering & Construction Services, prior to the issuance of a Building Permit. The owner shall design and construct the required improvements to municipal infrastructure as identified in the revised Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
5. Prior to the issuance of any permit for excavation and shoring work, the owner shall submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter will implement the plan during the course of construction. The Construction Management Plan shall include the size and location of construction staging areas, dates of significant concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the

Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, in consultation with the Ward Councillor.

6. The owner shall provide and maintain ten (10) replacement rental *dwelling units* on the lot, comprised of eight one-bedroom and two three-bedroom rental *dwelling units*, for a period of at least twenty (20) years, beginning from the date that each such replacement rental *dwelling unit* is first occupied, as generally illustrated in the plans provided to the City Planning dated April 2, 2018 and in accordance with the following terms:
 - a. the two three-bedroom replacement rental *dwelling units* shall have unrestricted rents;
 - b. the owner shall provide and maintain at least four one-bedroom replacement rental *dwelling units* at affordable rents and four one-bedroom replacement rental *dwelling units* at mid-range rents, for a period of at least ten (10) years, beginning from the date that each such replacement rental *dwelling unit* is first occupied;
 - c. the owner shall provide and maintain ensuite laundry facilities in each replacement rental *dwelling unit*;
 - d. the owner shall provide tenants of the replacement rental *dwelling units* with access to all indoor and outdoor amenities on the lot and access and use of these amenities shall be on the same terms and conditions as any resident of the non-replacement *dwelling units*; and
 - e. the owner shall provide a minimum of two (2) vehicle parking spaces to tenants of the replacement rental *dwelling units*;
7. The owner shall provide and maintain on the lot, a minimum of:
 - a. 10 percent of the total number of residential units erected on the lot as three bedroom *dwelling units*; and
 - b. 37 percent of the total number of residential units as two-bedroom *dwelling units*.

All to the satisfaction of the Chief Planner and Executive Director, City Planning.



170 Spadina Avenue & 1-7 Cameron Street, Toronto

Map 1

File # _____



Not to Scale

