

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

CITY OF TORONTO

BY-LAW 1548-2019(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as, 170 Spadina Avenue and 1-7 Cameron Street.

Whereas the Local Planning Appeal Tribunal Decision issued February 8, 2019 and Local Planning Appeal Tribunal Order issued 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 569-2013, as amended, for the City of Toronto for the lands municipally known as 170 Spadina Avenue and 1-7 Cameron Street; 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 Local Planning Appeal Tribunal 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 meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 5.0 (c2.5; r4.0) SS2 (x194) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1 and applying the

following Policy Area label to these lands: PA1, as shown on Diagram 3 attached to this Bylaw.

5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1 and applying the following height label to these lands: HT 28.0 as shown on Diagram 4 attached to this Bylaw.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1 as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1 and applying the following label to these lands: B3 as shown on Diagram 6 attached to this Bylaw.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 194 so that it reads:

(194) Exception CR 194

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 170 Spadina Avenue and 1-7 Cameron Street, if the requirements of Section 9 and Schedule A of By-law 1548-2019(LPAT) are complied with, a **building, structure**, addition or enlargement may be erected or constructed in compliance with (B) to (M) below;
- (B) Despite Regulation 40.10.40.40(1), the **gross floor area** of the **mixed use building** must not exceed 12,650 square metres, of which a maximum of 450 square metres may be used for non-residential uses;
- (C) Despite Regulation 40.5.40.10(1), the height of a **building or structure**, is the distance between the Canadian Geodetic Datum elevation of 92.25 metres and the elevation of the highest point of the **building**;
- (D) Despite Regulation 40.10.40.10(2), the height of a **building or structure** must not exceed the height in metres specified by the numbers following the symbol HT as shown on Diagram 7 of By-law 1548-2019(LPAT);
- (E) Despite (C) and (D) above, the following projections are permitted above the maximum height as shown on Diagram 7 of By-law 1548-2019(LPAT):
 - i. elements and **structures** identified in (G)(i) below, 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 a maximum of 1.1 metres;
 - iii. privacy fencing between units which may project a maximum of 2.1 metres; and
 - iv. window washing equipment may project a maximum of 3.0 metres;
- F. Despite Regulations 5.10.40.70(1) and (4), and 40.10.40.70(2), the minimum required **building setbacks** for each level of the **building** are as shown on Diagram 7 of By-law 1548-2019(LPAT);
- G. Despite Clause 40.10.40.60 and (F) above, the following are permitted to encroach into a required **building setback** up to 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 structured identified in (E)(ii) and (iii) above; and
 - iii. notwithstanding i and ii above, nothing shall encroach into the area identified by hatched shading on Diagram 7 to By-law 1548-2019(LPAT);
- H. Despite Regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of:
- i. 1.2 square metres of indoor **amenity space** per **dwelling unit**; and
 - ii. 2.0 square metres of outdoor **amenity space** per **dwelling unit**;
- I. Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** for the **mixed use building** must be provided and maintained on the **lot** in accordance with the following:
- i. a minimum of 0.15 **parking spaces** per **dwelling unit** for residents;
 - ii. a minimum of 0.06 **parking spaces** per **dwelling unit** for residential visitors; and
 - iii. no parking is required for non-residential uses;

- J. Despite Regulation 200.5.1.10(2), a **parking space**, accessed by a one-way or two-way **drive aisle** having a minimum width of 6.0 metres, may:
- i. be obstructed on one or two sides in accordance with Regulation 200.5.1.10(2) ; and
 - ii. must have the following minimum dimensions:
 - a. Length – 5.6 metres;
 - b. Width – 2.6 metres; and
 - c. Vertical clearance – 2.0 metres;
- K. Despite (J) above, up to ten (10) percent of the **parking spaces** provided for residents may have the following minimum dimensions:
- i. Length – 5.0 metres;
 - ii. Width – 2.4 metres; and
 - iii. Vertical clearance: 1.84 metres;
- L. A minimum of 37 percent of the total **dwelling units** on the **lot** must contain two bedroom in accordance with Schedule A of By-law 1548-2019(LPAT); and
- M. A minimum of 10 percent of the total number of **dwelling units** on the **lot** must contain three or more bedrooms in accordance with Schedule A of By-law 1548-2019(LPAT);

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

9. 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 Diagrams 4 and 5 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 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; and

- C. 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 A are satisfied.

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

SCHEDULE A
Section 37 Provisions

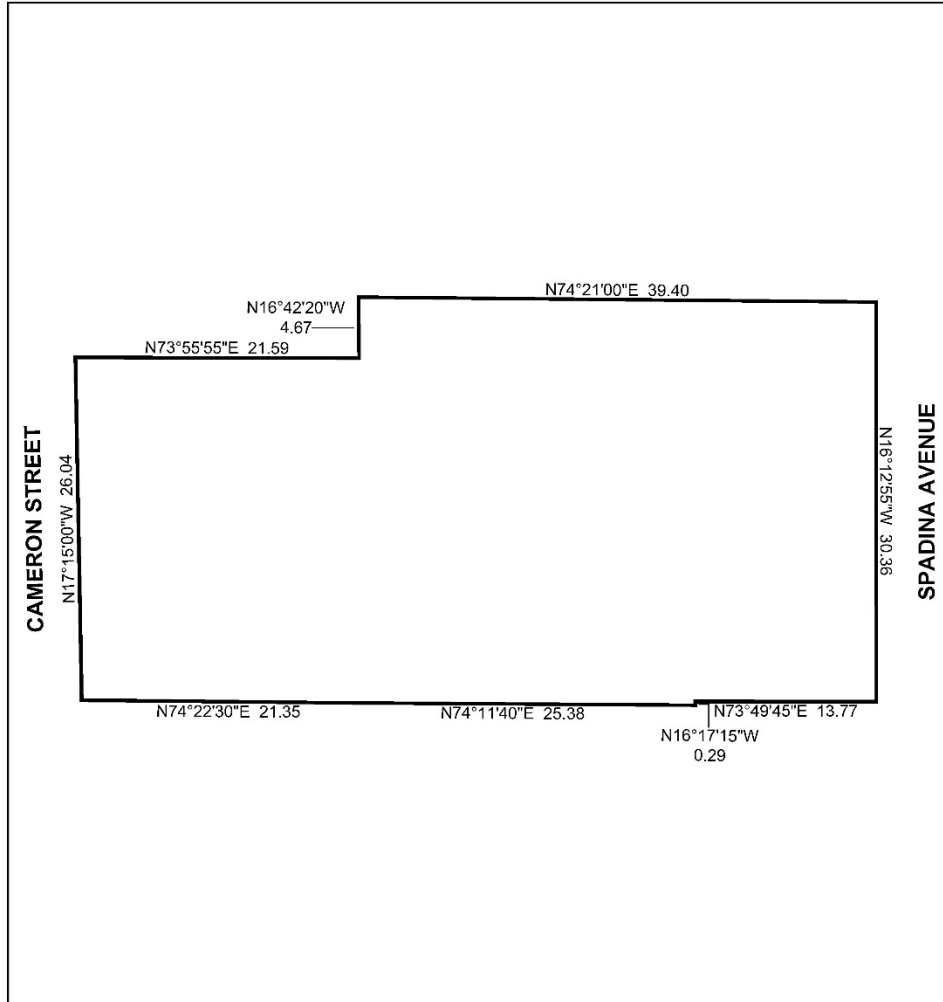
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagrams 4 and 5 in this By-law and secured in an agreement or agreements under Section 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 & Executive Director, Engineering & Construction Services.
5. Prior to the issuance of a 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 on the **lot** as three-bedroom dwelling units; and
 - b. 37 percent of the total number of residential units on the **lot** 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

Diagram 1

File # _____



Not to Scale

