

Authority: Ontario Municipal Board Order issued on August 8, 2017 and Local Planning Appeal Tribunal Order issued on July 23, 2018 under Local Planning Appeal Tribunal File PL131176

CITY OF TORONTO
BY-LAW 338-2021(LPAT)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands municipally known in the year 2018 as 484 Spadina Avenue.

Whereas the owner of the lands shown on Map 1 attached hereto applied for a zoning by-law amendment for the redevelopment of the lands shown on Map 1 and appealed that application to the Ontario Municipal Board, which is now continued as the Local Planning Appeal Tribunal ("Tribunal"); and

Whereas authority is given to the Tribunal by Section 34(26) of the Planning Act, R.S.O. 1990, c. P.13, as amended, to approve this By-law; and

Whereas Council of the City of Toronto at its meeting of May 6, 2015 determined to support the coming into force of this By-law; and

Whereas the Tribunal, by way of an Order issued on July 23, 2018, following an appeal pursuant to Section 34(11) of the Planning Act, determined to amend the former City of Toronto Zoning By-law 438-86 with respect to lands known municipally in the year 2017 as 484 Spadina Avenue;

Therefore, By-law 438-86, the General Zoning By-law of the former City of Toronto, as amended, is further amended by the Tribunal as follows:

1. This By-law applies to the lands delineated by heavy black lines and identified as "484 Spadina Avenue" as shown on Map 1, attached to and forming part of this By-law.
2. Pursuant to Section 37 of the Planning Act, the heights and densities of development permitted by 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 1 of this By-law, the provisions of which shall be secured by an agreement(s) pursuant to Section 37(3) of the Planning Act.
3. Upon execution and registration of an agreement(s) with the owner of the *lot*, pursuant to Section 37 of the Planning Act, securing the provision of facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event 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 requirement.
4. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.

5. None of the provisions of Section 2 with respect to the definitions of *grade*, *height* and *lot*, Sections 4(2), 4(3), 4(5), 4(8), 4(12), 4(13), 4(14), Sections 8(3) Part I (1) (2) and (3), Part II (1)(b), Part II (4)(a)(b)(c) and Part XI (2)(ii) of Zoning By-law 438-86, as amended, 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", shall apply to prevent the erection or use of a *mixed-use building* 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 total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 11,700 square metres;
 - (c) the *residential gross floor area* erected or used on the *lot* shall not exceed 11,200 square metres;
 - (d) the *non-residential gross floor area* erected or used on the *lot* shall not exceed 600 square metres;
 - (e) a minimum of 280 square metres of *non-residential gross floor area* shall be provided for an *entertainment facility* or a *restaurant* that includes a stage of not less than 11 square metres to be used for entertainment purposes on the ground level of the *mixed-use building*;
 - (f) the maximum number of *dwelling units* on the *lot* shall be 309;
 - (g) the minimum setbacks for all buildings and structures in metres and the minimum separation distances in metres shall be as set out on Map 2, attached to and forming part of this By-law;
 - (h) no balconies are permitted on the north or west facing walls of the building;
 - (i) no above *grade* portion of a building or structure erected or used on the *lot* shall be located other than wholly within the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law, with the following exceptions:
 - (i) lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, parapets, railings, privacy screens, terraces, decks, planters, balustrades, bollards, stairs, wheelchair ramps, ornamental or architectural features and elements, landscape features, underground garage ramps and their associated structures, hand and safety railings, fences, vents, stacks and air shafts may project to a maximum of 1.5 metres beyond the heavy lines shown on the attached Map 2 other than the *lot* boundary lines;
 - (j) no part of any building or structure erected or used on the *lot* shall exceed the *height* limits shown in metres and specified by the numbers following the letter

"H" in the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law, with the following exceptions:

- (i) structures or elements used for outside or open air recreation, terraces, balconies, dividers or balcony guards, planters, railings, lighting fixtures, window washing equipment, ladders or ornamentation, may extend beyond the applicable height limit shown on Map 2 to a maximum additional height of 2 metres; and
 - (ii) despite subsection 5 (j)(i) above, no elements are permitted to exceed a *height* of 57.05 metres as identified on Map 2, attached to and forming part of this By-law;
- (k) *parking* spaces shall be provided and maintained on the *lot* in accordance with the following:
- (i) a minimum of 0.18 *parking spaces* per *dwelling unit* for residents;
 - (ii) a minimum of two visitor *parking spaces*; and
 - (iii) no *parking spaces* are required for non-residential uses;
- (l) For each *car-share parking space* provided on the *lot*, the minimum number of resident *parking spaces* required by 5(k)(i) may be reduced by four *parking spaces*, up to a maximum reduction as calculated by the following formula:
- (i) $4 \times$ (the total number of *dwelling units* on the *lot* divided by 60), rounded down to the nearest whole number;
- (m) a minimum of one *loading space-type G* shall be provided and maintained on the *lot* and may be shared between the residential and non-residential uses;
- (n) a minimum of 1 *bicycle parking space* per *dwelling unit* shall be provided and maintained on the *lot* or within the adjacent municipal right-of-way for residents and visitors of the building in the following proportion;
- (i) a minimum of 10 percent and a maximum of 20 percent of the required *bicycle parking spaces* shall be provided as *bicycle parking spaces – visitor* and located in a secured room, enclosure or locker on the ground floor or outside of the building in the municipal right-of-way within 20 metres of the residential front entrance (maximum of 8 off-site spaces); and
 - (ii) the balance of the required *bicycle parking spaces* shall be provided as *bicycle parking spaces – occupant* on the *lot* and located in a secured room, enclosure or locker below *grade*, on the ground floor and/or above *grade* in a mezzanine level;

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- (o) a *bicycle parking space – occupant* or *bicycle parking space - visitor* may be provided in a either vertical or horizontal position;
 - (p) a minimum of 4.0 square metres of *residential amenity space* for each *dwelling unit* shall be provided and maintained on the *lot* as follows:
 - (i) at least 3.19 square metres of indoor *residential amenity space* for each *dwelling unit*, located within one or more multi-purpose rooms or areas, at least one of which contains a kitchen and a washroom and a maximum of 60 square metres of the required indoor *residential amenity space* may be provided in guest suites; and
 - (ii) at least 0.81 square metres of outdoor *residential amenity space* for each *dwelling unit*, which shall be adjoining or directly accessible from one or more rooms or areas containing a portion of the required indoor *residential amenity space*; and
 - (q) Notwithstanding Section 8 Part XI (2)(ii), a building or any portion thereof on the *lot* may be used for commercial use where the main floor has a depth of not less than 7.5 metres measured from the main front wall of the building and a width of at least 35 percent of any street frontage of the building.
6. For the purposes of this By-law, the terms set forth in italics shall have the same meaning as each such term is defined in By-law 438-86, as amended, except for the following:
- (a) "*grade*" means an elevation of 105.45 metres Canadian Geodetic Datum;
 - (b) "*height*" means the vertical distance measured in metres between *grade* and the highest point of the building or structure;
 - (c) "*lot*" means the lands outlined by heavy lines on Map 1 attached to this By-law;
 - (d) "*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 car-sharing organization and where such organization may require that use of cars to 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 may not be refundable; and
 - (e) "*Car-share parking space*" means a *parking space* that is exclusively reserved and only used for *car-share* purposes whereby the vehicle is accessible to at least the occupants of the building.
7. No person shall use any land or erect or use any building or structure on the *lot* 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 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.
- 8.** Despite any existing or future partition, division of partial conveyance of the *lot*, the provisions of this By-law shall apply to the *lot* as if no partition, division of partial conveyance occurred.
- 9.** The issuing of building permits with respect to the lands to which this By-law applies shall be dependent upon the owner satisfying the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of certain facilities, services or matters.
- 10.** None of the provisions of Zoning By-law 1106-2016 shall apply to the erection or use of a *mixed-use building* on the *lot*.

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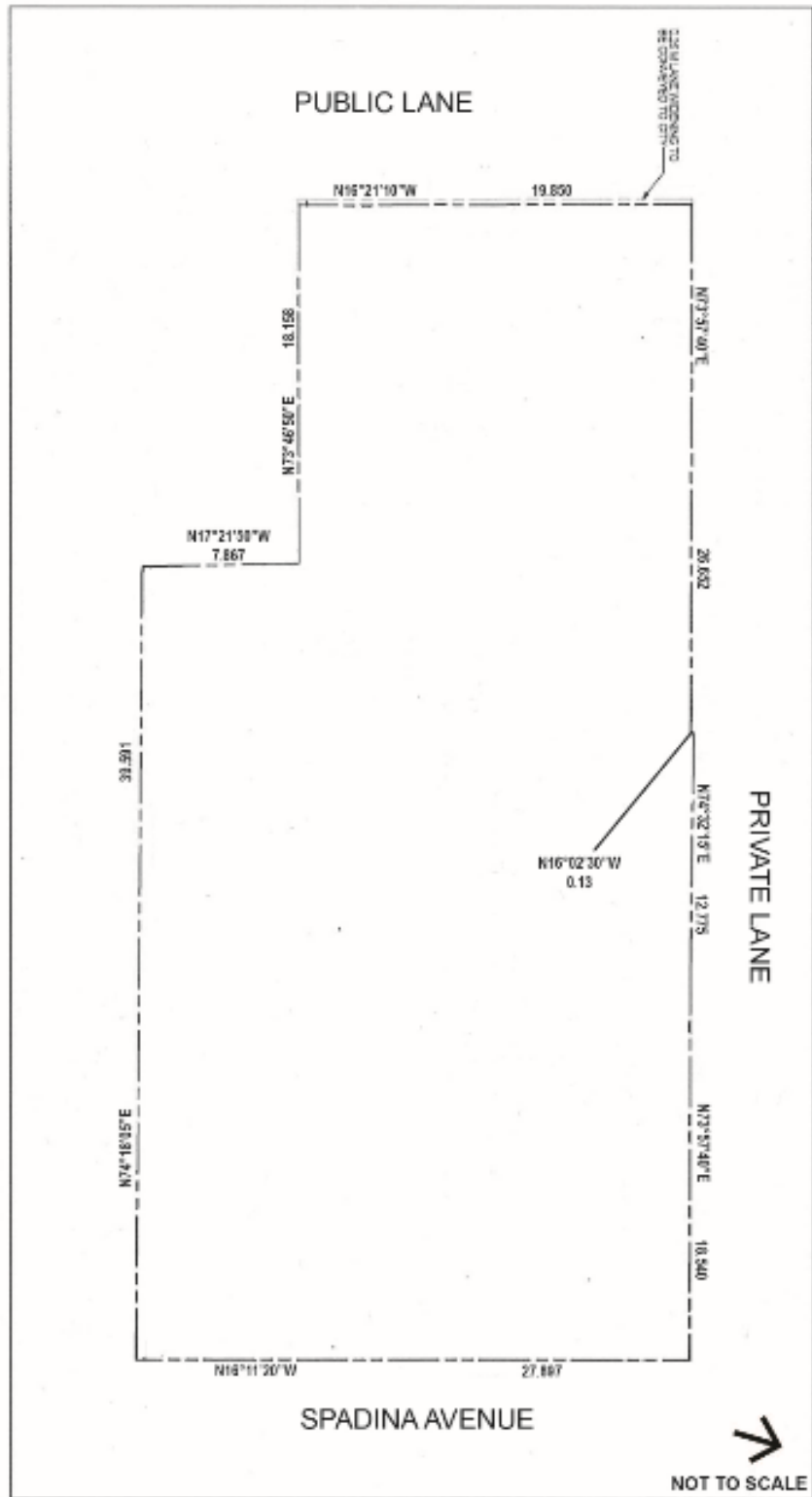
APPENDIX 1

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the owner of the *lot* at its expense to the City in accordance with an agreement(s) pursuant to Section 37(3) of the Planning Act in a form satisfactory to the City whereby the owner agrees as follows:

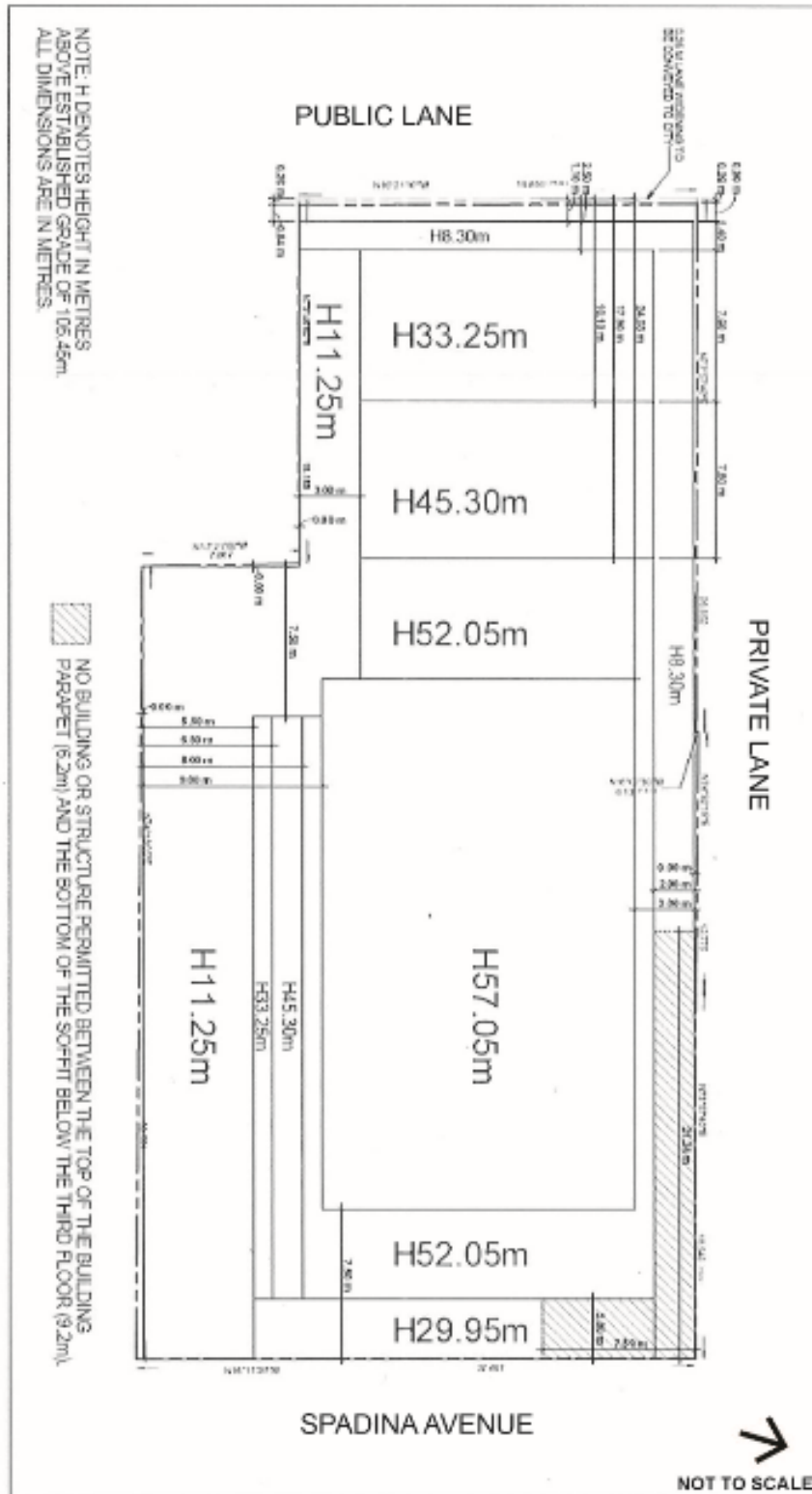
1. The facilities, services and matters that are to be secured in the Section 37 Agreement are as follows:
 - (a) A minimum of 280 square metres of *non-residential gross floor area* shall be provided for an *entertainment facility* or a *restaurant* that includes a stage of not less than 11 square metres to be used for entertainment purposes on the ground level of the *mixed-use building*, utilizing the term "Silver Dollar" in its name;
 - (b) The term "Waverley" shall be utilized in the name for the residential component of the *mixed-use building*;
 - (c) The owner shall implement the heritage conservation measures outlined in the "Conservation / Reconstruction Plan for 484 Spadina – The Silver Dollar Room" prepared by GBCA Architects, dated April 17, 2018, as approved by the City's Senior Manager, Heritage Preservation Services (the "Manager") and as may be further revised to the satisfaction of the Manager (the "Conservation Plan");
 - (d) The owner shall implement the heritage conservation measures outlined in the "Interpretation / Commemoration Plan for 484 Spadina – The Silver Dollar Room" prepared by GBCA Architects, dated May 4, 2018, as approved by the Manager and as may be further revised to the satisfaction of the Manager (the "Interpretation Plan");
 - (e) Prior to demolition commencing on either the Waverley Hotel or its Silver Dollar component, the owner shall file with the Manager a letter, signed by the owner's heritage consultant, confirming that the heritage resources to be retained at the Silver Dollar have been removed from the property and the heritage resources are safely stored to the satisfaction of the owner's heritage consultant;
 - (f) Prior to the issuance of any building permit for the portion of the *lot* that comprises the Silver Dollar Room, the owner shall:
 - (i) provide detailed architectural drawings for the portion of the proposed development that will include the reconstructed Silver Dollar Room, including both the east and north exterior elevations and interior plans, and including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of the materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Manager;

- (ii) provide a Letter of Credit, including provision for upward indexing, in a form and amount and from a bank satisfactory to the Manager to secure all work included in the approved Conservation Plan and Interpretation Plan; and
 - (iii) provide full documentation of the existing buildings on the *lot*, including two (2) printed sets of archival quality 8 x 10 inch colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format keyed to a location map, elevations and measured drawings as may be available, copies of all interior floor plans and original drawings as may be available, to the satisfaction of the Manager.
2. The owner shall enter into and register on title to the *lot* 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 Appendix 1.



MAP 1

484 SPADINA AVENUE



MAP 2

484 SPADINA AVENUE