

**CITY OF TORONTO**

**BY-LAW 439-2021(LPAT)**

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 698, 700, 702, 704 and 706 Spadina Avenue and 54 Sussex Avenue.**

Whereas a proposed zoning by-law amendment for the lands known municipally as 698, 700, 702, 704 and 706 Spadina Avenue and 54 Sussex Avenue in the year 2018 was appealed to the Local Planning Appeal Tribunal; and

Whereas the Local Planning Appeal Tribunal, by its Decision and Order issued May 14, 2021 in Tribunal Case PL170621, approved amendments to the former City of Toronto Zoning By-law 438-86, as amended, with respect to those lands; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and/or 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 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, 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; and

Whereas the Council of the City of Toronto has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted by this By-law;

Pursuant to the Order of the Tribunal, former City of Toronto Zoning By-law 438-86 is amended as follows:

1. District Map 50H-321 in By-law 438-86, as amended, is further amended by changing the zoning designation of the lands identified on Map 1 attached to and forming part of this by-law from R3 Z1.0 to CR T2.0 R1.0 C2.0.

2. None of the provisions of Section 2(1) with respect to "*grade*", "*height*", "*lot*", "*residential gross floor area*", and "*non-residential gross floor area*", and Sections 4(2)(a), 4(5), 4(8), 4(12), 4(13), 4(14), 8(2)(7), 8(3) Parts I, II, IV, and XI(1), 12(2)380 and S.13: 841-80 of By-law 438-86, 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 land 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 and use of a *mixed-use building* including a *university residence*, and an *apartment building*, on the *lot*, provided that:
- (a) the *lot* consists of the lands delineated by heavy black 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 areas delineated by heavy lines on Map 2, attached to and forming part of this By-law, except for the following:
    - (i) Decks, porches, terraces, balconies or similar structures on the west elevation of the *apartment building*, up to a maximum of 2.0 metres;
    - (ii) Decorative or screen walls, canopies, awnings or similar structures, exterior steps or ramps, bay windows, box windows or other projecting windows, roof overhangs, eaves, architectural features, pilasters, and projecting columns, up to a maximum of 2.1 metres; and
    - (iii) elements and structures set out in Section 2(c) below;
  - (c) the *height* of any building or structure to be erected shall not exceed the height limit, in metres, specified by the numbers following the symbol "H", shown on Map 2, attached to and forming part of this by-law, except for the following:
    - (i) elements and structures set out in Section 2(b) above;
    - (ii) ladder roof access and garbage chute vent, up to a maximum of 6.8 metres;
    - (iii) landscaping, elements of a green roof and parapet walls, up to a maximum of 5.5 metres;
    - (iv) equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment, up to a maximum of 5.0 metres;
    - (v) structures or parts of the building used for the functional operation of the building, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities, up to a maximum of 5.0 metres; and

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- (vi) structures that enclose, screen or cover the equipment, structures and parts of a building listed in (iv) and (v) above;
  - (d) the total *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 18,100 square metres, provided:
    - (i) the maximum *university residence* and *residential gross floor area* on the *lot* shall not exceed 17,350 square metres; and
    - (ii) the minimum *non-residential gross floor area* on the *lot* shall be 400 square metres;
  - (e) the total *residential gross floor area* and *non-residential gross floor area* of any *storey* located above a *height* of 24 metres must not exceed 752 square metres;
  - (f) a maximum of 230 *dwelling units* shall be permitted in the *university residence* portion of the *mixed-use building* and a maximum of 10 *dwelling units* in the *apartment building* on the *lot*;
  - (g) a minimum of 2,000 square metres of indoor *residential amenity space* shall be provided on the *lot*;
  - (h) a minimum of 1 *loading space – type A* shall be provided on the *lot*;
  - (i) a minimum of zero *parking spaces* shall be permitted on the *lot*;
  - (j) bicycle parking spaces shall be provided on the *lot* in accordance with the following:
    - (i) a minimum of 238 *bicycle parking spaces – occupant*, which may include *stacked bicycle parking spaces*, shall be provided, and may be provided underground; and
    - (ii) a minimum of 39 *bicycle parking spaces – visitor*, which may include *stacked bicycle parking spaces*, shall be provided, and may be provided underground;
  - (k) the provisions of the By-law shall continue to apply to the lands shown on Map 1 attached hereto, notwithstanding their division into one or more parcels.
3. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86, as amended, with the exception of the following:
- (a) "*grade*" shall mean 112.00 metres Canadian Geodetic Datum;
  - (b) "*height*" shall mean the vertical distance between *grade* and the upper limit specified by the numbers following the symbol "H" as shown on Map 2, attached

to and forming part of this By-law, except for those elements prescribed by this By-law;

- (c) "*lot*" shall mean the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
- (d) "*residential amenity space*" shall mean indoor or outdoor space on a *lot* that is communal and available for use by the occupants of a building on the *lot* for recreational or social activities;
- (e) "*non-residential gross floor area*" means sum of the total area of each floor level of a *non-residential* building, above and below the ground, measured from the exterior of the main wall of each floor level, or the non-residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the building or structure, exclusive of the following areas:
  - (i) Parking, loading and bicycle parking below-ground;
  - (ii) required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
  - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
  - (iv) shower and change facilities required by this By-law for required bicycle parking spaces;
  - (v) elevator shafts;
  - (vi) garbage shafts;
  - (vii) mechanical penthouse; and
  - (viii) exit stairwells in the building.
- (f) "*residential gross floor area*" means the sum of the total area of each floor level of a *residential* building, above and below the ground, measured from the exterior of the main wall of each floor level, or the residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the building or structure, exclusive of the following areas:
  - (i) Parking, loading and bicycle parking below-ground;
  - (ii) required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
  - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;

- (iv) shower and change facilities required by this By-law for required bicycle parking spaces;
  - (v) amenity space required by this By-law;
  - (vi) elevator shafts;
  - (vii) garbage shafts;
  - (viii) mechanical penthouse; and
  - (ix) exit stairwells in the building; and
- (g) "*stacked bicycle parking space*" shall mean a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* (or spaces) and equipped with a mechanical device providing floor level access to all *bicycle parking spaces* with the following minimum dimensions:
- (i) horizontal width of 0.6 metres;
  - (ii) horizontal length of 1.8 metres; and
  - (iii) vertical dimension height of 1.2 metres.
4. 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.
5. 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 lands subject to this By-law is permitted beyond that otherwise permitted on the lands shown on Map 1 in return for the provision by the owner, at their expense, of the facilities, services or 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 subject to this By-law, 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 for 698, 700, 702,

704 and 706 Spadina Avenue and 54 Sussex Avenue, the issuance of such permit must be dependent on satisfaction of the same.

- (c) The owner must not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law on the lands subject to this By-law unless all provisions of Schedule A are satisfied.

Local Planning Appeal Tribunal Decision and Order issued May 14, 2021 in Case PL170621.

**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 Map 1 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:

Replacement Rental Housing

1. The owner shall provide and maintain six (6) replacement rental *dwelling units* on the lands, within the proposed *apartment building*, for a period of at least 20 years beginning from the date that each replacement rental *dwelling unit* is first occupied and, during which time, no application may be submitted to the City for condominium registration, or for any other conversion to a non-rental housing purpose, or for demolition without providing for replacement during the, at minimum, 20 year period. The six (6) replacement rental *dwelling units* shall be comprised of six (6) two-bedroom units. Notwithstanding the foregoing, a returning tenant may elect to return to a one-bedroom unit, in which case the one bedroom unit would be considered a rental replacement unit. The rental replacement units shall be provided as generally illustrated in the plans submitted to the City Planning Division dated October 10, 2019. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
2. The owner shall provide at least four (4) two-bedroom replacement rental *dwelling units* at affordable rents, as currently defined in the City's Official Plan, and two (2) two-bedroom replacement rental *dwelling units* at mid-range rents, as defined in the City's Official Plan, all for a period of at least 10 years beginning from the date of first occupancy of each unit.
3. The owner shall provide an acceptable tenant relocation and assistance plan for all Eligible Tenants of the six (6) existing rental *dwelling units* proposed to be demolished at 698 and 700 Spadina Avenue, addressing the right to return to occupy one of the replacement rental *dwelling units* at similar rents and other assistance to mitigate hardship. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning.
4. The owner shall provide tenants of all six (6) replacement rental *dwelling units* with access to dedicated bicycle parking in the proposed *mixed-use building* on the same terms and conditions as any resident of the *mixed-used building*.
5. The owner shall provide ensuite laundry in each replacement rental *dwelling unit* within the proposed *apartment building* at no additional cost to tenants.
6. The owner shall provide at least three (3) replacement rental *dwelling units* with a balcony for private and exclusive access by the tenants of such units.

7. The owner shall provide central air conditioning in each replacement rental *dwelling unit* within the proposed *apartment building*.

#### Accessible Lands

8. Prior to the issuance of any Above-Grade Building Permit, the owner shall complete the improvements to the Accessible Lands as identified in the Section 37 Agreement and shall have the Accessible Lands accessible to the general public in accordance with the terms and conditions set out in the Section 37 Agreement.

#### Municipal Infrastructure

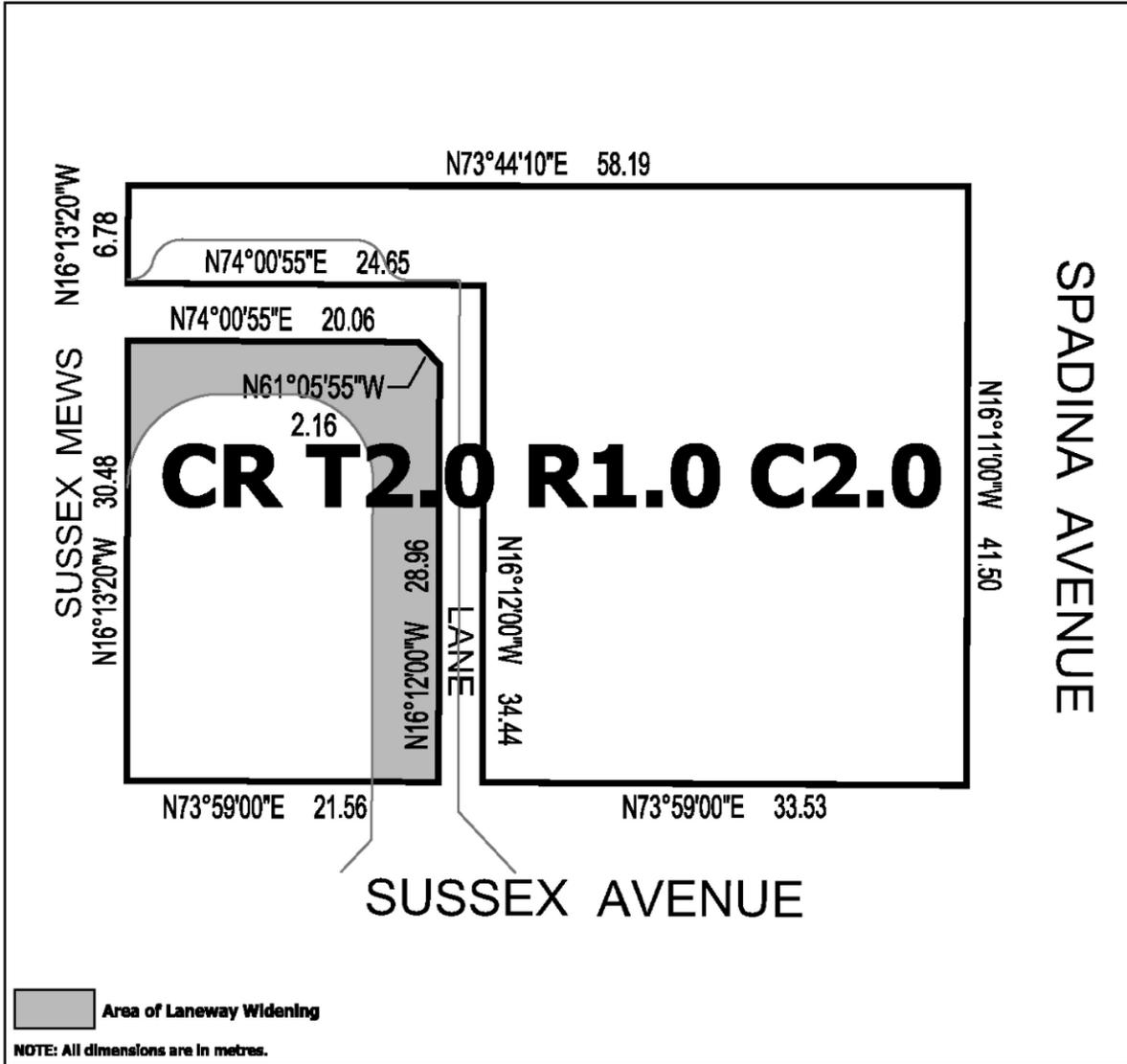
9. The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.

#### Toronto Green Standard

10. The owner shall construct and maintain the development of the lands in accordance with Version 3 of the Tier 1 Toronto Green Standard and the University of Toronto Energy Modeling Standard.

#### Construction Management Plan

11. Prior to the issuance of the First Building Permit for any part of the lands, including a Conditional Building Permit, the owner shall provide a Construction Management Plan to the satisfaction of the General Manager, Transportation Services, and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction.



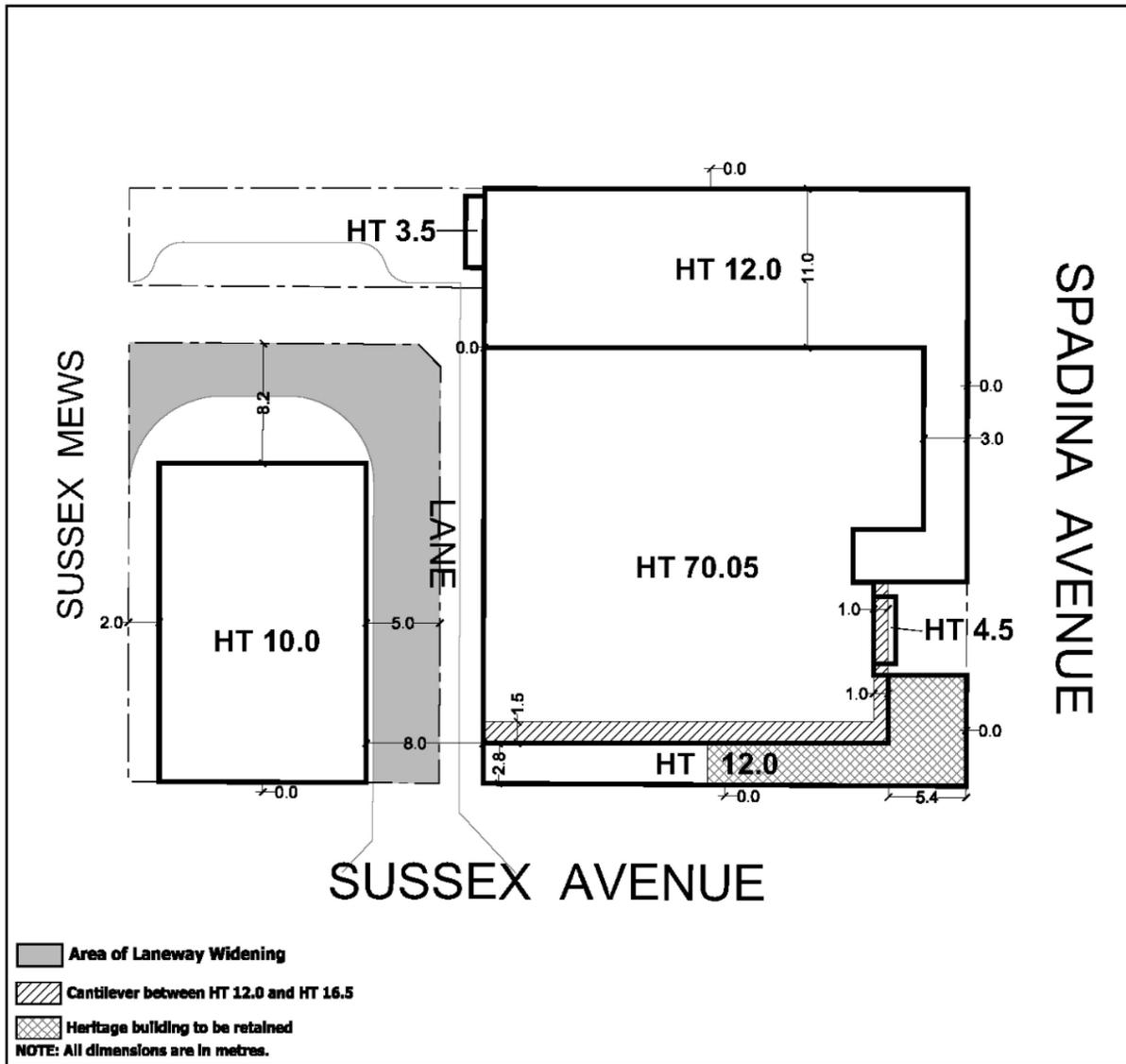
698-706 Spadina Avenue and 54 Sussex Avenue, Toronto

**Map 1**

File #16



Not to Scale



698-706 Spadina Avenue and 54 Sussex Avenue, Toronto

Map 2

File #16



Not to Scale

City of Toronto By-law 438-86