

CITY OF TORONTO

BY-LAW 440-2021(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 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 Zoning By-law 569-2013, 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 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 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;

Pursuant to the Order of the Local Planning Appeal Tribunal, Zoning By-law 569-2013 is amended as follows:

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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from R(d1.0)(x852) to CR 2.0 (c1.0; r2.0) SS2 (x309), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 309 so that it reads:

(309) Exception CR (309)

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 698, 700, 702, 704 and 706 Spadina Avenue and 54 Sussex Avenue, if the requirements of Section 5 and Schedule A of By-law 440-2021(LPAT) are complied with, a **building, structure**, addition or enlargement may be constructed in compliance with (B) to (S) below;
- (B) Despite regulations 40.5.40.10(1) and (2), the **height** of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 112.0 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure**, is the numerical value in metres following the symbol "HT", on Diagram 3 of By-law 440-2021(LPAT);
- (D) Despite (C) above, and regulations 40.5.40.10(5), (7) and (8) the following **building** elements and **structures** may exceed the permitted maximum height limits shown on Diagram 3 of By-law 440-2021(LPAT):
 - (i) **landscaping**, elements of a **green roof** and parapet walls up to a maximum of 5.5 metres; and
 - (ii) ladder roof access and garbage chute vent up to a maximum of 6.8 metres;
- (E) Regulation 40.10.40.10(4) with respect to minimum height, does not apply;
- (F) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey** is 3.0 metres;
- (G) Despite regulations 40.10.40.70(2) and (4), and 40.10.40.80(2) and Section 600.10, the required minimum **building setbacks** and minimum distance between **main walls** of **buildings** and **structures** must be provided as shown in metres on Diagram 3 of By-law 440-2021(LPAT);

- (H) Despite (G) above and clause 40.10.40.60, the following elements of a **building** or **structure** may encroach into a required minimum **building setback** and a required minimum **main wall** separation distance, as follows:
- (i) Decks, porches, terraces, balconies or similar **structures** on the west elevation of the **apartment building**, up to a maximum of 2.0 metres; and
 - (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;
- (I) Despite regulation 40.10.40.40(1), the total **gross floor area** for all **buildings** and **structures** on the lands must not exceed 18,100 square metres of which:
- (i) The maximum **gross floor area** for residential and **student residence** uses must not exceed 17,350 square metres; and
 - (ii) The minimum **gross floor area** for non-residential uses is 400 square metres;
- (J) The maximum **gross floor area** of any **storey** located above 24 metres must not exceed 752 square metres;
- (K) For the purpose of this exception, in addition to regulations 40.5.40.40 (3), (5), the **gross floor area** is reduced by the area in the **building** used for electrical rooms, utility rooms, and mechanical and ventilation rooms;
- (L) Despite clause 40.5.40.70, a **building** or **structure** may be no closer than 1.5 metres from the original centreline of the **lane**;
- (M) A maximum of 230 **dwelling units** are permitted in the **student residence** portion of the **mixed use building** and a maximum of 10 **dwelling units** are permitted in the **apartment building**;
- (N) Regulation 40.10.40.1(1) with respect to location of commercial uses in a **mixed use building**, does not apply;
- (O) Despite regulation 40.10.40.50(1), a minimum of 2,000 square metres of indoor **amenity space** and no outdoor **amenity space** must be provided;
- (P) Clause 40.10.50.10 with respect to **landscaping**, does not apply;
- (Q) Despite the parking rates in Table 200.5.10.1 and clauses 200.5.10.1, 200.15.10 and 200.20.10, no **parking spaces** are required for the lands;

- (R) Despite clauses 220.5.10.1 and 220.20.1, a minimum of 1 Type "A" **loading space** must be provided on the lands, which may be accommodated in a shared Type "A/G" **loading space**; and
- (S) Despite clause 230.5.10.1 and Table 230.5.10.1(1), **bicycle parking spaces** must be provided on the lands as follows:
 - (i) a minimum of 238 long-term **bicycle parking spaces**, which may be provided below ground; and
 - (ii) a minimum of 39 short-term **bicycle parking spaces** which may be provided below ground.

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

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 Diagram 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 Diagram 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

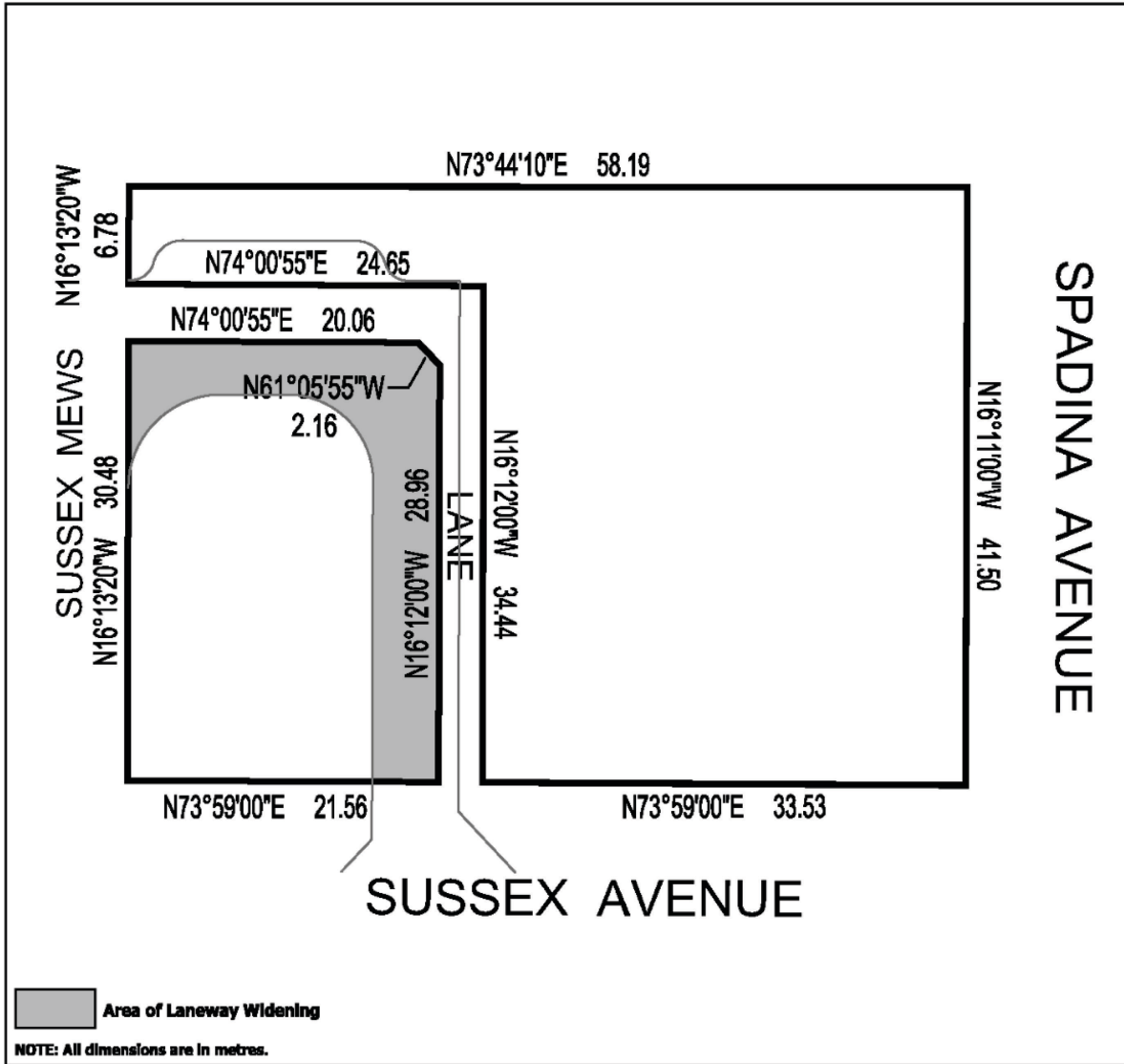
9. The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that upgrades to such infrastructure are required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



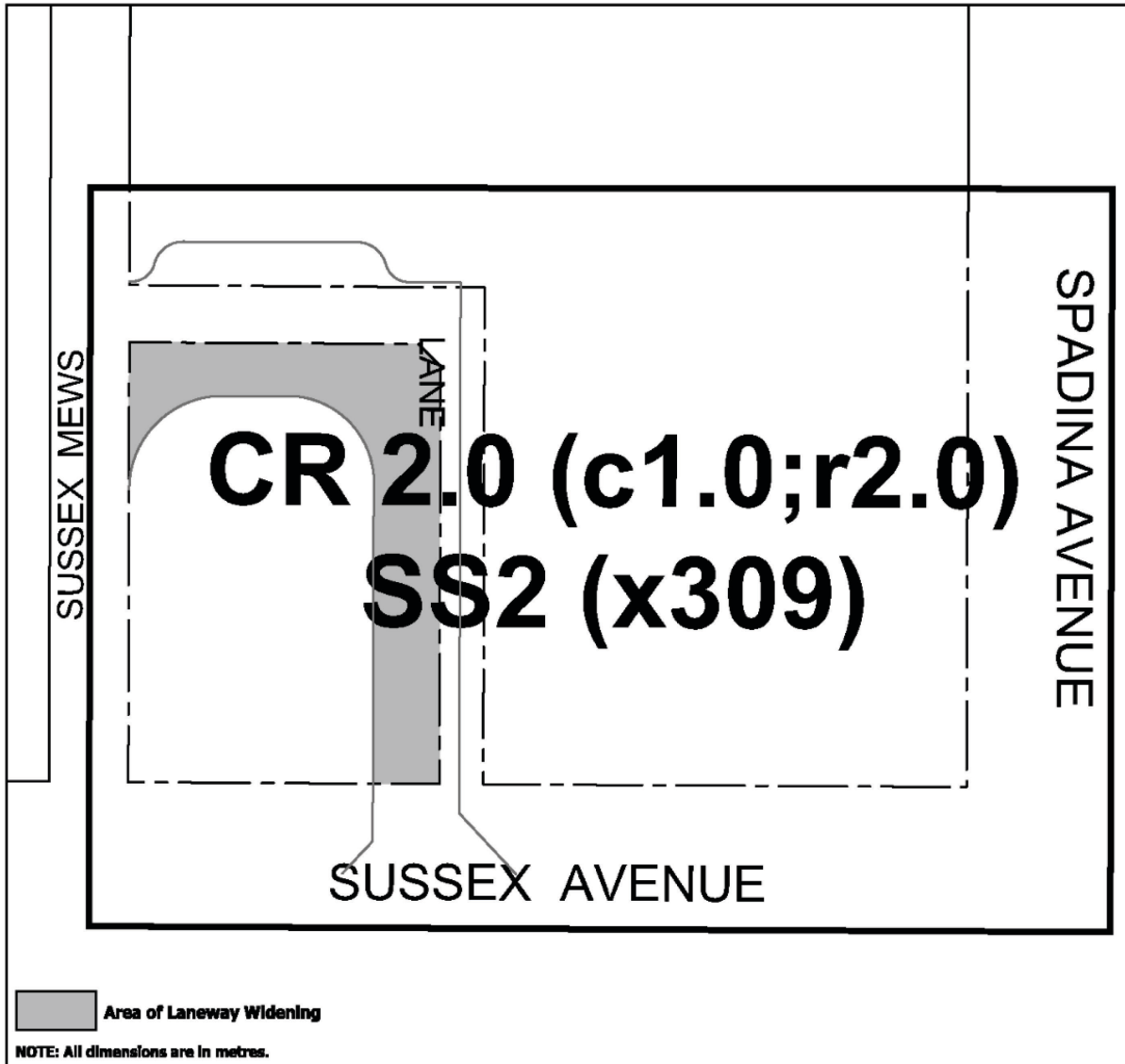
698-706 Spadina Avenue and 54 Sussex Avenue, Toronto

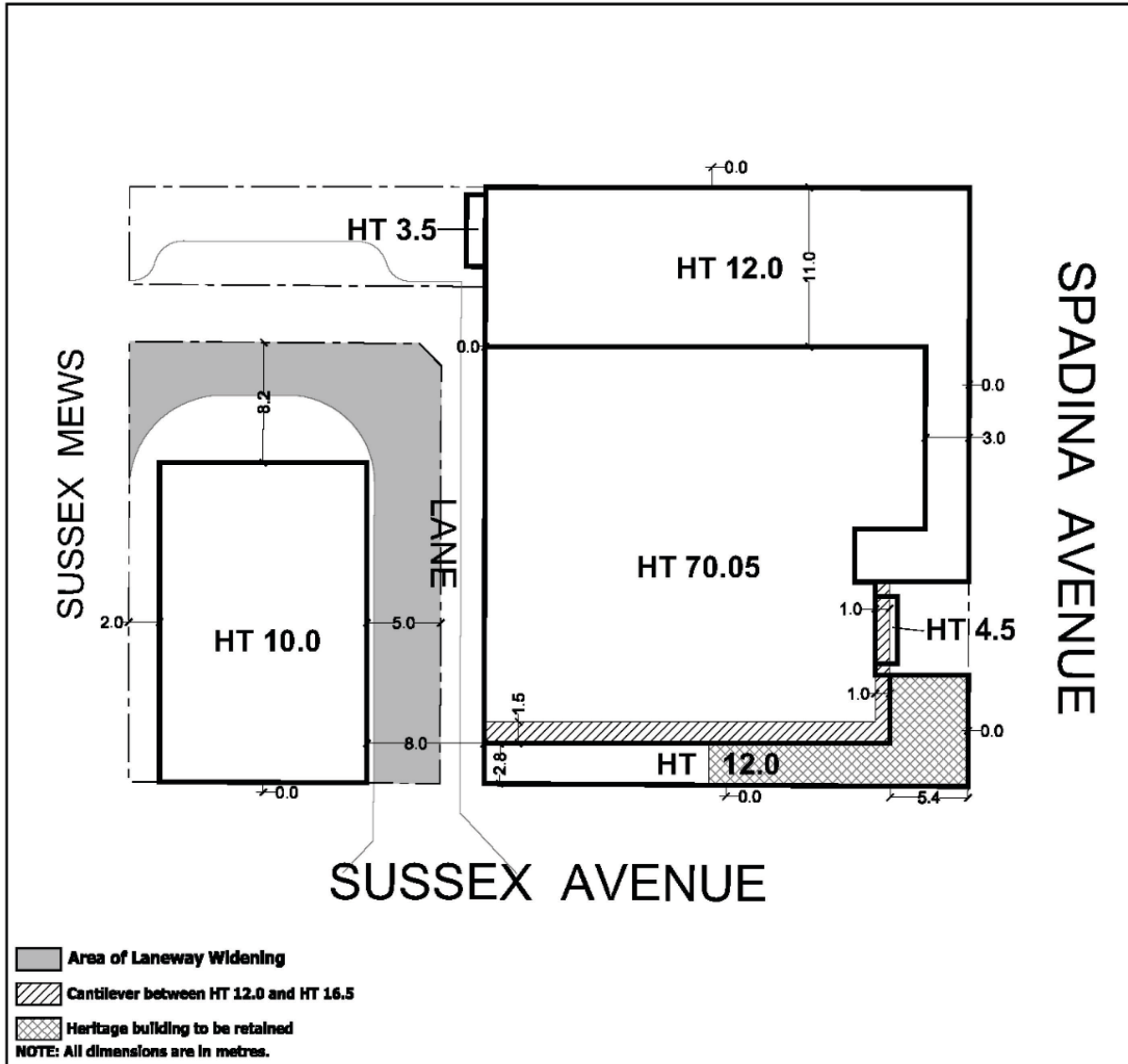
Diagram 1

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Not to Scale





698-706 Spadina Avenue and 54 Sussex Avenue, Toronto

Diagram 3

File #16 _____



Not to Scale