

Authority: Toronto and East York Community
Council Item TE24.7, adopted by City of Toronto
Council on May 5 and 6, 2021

CITY OF TORONTO

BY-LAW 916-2021

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2021 as 315-325 Spadina Avenue.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; 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 438-86 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 Council of the City of Toronto enacts:

1. 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*, including *accessory* uses, provided:

- (A) the *lot* comprises at least the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
- (B) 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) within the 'Mechanical Zone' as shown on Diagram 3, mechanical and electrical room elements and structures, elevator overrun, elevator lobby and vestibule, emergency generators, heating and cooling vents, covered stairs and uses that support the adjoining outdoor amenity space, including vestibule, storage areas and a washroom may project a maximum of 6.0 metres;
 - (ii) structures on any roof used for maintenance or wind protection purposes may project a maximum of 3.0 metres;
 - (iii) elements on the roof of the building or structure used for green roof technology and related roofing material may project a maximum of 2.0 metres;
 - (iv) window washing equipment, safety anchors, lightning rods, safety railings, guard rails, railings, terraces, patios, landscape features, balustrades, bollards, ornamental or architectural features may project a maximum of 2.0 metres;
 - (v) satellite dishes, antennae, acoustical barriers, cabanas and trellises may project a maximum of 4.0 metres;
 - (vi) parapets, terrace guards/landscape planters and, vents, stacks, ladders, garbage chute vents and privacy fences between units may project a maximum of 2.0 metres; and
 - (vii) screening for mechanical and electrical equipment may project a maximum of 4.0 metres;
- (C) 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 hereto and forming part of this By-law, except for the following:
 - (i) cornices, lighting fixtures, awnings, ornamental elements, commercial signage, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, wheel chair ramps, stairs, stair enclosures, balconies, vents, underground garage ramps and their associated structures, fences, screens, landscaping, planter boxes, intake and exhaust vents may encroach up to a maximum of 1.5 metres; and

- (ii) wind mitigation features including canopies and awnings may encroach no more than 3.0 metres into the minimum building setbacks required by (D);
- (D) the total of the residential *gross floor area* and non-residential *gross floor area* on the lot shall not exceed 16,400 square metres, provided:
 - (i) the maximum residential *gross floor area* shall not exceed 15,300 square metres; and
 - (ii) the maximum non-residential *gross floor area* shall not exceed 1,100 square metres;
- (E) Not more than 219 dwelling units are erected on the lot;
- (F) Of the total number of *dwelling units* provided:
 - (i) A minimum of 1 unit must be a four-bedroom *dwelling units*;
 - (ii) A minimum of 21 of the units must be three-bedroom *dwelling units*;
 - (iii) A minimum of 41 of the units must be two-bedroom *dwelling units*; and
 - (iv) A minimum of 39 of the units must be one-bedroom *dwelling units*;
- (G) A minimum of seven (7) non-residential units must be provided at the ground level, which are subject to the following requirements:
 - (i) A minimum of 6 units must have frontage on Spadina Avenue;
 - (ii) entrances must be directly accessible from Spadina Avenue or D'Arcy Street;
 - (iii) units must not exceed a maximum permitted size of 150 square metres of *gross floor area*, with the exception of one unit which may have a maximum size of 250 square metres; and
 - (iv) units must not exceed a maximum width of 8.5 metres along Spadina Avenue, with the exception of one unit which may have a maximum width of 12 metres;
- (H) *Residential amenity space* for each *dwelling unit* shall be provided in accordance with the following minimums:
 - (i) A minimum of 2.0 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;

- (I) Parking spaces shall be provided on the *lot* in accordance with the following:
- (i) a minimum of 34 *parking spaces* shall be provided, of which:
 - (a) a minimum of 24 *parking spaces* shall be provided for residents; and
 - (b) a minimum of 10 *parking spaces* are required to be provided and shared between visitors and non-residential uses; and
 - (ii) a minimum of 1 of the required parking spaces shall be an accessible *parking space*;
- (J) Notwithstanding Section 4(17) of By-law 438-86, as amended, respecting the minimum parking space dimensions, five (5) *parking spaces* are permitted with the following minimum dimensions:
- (i) Length – 4.88 metres;
 - (ii) Width – 2.44 metres; and
 - (iii) Vertical clearance – 2.0 metres;
- (K) Notwithstanding Section 4(17) of By-law 438-86, as amended, a *parking space* accessed by a one-way or two-way drive aisle having a minimum width of 6.0 metres or more, may be obstructed on one or two sides in accordance with the following minimum dimensions:
- (i) Length – 5.6 metres;
 - (ii) Width – 2.6 metres; and
 - (iii) Vertical clearance – 2.0 metres;
- (L) *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- (i) A minimum of 0.9 *bicycle parking space-occupant* for the use of the residents shall be provided on the *lot*;
 - (ii) A minimum of 0.1 *bicycle parking space-visitor* for the shared use of residents and commercial visitors shall be provided on the *lot*;
 - (iii) A minimum of 3 plus 0.3 *bicycle parking space-visitor* per 100 square metres of gross floor area for retail uses shall be provided on the *lot*; and

- (iv) A minimum 0.2 *bicycle parking space-occupant* per 100 square metres of gross floor area for retail uses shall be provided on the lot;
 - (M) Despite 4(6)(b), 1 *loading space - G* shall be provided on the *lot* and may be shared between *residential* and *non-residential* uses; and
 - (N) Notwithstanding any future severance or division of lands, the provisions of this By-law apply to the whole of the lands, as if no severance, partition or division occurred.
2. 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 98.56 metres Canadian Geodetic Datum;
 - (B) "*gross floor area*" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the *main wall* of each floor level but does not include the following:
 - (i) Parking, loading and bicycle parking below-ground;
 - (ii) required loading spaces at the ground level and required bicycle parking areas at or above ground;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) amenity space required by this by-law;
 - (v) elevator shafts;
 - (vi) garbage shafts;
 - (vii) mechanical penthouse; and
 - (viii) exit stairwells in the building;
 - (C) "*lot*" means the lands outlined by heavy lines on Map 1 attached to this By-law;
 - (D) "*height*" means the vertical distance between *grade* to the highest part of the roof; and
 - (E) "*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*.

3. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this Bylaw, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Map 1 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.
- (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.

Enacted and passed on November 12, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

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 lot and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. The owner shall provide and maintain 22 rental dwelling units on the lands at 315-325 Spadina Avenue as affordable rental housing for a minimum period of 25 years or, if Open Door Affordable Housing Program incentives are approved, for a minimum period of 40 years beginning from the date that each such unit is first occupied, in accordance with the terms set out in the Section 37 Agreement, including:
 - (A) The 22 affordable rental dwelling units shall collectively contain a total gross floor area that is ten percent (10 percent) of the total gross floor area of dwelling units within the development;
 - (B) At least one (1) of the affordable rental dwelling units shall be a three-bedroom or four-bedroom rental unit with a minimum unit size of 103 square metres;
 - (C) At least three (3) of the affordable rental dwelling units shall be two-bedroom rental units with a minimum unit size of 70 square metres, and a minimum average unit size of 73 square metres;
 - (D) At least eleven (11) of the affordable rental dwelling units shall be one-bedroom rental units with a minimum unit size of 53 square metres, and a minimum average unit size of 60 square metres;
 - (E) The remaining seven (7) affordable rental dwelling units shall have a minimum unit size of 46.5 square metres, and a minimum average unit size of 48 square metres;
 - (F) The location and layouts of the new affordable rental dwelling units within the approved development on the lands shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;
 - (G) The owner shall provide and maintain the affordable rental dwelling units as secured rental housing for a minimum period of 25 years or, if Open Door Affordable Housing Program incentives are approved, for a minimum period of 40 years beginning from the date that each such unit is first occupied. During such secured rental period, no affordable rental dwelling unit shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be made to demolish any affordable rental dwelling unit or to convert any affordable rental dwelling unit to a non-residential rental purpose.

Upon the expiration of the secured rental period, the owner shall continue to provide and maintain the units as rental dwelling units, unless and until such time as the owner has applied for, and obtained, all approvals necessary to do otherwise;

- (H) The initial rent (inclusive of utilities) charged to the first tenants of any affordable rental dwelling unit shall not exceed 80 percent of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
 - (I) If an affordable rental dwelling unit becomes vacant and is re-rented to new tenants during the 25-year affordability period or, if Open Door Affordable Housing Program incentives are approved, the 40-year affordability period, the initial rent (inclusive of utilities) charged to new tenants shall not exceed 80 percent of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
 - (J) After the first year of occupancy of any affordable rental dwelling unit, the rent (inclusive of utilities) charged to the first tenants or new tenants occupying such unit may be escalated annually by not more than the annual provincial rent guideline, regardless of whether such guideline is applicable to the units under the *Residential Tenancies Act* or any successor legislation governing residential tenancies in Ontario, until the tenancy ends; and
 - (K) Notwithstanding the annual rent increases permitted in 1(J) above, the rent (inclusive of utilities) charged to any first tenants or new tenants occupying an affordable rental dwelling unit shall not be increased to an amount that exceeds 80 percent of the average rent for the same unit type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report.
2. At least six months in advance of any new affordable rental dwelling unit being made available for rent to the general public, the owner shall develop and implement a Tenant Access Plan in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat.
 3. The new affordable rental dwelling units shall be made ready and available for occupancy no later than the date by which seventy percent (70 percent) of the new dwelling units erected on the lands are available and ready for occupancy.
 4. The owner shall provide all tenants of the affordable rental dwelling units with access to, and use of, all indoor and outdoor amenities in the development at no extra charge. Access to, and use of, these amenities shall be provided on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings.

5. The owner shall provide all tenants of the affordable rental dwelling units with laundry facilities on the same basis as other units within the development at no extra charge.
6. The owner shall provide all tenants of the affordable rental dwellings units with access to permanent and visitor bicycle parking/bicycle lockers on the same terms and conditions as any other resident of the building, and in accordance with the Zoning By-law.
7. Prior to Site Plan Approval, the owner shall apply for Open Door Affordable Housing Program incentives for all affordable rental dwelling units within the development.
8. Prior to the issuance of any building permit, including permits for excavation and shoring, the owner shall enter into a municipal capital facility agreement ("Contribution Agreement"), subject to approval of an Open Door application with the City to provide Open Door Affordable Housing Program incentives for all affordable rental dwelling units at 315-325 Spadina Avenue that are approved for Open Door incentives. The owner shall provide such affordable rental dwelling units in accordance with such agreement(s) to be entered into with the City, all to the satisfaction of the Executive Director, Housing Secretariat, the Chief Planner and Executive Director, City Planning and the City Solicitor.
9. Prior to Site Plan Approval, the owner shall submit, and thereafter implement, a Construction Management Plan to address matters such as wind, noise, dust, traffic mitigation, and street closures during construction, which shall be to the satisfaction of the General Manager, Transportation Services and Chief Planner and Executive Director, City Planning, and developed in consultation with the Ward Councillor.



