

Authority: Toronto and East York Community Council
Item TE9.9, as adopted by City of Toronto Council on
October 29 and 30, 2019 and MM13.6, by
Councillor Joe Cressy, seconded by
Councillor Mike Layton adopted by City of Toronto
Council on December 17 and 18, 2019

CITY OF TORONTO

BY-LAW 96-2022

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known as 379-391 Adelaide Street West and 96 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 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 Council of the City of Toronto 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 outlined by heavy black lines on Diagram 2 attached to this By-law to the Zoning By-law Map in Section 990.10, and applying the zone label CRE (x26) to these lands as shown on Diagram 6 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands outlined by heavy black lines on Diagram 2 attached to this By-law to: the Policy Areas Overlay Map in Section 995.10.1 with a Policy Area Label of PA 1 as shown on Diagram 3 attached to this By-law, the Height Overlay Map in Section 995.20.1 with a height and storey label of HT 23.0 as shown on Diagram 4, the Lot Coverage Overlay Map in Section 995.30.1 with no label, and the Rooming House Overlay Map in Section 995.40.1 with a Rooming House label of B3 as shown on Diagram 5.
5. 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 in a heavy line on Diagram 1 attached to this By-law to CRE (x26) as shown on Diagram 6 attached to this By-law.
6. Zoning By-law 569-2103, as amended, is further amended by adding Article 900.12.10 Exception Number 26 so that it reads:

(26) Exception CRE 26

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 the lands identified on Diagram 1 attached to By-law 96-2022, a **building, structure**, addition or enlargement may be constructed or used in compliance with (B) to (N) below;
- B. For the purposes of this exception, the **lot** comprises the lands identified by heavy lines on Diagram 1 attached to By-law 96-2022;
- C. Despite clause 50.5.40.40, the permitted maximum **gross floor area** is 21,850 square metres for non-residential uses and 0 square metres for residential uses;
- D. In addition to the provisions of regulation 50.5.40.40(1), the floor area of the existing **building** known municipally as 96 Spadina Avenue is not included in the calculation of gross floor area;
- E. Despite clause 50.10.40.70 and article 600.10.10, the required minimum **building setbacks** of a **building or structure** are shown in metres on Diagram 7 of By-law 96-2022;

- F. Despite regulation 50.5.40.60(1), clause 50.10.40.60 and regulation (E) above the following **building** elements may encroach into a required **building setback**:
- i. Public art, landscape features, wheel chair ramps, light fixtures, stairs and stair enclosures, guardrails, bollards, awnings, canopies, railings, fences, vents, shafts, stacks, chimneys, satellite dishes, retaining walls, underground garage ramp and its associated structures, and window washing equipment;
 - ii. Eaves, cornices, window sills, curtain wall mullions to a maximum projection of 0.5 metres beyond the heavy lines on Diagram 7 of By-law 96-2022;
 - iii. Balconies that project a maximum distance of 2.0 metres beyond the heavy lines shown on Diagram 7, provided such balconies do not project over the portions identified as "Existing Building" as shown on Diagram 7 of By-law 96-2022; and
 - iv. The erection or use of the **structures**, elements and enclosures permitted by regulation (I) below.
- G. Despite regulations 50.5.40.10(1) and (2), the height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 88.52 metres to the highest point of the **building** or **structure**;
- H. Despite clause 50.10.40.10, the permitted maximum height of a **building** or **structure** is the height in metres specified by the numbers following the symbol HT on Diagram 7 of By-law 96-2022;
- I. Despite regulations 50.5.40.10(3), (4), (5), (6) and (7), the following **building** elements may project above the permitted maximum height:
- i. **Structures**, elements and enclosures permitted by regulation (E) above; and
 - ii. The erection or use of **structures** on any roof used for outdoor **amenity space**, maintenance, safety, wind protection purposes, **green roof** purposes, vestibules providing access to outdoor amenity or recreation space, parapets, structural masts, elevators and related structural elements, signage, cooling towers, mechanical and architectural screens, chimneys, vents, stacks, and mechanical fans, **structures** and elements associated with green energy and **renewable energy** facilities, provided such projections are limited to a maximum vertical projection of 5 metres above the permitted **building** heights shown on Diagram 7 of By-law 96-2022.
- J. Despite regulations 50.5.80.10(1) and 200.5.1(2) and article 200.5.10, 83 **parking spaces** are required, which may be provided off-site within a **public parking** facility that is within 300 metres of the **lot**;

- K. Despite article 220.5.10, a minimum of two Type "B" **loading spaces** and one Type "C" **loading space** must be provided and maintained on the **lot**;
- L. Despite regulation 230.5.1.10(9) and article 230.5.10, **bicycle parking spaces** must be provided for office uses and **retail stores** as follows: 47 **bicycle parking spaces** allocated as "long term" **bicycle parking spaces** and 50 **bicycle parking spaces** allocated as "short term" **bicycle parking spaces**, subject to the following:
- i. "Long term" **bicycle parking spaces** must be located one level below ground; and
 - ii. "Short term" **bicycle parking spaces** must be located on the surface of the **lot** or one level below ground.
- M. Despite clause 230.5.1.10(7), a minimum of 5 shower-change facilities for each gender shall be provided on the **lot**; and
- N. Despite any existing or future severance, partition, or division of the **lot**, the provisions of this Exception and By-law 569-2013 shall apply as if no severance, partition or division had occurred.

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

7. 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 2 and 3 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/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on February 3, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

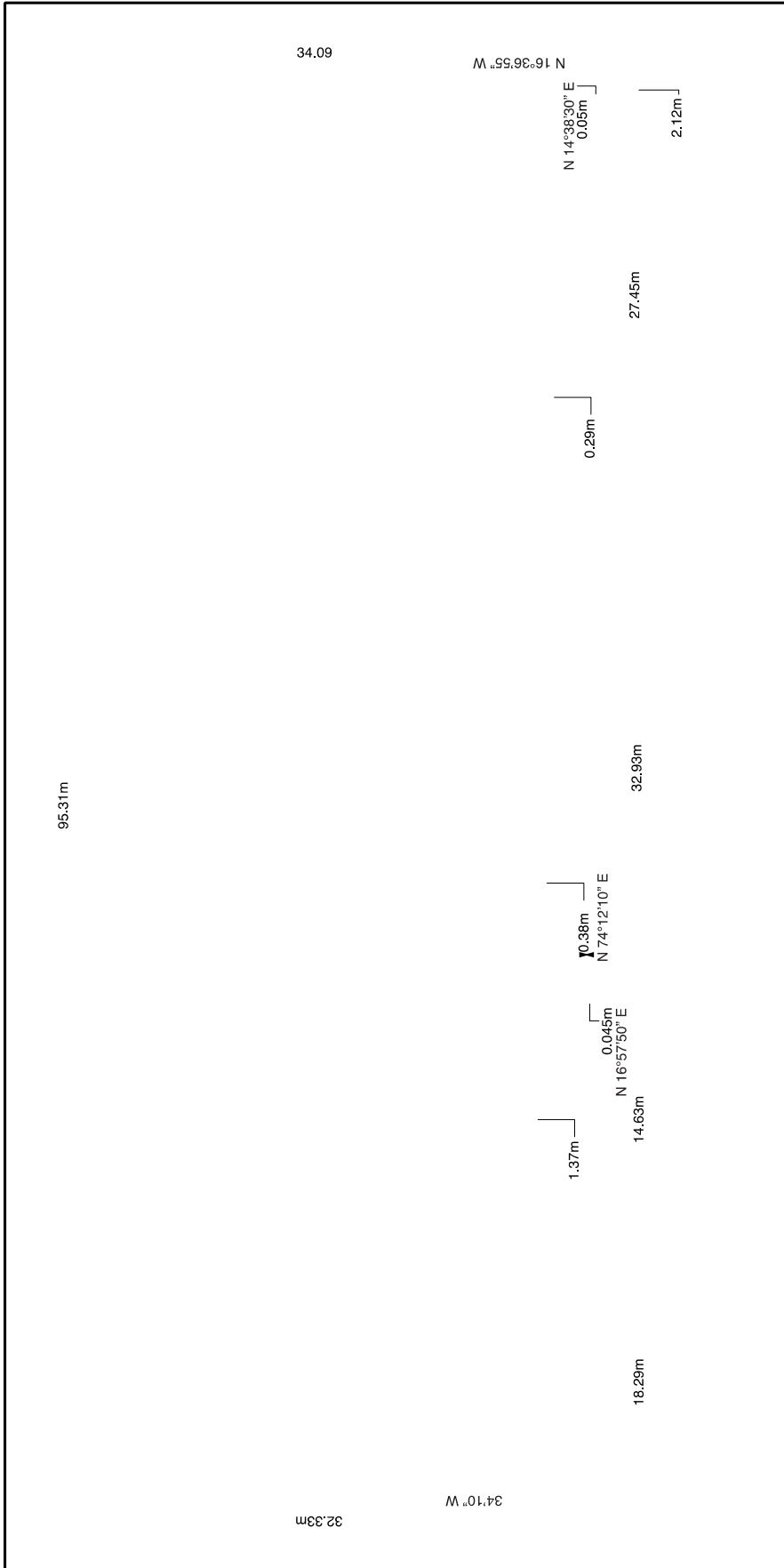
(Seal of the City)

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) Prior to the issuance of the first above-grade building permit, the owners shall make a cash contribution of \$640,000 towards community services and facilities in Ward 10, or streetscape and/or public realm improvements in the area bounded by Queen Street West, Spadina Avenue, Front Street West and Bathurst Street to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
- (2) Prior to the issuance of the first above-grade building permit, a cash contribution of \$80,000 towards the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 10, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
- (3) Prior to the issuance of the first above-grade building permit, a cash contribution of \$80,000 towards the provision of new rental housing units as part of the Alexandra Park and Atkinson Housing Co-operative Revitalization, to be directed to the Capital Revolving Fund for Affordable Housing, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
- (4) All cash contributions referred to in (1), (2) and (3) above shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of registration of the Section 37 Agreement to the date the payment is made.
- (5) In the event the cash contributions referred to in (1), (2) and (3) have not been used for the intended purposes within three (3) years of the By-laws coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 10.
- (6) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - a) Submission, and thereafter implementation, of a construction management plan by the owner of 96 Spadina Avenue and 379, 383, 385 and 391 Adelaide Street West to address such matters as wind, noise, dust and street closures during construction. Such plan to be to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the ward Councillor and shall be completed prior to final Site Plan Approval.

- b) Prior to final Site Plan Approval, the owner shall convey, in perpetuity, public access surface easements to the City over the proposed laneways and midblock connections on the site.



96 Spadina Avenue, 379-391 Adelaide Street West

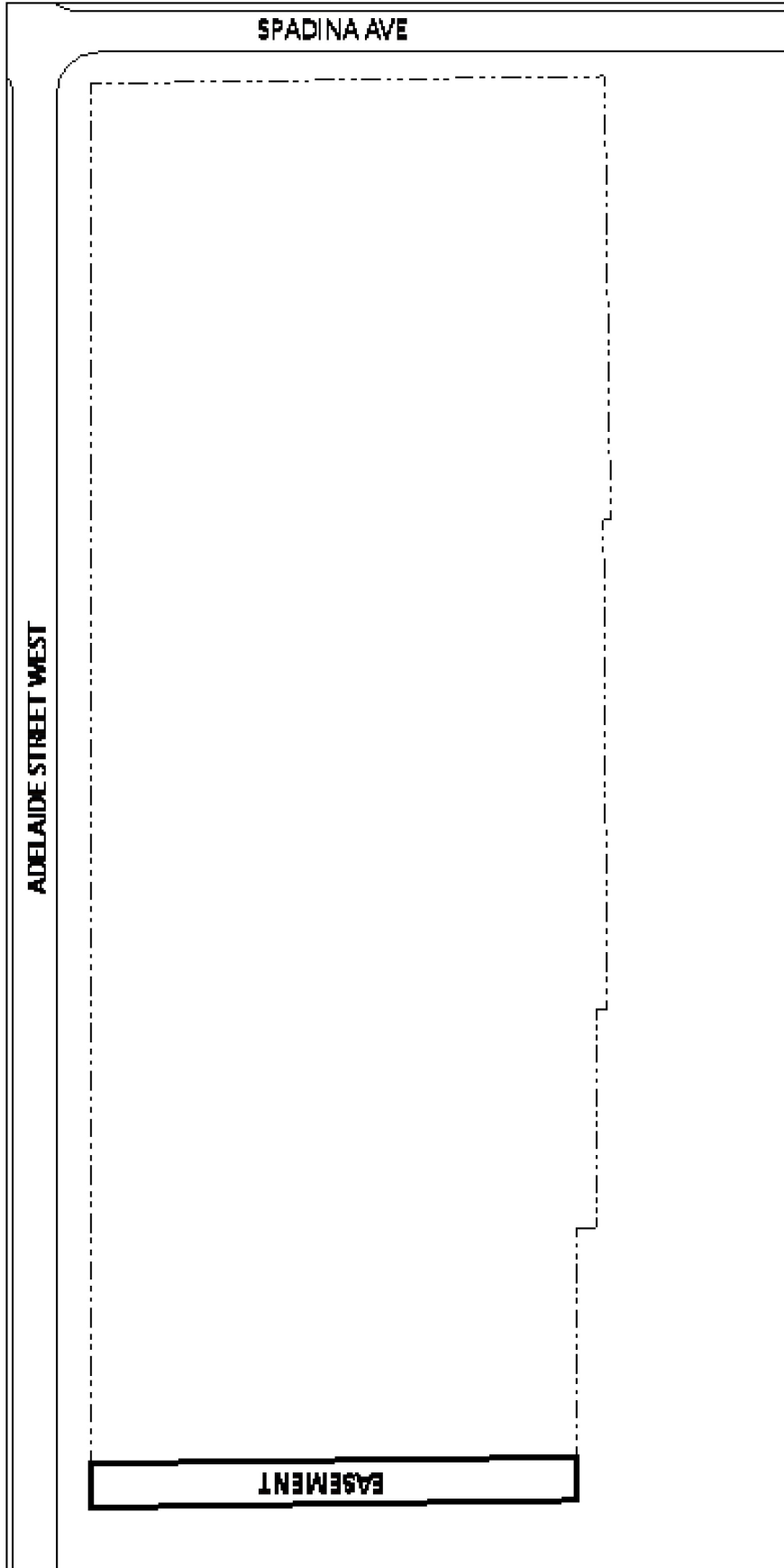


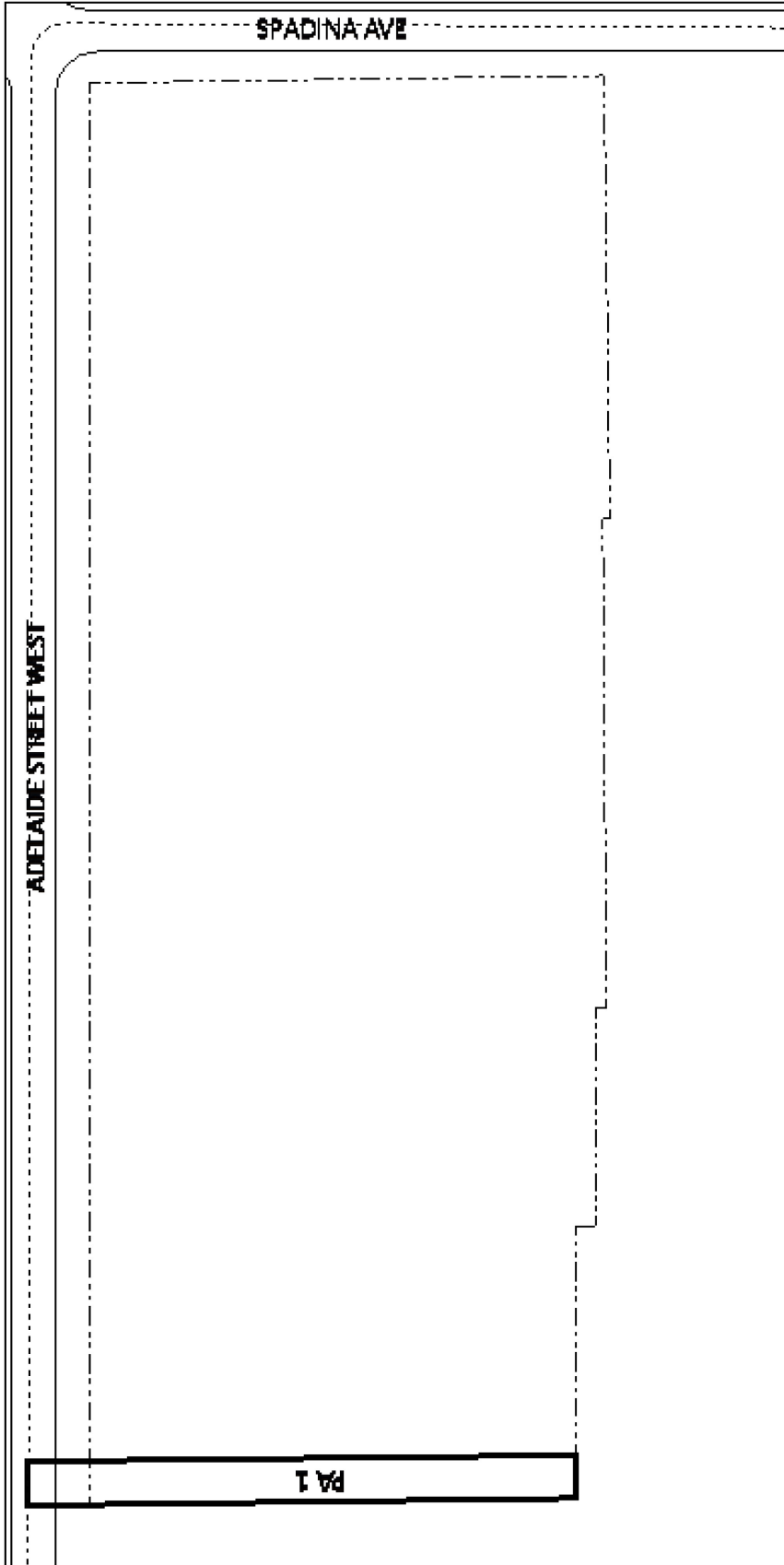
Diagram 2

96 Spadina Avenue, 379-391 Adelaide Street West

File # 17 275276 PRZ

Not to Scale

City of Toronto By-Law 569-2013



96 Spadina Avenue, 379-391 Adelaide Street West

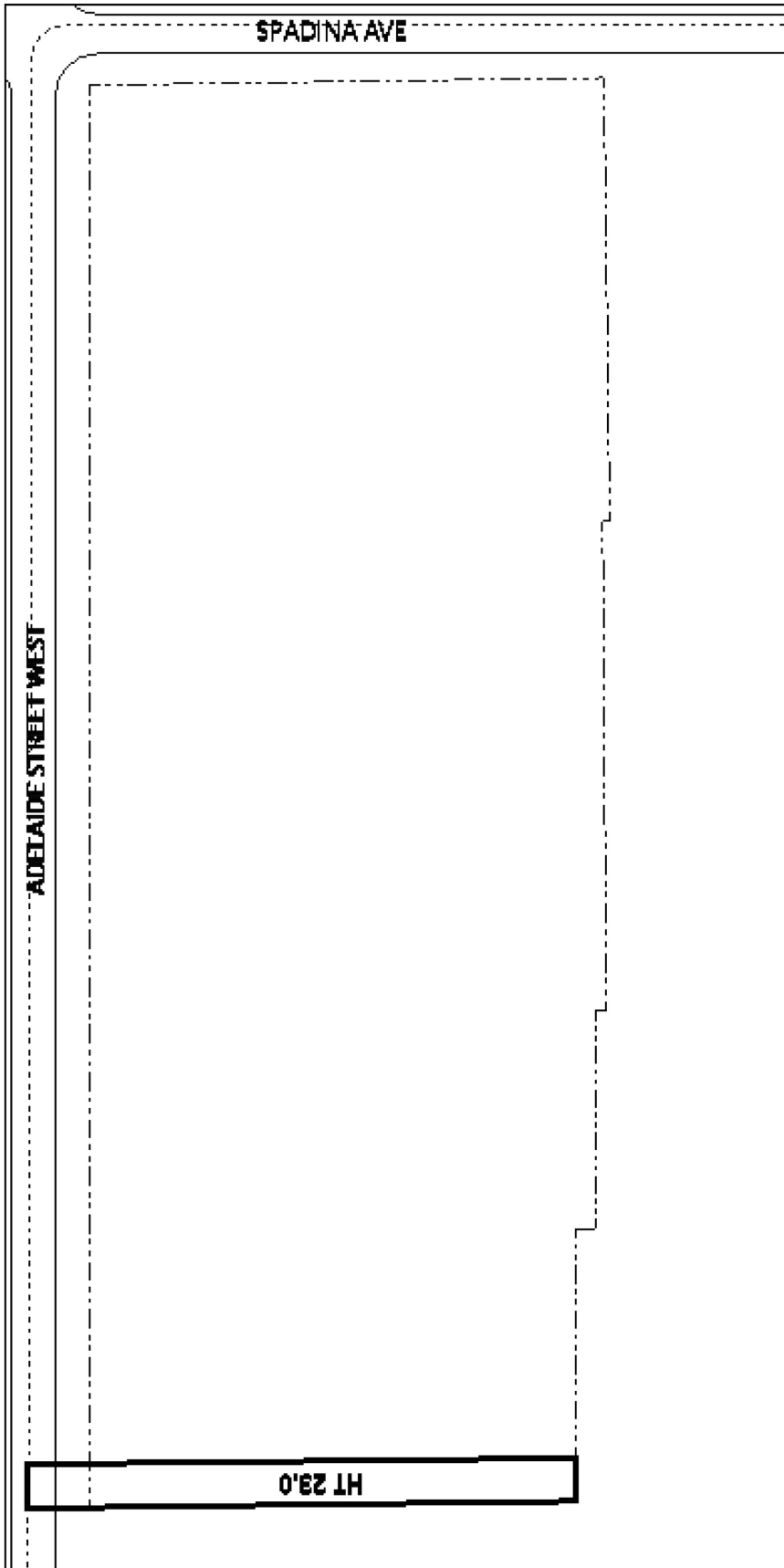
Diagram 3

File # 17 275276 PRZ



Not to Scale

City of Toronto By-Law 569-2013



96 Spadina Avenue, 379-391 Adelaide Street West

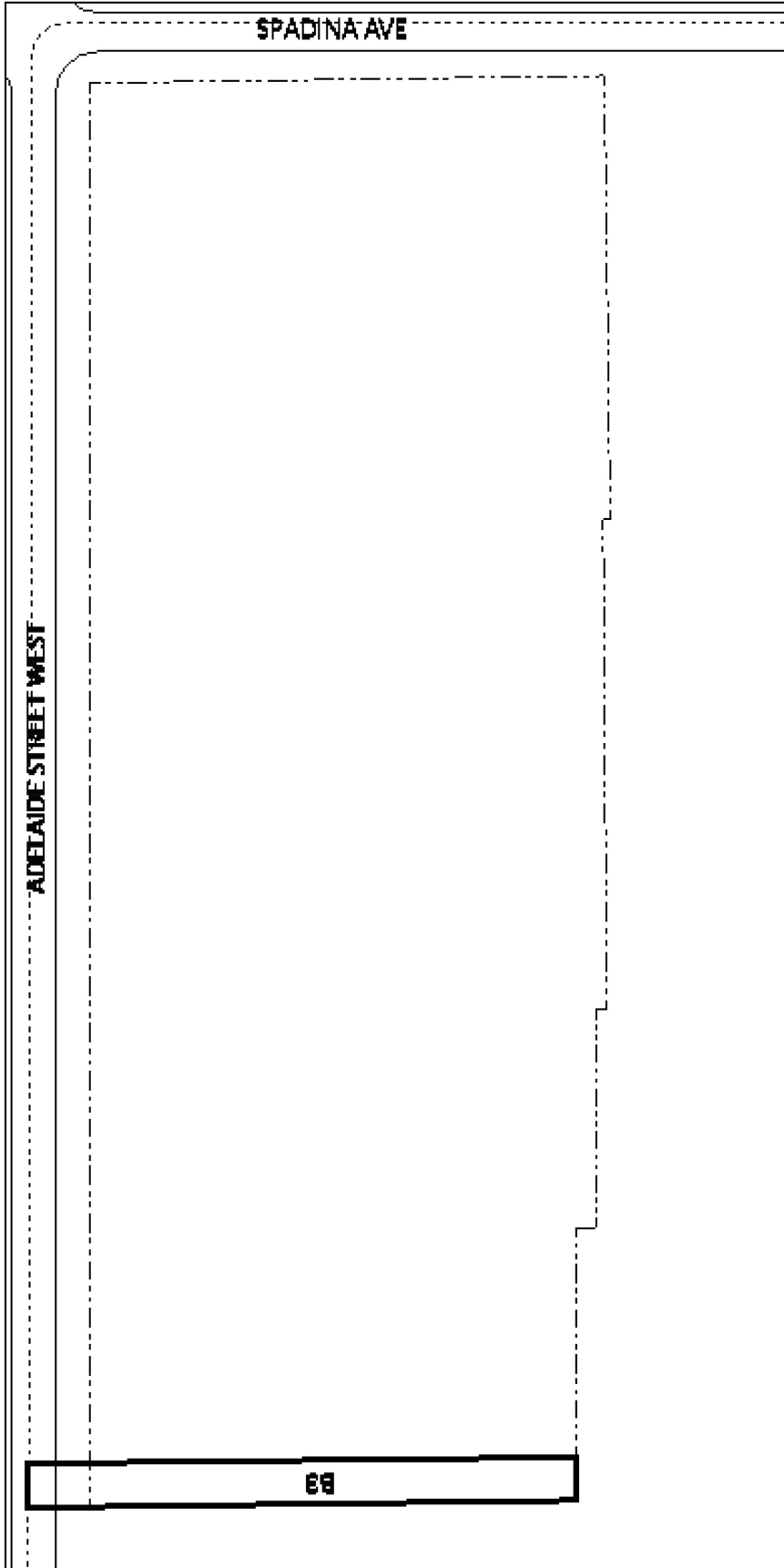
Diagram 4

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Not to Scale

City of Toronto By-Law 569-2013



96 Spadina Avenue, 379-391 Adelaide Street West

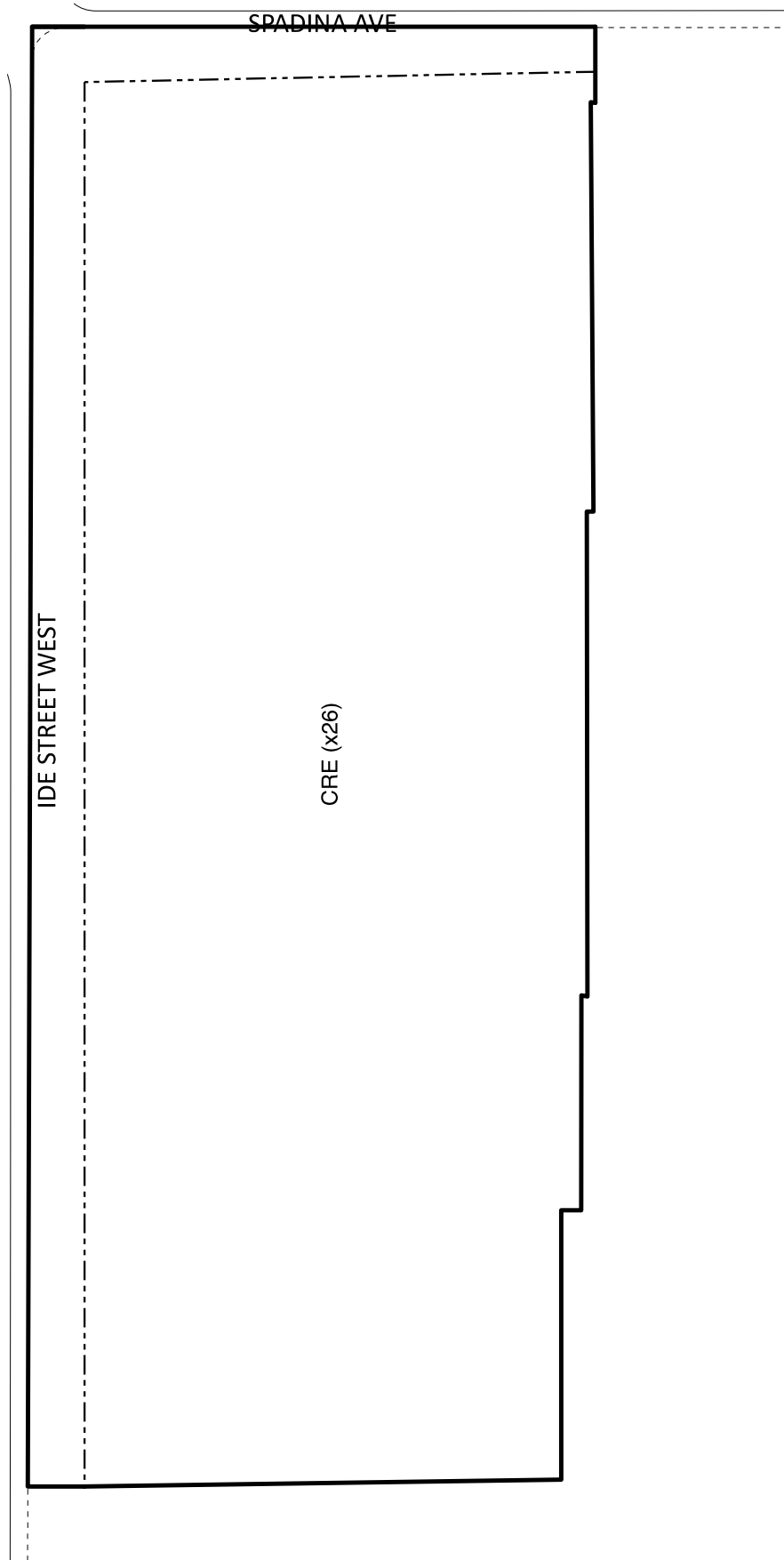
Diagram 5

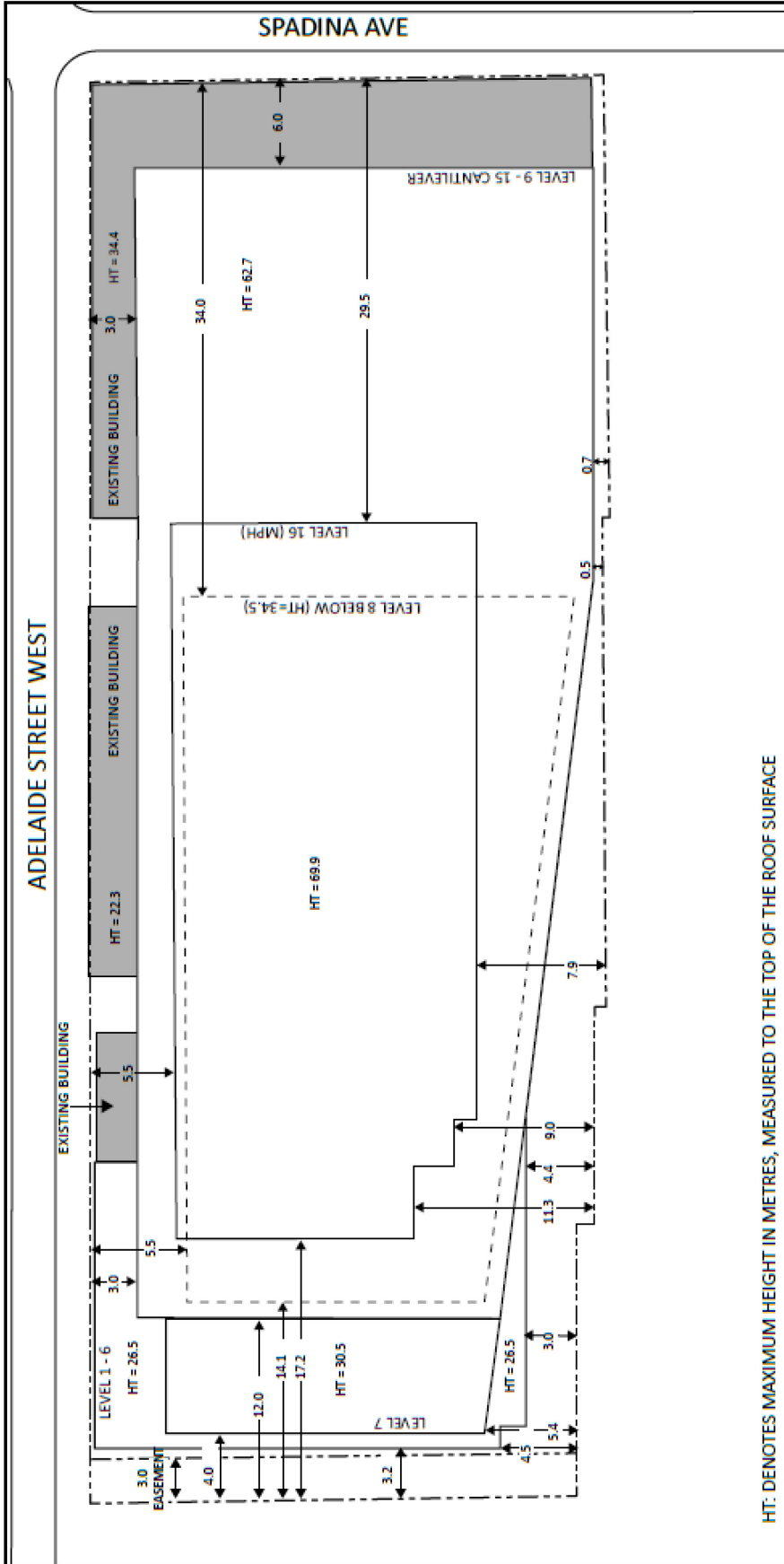
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Not to Scale

City of Toronto By-Law 569-2013





HT: DENOTES MAXIMUM HEIGHT IN METRES, MEASURED TO THE TOP OF THE ROOF SURFACE



Diagram 7

96 Spadina Avenue, 379-391 Adelaide Street West

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Not to Scale
 City of Toronto By-Law 569-2013