

CITY OF TORONTO
BY-LAW NO. _____-2014

**To amend the City of Toronto Zoning By-law 569-2013, as amended, with respect to the
lands municipally known in 2014 as 57 Spadina Avenue.**

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

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*;

WHEREAS the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in the height of development;

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 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;

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 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 No. 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 same meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.12.10 Exception Number [80] so that it reads:

(80) Exception CRE 80

The lands, or portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions

- (A) On 57 Spadina Avenue, if the requirements of By-law [Clerks to supply by-law ##] are complied with, none of the provisions of 50.5.40.10 (4), 50.5.40.10 (5), 50.10.40.10 (1), 50.10.40.10 (3), 50.10.40.30, 50.10.40.50, 50.10.40.60 (1), 50.10.40.70 (1), 50.10.40.70 (3), 50.10.40.70 (5)(A), 50.10.40.80(3), 200.5.10.1(1), 230.5.10.1(1), 230.5.10.1 (5), and 230.40.1.20 (2) apply to prevent the erection or use of a **mixed use building, structure, public parking**, addition or enlargement permitted in By-law [Clerks to supply by-law ##], if the **mixed use building, structure, or public parking** complies with subsections (B) to (Z) of By-law [Clerks to supply by-law ##].
- (B) The maximum **gross floor area** of the mixed use building on the **lot** does not exceed 28,000 square metres, of which:
- i) The maximum **gross floor area** for residential uses must not exceed 24,000 square metres;
 - ii) A minimum of 3,000 square metres of **gross floor area** for non-residential uses must be provided for office uses, with the total **gross floor area** for non-residential uses on the **lot** not to exceed 5,000 square metres; and
 - iii) **Public parking** is not counted as part of the **gross floor area** for the non-residential use.
- (C) A medical/dental office is not permitted on the **lot**.
- (D) The whole of the **mixed use building or structure** must be located within the areas delineated by heavy lines shown on Diagram "2" of By-law [Clerks to supply by-law ##].
- (E) The height of the **mixed use building or structure**, as measured from the Canadian Geodetic Datum elevation of 86.25 metres, does not exceed the height in metres specified by the numbers following the symbol HT on Diagram "2" of By-law [Clerks to supply by-law ##].
- (F) The number of **storeys** of the **mixed use building or structure**, does not exceed the number following the symbol ST on Diagram "2" of By-law [Clerks to supply by-law ##].

(G) Despite subsections (E) and (F) of this By-law, the following building elements and **structures** are permitted to extend beyond the heavy lines and building envelopes other than a **lot** line, and above the heights specified on Diagram "2" of By-law [Clerks to supply by-law ##], subject to the limitations noted below:

Elements and structures	Limitation
Eaves, cornices, window sills, landscape features, wheel chair ramps, light fixtures, stairs and stair enclosures, balustrades, guardrails, bollards	no limitations
Elements associated with a green roof	Permitted beyond the heavy lines on Diagram "2", subject to a maximum vertical projection of 0.5 metres above the <i>heights</i> shown on Diagram "2"
Railings	Permitted beyond the heavy lines on Diagram "2", subject to a maximum vertical projection of 1.2 metres above the <i>heights</i> limits on Diagram "2"
Fences, privacy screens	Permitted beyond the heavy lines on Diagram "2", to a maximum vertical projection of 2.4 metres beyond the <i>heights</i> shown on Diagram "2"
Ornamental elements, architectural elements	Permitted to extend above the height limits shown on Diagram "2", subject to a maximum horizontal projection of 2.0 metres beyond the heavy lines shown on Diagram "2"
Vents, stacks, chimneys	Permitted to extend beyond the heavy lines on Diagram "2", subject to a maximum vertical projection of 3.2 metres above the <i>heights</i> shown on Diagram "2"
Parapets	Permitted to extend beyond the heavy lines on Diagram "2", subject to parapets on the roof of the eighth storey are limited to a maximum vertical projection of 1.2 metres above the <i>heights</i> shown on Diagram "2", and parapets on all other portions of the <i>building</i> are limited to a maximum vertical projection of 0.9 metres above the <i>height</i>

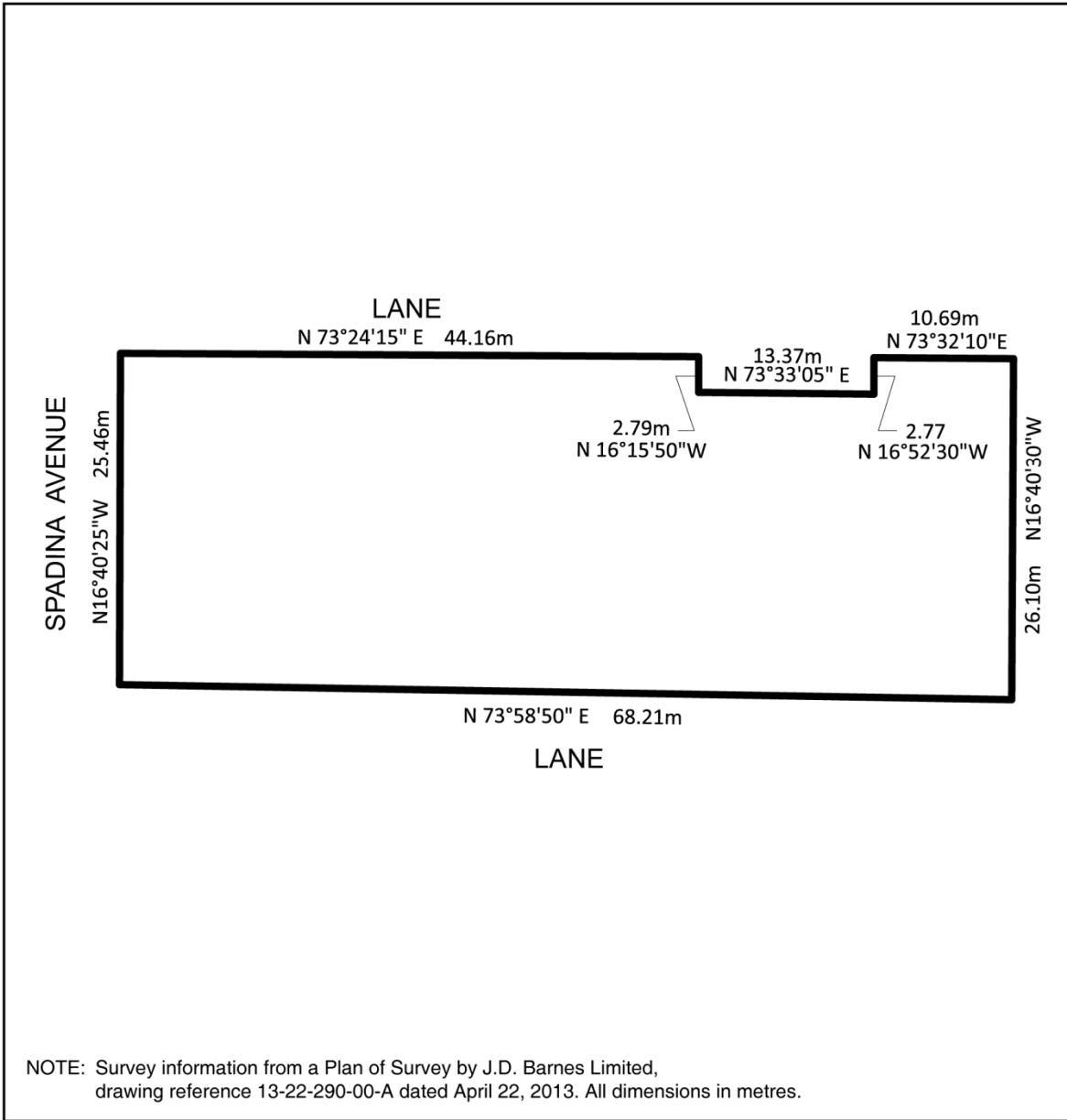
	limits shown on Diagram "2"
Structures used for outside or open air recreation, safety or wind protection purposes	Permitted to extend beyond the heavy lines on Diagram "2", provided that the maximum <i>heights</i> of the top of the structure is no higher than the sum of 3.0 metres and the applicable <i>heights</i> shown on Diagram "2" and the structures shall not enclose space so as to constitute a form of penthouse or other room or rooms
Awnings, canopies	Permitted to extend above the <i>heights</i> shown on Diagram "2", subject to a maximum horizontal projection of 3.0 metres beyond the exterior of the wall to which such awnings and canopies are attached
Balconies	Permitted to extend above the <i>heights</i> on Diagram "2", subject to a maximum horizontal projection of 2.0 metres beyond the heavy lines shown on Diagram "2"

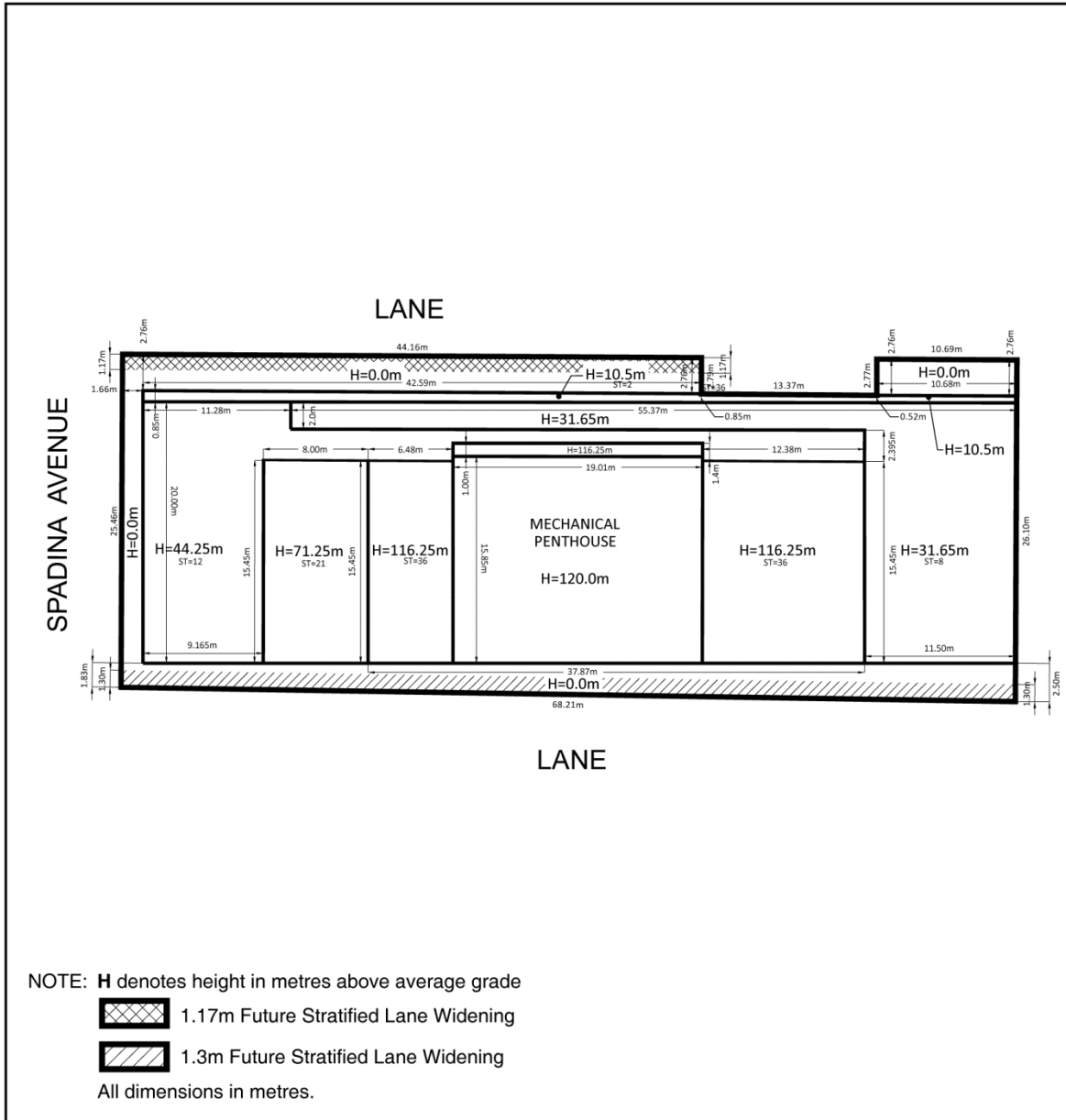
- (H) Despite subsection (G) of this By-law, building elements or **structures** are not permitted to project within the area of the 1.3 metre wide future stratified lane widening identified on Diagram "2" of By-law [Clerks to supply by-law ##].
- (I) Despite subsection (G) of this By-law, balconies attached to the northerly wall of the building, subject to a height limit of 116.25 metres and shown with an east-west dimension of 19.01 metres on Diagram "2" of By-law [Clerks to supply by-law ##], are limited to a maximum horizontal projection of 0.23 metres.
- (J) Despite subsection (G) of this By-law, building elements and **structures** permitted to extend above the **height** of the mechanical penthouse as identified on Diagram "2" of By-law [Clerks to supply by-law ##] are limited to vents, stacks, chimneys, parapets, screens and railings, subject to the limitations noted in subsection (G) of this By-law.
- (K) Outdoor **amenity space** must be a minimum of 288 square metres.
- (L) At least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**.
- (M) At least 2.0 square metres for each **dwelling unit** is indoor **amenity space**, with at least one room to contain a kitchen and washroom.

- (N) No more than 25% of the required amount of outdoor **amenity space** may be provided as a **green roof**.
- (O) **Parking spaces** for residents on the **lot** must be provided and maintained in accordance with the following minimum standards:
- i) 0.3 **parking spaces** for each bachelor **dwelling unit**;
 - ii) 0.5 **parking spaces** for each bedroom **dwelling unit**;
 - iii) 0.75 **parking spaces** for each two bedroom **dwelling unit**; and
 - iv) 1.20 **parking spaces** for each three or more bedroom **dwelling unit**.
- (P) A minimum of one **loading space** – type G and one **loading space** – type B must be provided and maintained on the **lot**.
- (Q) **Parking spaces** for residents on the **lot** may be reduced at a rate of 1 **parking space** for each 5 **bicycle parking space** provided in excess of the minimum number of **bicycle parking spaces** for the lot based on the standards in subsection (R) of this By-law, provided the reduction is not greater than 20% of the total minimum **parking spaces** required in subsection (O) of this By-law;
- (R) **Bicycle parking spaces** must be provided in accordance with the following minimum standards:
- i) A minimum of 1.0 **bicycle parking spaces** for each **dwelling unit**, allocated as 0.8 "long term" **bicycle parking spaces** per dwelling unit and 0.2 "short term" **bicycle parking spaces** per dwelling unit;
 - ii) A minimum of 0.2 "long term" **bicycle parking spaces** for each 100 square metres of **gross floor area** of office uses, and a minimum of the greater of 0.2 "short term" **bicycle parking spaces** for each 100 square metres of **gross floor area** of office uses or 6 **bicycle parking spaces**; and
 - iii) A minimum of 0.2 "long term" **bicycle parking spaces** for each 100 square metres of **gross floor area** of retail uses, and a minimum of the greater of 0.3 "short term" **bicycle parking spaces** for each 100 square metres of **gross floor area** of retail uses or 6 **bicycle parking spaces**.
- (S) A minimum of 25 **parking spaces** for visitors to the **dwelling units**, and visitors and occupants of the non-residential uses must be provided, and may be provided within a **public parking** lot where the following minimum number of **parking spaces** must be reserved for the exclusive use of visitors to the **dwelling units**:
- i) Between Monday 6:01 a.m. to Friday 6:00 p.m. -
 - (a) 2 **parking spaces** between the hours of 6:01 a.m. to 12:00 p.m.;

- (b) 7 **parking spaces** between the hours 12:01 p.m. to 6:00p.m.;
 - (c) 14 **parking spaces** between the hours 6:01 p.m. to 6:00 a.m.; and
- ii) Between Friday 6:01 p.m. to Monday 6:00 a.m., 14 **parking spaces**;
- (T) **Parking spaces** must be provided in accordance with the minimum **parking space** dimensions set out in Section 200.5.1.10 (2) of By-law No. 568-2013, with the following exception:
- i. A maximum of 4 **parking spaces** may be provided with a minimum length of 5.3 metres, and the provisions of Section 200.5.1.10 (2) d) of By-law 569-2013 as amended do not apply.
- (U) A **stacked bicycle parking space** may have a minimum width of 0.45 metres, and the provisions of Section 230.5.1.10(4) of By-law 569-2013 do not apply pertaining to this dimension.
- (V) Exception 80 will apply to all of the lands regardless of future severance, partition or division; and
- (W) For the purposes of By-law [Clerks to supply by-law ##], the terms set forth in bold type must have the same meaning as such terms have for the purposes of By-law no. 569-2013 as amended, except that the following definitions must apply:
- i. "**Owner**" means the registered owner of the **lot**; and
 - ii. "**Grade**" means 86.25 metres Canadian Geodetic Datum.
- (X) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height of the development permitted in By-law [Clerks to supply by-law ##], is permitted beyond that otherwise permitted on the land 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 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.
- (Y) 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.
- (Z) The **owner** shall not use, or permit the use of, a building or structure erected with an increase in height pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on [month ##], 20[##].





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 of the proposed development on the lands as shown in Diagram "2" in this By-law and secured in an agreement under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

- (1) Prior to the issuance of an above-grade permit, the **owner** shall pay to the City a cash contribution amount of Two Million Dollars (\$2,000,000), with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of approval of the bill to the date the payment is made, to be applied toward the following:
 - a) Two Hundred Thousand Dollars (\$200,000) towards the City's Capital Revolving Fund for Affordable Housing for the purpose of maintaining and constructing affordable rental housing units in Ward 20, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor; and
 - b) One Million and Three Hundred Thousand Dollars (\$1,300,000.00) towards community services and facilities and public realm improvements in Ward 20, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor; and
 - c) Five Hundred Thousand Dollars (\$500,000.00) towards improvements to the City-owned laneway to the south of the property, between Spadina Avenue and the east limit of the property at 393 King Street West, excluding the lane widening to be conveyed to the City, the design of such to be determined in conjunction with, and co-ordinated with, site plan approval of the development, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, and construction co-ordinated with the Construction Management Plan referred to in subsection (3) d).
- (2) In the event the cash contributions referred to in section 1 have not been used for the intended purpose within three (3) years of this By-law 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 of City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the **lot**.
- (3) The following matters are to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - a) The **owner** shall submit a Pedestrian Wind Study, and implement the mitigation measures listed in the Study through the Site Plan Approval process to ensure wind

velocity is within acceptable levels, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- b) The **owner** shall provide 10% family sized dwelling units in the development. A minimum of 8% of the units in the development shall be constructed as 3 bedroom units with a minimum unit area of 79 square metres, in compliance with the Ontario Building Code. A minimum of 2% of the units in the development may be constructed as 2 bedroom units that are convertible to 3 bedroom units through renovation or through knock out panels between units, in compliance with the Ontario Building Code;
 - c) The owner shall construct the streetscape fronting on Spadina Avenue, subject to any requirements imposed in the Site Plan Approval process, in accordance with the Streetscape Manual or to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - d) Prior to the issuance of the first building permit, the owner shall submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor and thereafter in support of the development, shall implement the plan during the course of construction. The Construction Management Plan will include, but not limited to, details regarding size and location of construction staging areas, dates and significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary; and
 - e) Prior to Site Plan Approval on the lot, the owner shall convey land to the City for the purpose of widening public laneways, to the satisfaction of the General Manager of Transportation Services and the City Solicitor as follows:
 - i) A strip of land approximately 1.17 metres in width and abutting the City owned laneway to the north shall be conveyed commencing a minimum of 1.2 metres below finished ground level; and
 - ii) A strip of land approximately 1.3 metres in width and abutting the City owned laneway to the south shall be conveyed commencing from a minimum of 1.2 metres below finished ground level to a minimum of 10 metres above finished ground level.
- (4) The **owner** of the Lands shall enter into and register on title to the Lands 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 Schedule.

ENACTED AND PASSED this ____ day of _____, A.D. 2014.

