

Attachment 10: Draft Zoning By-law Amendment 438-86

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2017

To amend Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 666 Spadina Ave

Whereas Council of the City of Toronto has the authority to 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;

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 No. 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. The lands subject to this By-law are outlined by heavy black lines on Map 1 attached to this By-law.
2. By-law No. 20-69 of the former City of Toronto is hereby repealed.
3. None of the provisions of Section 2 with respect to 'lot', 'height', 'grade', 'bicycle parking space - occupant' and 'bicycle parking space - visitor' and Sections 4(2), 4(4), 4(5),

4(6)b, 4(8), 4(12), 4(13), 4(17) parking dimensions, 6(2)8, 6(3) Part I 1, 6(3) Part II 2, 6(3) Part II 3(i), 6(3) Part II 3.F(i), 6(3) Part II 4, 6(3) Part II 5, Section 6(3) Part III 1(b), Section 12 (1) 232, 12(2)380, of Zoning By-law No. 438-86 of the former City of Toronto, 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 lands 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 of two residential apartment buildings, including uses accessory thereto, on the *lot* provided that:

- a) the lot consists of those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- b) the buildings on the *lot* shall be comprised of *Building A* and *Building B*, on the lands municipally known as 666 Spadina Avenue, as shown on Map 2 attached hereto and forming part of this By-law;
- c) the total gross floor area erected or used on the *lot* shall not exceed 30,600 square metres of which:
 - (i) the total gross floor area shall not exceed 10,400 square metres in the *Building A* consisting of 9,700 square metres of *residential gross floor area* and 700 square metres of *non-residential gross floor area*; and
 - (ii) the total *residential gross floor area* shall not exceed 20,200 square metres in *Building B*, as existing in the year 2017.
- d) despite Section 6(1) of By-law 438-86 more than one *retail stores* are permitted on the first storey of the *apartment building* within *Building A* to a maximum 700 square metres of *gross floor area*;
- e) in addition to the uses permitted pursuant to Section 6(1) of By-law 438-86, the following uses are also permitted within *Building A*: retail store, office, branch of a bank or financial institution, personal grooming establishment, fitness studio, bake-shop, artist's or photographer's studio, private art gallery, restaurant and take-out restaurant;
- f) no portion of *Building A* or *Building B* or any structure erected or used above *grade* on the *lot* shall exceed the height limits above *grade* in metres as specified by the numbers following the symbol "H" as shown on attached Map 2, with the exception of the following:
 - (i) parapets, antennas, elevator overruns, guardrails, railings, balustrades, stairs, stair enclosures, privacy screens, flues, vents and air intakes, trellises, eaves, frames, ornamental or architectural elements, insulation and roof surface materials, landscape elements, lighting fixtures, solar panels and solar hot water heaters, communications equipment, lightning rods, window washing equipment, and elements or structures on the roof of the building used for outside or open air recreation, green roof,

drainage, safety or wind protection by a maximum of 2.0 metres above the height specified by the numbers following the "H" as shown on attached Map 2.

- g) no portion of *Building A or Building B* or any structure erected or used on the *lot*, above *grade* or above finished ground on the *lot*, shall be located other than wholly within areas delineated by the building envelope on Map 2, with the exception of the following:
- (i) eaves, cornices, window frames, lighting fixtures, fences and safety railings, trellises, balustrades, chimneys, vents, wheelchair ramps, retaining walls, landscape features, ornamental structures, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, stair landings, decks, planters, and public art features;
 - (ii) balconies to a maximum horizontal projection of not more than 1.8 metres; and
 - (iii) canopies may encroach into the required setbacks but cannot be located other than wholly within the areas delineated by the dashed lines as identified on Map 3.
- h) *residential amenity* space shall be provided for all residential units on the *lot* as follows:
- (i) minimum of 525 square metres of indoor *residential amenity space* shall be provided and maintained in *Building B* and 335 square metres of indoor *residential amenity space* shall be provided and maintained in *Building A* in a multi-purpose room or rooms that may or may not be contiguous, and that will collectively contain a kitchenette and a washroom; and
 - (ii) a minimum of 1,237 square metres of *outdoor residential amenity space* shall be provided on the *lot* and in a location that may or may not adjoin or be directly accessible from the indoor *residential amenity space*.
- i) a minimum of 45% of the lot area shall be maintained as *landscaped open space* and minimum of 65% of the *landscaped open space* must be used for *soft landscaping*;
- j) a minimum of 725 square metres of Privately Owned Publicly Accessible Open Space, and one publicly accessible pedestrian walkway easement shall be provided on the lot in the locations as shown on Map 2;
- k) a minimum of 174 *bicycle parking spaces* shall be provided and maintained for all *residential apartment units* on the *lot* as follows:

- (i) a minimum of one hundred and fourteen (114) *bicycle parking spaces – occupant* shall be provided within the Parking level 1 and Parking level 2 on the *lot*;
 - (ii) a minimum of forty-six (46) *bicycle parking spaces – occupant* shall be provided on the *lot*, at grade; and
 - (iii) a minimum of fourteen (14) *bicycle parking spaces – visitor* shall be provided on the *lot*, at grade.
- l) a minimum of 193 *parking spaces* located shall be provided on the *lot* in accordance with the following ratios:
- (i) a minimum of 159 *vehicle parking spaces* for all *dwelling units* within the existing underground parking structure;
 - (ii) a minimum of 34 *vehicle parking spaces – visitor*, within the existing underground parking structure; and
 - (iii) a maximum of 3 *parking spaces* may be provided at grade.
- m) a *parking space* existing in the year 2017 in the underground garage may have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 2.6 metres; and
 - (iii) vertical clearance of 2.0 metres.
- n) No *parking spaces* shall be required for non-residential uses on the *lot*;
- o) the minimum driveway widths for two-way operation in the existing underground garage may be 5.48 metres; and
- p) a minimum of one *loading space - Type C* and one *loading space - Type G* shall be provided on the *lot*.
4. Zoning By-law No. 438-86, as amended, is further amended by changing the zoning designation of the north portion of the lands identified on Map 1 attached to and forming part of this by-law from R3 Z1.0 to G.
5. Notwithstanding the definitions provided in Section 2(1) of *By-law No. 438-86*, as amended, for the purposes of this By-law, the following definitions will apply to the *lot* unless indicated otherwise in this By-law. Where italicized terms referred to in this By-law are not defined in this By-law, the definitions provided in Section (2)1 of *By-law No. 438-86*, will apply:

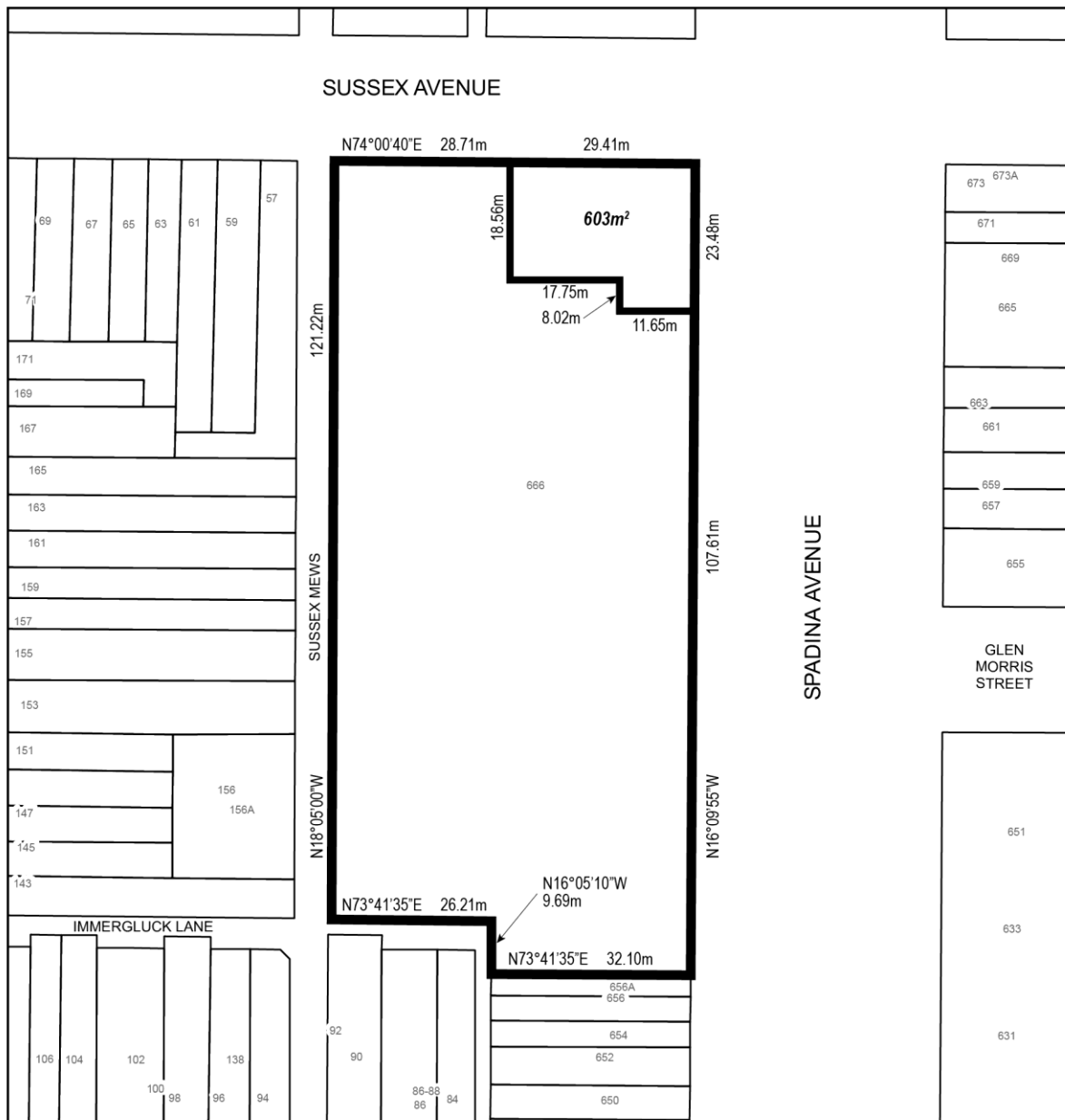
- a) "*outdoor residential amenity space*" means a common area or areas within a lot which are provided for the use of residents of a building for recreational or social purposes and may be accessible from the public realm;
 - b) "*grade*" means the established grade at 111.10 metres Canadian Geodetic Datum;
 - c) "*Building A*" means any building or structures, other than the *existing building*, above or below *grade*, located within the heavy lines shown on Map 2 as the new building;
 - d) "*Building B*" means the existing apartment building, subject to internal modifications or alterations that do not result in any additional *gross floor area*, except as provided herein, located on the *lot* in the year 2017 as shown on Map 2; and
 - e) "*height*" means the vertical distance between grade and the highest point of the building or structure on the roof except for those elements prescribed in s. 3(g)i of this By-law".
6. Notwithstanding any existing or future severance, partition or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition or division occurred.
7. 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.

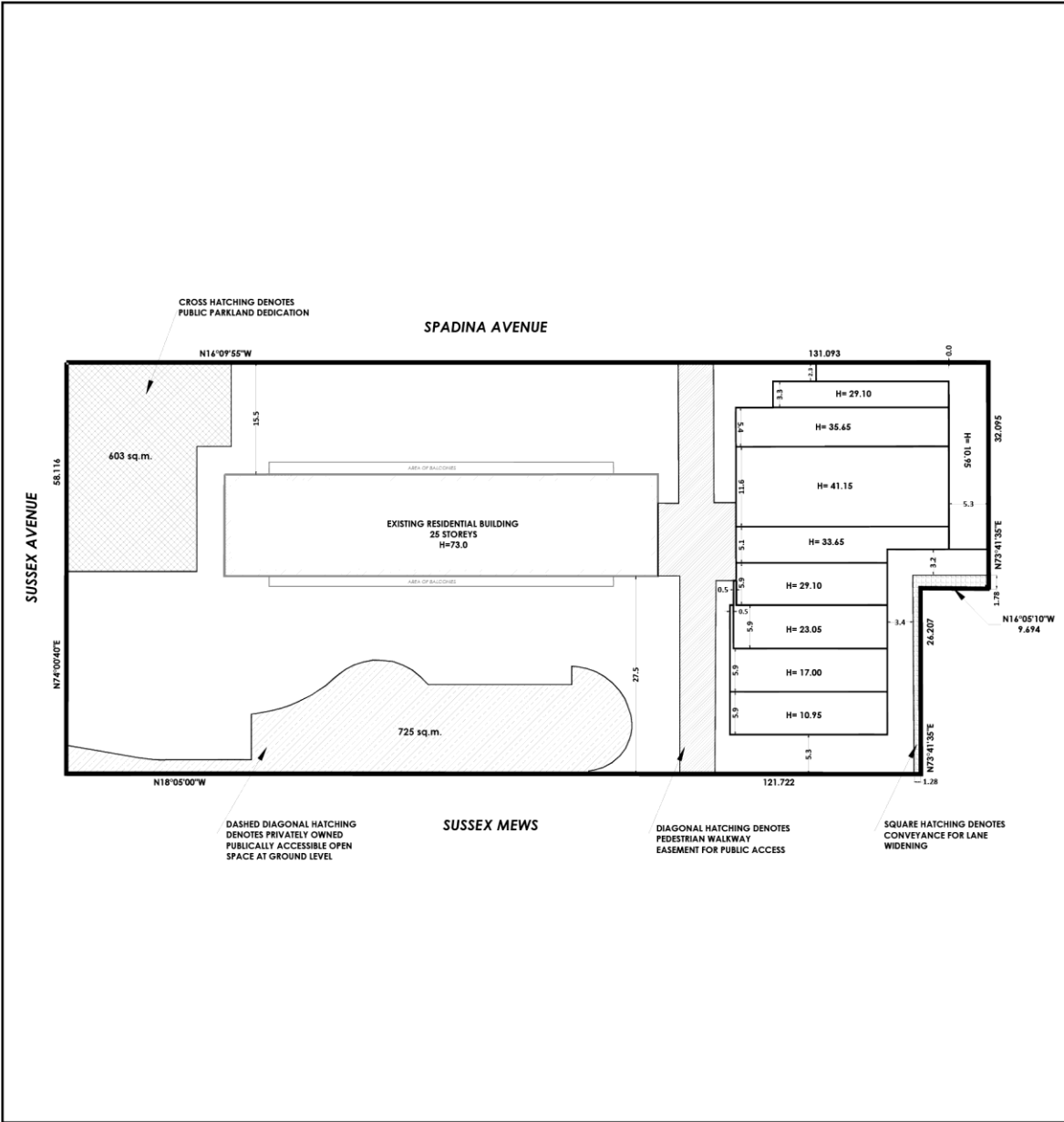
Enacted and passed on this _____ day of _____, A.D. _____.

_____,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

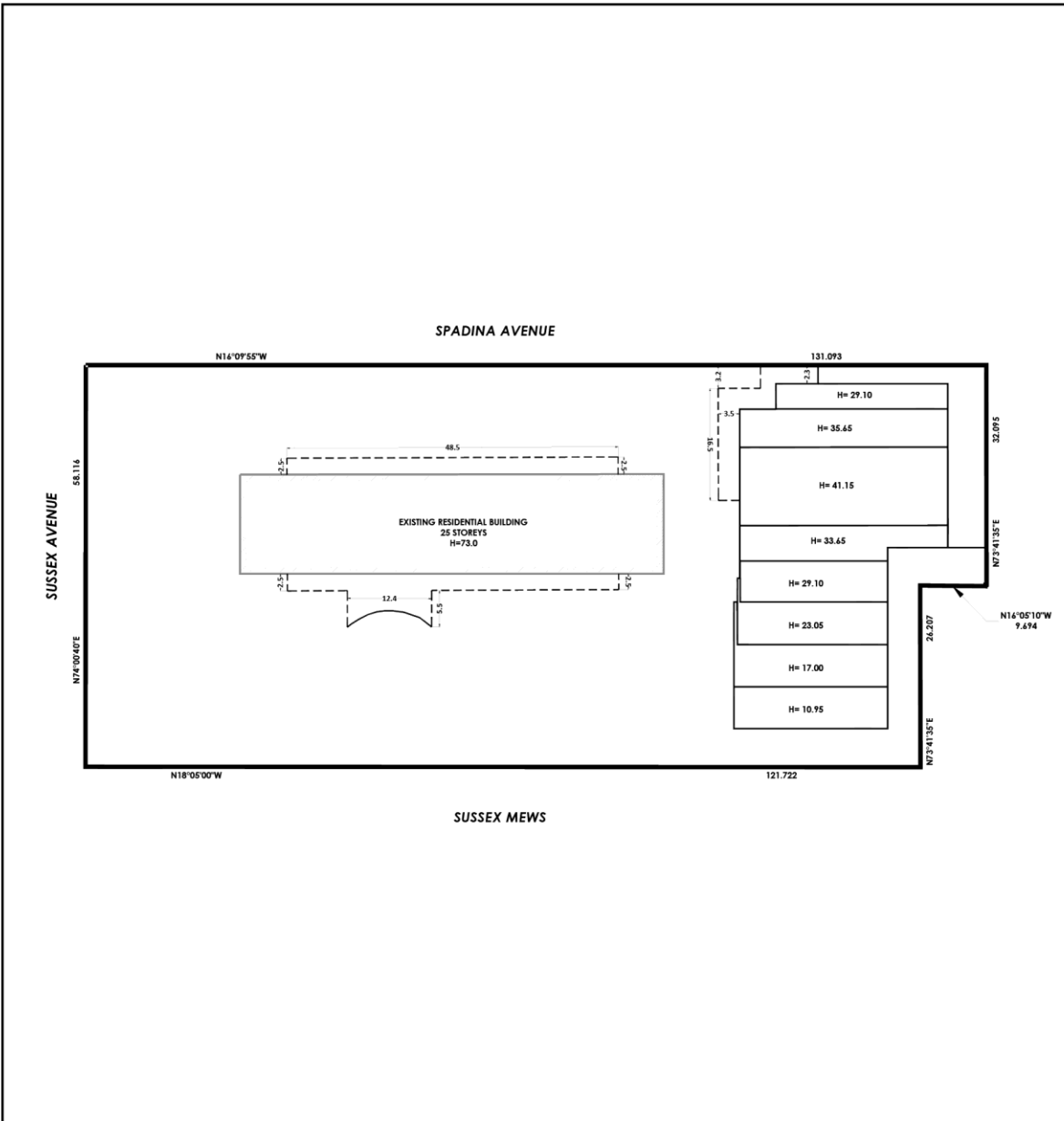




666 Spadina Avenue

File # 16 198194 STE 20 0Z

City of Toronto By-Law 438-86
Not to Scale
10/10/2017



Appendix 1

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 owner shall pay a cash contribution of \$800,000.00 to the City to be allocated as follows;
 - a) \$475,000 to Wigwamen for new affordable housing on their site at 14 Spadina Road, in consultation with the Chief Planner and Executive Director, City Planning, and the Ward Councillor; and
 - b) \$325,000 towards local streetscape, and/or public realm, and/or neighbourhood greening improvements in the vicinity which may include those identified as part of the Harbord Village Green Plan at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. the payment amounts identified in "1" above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment; and
3. in the event the cash contributions referred to in "1" above 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, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
4. The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience to support development, at the owner's expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - a) The Owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a privately owned publicly accessible open space (POPS) of not less than 725 square metres, generally shown on the draft Zoning By-law Amendments attached as Attachments 10 and 11. Prior to the issuance of Site Plan Approval, the Owner shall convey to the City for nominal consideration an easement along the surface of the lands which shall constitute the POPS. The Owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of

the day and night, 365 days of the year. The specific location, configuration and design of the POPS shall be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;

- b) The Owner shall construct, to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway, generally shown on the draft Zoning By-law Amendments attached as Attachments 10 and 11, which shall have a minimum width of 2.5 metres. Prior to final site plan approval, the Owner shall convey to the City, for nominal consideration, an easement along the surface of the lands which shall constitute the pedestrian walkway, to the satisfaction of the City Solicitor. The specific location, configuration and design of the pedestrian walkway shall be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;
- c) the owner shall provide and maintain the 334 existing rental housing units at 666 Spadina Avenue as rental housing for the period of at least 20 years, from the date of the Zoning By-law coming into full force and effect, with all associated facilities and building amenity improvements to be secured for the rental housing units, at no extra cost to the existing tenants, and with no applications for demolition or conversion from residential rental use, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor;
- d) the owner shall provide at least 30% 2-bedroom units and 10% 3-bedroom units within the proposed 11 storey building on the site;
- e) Prior to the issuance of the first building permit, the owner will submit a Construction Management Plan and Mitigation Strategy, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, details regarding size and location of construction staging areas, dates and significant concrete pouring activities, mitigation strategies to reduce the impact on adjacent residents including negative effects of safety lighting, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary;
- f) Prior to the issuance of the first building permit, the owner will submit a Tenant Communication Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- g) Any applications required to remove or injure trees (both City and private) to the satisfaction of the General Manager, Parks, Forestry and Recreation;

- h) prior to site plan approval, the owner shall submit a revised Wind Study for the proposed development and an undertaking to implement any necessary mitigation measures, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- i) on-site dog amenities will be provided at the owner's expense with proper disposal facilities for the building residents including dog relief stations, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- j) the owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard;
- k) the owner shall be financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- l) in support of development, the owner shall pay for and construct any improvements to the existing municipal infrastructure determined to be necessary as set out in a Functional Servicing Report accepted by the Chief Engineer and Executive Director Engineering and Construction Services;
- m) the owner shall construct and maintain the indoor amenity space to be shared by both buildings;
- n) the owner will provide and maintain new and renovated indoor amenity space to the satisfaction of the Chief Planner and Executive Director, City Planning in order to provide for at least the following: a common room with at least one boardroom table; a fitness and exercise room; and a party room that will include a kitchenette, and direct access to a washroom;
- o) the owner shall make available all indoor and outdoor amenity spaces generally as illustrated on the Ground Floor Plan for the proposed 11 storey building and existing building to tenants of both buildings without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings;
- p) prior to the issuance of the first above-grade building permit for the site, no less than 603 square metres of unencumbered parkland shall be satisfactorily conveyed to the City, located on the north-east corner of the site with frontage on both Spadina Avenue and Sussex Avenue, pursuant to section 42 of the Planning Act. These lands shall meet Parks, Forestry and Recreations environmental requirements and base park conditions, as set out in the Memorandum to Community Planning and City Legal provided by Planning, Design and Development Parks, Forestry and Recreation dated September 27, 2016 as well as

have no remaining underground parking garage structure beneath the park, to the satisfaction of the General Manager, Parks Forestry and Recreation; and

- q) the owner shall be required to enter into Limiting Distance Agreements in relation to the new parkland should they be determined to be necessary by the General Manager, Parks, Forestry and Recreation.

Attachment 11: Draft Zoning By-law Amendment 569-2013

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No.

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known as 666 Spadina Ave

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;

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 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. By-law No. 20-69 of the former City of Toronto is hereby repealed.

3. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
4. Zoning By-law No. 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 to R (d1.0) (x41) and O as shown on Diagram 2 attached to this By-law; and
5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 41, so that it reads:

Exception R 41

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 666 Spadina Avenue, if the requirements in Section 6 and Schedule A of by-law [Clerks to insert by-law#] are complied with, none of the provisions of 10.10.40.10(1) and 10.10.40.40(1) apply to prevent the erection and use of a **building, structure**, addition or enlargement permitted in compliance with (B) to (W) below;
- (B) Despite regulation 10.5.40.10(1), the height of the **building** is the distance between the Canadian Geodetic Datum elevation of 111.10 metres and the elevation of the highest point of the **building**;
- (C) Despite regulation 10.10.40.10(1) the height of any **building** or **structure** on the **lot** must not exceed the maximum height in metres specified by the numbers following the symbol HT as shown on Diagram 3 of By-law [Clerks to supply by-law ##];
- (D) Despite regulation 10.5.50.10(4) the **lot** must have:
 - (i) a minimum 45% of the area of the **lot** for **landscaping**; and
 - (ii) a minimum of 65% of the **landscaping** area required in (i) above, must be **soft landscaping**.
- (E) A minimum of 725 square metres of privately owned publicly accessible open space, and one privately owned publicly accessible pedestrian walkway easement must be provided on the lot in the locations as shown on Diagram 3 By-law [Clerks to supply by-law ##];
- (F) In addition to the uses permitted pursuant to Section 10.10.20.10(1) the following uses are also permitted within Building A, as shown on Diagram 3 of By-law [Clerks to supply by-law ##]: **art gallery, artist studio, automated banking**

machine, eating establishment, financial institution, personal service shop, office, retail store, recreation use, or take-out eating establishment;

- (G) Despite regulation 10.10.20.100(12), more than one **retail store** is permitted within Building A as shown on Diagram 3 of By-law [Clerks to supply by-law ##], provided:
- (i) the total **gross floor area** of all **retail stores** does not exceed 700 square metres; and
 - (ii) **retail stores** are located on the first **storey**.
- (H) Regulation 10.10.40.30(1)(B), with respect to **building depth**, does not apply;
- (I) Despite regulation 10.10.40.40(1), the maximum **gross floor area** of all **buildings** and structures is 30,600 square metres and:
- (i) the total **gross floor area** for Building A as shown on Diagram 3 of By-law [Clerks to supply by-law ##] must not exceed 10,400 square metres, of which a maximum of 9,700 square metres may be used for residential uses and a maximum of 700 square metres may be used for non-residential uses; and
 - (ii) the total **gross floor area** for Building B as shown on Diagram 3 of By-law [Clerks to supply by-law ##] must not exceed 20,200 square metres.
- (J) Despite regulation 10.10.40.50(1) **amenity space** for all **dwelling units** in Building A and Building B as shown on Diagram 3 of By-law [Clerks to supply by-law ##] must be provided in accordance with the following:
- (i) a minimum of 525 square metres of indoor **amenity space** in Building B and a minimum of 335 square metres of indoor **amenity space** in Building A, consisting of a multi-purpose room or rooms that must include food preparation and sanitary facilities; and
 - (ii) a minimum of 1,237 square metres of outdoor **amenity space** that does not have to be adjoining or be directly accessible from the indoor **amenity space**.
- (K) Despite regulations 10.5.40.70(1) and 10.10.40.70 the required minimum **building setbacks** are shown on Diagram 3 of By-law [Clerks to insert By-law Number];
- (L) Despite clause 10.5.40.60 the following building elements are permitted to encroach into the required setbacks:
- (i) trellises, eaves, cornices, window sills, vents, ornamental elements, lighting fixtures, guardrails, balustrades, stairs, railings, and wheelchair ramps;

- (ii) balconies may project a maximum of 1.8 metres beyond the heavy lines and **building** envelopes specified on Diagram 3 of By-law [Clerks to insert By-law Number]; and
 - (iii) canopies may encroach into the required setbacks but must be located within the areas delineated by the dashed lines as identified on Diagram 4 of By-law [Clerks to supply by-law ##]
- (M) Despite clause 10.5.40.10 the following **building** elements and **structures** are permitted to project vertically beyond the height limits specified in Diagram 3 of By-law [Clerks to supply by-law ##]:
- (i) parapets, antennas, elevator overruns, guardrails, railings, balustrades, stairs, stair enclosures, privacy screens, flues, vents and air intakes, trellises, eaves, frames, ornamental or architectural elements, insulation and roof surface materials, landscape elements, lighting fixtures, solar panels and solar hot water heaters, communications equipment, lightning rods, window washing equipment, and elements or structures on the roof of the building used for outside or open air recreation, green roof, drainage, safety or wind protection purposes which may project a maximum of 2.0 metres above the height specified by the numbers following the "HT" beyond the heights specified on Diagram 3;
- (N) Despite regulation 10.5.40.10(3) no projection, other than those permitted in (M) above, are permitted beyond the height specified by the numbers following the "HT" as shown on Diagram 3 of By-law [Clerks to supply by-law ##]: for the area labeled "Top of Mechanical Penthouse";
- (O) Despite regulation 10.5.40.10(4)(A), regarding the functional operation area of a building does not apply;
- (P) Despite regulation 200.5.1(3) the minimum **drive aisle** width may be 5.48 metres;
- (Q) Despite clause 200.5.1.10(2)(B) and (D), a **parking space** existing on [Clerks to supply date of by-law enactment] in the underground garage may have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 2.6 metres; and
 - (iii) vertical clearance of 2.0 metres.
- (R) Despite the parking rates in Table 200.5.10.1 and regulation 200.5.1.10.1(1) **parking spaces** must be provided as follows:
- (i) a minimum of 159 **parking spaces** for residents;
 - (ii) a minimum of 37 **parking spaces** for residential visitors; and

- (iii) no **parking spaces** are required for non-residential uses.
- (S) Despite regulation 200.15.1(1) and 200.15.1.5 an accessible **parking space** may:
 - (i) have a vertical clearance of 2.0 metres; and
 - (ii) a **parking space** does not have to be located closest to a main pedestrian access to a **building**;
- (T) Despite regulation 220.5.10 one **loading space - Type C**, and one **loading space - Type G** must be provided on the **lot**;
- (U) Despite regulation 230.5.1.10(6) and (9), and 230.5.10.1(1) and (5) **bicycle parking spaces** for all **dwelling units** in Building A and Building B must be provided and maintained on the **lot** in accordance with the following:
 - (i) a minimum of one hundred and fourteen (114) **bicycle parking spaces** – long-term must be provided within Parking level 1 and Parking level 2;
 - (ii) a minimum of forty-six (46) **bicycle parking spaces** – long-term must be provided at grade;
 - (iii) a minimum of fourteen (14) **bicycle parking spaces** – short-term shall be provided at grade; and
 - (iv) no **bicycle parking spaces** are required for nonresidential uses.
- (V) Despite regulation 5.10.40.70(2) setbacks below grade do not apply; and
- (W) Section 600.10, with respect to tall building regulations in the Downtown does not apply.

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

6. 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 Diagram 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.

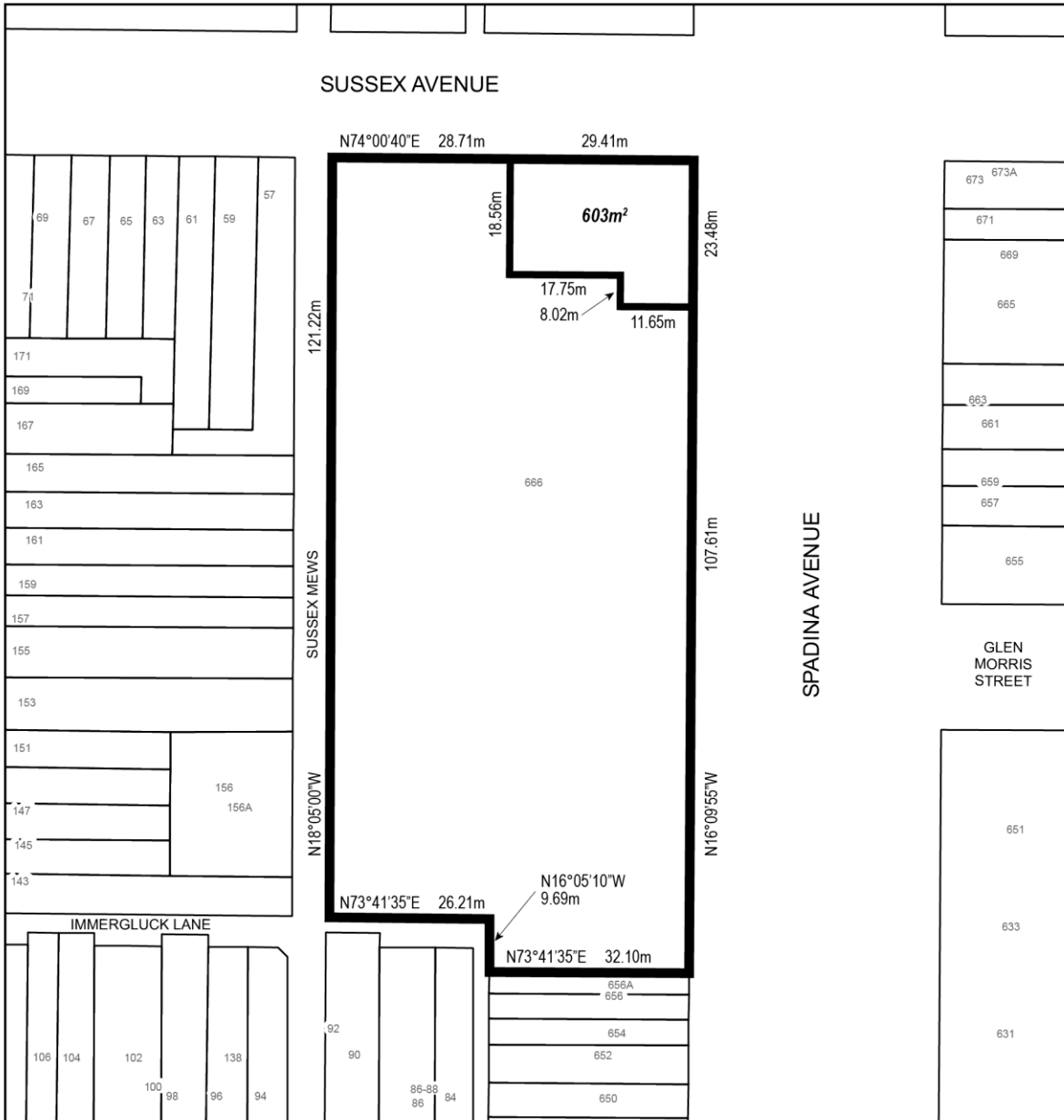
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

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

Name,
Speaker

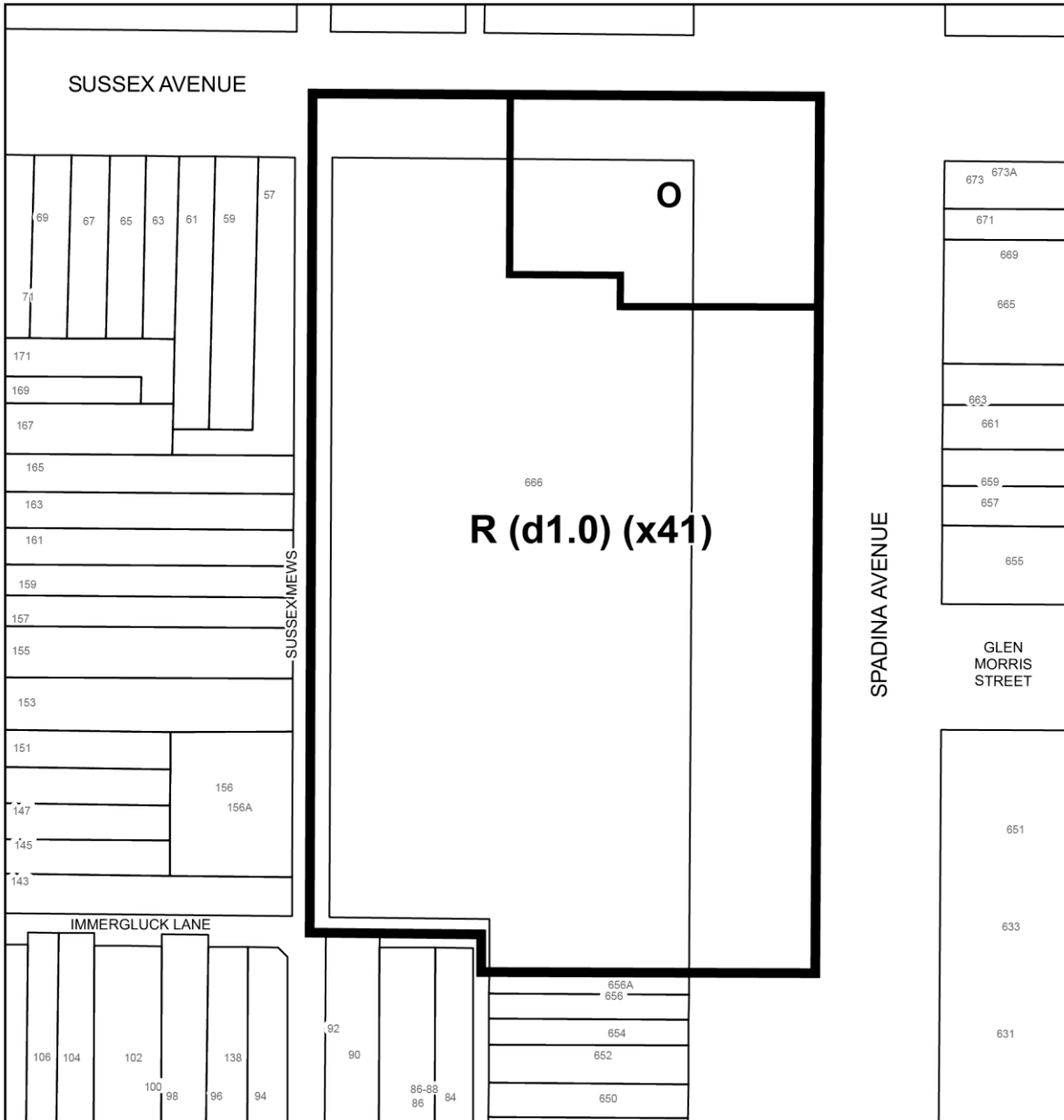
Ulli S. Watkiss,
City Clerk

(Seal of the City)



666 Spadina Avenue

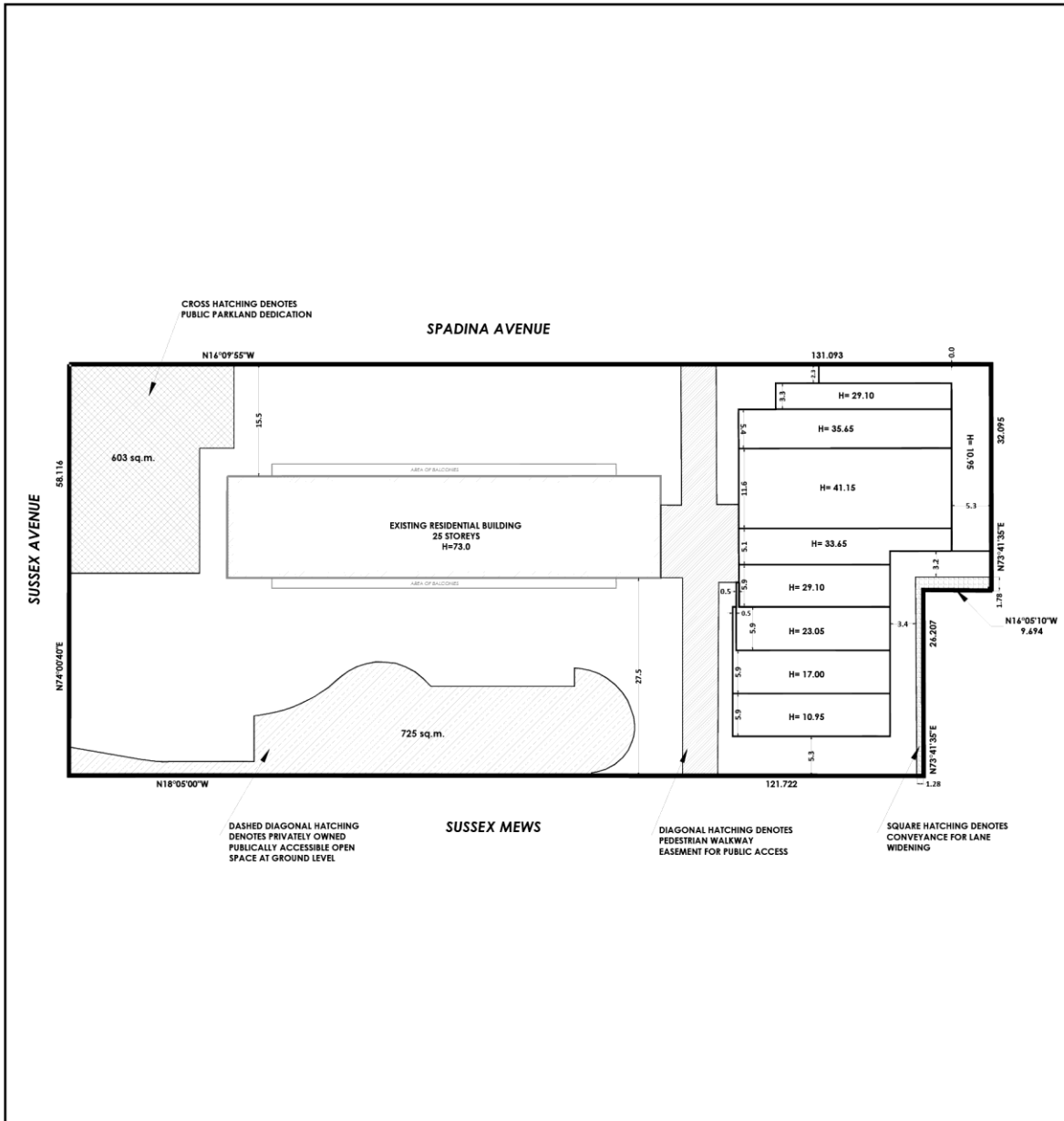
File # 16 198194 STE 20 0Z



 **TORONTO**
Diagram 2

666 Spadina Avenue

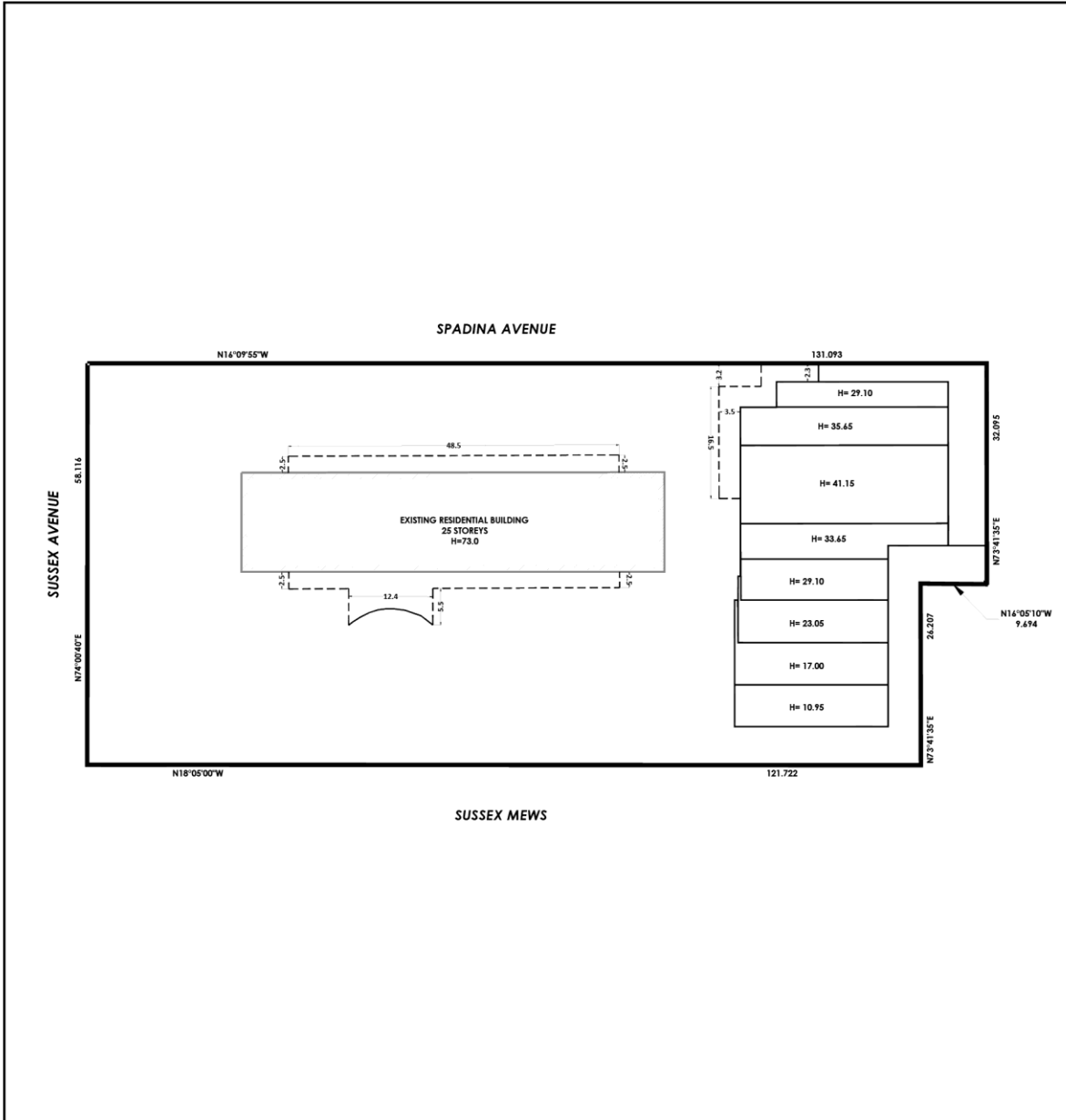
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TORONTO
 Diagram 3

666 Spadina Avenue


File # 16 198194 STE 20 0Z



 **TORONTO**
Diagram 4

666 Spadina Avenue

File # 16 198194 STE 20 02


City of Toronto By-Law 569-2013
Not to Scale
10/10/2017

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:

1. Prior to the issuance of the first above-grade building permit, the owner shall pay a cash contribution of \$800,000.00 to the City to be allocated as follows;
 - a) \$475,000 to Wigwamen for new affordable housing on their site at 14 Spadina Road, in consultation with the Chief Planner and Executive Director, City Planning, and the Ward Councillor; and
 - b) \$325,000 towards local streetscape, and/or public realm, and/or neighbourhood greening improvements in the vicinity which may include those identified as part of the Harbord Village Green Plan at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. the payment amounts identified in "1" above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment; and
3. in the event the cash contributions referred to in "1" above 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, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
4. The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience to support development, at the owner's expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - c) The Owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a privately owned publicly accessible open space (POPS) of not less than 725 square metres, generally shown on the draft Zoning By-law Amendments attached as Attachments 10 and 11. Prior to the issuance of Site Plan Approval, the Owner shall convey to the City for nominal consideration an easement along the surface of the lands which shall constitute the POPS. The Owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of

the day and night, 365 days of the year. The specific location, configuration and design of the POPS shall be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;

- d) The Owner shall construct, to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway, generally shown on the draft Zoning By-law Amendments attached as Attachments 10 and 11, which shall have a minimum width of 2.5 metres. Prior to final site plan approval, the Owner shall convey to the City, for nominal consideration, an easement along the surface of the lands which shall constitute the pedestrian walkway, to the satisfaction of the City Solicitor. The specific location, configuration and design of the pedestrian walkway shall be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;
- e) the owner shall provide and maintain the 334 existing rental housing units at 666 Spadina Avenue as rental housing for the period of at least 20 years, from the date of the Zoning By-law coming into full force and effect, with all associated facilities and building amenity improvements to be secured for the rental housing units, at no extra cost to the existing tenants, and with no applications for demolition or conversion from residential rental use, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor;
- f) the owner shall provide at least 30% 2-bedroom units and 10% 3-bedroom units within the proposed 11 storey building on the site;
- g) Prior to the issuance of the first building permit, the owner will submit a Construction Management Plan and Mitigation Strategy, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, details regarding size and location of construction staging areas, dates and significant concrete pouring activities, mitigation strategies to reduce the impact on adjacent residents including negative effects of safety lighting, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary;
- h) Prior to the issuance of the first building permit, the owner will submit a Tenant Communication Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- i) Any applications required to remove or injure trees (both City and private) to the satisfaction of the General Manager, Parks, Forestry and Recreation;

- j) prior to site plan approval, the owner shall submit a revised Wind Study for the proposed development and an undertaking to implement any necessary mitigation measures, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- k) on-site dog amenities will be provided at the owner's expense with proper disposal facilities for the building residents including dog relief stations, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- l) the owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard;
- m) the owner shall be financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- n) in support of development, the owner shall pay for and construct any improvements to the existing municipal infrastructure determined to be necessary as set out in a Functional Servicing Report accepted by the Chief Engineer and Executive Director Engineering and Construction Services;
- o) the owner shall construct and maintain the indoor amenity space to be shared by both buildings;
- p) the owner will provide and maintain new and renovated indoor amenity space to the satisfaction of the Chief Planner and Executive Director, City Planning in order to provide for at least the following: a common room with at least one boardroom table; a fitness and exercise room; and a party room that will include a kitchenette, and direct access to a washroom;
- q) the owner shall make available all indoor and outdoor amenity spaces generally as illustrated on the Ground Floor Plan for the proposed 11 storey building and existing building to tenants of both buildings without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings;
- r) prior to the issuance of the first above-grade building permit for the site, no less than 603 square metres of unencumbered parkland shall be satisfactorily conveyed to the City, located on the north-east corner of the site with frontage on both Spadina Avenue and Sussex Avenue, pursuant to section 42 of the Planning Act. These lands shall meet Parks, Forestry and Recreations environmental requirements and base park conditions, as set out in the Memorandum to Community Planning and City Legal provided by Planning, Design and Development Parks, Forestry and Recreation dated September 27, 2016 as well as

have no remaining underground parking garage structure beneath the park, to the satisfaction of the General Manager, Parks Forestry and Recreation; and

- s) the owner shall be required to enter into Limiting Distance Agreements in relation to the new parkland should they be determined to be necessary by the General Manager, Parks, Forestry and Recreation.