

Attachment 5: Draft Zoning By-law Amendment 438-86

Authority: Toronto and East York Community Council Item No. [INSERT ITEM NUMBER] adopted by City of Toronto Council on [INSERT DATE], 2019

CITY OF TORONTO

BY-LAW No. [INSERT REFERENCE NUMBER]- 2019

To amend Zoning By-law No. 438-86, as amended with respect to lands municipally known as 379-391 Adelaide Street West and 96 Spadina Avenue, Toronto.

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

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the lot of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreement's pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the lot is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the *owner* has satisfied the said requirements.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the *City* pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. None of the provisions of Section 2 with respect to the definition of the terms lot, grade, height, total floor area, and Sections 4(1), 4(2), 4(5), 4(8), 4(13), 4(14), 4(17), 7(1), 7(3), 11(1), 11(2), 12(1), 12(2) of By-law No. 438-86, as amended for the former City of Toronto, being "A by-law to regulate the use of land and the

erection use, bulk, height, spacing of land and other matters relating to the 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 and use of a mixed use building on the lands municipally known as 379-391 Adelaide Street West and 96 Spadina Avenue, Toronto provided that:

- (a) The **lot** consists of at least those lands delineated by heavy lines on the attached Map 1 attached to and forming part of this by-law;
- (b) The maximum **gross floor area** permitted on the **lot** is 21,850 square metres for non-residential purposes and 0 square metres for residential purposes.
- (c) The height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 88.32 metres to the highest point of the **building** or **structure**;
- (d) No part of a **building** or **structure** erected or used above finished ground level on the **lot** shall exceed the **height** limits above **grade** in metres specified by the number following the symbol "H" as shown on Map 2;
- (e) No portion of a **building** or **structure** located above finished ground level shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2;
- (f) Nothing in subsection (d) above shall apply to prevent the following elements from projecting above the height limits shown on Map 2:
 - (i) **Structures**, elements and enclosures permitted by regulation (f) below; 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 Map 2
- (g) Nothing in subsection (e) above shall apply to prevent the following elements from projecting beyond the heavy lines shown on Map 2:
 - (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 Map 2;
 - (iii) Balconies that project a maximum distance of 2.0 metres beyond the heavy lines shown on Map 2, provided such balconies do not project over the portions identified as “Existing Building” as shown on Map 2;
 - (iv) The erection or use of the **structures**, elements and enclosures permitted by regulation (e) above;
 - (h) **83 parking spaces** are required, which may be provided off-site within a **public parking** facility that is within 300 metres of the **lot**;
 - (i) A minimum of two Type “B” **loading spaces** one Type “C” **loading spaces** must be provided and maintained on the **lot**;
 - (j) **Bicycle parking spaces** shall 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**.
 - (k) **Bicycle parking spaces** may be located as follows:
 - (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;
 - (l) A minimum of 5 shower-change facilities shall be provided on the **lot**;
 - (m) For the purpose of this exception, each word or expression in bold type shall have the same meaning as each such word or expression is defined in Chapter 800 of By-law 569-2013, except as amended by Chapter 50 of By-law 569-2013; and
 - (n) Despite any existing or future severance, partition, or division of the **lot**, the provisions of this Exception shall apply as if no severance, partition or division had occurred.
5. 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 Map 2 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.

6. 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.
7. 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 this ~ day of ~, A.D. 20~.

John Tory, ULLI S. WATKISS,
Mayor City Clerk

(Corporate Seal)

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 owner shall make 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 Division, in consultation with the Ward Councillor.
- (2) Prior to the issuance of the first above-grade building permit, the owner shall make 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 Division, in consultation with the Ward Councillor.
- (3) Prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution of \$320,000 towards community services and facilities within the boundaries of Ward 10, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
- (4) Prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution of \$320,000 towards 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 Division, in consultation with the Ward Councillor.
- (5) All cash contributions referred to in Recommendation 7.a-d 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.
- (6) In the event the cash contributions referred to in Recommendation 7.a-d 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.

(7) 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

Map 1

Map 2

