

Authority: Toronto and East York Community Council
Item TE34.6, as adopted by City of Toronto Council on
July 19 and 20, 2022

CITY OF TORONTO

Bill 895

BY-LAW -2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 1423-1437 Bloor Street West and 278 Sterling Road.

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 pursuant to Section 39 of the Planning Act, as amended, the Council of a Municipality may, in a By-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the By-law; 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 Section 37.1 of the Planning Act provides that Subsections 37(1) to (4) of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 on the aforesaid lands by By-law 569-2013, as amended, in return for the provision of such facilities, services or matters as are set out in this 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 in Schedule A of this By-law in return for the increase in height and density permitted on the aforesaid lands by By-law 569-2013, as amended; and

Whereas Schedule A of this By-law requires the owner of the aforesaid lands to provide certain facilities, services or matters and enter into an agreement or agreements between the owner of the land and the City of Toronto prior to the issuance of a building permit;

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 amending the zone label on the Zoning By-law Map in Section 990.10, respecting the lands subject to this By-law, from a zone label of CR 3.0 (c1.0; r2.5) SS2 (x1753) to a zone label of CR 3.0 (c1.0; r2.5) SS2 (x658) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 658 so that it reads:

(658) Exception CR 658

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 1423-1437 Bloor Street West and 278 Sterling Road, if the requirements of By-law [Clerks to insert By-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (T) below:
- (B) For the purposes of this exception, the **front lot line** shall be the **lot line** abutting Bloor Street West;
- (C) Despite Regulation 40.10.40.1(1), residential lobby access is permitted to be located on the same **storey** as non-residential use portions of the **building**;
- (D) Despite Regulations 40.5.40.10(1) and 40.5.40.10(2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 113.06 metres and the elevation of the highest point of the **building** or **structure**;
- (E) Despite Regulation 40.10.40.10(2), the permitted maximum **height** of a **building** or **structure** is the number following the "HT" symbol in metres as shown on Diagram 3 of By-law [Clerks to insert By-law ##];
- (F) Despite (E) above and Regulations 40.5.40.10(4) to (7), and 40.5.40.10(6), the following equipment and **structures** may project beyond the permitted maximum height of a **building**, in accordance with the following:

- (i) **structures** located on the area of the **building** shown on Diagram 3 of By-law [Clerks to insert By-law ###] denoted as "HT 59.5" used for elevators, elevator overruns, window washing equipment, and related structural elements as well as **structures** on any roof used exclusively for the storage of mechanical, electrical, or other equipment used for the functional operation of the building by a maximum of 7.0 metres and may cover no more than 65 percent of the area of the roof of the **building**, measured horizontally;
 - (ii) **structures** of any roof used for outdoor **amenity space** or open air recreation and elements of a green roof by a maximum of 4.0 metres; and
 - (iii) balcony dividers, privacy screens, parapets, architectural elements, landscape features, light fixtures, acoustical and privacy screens, sound barriers, and wind mitigation equipment by a maximum of 2.0 metres.
- (G) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 14,900 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 14,500 square metres;
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 400 square metres; and
 - (iii) a minimum of 100 square metres of non-residential **gross floor area** must be provided.
- (H) Of the total number of **dwelling units** provided on the **lot**:
- (i) a minimum of 15 percent must be two-bedroom **dwelling units**; and
 - (ii) a minimum of 10 percent must be three-bedroom **dwelling units**.
- (I) Despite Regulation 40.10.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** at the following rate:
- (i) at least 2.2 square metres for each **dwelling unit** as indoor **amenity space**; and
 - (ii) at least 1.5 square metres of outdoor **amenity space** for each **dwelling unit**.
- (J) The permitted maximum floor area for each **storey** of a **building** above a height of 20.0 metres, as measured from the Canadian Geodetic Elevation of 113.06, is 850 square metres, measured from the exterior of the **main wall** of each floor level;

- (K) Despite Regulation 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** and the required minimum separation of **main walls** are as shown in metres, on Diagram 3 of By-law [Clerks to insert By-law ##];
- (L) Despite (K) above, the required minimum **building setback** for the ground floor between a height of 0 metres and 4.5 metres is:
- (i) 2.9 metres from the **lot line** abutting Bloor Street West to the **main wall** of the **building** at the ground floor;
 - (ii) 6.5 metres from the **lot line** abutting Perth Avenue to the **main wall** of the **building** at the ground floor; and
 - (iii) 3.7 metres from the **lot line** abutting Sterling Road to the **main wall** of the **building** at the ground floor.
- (M) Despite (K) above and Regulations 40.10.40.60(1) to (9), the following elements may encroach into the required minimum **building setbacks** and minimum separation distances as follows:
- (i) cornices, window sills, eaves, balustrades, ornamental or architectural features, to a maximum extent of 0.75 metres;
 - (ii) balconies, to a maximum extent of 2.5 metres;
 - (iii) canopies and awnings, including structural support **structures**, to a maximum extent of 4.0 metres; and
 - (iv) railings, planters, stairs, light fixtures, bollards, safety railings, guards, guardrails, wheelchair ramps, **bicycle parking** facilities, landscape features, architectural features, and art installations to a maximum extent of 2.0 metres.
- (N) Regulations 40.10.50.10(1), 40.10.50.10(2), and 40.10.50.10(3) with respect to **landscaping** requirements, do not apply;
- (O) Despite Regulations 200.5.10.1(1) and 200.5.10.1(2) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) Resident requirement for a **dwelling unit** in an **apartment building** or **mixed use building**:
 - (a) a minimum of 0 **parking spaces** for each **dwelling unit**;
 - (b) a maximum of 0.3 **parking spaces** for each bachelor **dwelling unit** up to 45 square metres and 1.0 for each bachelor **dwelling unit** greater than 45 square metres;

- (c) a maximum of 0.5 **parking spaces** for each one-bedroom **dwelling unit**;
 - (d) a maximum of 0.8 **parking spaces** for each two-bedroom **dwelling unit**; and
 - (e) a maximum of 1.0 **parking space** for each three-bedroom **dwelling unit**.
- (ii) Visitor requirement for a **dwelling unit** in an **apartment building** or **mixed use building**:
- (a) a minimum of 2.0 **parking spaces** plus 0.01 **parking spaces** per **dwelling unit**;
 - (b) a maximum of 1.0 **parking space** per **dwelling unit** for the first five **dwelling units**; and
 - (c) a maximum of 0.1 **parking spaces** per **dwelling unit** for the sixth and subsequent **dwelling units**.
- (iii) No **parking spaces** are required for non-residential uses; and
- (iv) A minimum of two "car-share **parking spaces**".
- (P) For the purposes of this exception:
- (i) "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short term rental, including hourly rental; and
 - (ii) "car-share parking space" means a parking space exclusively reserved and signed for a **vehicle** used only for "car-share" purposes.
- (Q) Despite Regulation 200.15.10(1), three accessible **parking spaces** must be provided in accordance with the following:
- (i) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and
 - (c) vertical clearance of 2.1 metres.

- (ii) The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By-law 579-2017; and
- (iii) Despite Regulation 200.15.1(4), accessible **parking spaces** are required to be within 30 metres of a barrier free entrance to the **building** and passenger elevator that provides access to the first **storey** of the **building**.
- (R) Despite Regulation 40.10.80.20(2), a **parking space** must be set back at least 4.9 metres from a **lot** in the Residential Zone category;
- (S) Despite Regulation 200.5.1.10(13), access to the required **parking spaces** may be provided by **vehicle** elevators;
- (T) Regulations 230.5.1.10(9) and 230.40.1.20(2), in relation to the location of "long-term" and "short-term" **bicycle parking spaces**, do not apply;

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

5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

6. Temporary Uses:

- (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office, which is a temporary **building, structure**, facility, or trailer on the lands used exclusively for the purpose of marketing or sale of **dwelling units** or non-residential gross floor area to be erected on the **lot** for a period of not more than three years from the date this By-law comes into full force and effect.

7. Section 37 Requirements:

- (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 of this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A of this By-law 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 and enter into an agreement or agreements prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and

- (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 July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A**Section 37 Requirements**

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 any Building Permit, the owner shall enter into an agreement and the agreement shall be registered on title to the lands to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure facilities, services or matters set out below:
 - (A) The owner shall provide to the City a Letter of Credit, in the City's standard form, in the amount of \$1,835,000, to be held by the City until the community agency space, cash contribution and affordable rental dwelling units has been delivered on the 1319 Bloor Street West site to the satisfaction of the Executive Director, Social Development, Finance and Administration, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning and the City Solicitor. The City may draw upon the entire Letter of Credit, to be used for community benefit purposes in the vicinity of this area at the discretion of the Chief Planner and Executive Director, City Planning and the City Solicitor, at the expiry of five (5) years after the passage of the bills for 1319 Bloor Street West if the owner of 1319 Bloor Street West has not pulled building permits for residential development and proceeded with redevelopment of 1319 Bloor Street West. The five (5) year timeframe can be extended at the sole discretion of the Chief Planner and Executive Director, City Planning and the City Solicitor; and
 - (B) The Letter of Credit to be provided to the City as stated in Subsection 1(A) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, as reported quarterly by Statistics Canada Table 18-10-0135-01 (formerly CANSIM 327-0058), or its successor, calculated from the date the Zoning By-law for 1423-1437 Bloor Street West and 278 Sterling Road is passed.
2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development, prior to Site Plan approval:
 - (A) The owner shall prepare all documents and convey to the City, at nominal cost, a 1.98-metre-wide strip of land to the full extent of the site abutting the north limit of the east-west public laneway, and such strip of land shall be free and clear of all physical and title obstructions, encumbrances, and any temporary hoarding, and subject to an easement for piles and other associated materials from construction of shoring for the development, as well as a right-of-way for access purposes in favour of the owner until such time as the strip of land has been laid

out and dedicated for public laneway purposes;

- (B) The owner shall prepare all documents and convey a Pedestrian Clearway Easement to the City to secure:
- (i) A minimum 2.1 metre wide pedestrian clearway along Bloor Street West;
 - (ii) A minimum 2.1 metre wide pedestrian clearway along Sterling Road; and
 - (iii) A 5.0 metre corner rounding at the southeast corner of Bloor Street West and Perth Avenue and at the southwest corner of Bloor Street West and Sterling Road.

Together with rights of support, such lands shall be free and clear of all further physical and title encumbrances, and subject to a right-of-way for access and construction purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated for public pedestrian clearway purposes, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor;

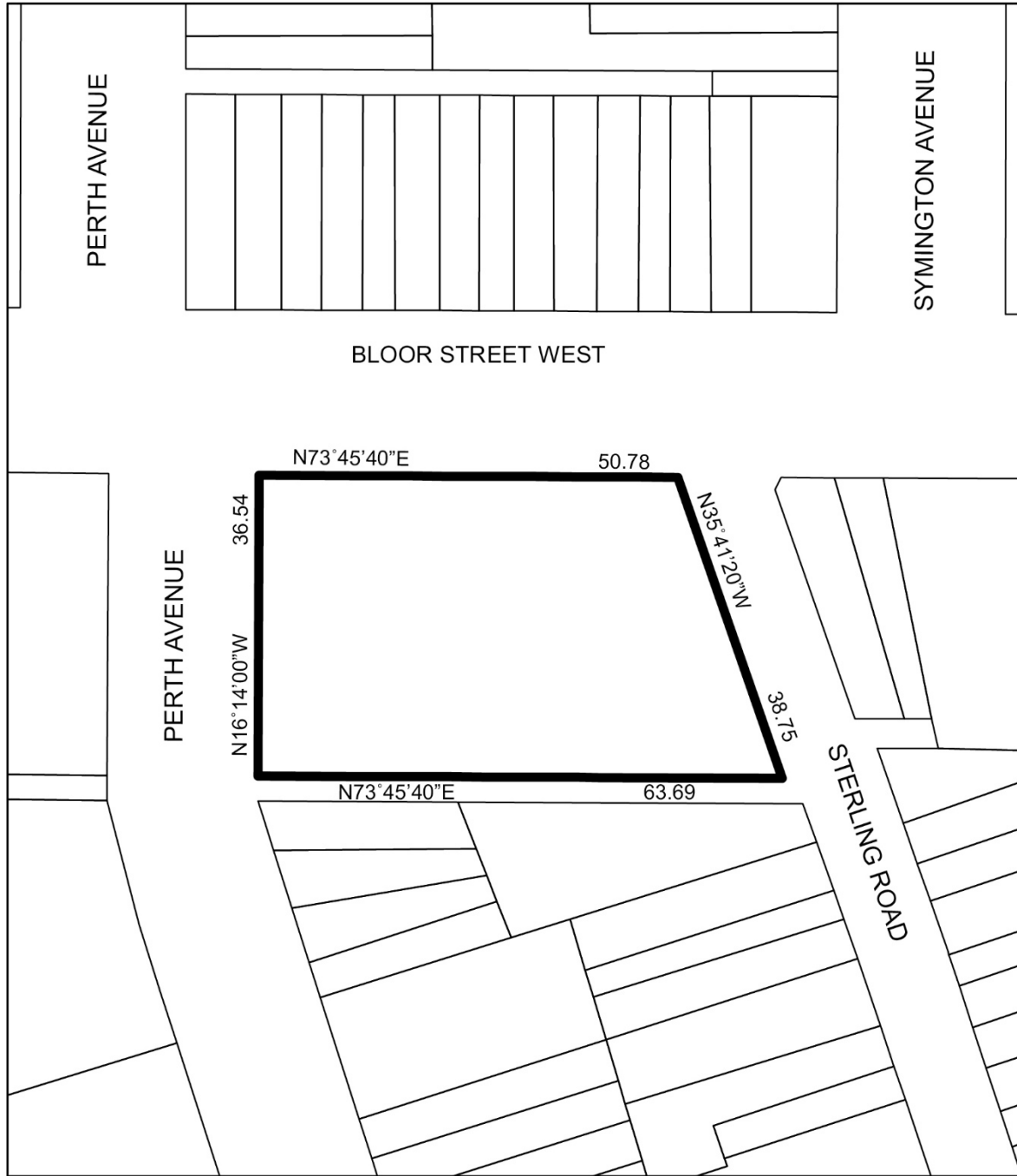
- (C) The owner shall submit to the Chief Engineer and Executive Director, Engineering and Construction Services, a draft Reference Plan of Survey in metric units and integrated into the Ontario Coordinate System, with coordinate values shown on the face of the plan and delineating thereon, by separate PARTS, the public laneway lands to be conveyed to the City and the Pedestrian Clearway Easement lands along Bloor Street West, Perth Avenue, and Sterling Road, the lands to be subject to rights of support, and the remainder of the site, including any appurtenant right-of-way, for review and approval, prior to depositing it in the Land Registry Office;
- (D) The owner shall submit financial contributions/payments in the form of a letter of credit or certified cheques and/or provide additional documentation for the implementation of a Transportation Demand Management (TDM) plan. These provisions shall include, but are not limited to:
- (i) A minimum of two (2) publicly accessible car-share spaces on-site; and
 - (ii) A minimum of one (1) bike repair station/area provided on-site.
- (E) The owner shall submit a comprehensive Construction Management Plan for each stage of the construction process, to the satisfaction of the General Manager, Transportation Services, the Chief Building Official and Executive Director, Toronto Building and the Ward Councillor. The Construction Management Plan will include, but is not limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the

surrounding community, and any other matters requested by the General Manager, Transportation Services, in consultation with the Ward Councillor;

- (F) The owner must submit a financial contribution in the amount of \$75,000.00 and undertake functional design work, along with the provision of detailed technical and signal drawings for the installation of a traffic control signal and related infrastructure at Perth Avenue and Bloor Street West, as required by the General Manager, Transportation Services;
- (G) The owner shall submit a revised Functional Servicing and Stormwater Management Report, Hydrogeological Report and supporting documents, including confirmation of water and fire flow and sanitary and storm capacity, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
- (H) The owner shall address all outstanding engineering issues set out in the memoranda dated April 1, 2022, as well as any other comments that may arise from further review of materials, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services;
- (I) Should it be determined that improvements or upgrades and/or new infrastructure are required to support the development, the owner shall provide financial securities for any upgrades or required improvements to existing and/or new municipal infrastructure identified in the accepted Engineering Reports and necessary to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (J) The owner shall submit a Noise and Vibration Impact Study for peer review, at the owner's sole expense, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (K) The owner shall provide the required soil volumes to support the planting of public and private trees along the site's Bloor Street West, Perth Avenue, and/or Sterling Road frontages, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the Chief Planner and Executive Director, City Planning; and
- (L) The owner shall provide to the City, for nominal consideration, Privately-Owned Publicly Accessible Open Space (POPS) easements for the on-site POPS, which shall be approximately 221 square metres in size, publicly accessible, and located along the Bloor Street West and Perth Avenue frontages of the development site. The owner shall provide for any necessary rights of support, encumbrances and insurance, and indemnification of the City, to the satisfaction of the Director, Real Estate Services, the Chief Planner and Executive Director, City Planning, and the City Solicitor, in consultation with the Ward Councillor. The owner shall own, operate, maintain, and repair the POPS, and install signage in a location to be determined through the Site Plan review process, all at its own expense and

stating that members of the public shall be entitled to the use of the POPS at any time, 365 days a year. The final design and program of the POPS shall be determined through the Site Plan review process and secured in a Site Plan Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning.

Diagram 1



 **TORONTO**
Diagram 1

1423-1437 Bloor Street West
and 278 Sterling Road

File # 21 139658 STE 09 02

Diagram 2

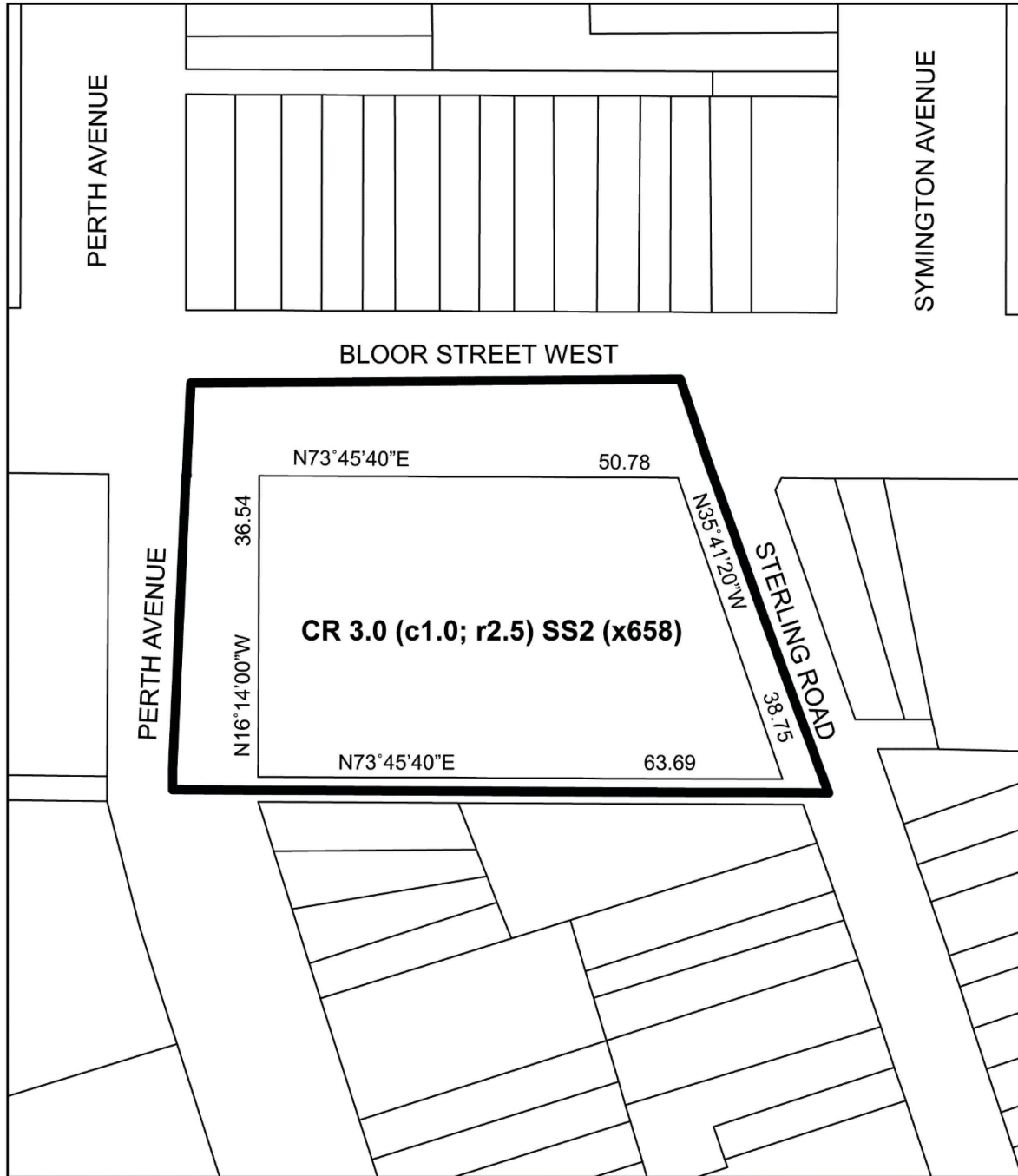
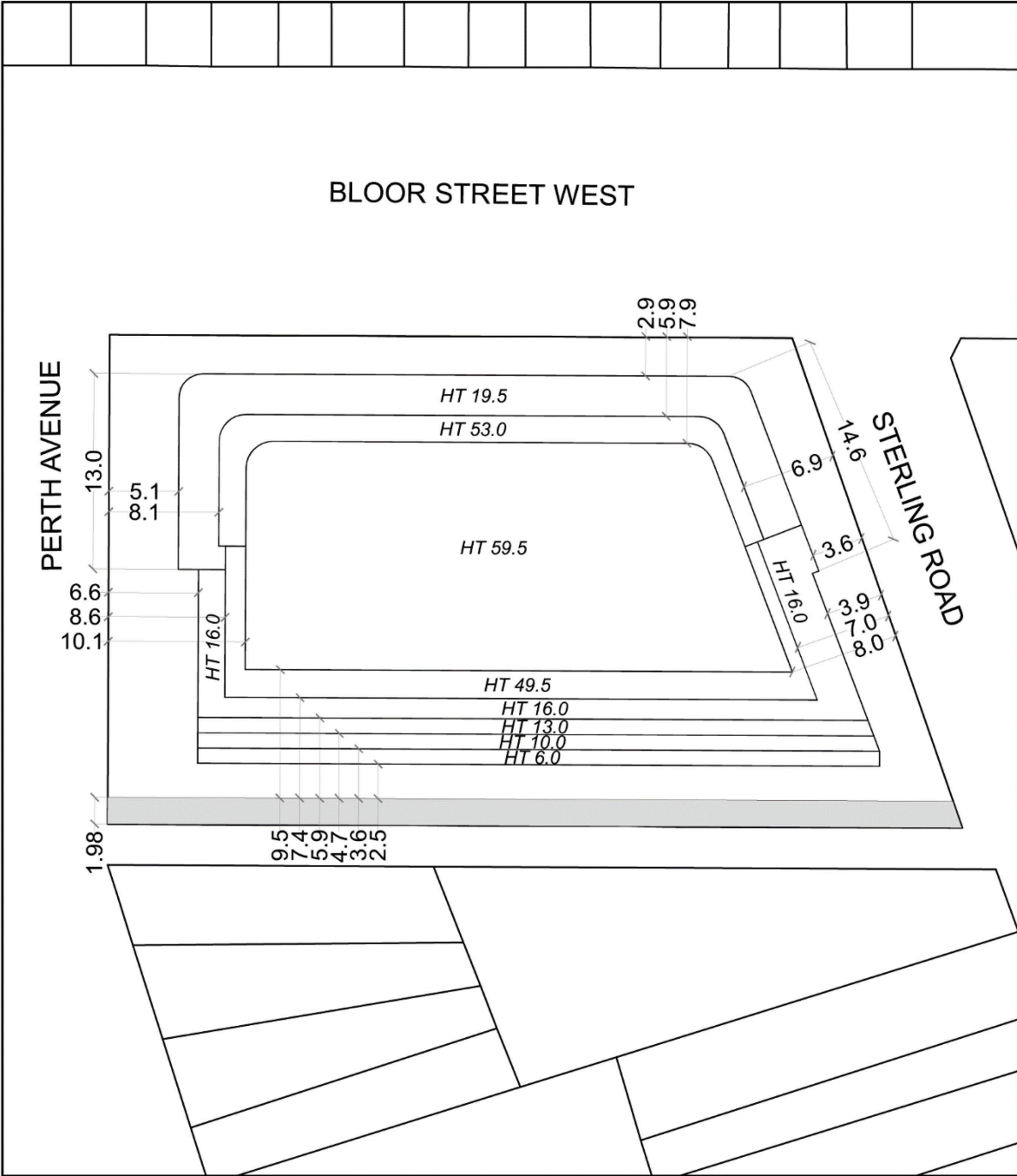


Diagram 3




 **TORONTO**
Diagram 3

1423-1437 Bloor Street West
and 278 Sterling Road

File # 21 139658 STE 09 OZ

 Laneway Widening


City of Toronto By-law 569-2013
Not to Scale
06/13/2022