

Authority: Ontario Municipal Board Decision issued on January 29, 2016 and Order issued on September 7, 2016 in Board File PL150122 and PL140452

CITY OF TORONTO

BY-LAW 1194-2017(OMB)

To amend Chapters 320 and 324 of the Etobicoke Zoning Code, as amended, with respect to the lands municipally known as 2800 Bloor Street West.

Whereas the Ontario Municipal Board in its Decision issued on January 29, 2016 and Order issued on September 7, 2016 in Board File PL150122 and PL140452, determined to amend the Etobicoke Zoning Code; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height or 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 matter 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, a 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 in Chapters 320 and 324 of the Etobicoke Zoning Code, 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 Ontario Municipal Board enacts as follows:

1. That the zoning map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law 11,737, be and the same is amended by changing the classification of the lands located in the former Township of Etobicoke as described in Schedule 'A' annexed hereto from Second Density Residential (R2) and Fourth Density Residential (R4) to Fourth Density Residential (R4) provided the following provisions shall apply to the development of the (R4) lands identified in Schedule 'A' attached.
2. Notwithstanding Sections 320-18A, 320-18B(2), 320-39, 320-40, 320-41, 320-42, 320-43, 320-44, 320-66, 320-67E, and 320-68 of the Etobicoke Zoning Code, the following development standards shall apply to the (R4) lands described in Schedule 'A' attached.

3. Definitions

The provisions of Section 304-3 Definitions of the Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law the following definitions will apply:

"Building Envelope"- means the building area permitted within the setbacks established in this By-law, as shown on Schedule 'B' attached hereto;

"Established Grade" - means the geodetic elevation of 110.03 metres above sea level, which is the average elevation of the ground measured at the two points where the projection of the required minimum front yard setback line is 0.01 metres past each side lot line;

"Gross Floor Area" - shall have the same meaning as the Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: Mechanical Floor Area, underground parking garage, required loading areas, and below grade bike and storage areas;

"Height" - means, with respect to each section of the building erected within the Building Envelope, the vertical distance between the "Established Grade" of the Lands as defined in this By-law and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, elevator and garbage chute overruns, parapets, architectural elements and decorative features, stairs and stair enclosures, landscape and green roof elements, and a swimming pool located on the roof of such building provided the maximum height of the top of such elements is no higher than 6 metres above the height limit otherwise applicable to the said building, excepting that a decorative feature on top the roof surface of the dome is no higher than 2.2 metres;

"Lands" - shall mean the lands described in Schedule 'A' hereto; and for the purposes of this By-law shall be based on the Lands before land dedications and conveyances to the City;

"Mechanical Floor Area" - means a room or enclosed area, including its enclosing walls within a building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators), elevator shafts, or telecommunications equipment that serves only such building;

"Minor Projections" - means minor building elements which may project from the main wall of the building beyond the required setbacks and Building Envelope setbacks, including eaves, window sills, railings, cornices, lighting fixtures, awnings, canopies, guardrails, ornamental elements, parapets, trellises, balustrades, railings, stairs, stair enclosures, bay windows, doors, covered ramps, wheel chair ramps, ramp enclosures, underground garage ramps and their associated structures, rainwater vault, retaining walls and landscape features and vents, provided that in no case shall any building element project above or below grade into the City of Toronto property abutting the Lands along

Bloor Street West and project into the City of Toronto property abutting the Lands along The Kingsway;

"Outdoor Amenity Area" - means an outdoor common area or areas provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes;

"Tandem Parking Space" - means a parking space that is positioned behind another parking space and requires the maneuvering and/or removal of a vehicle to gain access to the tandem parking space. Tandem parking spaces are not required to have direct access to the drive aisle;

"Long-Term" bicycle parking spaces are bicycle parking spaces for use by the occupants or tenants of a building;

"Rental Replacement Units" - means the ten (10) new Rental Dwelling Units in the Rental Replacement Portion of the Building comprised of three (3) New Affordable Rental Replacement Units and seven (7) New Mid-range Rental Replacement Units and "Rental Replacement Unit" means any one of them; and

"Short-Term" bicycle parking spaces are bicycle parking spaces for use by visitors to a building.

4. Permitted Use

One apartment building.

5. Gross Floor Area

The maximum Gross Floor Area, as defined herein, permitted on the Lands shall be 7,010 square metres, exclusive of mechanical areas and elevator spaces.

6. Dwelling Units

A maximum of 35 dwelling units are permitted.

7. Maximum Density

The maximum Floor Space Index (FSI) permitted on the Lands shall be 4.5.

8. Maximum Height

For the purposes of this By-law, the maximum building Heights to be permitted on the Lands designated Fourth Density Residential Zone (R4) and identified on Schedule 'A', attached, shall be as shown on Schedule 'B', attached.

9. Setbacks/Building Envelope

- (i) No building or structure within the Lands shall be located other than within the Building Envelope shown on Schedule 'B'; and
- (ii) Above and below-grade building setbacks shall be measured from the existing and revised right-of-way limits of The Kingsway and Bloor Street West, respectively.

10. Parking and Loading Requirements

Notwithstanding the provisions of Section 320-18 in its entirety, 320-19 and Section 320-66F of the Zoning Code, the following requirements shall apply to the Lands:

- (i) Minimum vehicle parking stall dimensions, excluding parking stalls for the physically disabled and tandem parking spaces, shall be 2.6 metres wide, 5.6 metres in perpendicular length, with a minimum 6.0 metre wide access aisle;
- (ii) Minimum vehicle parking stall dimensions for tandem parking spaces, shall be 2.6 metres wide, 5.6 metres in perpendicular length, with no direct access to a drive aisle;
- (iii) A minimum of one barrier free parking stall shall be provided and reserved for the physically disabled. Accessibility to this parking stall shall be barrier-free, and be situated as close as practicable to the principal pedestrian entrance to the building from the underground parking garage. The barrier free parking stall shall be 3.65 metres wide and 5.6 metres in perpendicular length, with a minimum 6.0 metre wide access aisle;
- (iv) Residential parking shall be provided at the following minimum ratios:
 - Bachelor dwelling units at 0.60 stalls per dwelling unit;
 - One-bedroom dwelling units at 0.70 stalls per dwelling unit;
 - Two-bedroom dwelling units at 0.90 stalls per dwelling unit;
 - Dwelling units with three or more bedrooms at 1.00 stall per dwelling unit; and
 - Residential visitor parking at 0.10 stalls per dwelling unit;
- (v) Tandem parking stalls shall not be included in the parking supply for the purposes of satisfying the above minimum parking requirements;
- (vi) A minimum of one loading space shall be provided on the Lands with minimum dimensions of 4.0 metres in width and 13.0 metres in length, with a 6.1 metre vertical clearance;

- (vii) Bicycle Parking shall be provided as follows:
- 6 short-term bicycle parking spaces located at-grade shall be provided; and
 - 36 long-term bicycle parking spaces located in the underground parking garage shall be provided;
- (viii) The minimum dimension of a bicycle parking space is:
- (a) minimum length of 1.8 metres;
 - (b) minimum width of 0.6 metres;
 - (c) minimum vertical clearance from the ground of 1.9 metres; and
 - (d) a stacked bicycle parking space shall have a minimum vertical clearance for each bicycle parking space of 1.2 metres.
- 11.** Outdoor Amenity Area: a minimum of 58 square metres Outdoor Amenity Area shall be provided.
- 12.** 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 Schedule 'B' in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 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.
- 13.** Where Appendix 1 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. 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 Appendix 1 are satisfied.
- 14.** Within the lands shown on Schedule 'A' 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, all to the satisfaction of the Executive Director, Engineering and Construction Services:
- (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.
- 15.** Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
- 16.** By-law 1160-2010 is repealed and replaced by this By-law.

17. Chapter 324, Site Specifics, of the Zoning Code is amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws:

| BY-LAW NUMBER AND ADOPTION DATE | DESCRIPTION OF PROPERTY | PURPOSE OF BY-LAW |
|--|---|--|
| 1194-2017(OMB) September 7, 2016 | Lands located on the north side of Bloor Street West, west of The Kingsway, municipally known as 2800 Bloor Street West | To rezone 2800 Bloor Street West from Second Density Residential (R2) and Fourth Density Residential (R4) to Fourth Density Residential (R4) subject to site-specific development standards to permit an 8-storey residential building |

Ontario Municipal Board Decision issued on January 29, 2016 and Order issued on September 7, 2016 in Board File PL150122 and PL140452

Appendix 1

Section 37 Provisions

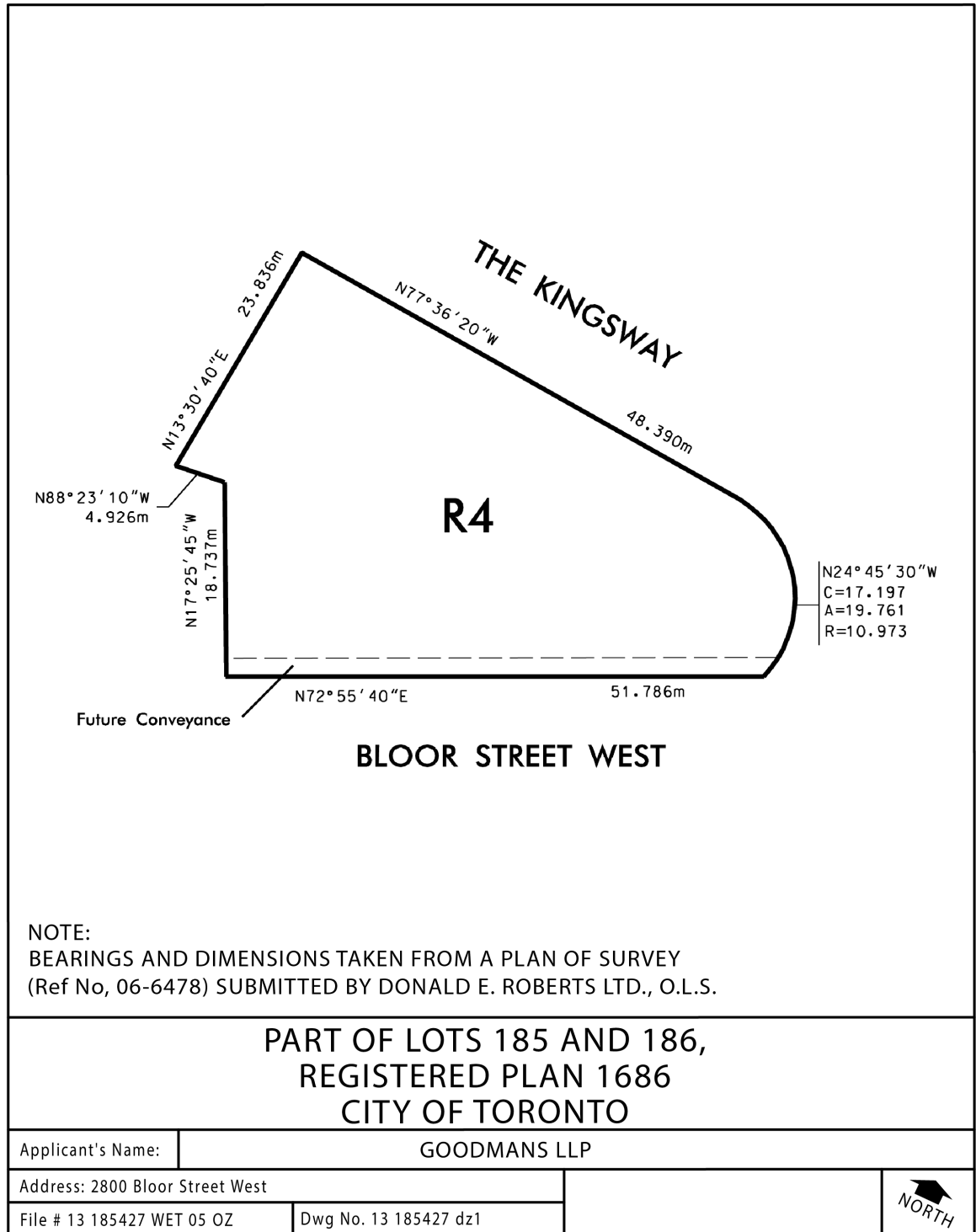
The facilities, services and matters set out herein are the matters required to be provided by the owner of the Lands at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. The owner shall pay to the City the sum of \$200,000 prior to any building permit or any demolition permit issuing for any portion of the Lands, such funds to be used toward capital improvements for community services and facilities in the vicinity of the Lands, and such amount to be indexed in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the sum by the owner to the City.
2. The owner shall provide and maintain not less than 10 new Rental Replacement Units, comprising 3 affordable rental dwelling units and 7 rental dwelling units with mid-range rents which units shall generally be of the same type and size as in the buildings existing on the Lands at the date of enactment of this by-law, to the satisfaction of the City's Chief Planner and Executive Director, City Planning Division, subject to the following:
 - (a) the 10 Rental Replacement Units shall be provided entirely on the Lands or entirely on the lands known municipally in 2015 as 2114-2130 Bloor Street West;
 - (b) the Rental Replacement Units shall be maintained as rental units for at least 20 years, beginning with the date that each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental units to be maintained as rental units;
 - (c) the 10 Rental Replacement Units shall be ready and available for occupancy no later than:
 - (i) if provided on the Lands, the date by which not more than 60 percent of the other dwelling units erected on the Lands are available and ready for occupancy; or
 - (ii) if provided on the lands known municipally in 2015 as 2114-2130 Bloor Street West, the date the first new dwelling unit erected on the Lands is available for occupancy;
 - (d) the owner shall provide and maintain affordable rents charged to the tenants who rent each of the 3 designated affordable Rental Replacement Units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount

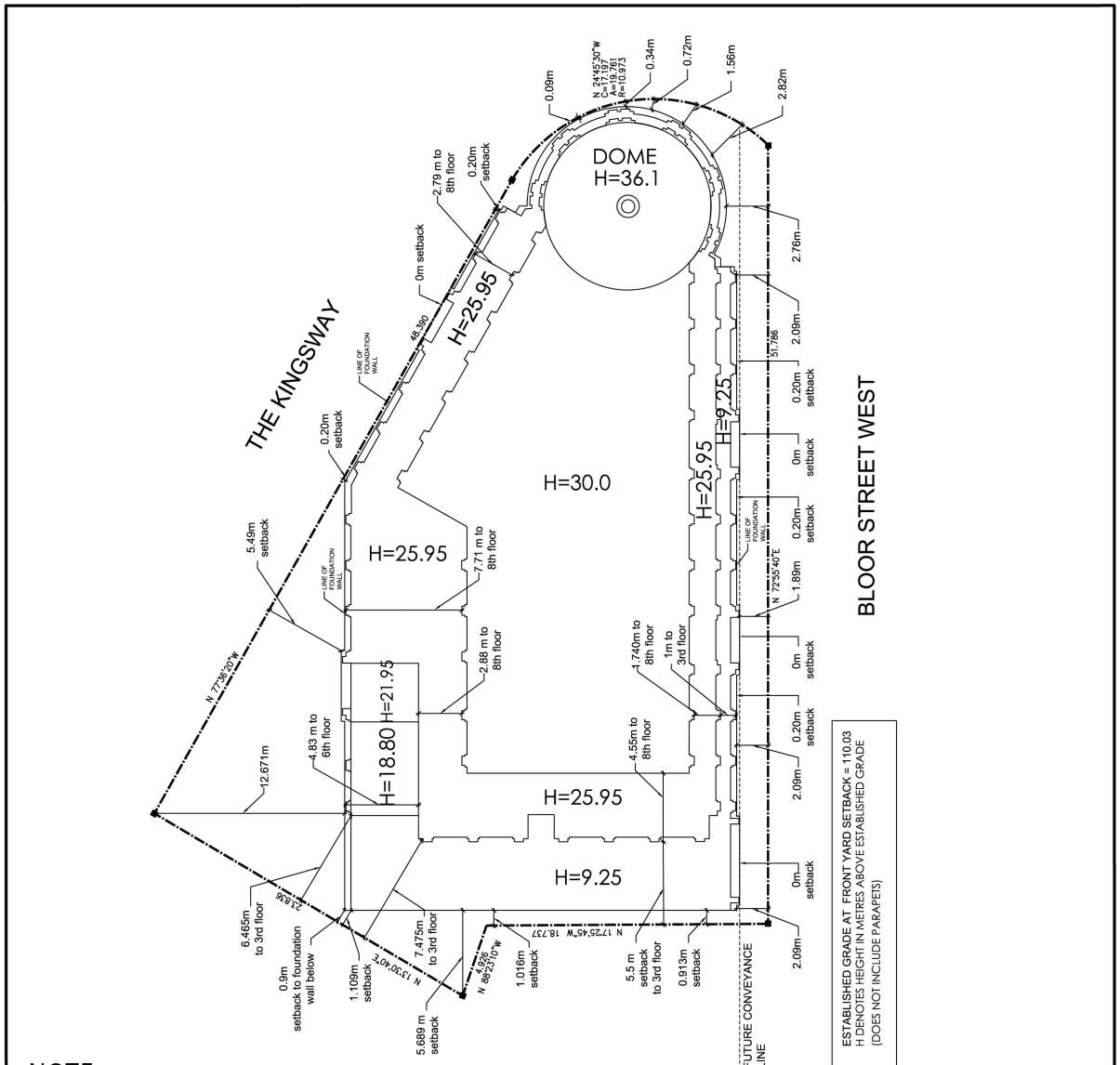
based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recently reported Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;

- (e) the owner shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent the 7 designated mid-range Rental Replacement Units on the same basis as in (d) except that the maximum mid-range rent shall not exceed an amount that is 1.5 times average market rent by unit type;
- (f) rents charged to tenants occupying affordable Rental Replacement Units or a mid-range Rental Replacement Unit at the end of the 10 year period set forth in (d) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit or until the expiry of the rental tenure period set forth in (b) with a phase-in period of at least three years for rent increases;
- (g) rents charged to tenants newly occupying a Rental Replacement Unit after the completion of the 10 year period set forth in (d) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement that is required in (2);
- (h) the owner of the Lands provides the City with a letter of credit in the amount of One Million, Five Hundred Thousand Dollars (\$1,500,000) to the satisfaction of the City Solicitor, prior to the issuance of any demolition permit or building permit for the Lands or the lands known municipally in 2015 as 2114-2130 Bloor Street West, to be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the sum by the owner to the City, to secure the provision of the 10 replacement rental dwelling units on the Lands or the lands known municipally in 2015 as 2114-2130 Bloor Street West; and
- (i) the owner of the Lands enters into and registers on title to the Lands and on title to the lands known municipally in 2015 as 2114-2130 Bloor Street West 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 Appendix 1.

Toronto Schedule 'A' BY-LAW



Toronto Schedule 'B' BY-LAW



NOTE:
 BEARINGS AND DIMENSIONS TAKEN FROM A PLAN OF SURVEY
 (Ref No, 06-6478) SUBMITTED BY DONALD E. ROBERTS LTD., O.L.S.

**PART OF LOTS 185 AND 186,
 REGISTERED PLAN 1686
 CITY OF TORONTO**

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|---------------------------------|-----------------------|--|--|
| Applicant's Name: | GOODMANS LLP | | |
| Address: 2800 Bloor Street West | | | |
| File # 13 185427 WET 05 OZ | Dwg No. 13_185427_dz2 | | |

