

Authority: Toronto and East York Community Council Item - as adopted by City of Toronto Council on _____, 2020

Enacted by Council: _____, 2020

CITY OF TORONTO

Bill No.

BY-LAW No. _____-2020

To amend the general Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands municipally known as 2 Bloor Street West.

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;

Whereas it is appropriate that Council repeal by-law 85-2001 and By-law 787-2010, as they apply to the lands subject of this By-law; 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. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended shall continue to apply to the *lot*.
2. None of the provisions of Section 2 with respect to the definitions of *height*, *grade*, *lot*, *owner*, and *parking stacker* and Sections 4(2)(a), 4(5)(b) and (h), 4(8), 4(12), 4(13), 4(14)(a), 4(17), 8(3) PART I 1, 2 and 3(a), 8(3) Part II 4(C)(II), 8(3) Part III 1, 12 (2) 259,

12 (2) 260 and 12(2)380, of 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 land 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 *mixed-use buildings* containing *dwelling units*, uses permitted in Section 8(1)(f) and above *grade* parking facilities for such dwelling units, on the lands comprising *Parcel A* on Map 1, together with the use of the building in existence on January 1, 2010 the lands comprising *Parcel B* on Map 1 on January 1, 2010 for uses permitted in Sections 8(1)(f), and 8(b)(iv) and (vi) of the Zoning By-law, are permitted, provided:

- (a) On *Parcel A*, the combined *residential gross floor area* and *non-residential gross floor area* must not exceed 136,800 square metres;
- (b) On *Parcel A*, the *residential gross floor area* shall not exceed 122,000 square metres;
- (c) On *Parcel A*, the *non-residential gross floor area* must not exceed 32,600 square metres;
- (d) On *Parcel A*, a minimum of 5,000 square metres of *non-residential gross floor area* must be provided as office space;
- (e) The maximum number of *dwelling units* is 1,650;
- (f) A minimum of 10 percent of the total number of *dwelling units* must contain at least three bedrooms;
- (g) The *height* of the building or structure or portion, including a mechanical penthouse, must not exceed the height in metres specified by the numbers following "H" as shown on Map 2 of Bylaw #####;
- (h) Despite (g) above:
 - i. structures and elements related to outdoor flooring and roofing assembly, safety railings, guard rails, railings, parapets, terraces, planters, balustrades, bollards, stairs, ancillary structures, retaining walls, and ornamental or architectural features may project above the height limits by no more than 2.0 metres;
 - ii. elements on the roof of the building or structure used for *green roof* technology and related roofing material may project above the height limits by no more than 2.0 metres;
 - iii. mechanical elements, garbage chutes, vents, emergency generators and lighting fixtures may project above the height limits by no more than 2.5 metres;
 - iv. elevator overrun, acoustical barriers, landscape features, privacy screens, terrace dividers, covered stairs or stair enclosures, and fences may project above the height limits by no more than 2.75 metres;

- v. cabanas and trellises may project above the height limits by no more than 3.6 metres;
 - vi. photovoltaic solar energy devices and sunlight collection and distribution devices (sun beamers) may project above the height limits by no more than 5.0 metres;
 - vii. window washing equipment, lightning rods and wind mitigation features;
 - viii. mechanical screening and heating/cooling towers may project above the height limits by no more than 6.0 metres;
 - ix. decorative lighting canopy and *public art* features; and,
 - x. structural elements, including but not limited to those that support the building, provided they project no higher than a Canadian Geodetic Datum elevation of 136.11 metres;
- (i) Despite (h) above, only the following structures and elements on the *lot* may extend above the *heights* identified as H 175 metres, H 216 metres, and H 254 metres on Map 2:
- i. Ancillary structures, structures and elements related to outdoor flooring and roofing assembly, parapets and *green roof* provided they extend no higher than 2 metres; and,
 - ii. elements on the roof of the building or structure used for *green roof* technology and related roofing material provided they extend no higher than 2 metres;
- (j) the required building setbacks must be provided as shown on Map 2 of By-law XXXX except that:
- i. balconies may project no more than 2.0 metres into the building setbacks required by (j);
 - ii. Despite (j)i. above, balconies located on the west side of Tower C may project no more than 3.0 metres in the building setbacks required by (j);
 - iii. despite (j)i, balconies are not permitted to project into the building setbacks on the south façade of Tower C;
 - iv. cladding, photovoltaic solar energy devices, wind mitigation features, canopies, awnings, building cornices, window washing equipment, terraces lighting fixtures, ornamental elements, lightning rods, trellises, eaves, window sills, stairs, stair enclosures, air intakes and vents, ventilating equipment, landscape and green roof elements, partitions dividing outdoor recreation areas, privacy screens, acoustical walls, wind mitigation elements, chimney stack, exhaust flues may project no more than 2.5 metres into the building setbacks required by (j);

- v. structural elements, including but not limited to those that support the building, provided they project no more than 20 metres into the required building setbacks;
 - vi. decorative lighting canopy; and,
 - vii. *public art* features;
- (k) the minimum number of *parking spaces* provided and maintained on *Parcel A* for the exclusive use of the residents of such parcel shall be in accordance with the following:
- i. a minimum of 0.15 *parking spaces* per *dwelling unit*;
 - ii. No *parking spaces* are required for visitors of the *dwelling units* or the *non-residential gross floor area*;
 - iii. no *parking spaces* are required for the non-residential uses;
 - iv. The *parking spaces* may be in an *automated parking system*;
 - v. no *parking spaces* shall be required to be provided on the *lot* or off-site for any *existing buildings* or any portion thereof remaining on the *lot* after the date of enactment of this by-law or to service any of the non-residential uses occurring on the *lot*;
- (l) *parking spaces* provided pursuant to this By-law shall comply with the parking space dimensional requirements noted in Section 4(17) of By-law 438-86, as amended, with the exception that:
- i. the minimum length of a *parking space* shall be 5.4 metres;
 - ii. the minimum width of a *parking space* shall be 2.2 metres;
 - iii. *parking spaces* provided in excess of the quantity required in subsection 2(k). above, which may include tandem or small car spaces, will not be subject to Section 4(17);
- (m) *bicycle parking spaces* shall be provided and maintained on *Parcel A* in accordance with the following:
- i. *Bicycle parking spaces* shall be provided in accordance with the following rates:
 - 1. a minimum of 0.9 *bicycle parking spaces – occupant* per *dwelling unit*;
 - 2. a minimum of 0.1 *bicycle parking spaces – visitor* per *dwelling unit*;
 - and,
 - 3. a minimum of 67 *bicycle parking spaces* for the *non-residential gross floor area*;
 - ii. Despite Section 2(1) *bicycle parking space – visitor* of By-law 438-86, a *bicycle parking spaces – visitor* may be located in a secured room or an unsecured room;
 - iii. Despite Section 2(1) *bicycle parking space – occupant* of By-law 438-86, a *bicycle parking spaces – occupant* may be located in a secured room or an unsecured room;
 - iv. Despite Section 2(1) of By-law 438-86, a *bicycle parking space – visitor* and *bicycle parking space – occupant* oriented in a horizontal position must have a minimum length of 1.6 metres, a minimum width of 0.40 metres and a minimum vertical clearance of 1.9 metres;

- v. Despite 2(m)(iv), if a *bicycle parking space* is provided in a *stacked bicycle parking system*, the minimum vertical clearance for each *bicycle parking space* is 1.2 metres;
 - vi. Despite Section 2(1) of By-law 438-86, a *bicycle parking space – visitor* and *bicycle parking space – occupant* oriented in a vertical position must have a minimum length or vertical clearance of 1.9 metres, a minimum width of 0.40 metres and a minimum horizontal clearance from the wall of 1.1 metres;
 - vii. The number of required *bicycle parking spaces* must be rounded down when the calculation results in a fraction;
- (n) no *parking spaces* shall be required to be provided on the *lot* or off-site for any *existing buildings* or any portion thereof remaining on the *lot* after the date of enactment of this by-law or to service any of the non-residential uses occurring on the *lot*;
 - (o) Despite 4(12) of by-law 438-86, a minimum of 0.70 square metres per unit of outdoor *residential amenity space* must be provided;
 - (p) Despite 4(12) of by-law 438-86, the outdoor *residential amenity space* only needs to be directly accessible from one of the indoor *residential amenity spaces*;
 - (q) Despite 4(12) of by-law 438-86, the indoor *residential amenity space* does not need to be contiguous with the outdoor component, can be in separate rooms, and can be on different levels;
 - (r) Despite 4(12) of By-law 438-86, *residential amenity space* can be provided in rooms that are not contiguous and no more than 25% of the outdoor component may be a *green roof*;
 - (s) no outdoor amenity space or *common outdoor space* is required on the *lot* for the non-residential uses;
 - (t) The minimum requirement for *street related retail and service uses* shall not apply to *Parcel A*;
 - (u) loading spaces shall be provided and maintained on *Parcel A* in accordance with the following minimum amounts:
 - i. 1 *loading space – type B*;
 - ii. 5 *loading space(s) – type C*; and
 - iii. 2 *loading space(s) – type G*;
 - (v) Despite 2(1) of By-law 438-86, the *residential gross floor area* and *non-residential gross floor area* of a *mixed use building* is also reduced by the areas in a building used for:
 - i. Hallways and elevator vestibules below ground;
 - ii. Electrical, utility, mechanical and ventilation rooms on any level of the building; and,
 - iii. Ramps and car elevators to access *parking spaces* and the *automated parking*

system;

- (w) the *owner(s)* of the *lot* enters into and registers on title to the *lot* one or more agreements with the City pursuant to Section 37(3) of the *Planning Act*, to the City Solicitor's satisfaction, to secure the facilities, services and matters in Appendix 1.
3. None of the provisions of By-law 438-86, as amended, shall apply to prevent a *temporary sales office* on the *lot*.
4. Definitions:
- (a) For the purposes of this By-law, the terms set forth in italics, subject to Section 4.b of this By-law, have the same meaning as such terms have for the purposes of Zoning By-law 438-86, as amended;
 - (b) The following definitions shall apply:
 - i. "*car-share*" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - ii. "*car-share parking space*" means a parking space that is reserved and actively used for car-sharing;
 - iii. "*stacked bicycle parking system*" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space;
 - iv. "*existing buildings*" means buildings or structures existing on the *lot* in the year 2009, as shown on *Parcel B* on Map 1;
 - v. "*green roof*" means an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code;
 - vi. "*grade*" means 116.11 metres Canadian Geodetic Datum;
 - vii. "*height*" means the vertical distance between *grade* and the highest point of the building roof shown on Map 2;
 - viii. "*lot*" means the lands outlined by heavy dashed lines comprising *Parcel A* and *Parcel B* on Map 1 attached to this Bylaw;
 - ix. "*owner*" has the same meaning as in Zoning By-law 438-86, as amended, except it shall include a tenant of any part of the *lot* who leases any part of the *lot* directly from the City but shall not include the City;
 - x. "*Parcel A*" means the lands more particularly identified as such on Map 1 to this By-law;
 - xi. "*Parcel B*" means the lands more particularly identified as such on Map 1 to this By-law;
 - xii. "*public art*" means works of sculptured art, works of visual and graphic art, sculptured landscaping, fountains, and artistic treatment of publicly accessible areas including, without limitation, exterior publicly accessible areas (public sidewalks, exterior walls or other building elements), clearly visible at all times from publicly accessible areas, including but not limited to flooring, structure, lighting and street furnishings, provided such elements of work have been designed by or in collaboration with artists and selected by a process and are in accordance with a program recommended by the

Toronto Public Art Commission through the Chief Planner and approved by City Council;

- xiii. "temporary sales office" means a building, structure, facility or trailer on the lot used for the purpose of sale of dwelling units to be erected on Parcel A;
- xiv. "automated parking system" means a mechanical system for the purpose of parking and retrieving cars without drivers in the vehicle during parking and without the use of ramping or driveway aisles, and which may include but is not limited to, a vertical lift and the storage of cars on parking pallets. Automated manoeuvring of other vehicles may be required in order for cars to be parked or to be retrieved. Parking pallets and parking elevators will not conform to the parking space dimensions set out in By-law No. 438-86. For clarity, parking pallets will be considered as a parking space or as an accessible parking space for the purpose of determining compliance with the requirements in Zoning By-law No. 438-86 and relevant clauses above in By-law XXXX-2020;
- xv. For the purposes of this by-law, the buildings identified as:
 - 1. H 175 metres on Map 2 is referred to as Tower A;
 - 2. H 216 metres on Map 2 is referred to as Tower B; and.
 - 3. H 254 metres on Map 2 is referred to as Tower C;

- 5. Despite any existing or future severance, partition, or division of the lot, the provisions of this By-law shall continue to apply to the whole of the lot as if no severance, partition, or division occurred.
- 6. Building permit issuance with respect to the lands to which this By-law applies shall be dependent upon satisfaction of the provisions in the Bylaw and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
- 7. By-law 85-2001, being a by-law to amend by-law 438-86, the Zoning By-law, with respect to lands municipally known as 2 Bloor Street West in 2000, is hereby repealed as it applies to the lands identified in Map 1 to this By-law.
- 8. By-law 787-2010, being a by-law to amend by-law 438-86, with respect to lands municipally known as 2 Bloor Street West in 2010, is hereby repealed as it applies to the lands identified in Map 1 to this By-law.

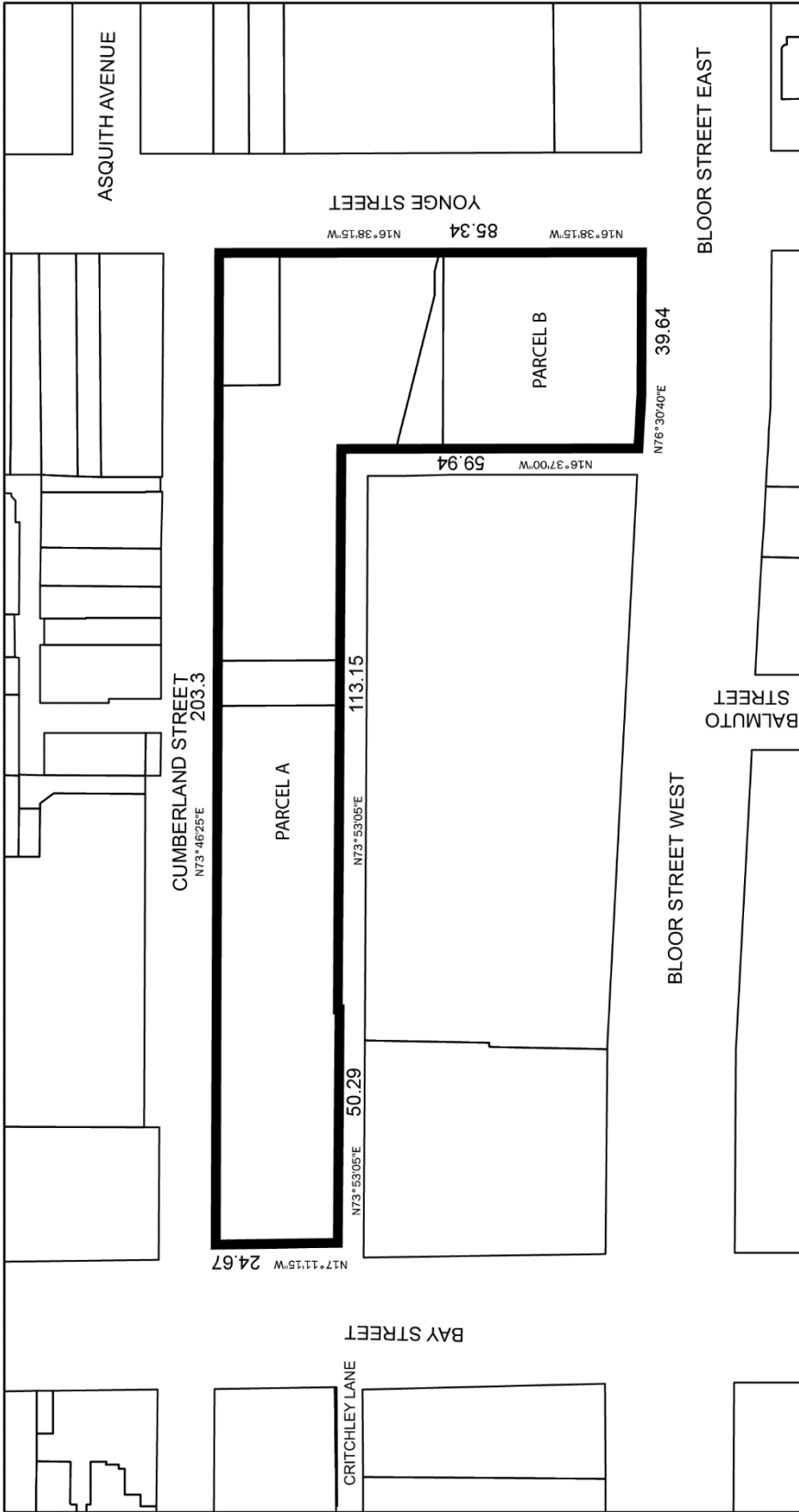
ENACTED AND PASSED this ~ day of ~~~~~, A.D. 2020.	
HIS WORSHIP, DAVID R. MILLER, MAYOR	ULLI S. WATKISS, City Clerk

(Corporate Seal)

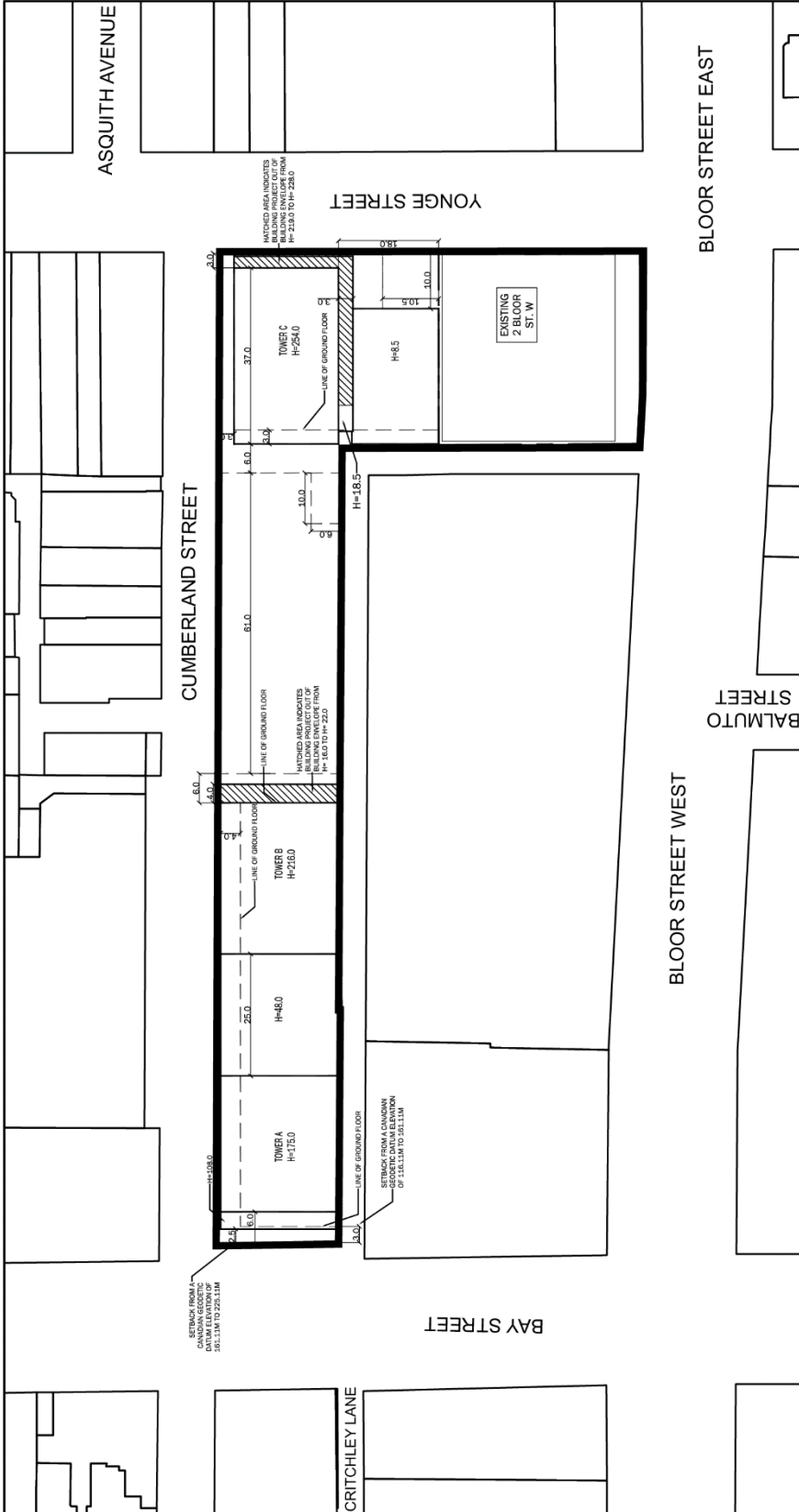
Section 37 Agreement (DRAFT for Discussion Purposes)

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 on Map 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:

See recommendation 5 of the report (February 25, 2020) from the Director, Community Planning, Toronto and East York District.



Map 2



2 Bloor Street West

File # 18 221948 STE 27 0Z

City of Toronto By-law 438-86
 Not to Scale
 02/19/2020