

Authority: Toronto and East York Community Council Item TE34.22, as adopted by City of Toronto Council on August 25, 26, 27 and 28, 2014

## **CITY OF TORONTO**

### **BY-LAW 1152-2018**

#### **To amend former City of Toronto Zoning By-law 438-86 and site specific By-law 499-77 of the former City of Toronto with respect to the lands municipally known as 50 Bloor Street West.**

Whereas authority is given to Council of the City of Toronto ("Council") by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Planning Act"), to pass this By-law; and

Whereas Council 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 37 of the Planning Act, the Council may, in a by-law passed under Section 34 of the Planning Act, authorize increases in the height or density of development beyond that otherwise permitted by the former City of Toronto Zoning By-law 438-86, as amended, and the former City of Toronto Zoning By-law 499-77 (together, defined herein as the "Zoning By-laws"), in return for the provisions 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 or matters in return for any 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 or matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services or matters as are hereinafter set forth; and

Whereas the increase in the height and density permitted hereunder, beyond those otherwise permitted on the lands by the Zoning By-laws, are to be permitted subject to the provision of the facilities, services or matters set out in this By-law and to be secured by one or more agreements between the owner of the lands and the City of Toronto (hereinafter referred to as the "City"); and

Whereas the Official Plan of the City contains provisions relating to the authorization of the height and density of development; and

Whereas Council has required the owner of the aforesaid lands to enter into one or more agreements to secure certain facilities, services, or matters in connection with the aforesaid lands set forth in this By-law in return for the increases in height and density set forth in this By-law;

The Council of the City of Toronto enacts:

1. This By-law applies to the *lot* outlined by heavy dashed lines on Map 1, attached to and forming part of this By-law.

2. Pursuant to Section 37 of the Planning Act, the *height* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 to the City at the *owner's* sole expense and in accordance with and subject to the agreement referenced in Section 3 of this By-law.
3. 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 or matters set out in Appendix 1, to the satisfaction of the City Solicitor, 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.
4. Except as otherwise provided herein, the provisions of the Zoning By-laws shall continue to apply to the *lot*.
5. None of the provisions of Zoning By-law 499-77 and none of the provisions of Section 2 of Zoning By-law 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, with respect to the definitions of *grade*, *height*, *loading space - Type C*, *lot*, *common outdoor space* and *street-related retail and service uses*, and Sections 4(2)(a), 4(5)(b),(c), (d) and (h), 4(8), 4(13), 4(14)(a), 8(3) PART I 1, 2, and 3, 8(3) PART II 1, 8(3) PART III 1(a), 12(2)132, 12(2)259, and 12(2)(380) shall apply to prevent the erection and use of a *mixed-use building* containing *dwelling units*, uses permitted in Section 8(1)(f)(b) subsections (ii), (iv) and (vi) and a *commercial parking garage*, on the lands comprising the *lot* on Map 1, provided that:
  - (1) the aggregate amount of the *residential gross floor area* and the *non-residential gross floor area* erected and used on the *lot* does not exceed 101,232.0 square metres and a minimum of 3,725.0 square metres of the *gross floor area* shall be dedicated to *street-related retail and service uses*;
  - (2) a minimum of 10.0 percent of the total number of *dwelling units* constructed on the *lot* shall have a minimum area of 79.0 square metres and shall contain at least two *bedrooms*;
  - (3) no person shall erect or use a building or structure on the *lot* having a greater *height* than the *height* limits specified by the numbers in metres as shown on Map 2 with the exception of the following:
    - (a) stair towers, elevator shafts, chimney stacks, skylights, guardrails, railings, lighting fixtures, communication equipment, generators or other power, heating, cooling, or ventilating equipment or window washing equipment on the roof of any portion of the building or fences, walls or structures enclosing such elements, are permitted

provided the maximum *height* of the top of such elements or enclosures is no higher than the sum of 4.5 metres plus the *height* limit specified on Map 2;

- (b) structures on the roof of any portion of the building which are used for outside or open air recreation, safety, or wind protection purposes, including landscape garden elements such as foliage, devices used to attach foliage and green roofs, are permitted provided the maximum *height* of the top of such structure is no higher than the sum of 4.5 metres plus the *height* limit specified on Map 2 and:
  - i. no part of such structure is less than 2.0 metres from an adjacent outside wall or a vertical projection of the wall; and
  - ii. such structure does not enclose space so as to constitute a form of penthouse or other room(s);
- (4) no above grade portion of any building or structure shall be located other than wholly within the areas delineated by heavy lines as shown on the attached Map 2 with the exception of the following:
  - (a) canopies and awnings projecting not more than 2.0 metres;
  - (b) foliage and any devices used to attach foliage to a living green wall, parapets, signage, railings, eaves, building cornices, ornamental or architectural elements, balustrades, mullions, and window sills projecting not more than 1.2 metres and which are no higher than that portion of the building to which they are attached;
  - (c) guardrails no higher than 3.0 metres above finished ground level;
  - (d) lighting fixtures projecting not more than 2.0 metres from the structure on which they are attached;
  - (e) stairs, stair enclosures, uncovered platforms and wheelchair ramps, provided the height of such structures does not exceed 2.0 metres above the finished ground level;
  - (f) public art features approved by the City and in conformance with the terms of any agreement entered into under Section 37(3) of the Planning Act; and
  - (g) a display space measuring a maximum of 61.0 metres in length and 13.0 metres in height, which does not contain residential gross floor area or non-residential gross floor area, located along the Bloor Street frontage of the lot, at the second and third storey of the building and projecting not more than 1.4 metres beyond the delineated areas on the attached Map 2;

- (5) the minimum number of parking spaces provided and maintained for the exclusive use of the residents shall be in accordance with the following:
  - (a) 0.30 spaces for each bachelor dwelling unit;
  - (b) 0.50 spaces for each one-bedroom dwelling unit;
  - (c) 0.80 spaces for each two-bedroom dwelling unit; and
  - (d) 1.0 spaces for each three or more bedroom dwelling unit;
- (6) the minimum number of parking spaces provided and maintained exclusively for residential visitor use shall be provided in accordance with the following:
  - (a) 0.04 spaces for each dwelling unit;
- (7) the minimum number of parking spaces provided and maintained for retail uses shall be provided in accordance with the following:
  - (a) 0.90 spaces for each 100 square metres of gross floor area of retail uses;
- (8) the minimum number of parking spaces provided and maintained for office uses shall be provided in accordance with the following:
  - (a) 0.26 spaces for each 100 square metres of gross floor area of office uses;
- (9) parking spaces provided pursuant to this By-law shall comply with the parking space dimensional requirements noted in Section 4(17) of Zoning By-law 438-86, as amended, with the exception that parking spaces provided in excess of the quantity required by this By-law, which may include tandem or small car spaces, will not be subject to Section 4(17);
- (10) all parking spaces provided and maintained for resident and residential visitor use shall be reserved exclusively for those uses;
- (11) the minimum number of bicycle parking spaces provided and maintained on the lot shall be in accordance with the following:
  - (a) a minimum of 0.26 bicycle parking spaces – occupant for each dwelling unit;
  - (b) a minimum of 0.06 bicycle parking spaces – visitor for each dwelling unit; and
  - (c) a minimum of 0.30 bicycle parking spaces-visitor for each 100 square metres of non-residential gross floor area;

- (12) no change rooms in connection with bicycle parking spaces shall be required in any building or structure erected on the lot;
  - (13) no parking spaces, bicycle parking spaces, or loading space of any type 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;
  - (14) loading spaces shall be provided and maintained in accordance with the following:
    - (a) 3 loading space - type B;
    - (b) 4 *loading space* - type C; and
    - (c) 1 loading space - type G;
  - (15) a minimum of 325.0 square metres of common outdoor space shall be provided on the lot;
  - (16) the minimum building setback to the centre line of the east-west component of Mayfair Mews shall be 3.0 metres; and
  - (17) the owner 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 identified in Appendix 1.
6. None of the provisions of the Zoning By-laws shall apply to prevent a *temporary sales office* on the *lot*.
7. Definitions:

For the purposes of this By-law, each italicized word or expression shall have the same meaning as each such word or expression as defined in former City of Toronto Zoning By-law 438-86, as amended, except for the following:

- (1) "*common outdoor space*" means an unenclosed, paved, sodded or landscaped exterior area or areas on a lot which provides amenities for the benefit and enjoyment of pedestrians and which:
  - (a) contains, but is not limited to, at least two of the following elements: landscaping such as grass, shrubs, trees and flowers; refuse receptacles/recycling bins; outdoor seating;
  - (b) is located within 2.0 metres of grade and is accessible by a ramp not exceeding a gradient of 1 in 12, or by stairs and a ramp not exceeding a gradient of 1 in 12; and

- (c) is not for the purposes of a driveway, vehicular ramp, loading or servicing area, outdoor storage, motor vehicle parking, restaurant patio, vent or stairs;
- (2) "*grade*" means 115.7 metres Canadian Geodetic Datum;
- (3) "*lot*" means the lands outlined by heavy dashed lines as shown on Map 1 attached to this By-law;
- (4) "*loading space - Type C*" - means a loading space with a length of at least 6.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 3.0 metres; and
  - (a) is located at grade and situated so that it serves an entrance to the building erected or to be erected on the lot and is readily accessible via a driveway or laneway with a minimum vertical clearance of 3.0 metres connecting with a street abutting the lot on which the building or structure is located; or
  - (b) is located in the basement of such building below grade and situated so that it serves an elevator or similar lifting device serving the building and is readily accessible via a ramp, driveway or laneway with a minimum vertical clearance of 3.0 metres connecting with a street abutting the lot on which the building or structure is located;
- (5) "*street-related retail and service uses*" means one or more of the uses listed in sections 8(1)(f)(b)(i), (ii) and (iv) of Zoning By-law 438-86, as amended, other than a public park or a public playground, where:
  - (a) the principal public entrance to each shop or store is located in the exterior wall of the building which is directly accessible by pedestrians along a route not more than 5.0 metres from:
    - A. the frontage of the lot on which the shop or store is located; or
    - B. a building setback line on the lot on which the shop or store is located, provided the line is established by this By-law as amended;
  - (b) the exterior wall from which the principal public entrance is gained, is at an angle of divergence from the frontage of not more than 85 degrees; and
  - (c) the level of the floor of the principal public entrance is within 0.2 metres of the level of the public sidewalk opposite such entrance;
- (6) "*temporary sales office*" means a building, structure, facility or trailer on the lot used for the purpose of the sale of dwelling units to be erected on the lot.

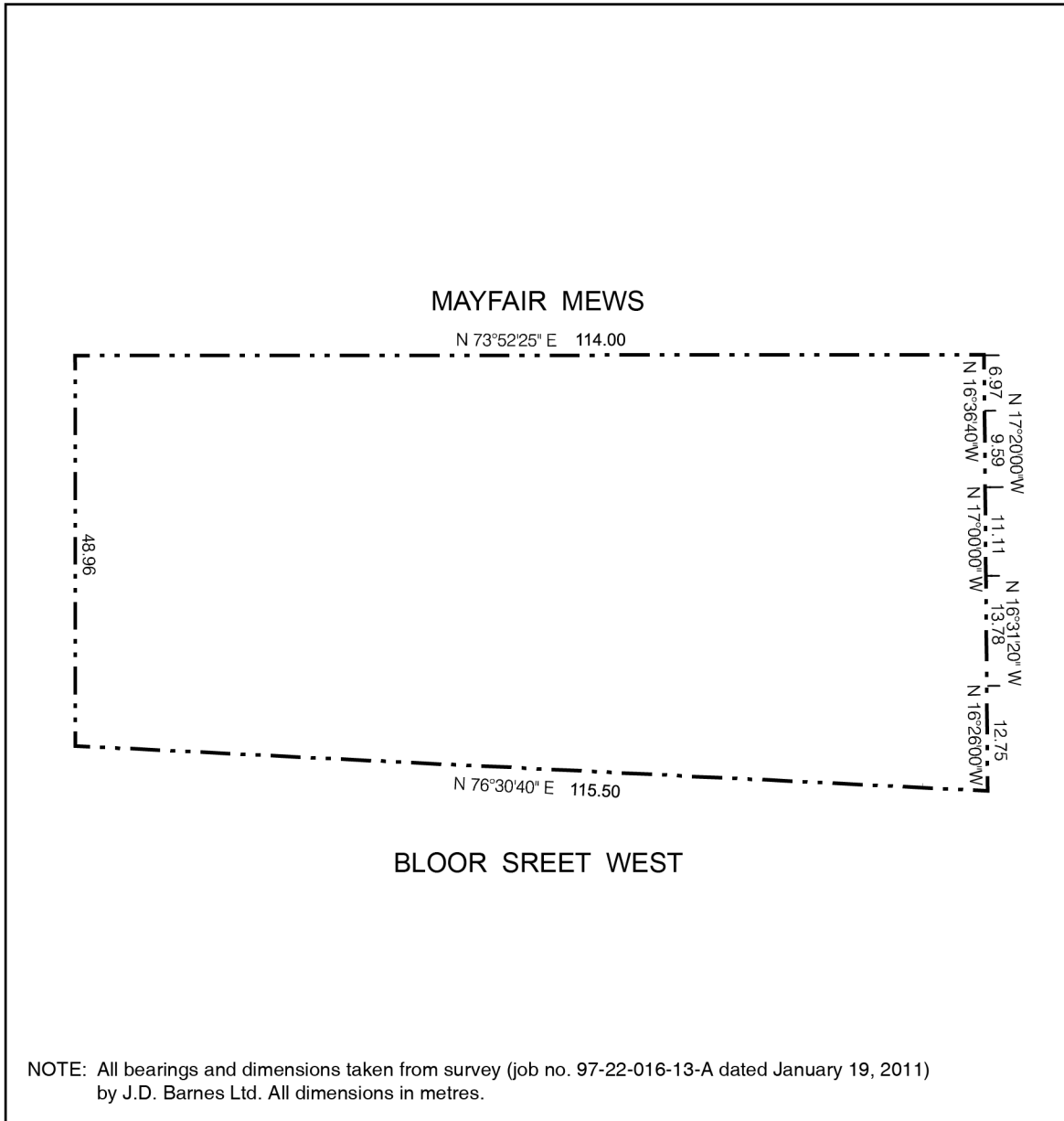
8. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall continue to apply to the whole of the *lot* as if no severance, partition or division occurred.
9. Building permit issuance with respect to the lands to which this By-law applies shall be dependent upon satisfaction of the provisions of this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

Enacted and passed on July 27, 2018.

Glenn De Baeremaeker,  
Deputy Speaker

Ulli S. Watkiss,  
City Clerk

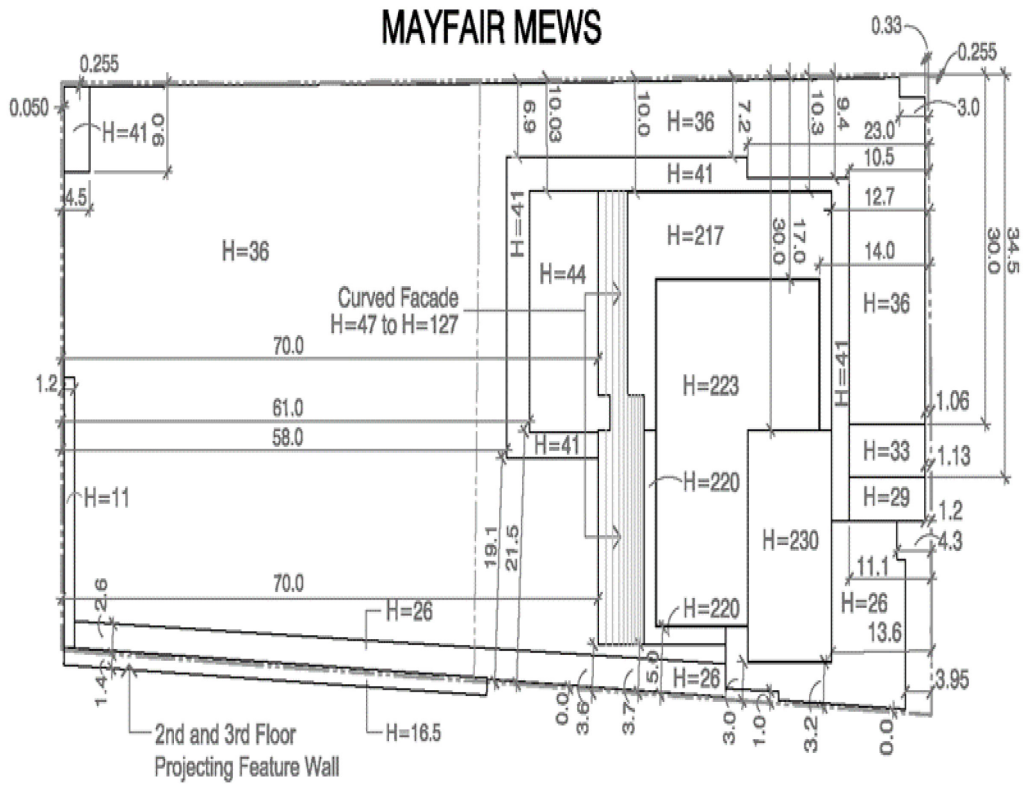
(Seal of the City)



NOTE: All bearings and dimensions taken from survey (job no. 97-22-016-13-A dated January 19, 2011) by J.D. Barnes Ltd. All dimensions in metres.







**BLOOR STREET WEST**

NOTE: H denotes height in metres above established grade of 115.7m. All dimensions in metres

**50 Bloor Street West**

**Map 2**

File: 12 141351 OZ



### Appendix 1: Community Benefits

1. An indexed contribution of \$6,000,000, to be paid or secured at the times noted in each of the sections below in the Section 37 Agreement. The total amounts are indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment and is detailed as follows:
  - a. An indexed cash contribution of \$900,000 towards Yorkville Avenue streetscape improvements, to be paid in accordance with the following schedule:
    - i. \$312,500 to be paid on or before the later of 30 days from the site specific zoning by-law coming into full force and effect, or January 15, 2015;
    - ii. \$312,500 to be paid on or before the earlier of the third anniversary of the date on which the site specific zoning by-law comes into full force and effect, or immediately preceding the issuance of the first building permit for the *lot*; and
    - iii. \$275,000 to be paid prior to the issuance of the first building permit for the *lot*.
  - b. An indexed cash contribution of \$525,000, to be paid prior to the issuance of the first building permit, towards capital improvements to Toronto Community Housing in Ward 27, in consultation with the Ward Councillor;
  - c. An indexed cash contribution of \$3,825,000, to be paid prior to the issuance of the first building permit, towards streetscape and park improvements in the local area, in consultation with the Ward Councillor and the Chief Planner and Director, City Planning; and
  - d. \$750,000 towards public art on site, in accordance with the City of Toronto Public Art Program.

In the event the cash contributions referred to 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 Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

2. The conveyance of a community services and facilities space which may include a non-profit childcare at not less than 418.0 square metres of indoor space plus an additional 232.5 square metres of outdoor space or a community or cultural space at not less than 465.0 square metres on top of the base building. The community services and facilities space must be provided for substantially in accordance with the draft term sheets attached as Attachment Nos. 9 and 10 to the report dated July 24, 2014. The conveyance is to

occur within 30 days of the registration of any condominium on the *lot*, or in the event that no condominium is registered on the *lot*, before such time that any residential unit is occupied.

3. A 3.90-metre wide pedestrian easement is to be provided for a privately owned, publicly accessible north-south pedestrian mid-block connection adjacent to Mayfair Mews to be approved by the Chief Planner and Director, City Planning. The *owner* shall convey and register the easement prior the earlier of the registration of any condominium or to any residential use of the *lot*.
4. The *owner* shall use its reasonable commercial efforts to provide a north-south pedestrian connection from Bloor Street to a well-designed entrance/exit at Mayfair Mews at the north boundary of the department store, (tenanted at the date of the adoption of the site-specific zoning by-law amendment by Holt Renfrew), at a location and during hours that are acceptable to the tenant and the Chief Planner and Director, City Planning. If the connection is provided, the *owner* shall provide the pedestrian connection within one year of a connecting north-south open space being provided to the north of Mayfair Mews.
5. An easement is to be provided for public use of not less than 2,455.0 square metres of publicly accessible open space on the roof the base building with public access from the ground floor and the concourse level, with appropriate signage in accordance with the Privately Owned Publicly-Accessible Space Guidelines. The *owner* shall convey and register the easement prior the earlier of the registration of any condominium or to any residential use of the *lot*.