

Authority: Local Planning Appeal Tribunal Decision/Order issued on June 21, 2019 and October 18, 2019 in Tribunal File PL170556

CITY OF TORONTO

BY-LAW 74-2019(LPAT)

To amend former City of Toronto Zoning By-law 438-86, as amended, and former City of York Zoning By-law 1-83, as amended, with respect to lands municipally known in the year 2019 as 2442-2454 Bloor Street West and 1-9 Riverview Gardens.

Whereas after hearing an appeal under subsection 34(11) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Local Planning Appeal Tribunal by its Order issued October 18, 2019 in respect of Tribunal File PL170556, approved amendments to the former City of York By-law 1-83 and the former City of Toronto By-law 438-86, as amended, with respect to the lands municipally known as 2442–2454 Bloor Street West and 1-9 Riverview Gardens; and

Whereas pursuant to Section 37 of the Planning Act, R.S.O 1990, c.P.13, as amended, the council of a Municipality, and the Local Planning Appeal Tribunal on appeal, 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 by-law, 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 or matters in return for any increase in the height of 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 lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

Whereas the increases in the density or height permitted hereunder, beyond those otherwise permitted on the lands by former City of Toronto By-law 438-86, as amended, and City of York Zoning By-law 1-83, as amended, are to be permitted subject to the provision of the facilities, services and 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; and

Whereas the Council of the City has determined to support the coming into force of this By-law amending the former City of York By-law 1-83 and the former City of Toronto By-law 438-86, as amended, as agreed to at its meeting of June 26, 2018, Item CC43.8; and

Whereas the Local Planning Appeal Tribunal, by its Order issued on October 18, 2019, determined to amend the former City of York By-law 1-83 and the former City of Toronto By-law 438-86, as amended, with respect to lands known municipally as 2442-2454 Bloor Street West and 1-9 Riverview Gardens;

Therefore pursuant to the Order of the Local Planning Appeal Tribunal issued on October 18, 2019, in Tribunal File PL170556, the former City of York By-law 1-83 and the former City of Toronto By-law 438-86, as amended, are further amended as follows:

1. This By-law applies to the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
2. City of Toronto By-law 357-2008 to amend former City of York By-law 1-83 is repealed as it applies to the lands delineated by heavy lines on Map 1.
3. City of Toronto By-law 355-2008 is repealed as it applies to the lands delineated by heavy lines on Map 1.
4. Except as provided herein, the provisions of former City of Toronto By-law 438-86, as amended, shall apply to the entirety of the *lot*.
5. District Map 47J-311 contained in Appendix "A" of By-law 438-86, as amended, is further amended by incorporating the lands delineated by heavy lines on Map 1 attached and forming part of this By-law, which shall be designated "CR".
6. Height and Minimum Lot Frontage Map 47J-311 contained in Appendix "B" of By-law 438-86, as amended, is further amended by incorporating the lands delineated by heavy lines on Map 1 attached and forming part of this By-law.
7. Pursuant to Section 37 of the Planning Act, the *height* and density of development permitted by 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, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 8 of this By-law.
8. 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 requirement.
9. 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.
10. None of the provisions of Section 2 with respect to the definitions of *grade*, *lot*, *height*, *front lot line*, *bicycle parking space – occupant*, *bicycle parking space – visitor*, *loading space*, and Sections 4(2)(a); 4(4)(b); 4(6)(b); 4(6)(c); 4(10)(a) 4(12); 4(13); 4(14); 4(16); 4(17)(e); 8(3) PART I, 1, 2 and 3(a); 8(3) PART II, 1(a)(i), (ii), and 2(a); 8(3) PART III, 8(3) PART IV, and Section 12 (2) 257, Section 12 (2) 270 (a) of former City of Toronto By-law 438-86, as amended, titled "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 lands and the erection and use of certain buildings and structures

in various areas of the City of Toronto", and none of the provisions of the former City of York Zoning By-law 1-83, as amended, titled "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 use of lands and the erection and use of certain buildings and structures in various areas of the City of York", shall apply to prevent the erection or use of a *mixed-use building* and a *commercial parking garage* and *accessory uses* thereto on the *lot*, provided that:

- a. the *lot* comprises at least the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
- b. In addition to those uses permitted pursuant to Section 8(1) of By-law 438-86, permitted uses on the lot shall also include a *commercial parking garage*;
- c. the total maximum permitted *gross floor area* shall not exceed 24,150 square metres, of which:
 - i. the maximum permitted *residential gross floor area* shall not exceed 19,150 square metres; and
 - ii. the maximum permitted *non-residential gross floor area* shall not exceed 5,000 square metres, exclusive of the *commercial parking garage*;
- d. no above *grade* portion of a building or structure on the *lot* shall be located other than wholly within the areas delineated by heavy lines on the attached Map 2, attached to and forming part of this By-law, except for the following:
 - i. cornices, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellises, eaves, window sills, vents, window washing equipment, fences, screens, landscape and public art features by a maximum of 2 metres;
 - ii. balconies may extend to a maximum horizontal projection from an exterior building wall by a maximum of 1.8 metres beyond the heavy lines shown on Map 2; and
 - iii. *Architectural fins* may project a maximum distance of 0.45 metres beyond the heavy lines.
- e. the *height* of any building or structure, or portion thereof, including mechanical and elevator/stair overrun, shall not exceed the *heights* indicated by the numbers following the symbol HT on the attached Map 2, with the exception of the following elements:
 - i. Balcony railings, parapet, planters, mechanical vent to a maximum of 1.1 metres;

- ii. Balcony dividers, wind screen, parapet railings to a maximum of 2.1 metres; and
 - iii. Window washing equipment to a maximum of 3 metres.
- f. *Parking spaces* shall be provided and maintained within the *lot* in accordance with the following minimum requirements:
- i. Retail parking shall be provided within the *commercial parking garage* at a minimum ratio of one *parking space* per 100 square metres of *gross floor area*;
 - ii. a minimum of 0.60 *parking spaces* per Bachelor *dwelling unit*;
 - iii. a minimum of 0.70 *parking spaces* per One-bedroom *dwelling unit*;
 - iv. a minimum of 0.90 *parking spaces* per Two-bedroom *dwelling units*;
 - v. *Dwelling units* with three or more bedrooms at 1.00 *parking space* per *dwelling unit*; and
 - vi. *Parking spaces* allocated for visitors at 0.10 spaces per *dwelling unit*.
- g. *Parking spaces* required for residential visitors and non-residential uses are permitted on a non-exclusive basis within a *commercial parking garage*;
- h. Accessible *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- i. an accessible *parking space* shall have the following minimum dimensions:
 - A. a minimum length of 5.6 metres;
 - B. a minimum width of 3.4 metres;
 - C. a minimum vertical clearance of 2.1 metres; and
 - D. an accessible barrier-free path with a minimum width of 1.5 metres adjacent to the length of the *parking space*.
 - ii. A minimum of 4 accessible *parking spaces* shall be provided, in addition to 1 *parking space* for every 50 *parking spaces* or part thereof in excess of 100 *parking spaces*.
- i. A maximum of 10 percent of the total number of *parking spaces* provided and maintained in a *parking garage* may have the following dimensions, with or

without a fixed object or obstruction within 0.30 metres of the side of the *parking space*:

- i. A minimum length of 5.4 metres;
 - ii. A minimum width of 2.5 metres; and
 - iii. A minimum vertical clearance of 2.0 metres.
- j. A minimum of one *type 'G'* and one *type 'B' loading space* shall be provided and maintained on the *lot*, with the following dimensions:
- i. *type 'G' loading space* shall have a minimum length of 13 metres, a minimum width of 4 metres and a vertical clearance of 6.1 metres; and
 - ii. *type 'B' loading space* shall have a minimum length of 11 metres, a minimum width of 3.5 metres and a vertical clearance of 4.0 metres.
- k. *Residential amenity space* shall be provided and maintained on the *lot* in accordance with the following:
- i. A minimum of 1.78 square metres per *dwelling unit* of outdoor *residential amenity space*; and
 - ii. A minimum of 390 square metres or 2.0 square metres per *dwelling unit* of indoor *residential amenity space*, whichever is greater.
- l. *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- i. A minimum 0.9 *bicycle parking spaces* for each dwelling unit shall be allocated as *long-term bicycle parking spaces*;
 - ii. A minimum of 0.1 *bicycle parking spaces* for each dwelling unit shall be allocated as *short-term bicycle parking spaces*;
 - iii. A minimum of 3 *bicycle parking spaces* plus 0.3 *bicycle parking spaces* per 100 square metres for all other uses shall be allocated as *short-term bicycle parking spaces*;
 - iv. A minimum of 0.2 *bicycle parking spaces* per 100 square meters for all other uses shall be allocated as *long-term bicycle parking spaces*;
 - v. *Short-term bicycle parking spaces* may be located at the first below *grade* level and/or in a secured room, enclosure or bicycle locker provided such space is accessible to visitors;

- vi. *Stacked bicycle parking spaces* may be permitted where *bicycle parking spaces* are located below *grade*; and
 - vii. A maximum of 50 percent of *long-term bicycle parking spaces* may be vertical *bicycle parking spaces*.
11. Despite any existing or future consent, severance, partition or division of the *lot*, the provisions of this By-law shall apply to the *lot* as if no consent, severance, partition or division occurred.
12. 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.
13. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86, as amended, with the exception of the following:
- a. "*architectural fins*" means vertical, non-structural ornamental elements that are attached to and project from the main walls of the buildings, and have a maximum width of 0.45 metres;
 - b. "*bicycle parking spaces*" means occupant bicycle parking space or visitor bicycle parking space and shall have the following dimensions:
 - i. Where the bicycles are to be parked on a horizontal surface, the bicycle parking space shall have a minimum length of 1.8 metres, a minimum width of 0.6 metres and a minimum vertical dimension from the ground of at least 1.9 metres;
 - ii. Where the bicycles are to be parked in a vertical position, *the bicycle parking space* shall have a minimum length or vertical clearance from the wall of 1.2 metres, a minimum width of 0.6 metres; and
 - iii. Where the bicycles are to be parked in bicycle stacker, the bicycle parking space shall have a minimum vertical clearance of 1.2 metres;
 - c. "*commercial parking garage*" means a portion of the building used for temporary parking of motor vehicles;
 - d. "*front lot line*" means the lot line along Bloor Street West;
 - e. "*grade*" shall mean an elevation of 108.12 metres Canadian Geodetic Datum on Bloor Street West;
 - f. "*height*" means the vertical distance between grade and the highest point of the building or structure, including mechanical penthouse;

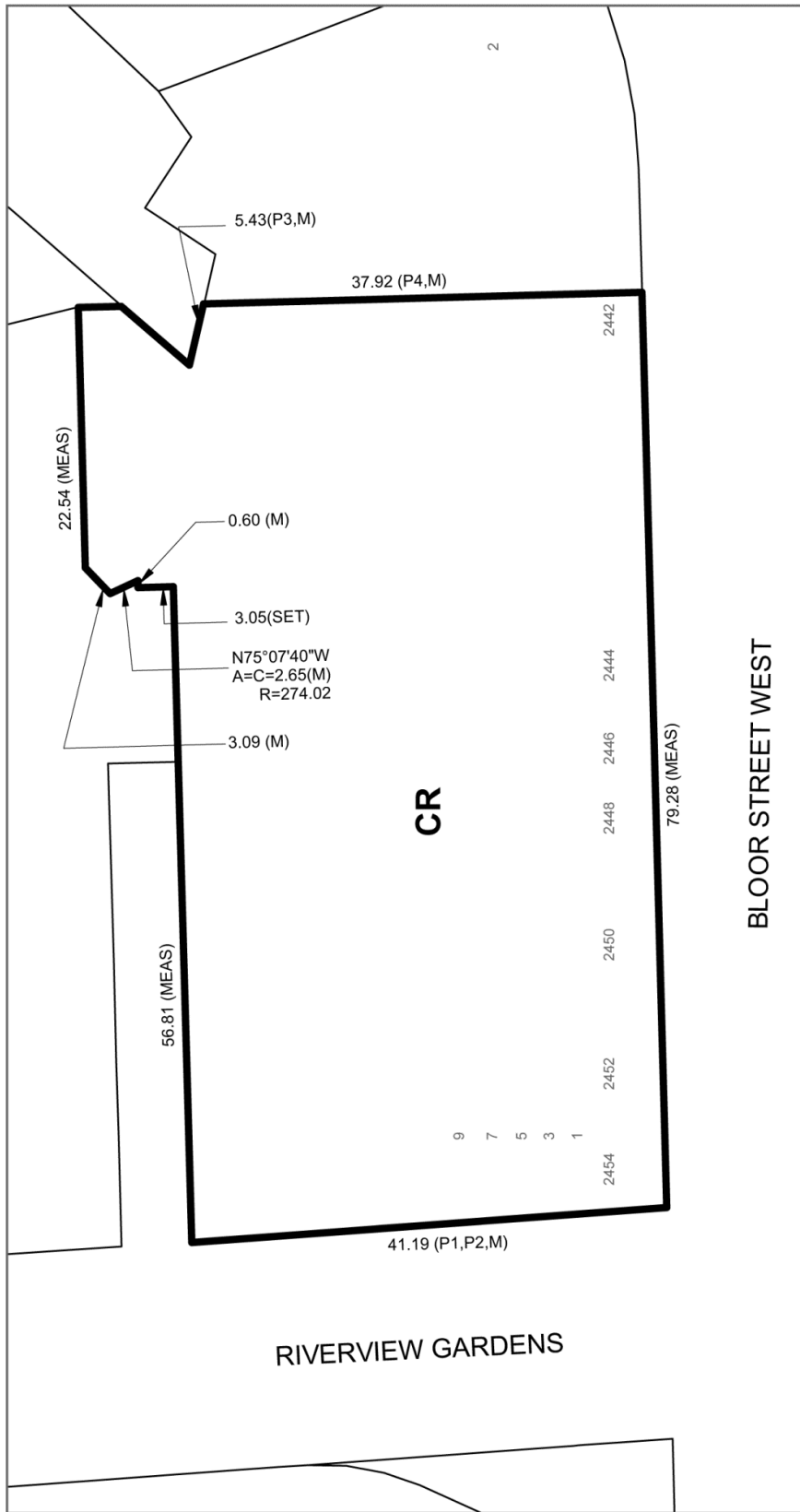
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- g. "lot" means the lands outlined by heavy lines on Map 1 attached to this By-law;
 - h. "non-residential gross floor area" has the same meaning as provided in By-law 438-86 as amended, with the exception that the floor area occupied by a *commercial parking garage*, ramps, and uses accessory above and below grade thereto shall be excluded from the calculation of *non-residential gross floor area*;
 - i. "owner" has the same meaning as in Zoning By-law 438-86, as amended, except it shall not include the City;
 - j. "temporary sales office" means a building, structure, facility or trailer used for the purpose of the sale of *dwelling units* to be erected on the *lot*;
 - k. "temporary construction office" means a building, structure or trailer used for the purpose of construction management;
 - l. "long-term bicycle parking space" means bicycle parking spaces for use by the occupants or tenants of a building;
 - m. "short-term bicycle parking space" means bicycle parking spaces for use by visitors to a building; and
 - n. "stacked bicycle parking space" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces.
- 14.** None of the provisions of former City of Toronto By-law 438-86, as amended, or of former City of York By-law 1-83, as amended, shall apply to prevent the erection and use of a *temporary sales office*, and *temporary construction office* on the *lot*.
- 15.** No person shall use any land or erect or use any building or structure within the *lot* unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
- 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.
- 16.** None of the provisions of this By-law shall apply to prevent the use of the land or the erection of a building or structure within the *lot* prior to the completion of any realignment and reconstruction of Bloor Street West or Riverview Gardens and all associated water mains and sanitary sewers, and appropriate appurtenances in such local road.

Pursuant to Decision/Order of the Local Planning Appeal Tribunal issued on June 21, 2019 and October 18, 2019 in Tribunal File PL170556.

Appendix 1
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 lands as shown in 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:

1. The *owner* shall enter into an Agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor, to secure a payment of \$2,707,000.00, prior to the issuance of the first above-grade building permit for the 12-storey building, such monies to be allocated to the following at the discretion of the Chief Planner and Executive Director, City Planner in consultation with the Ward Councillor:
 - a. daycare capital in the vicinity of the *lot*;
 - b. streetscape improvements in the vicinity of the *lot*; and
 - c. capital improvements to the parks in the ward in which the *lot* is located.
2. The payment amount identified in Section 1 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the Local Planning Appeal Tribunal decision to the date of payment.
3. The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience at the *owner's* expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:
 - a. prior to Site Plan Approval, the *owner* must submit for review and approval, a full-size pavement marking and signage plan (in metric units) for the proposed increase of the westbound left turn storage length at the east approach to the Bloor Street West/South Kingsway/Riverview Gardens signalized intersection and the proposed increase of the eastbound left turn storage length at the west approach to the Bloor Street West/Jane Street signalized intersection; and
 - b. prior to Site Plan Approval, the *owner* must submit to the City a certified cheque, payable to the City of Toronto in an amount acceptable to the General Manager of Transportation Services for the City to install all pavement markings and signage as per the approved pavement marking and signage plan required under the condition above.

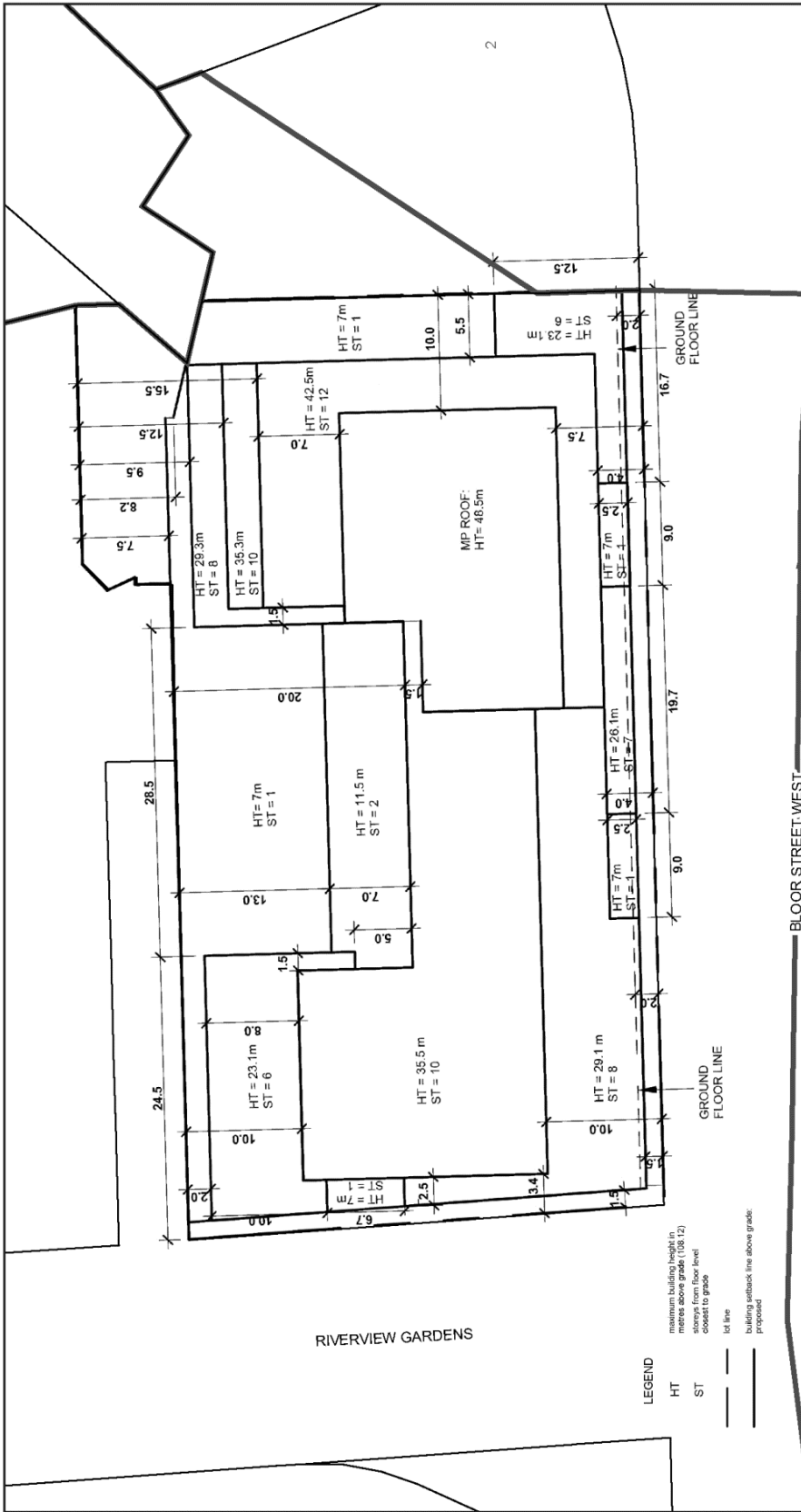


**2442, 2444, 2446, 2450, 2452, 2454 Bloor Street West
and 1, 3, 5, 7, 9 Riverview Gardens**

File # 16 148149 WET 13 0Z



Former City of Toronto By-law 438-86
Not to Scale
09/13/2019



LEGEND

HT maximum building height in metres above grade (108, 12)

ST setbacks from floor level closest to grade

— lot line

— building setback line above grade: proposed

Toronto
Map 2

2442, 2444, 2446, 2450, 2452, 2454 Bloor Street West and 1, 3, 5, 7, 9 Riverview Gardens

File # 16 148149 WET 13 0Z

Former City of Toronto By-law 438-86
Not to Scale
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