

## CITY OF TORONTO

### BY-LAW 662-2020

#### **To amend the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 2 Bloor Street West and 820 Yonge Street.**

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; 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 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; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 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. 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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following

zone label to these lands: CR 7.8 (c4.5; r7.8) SS1 (x251) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA1, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying the following Rooming House label of B3 to these lands, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT 61, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, as shown on Diagram 6 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number x251 so that it reads:

Exception CR x251

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 2 Bloor Street West and 820 Yonge Street, if the requirements of Section 11 and Schedule A of By-law 662-2020 are complied with, **buildings** and **structures** may be constructed on Parcel A as shown on Diagram 1 of By-law 662-2020 in compliance with (B) to (KK) below;
- (B) The **buildings, structures** and uses existing as of January 1, 2010 on Parcel B as shown on Diagram 1 of By-law 662-2020, are permitted on Parcel B;
- (C) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 116.11 metres in the year 2019 and the elevation of the highest point of the **building** or **structure**;
- (D) Article 600.10.10 with respect to Building Setbacks does not apply;

- (E) Despite regulation 40.10.40.10(1), no portion of a **building** or **structure** erected on the lands may exceed the height in metres specified by the numbers following "HT" on Diagram 7 of By-law 662-2020;
- (F) Despite (E) above, and regulations 40.5.40.10(4), (5), (6) & (7), the following elements of a **building** may project above the permitted maximum **building** heights shown on Diagram 7 of By-law 662-2020:
- (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.
- (G) Despite (F) above, only the following **structures** and elements on the **lot** may project above the heights identified as HT 170 metres, HT 211 metres, and HT 254 metres on Diagram 7:

- (i) **ancillary structures, structures** and elements related to outdoor flooring and roofing assembly, parapets and **green roof** provided they project 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 project no higher than 2 metres.
- (H) Despite regulations 40.10.40.70(1) and 40.10.40.80(1), the required minimum **building setbacks** and above ground separation distance between **main walls** are as shown on Diagram 7 of By-law 662-2020;
- (I) Despite (H) above and regulations 40.10.40.60(2) to (9), the following encroachments are permitted into the required minimum **building setbacks** and above ground separation distance between **main walls** on Diagram 7 of By-law 662-2020:
  - (i) balconies may encroach no more than 2.0 metres into the **building setbacks** required by (H);
  - (ii) despite (I)(i) above, balconies located on the west side of "Building C" (as shown on Diagram 7) may encroach no more than 3.0 metres in the **building setbacks** required by (H);
  - (iii) despite (I)(i), balconies are not permitted to encroach into the **building setbacks** on the south façade of "Building C" (as shown on Diagram 7);
  - (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 encroach no more than 2.5 metres into the **building setbacks** required by (H);
  - (v) structural elements, including but not limited to those that support the **building**, may encroach no more than 4.0 metres into the ground floor **building setback** on the north side of "Building A" and "Building B" (as shown on Diagram 7);
  - (vi) structural elements, including but not limited to those that support the **building**, may encroach no more than 20 metres into the required **building setbacks** and above ground separation distance between **main walls** on the south side of "Building C" (as shown on Diagram 7);
  - (vii) decorative lighting canopy; and

- (viii) public art features.
- (J) Despite regulation 40.10.40.40(1), the total **gross floor area** of all **buildings** and **structures** on Parcel A as shown on Diagram 1 of By-law 662-2020, must not exceed 128,800 square metres, provided:
  - (i) On Parcel A, the residential **gross floor area** must not exceed 118,500 square metres;
  - (ii) On Parcel A, the non-residential **gross floor area** must not exceed 31,350 square metres; and,
  - (iii) On Parcel A, a minimum of 5,000 square metres of **gross floor area** must be used for office space.
- (K) The maximum number of **dwelling units** is 1,650;
- (L) A minimum of 10 percent of the total number of **dwelling units** must contain at least three bedrooms.
- (M) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided as follows:
  - (i) a minimum of 0.15 **parking spaces** per **dwelling unit** for the tenants in the **mixed use building**;
  - (ii) no **parking spaces** are required for the visitors of residents to **dwelling units** in the **mixed use building**;
  - (iii) no **parking spaces** are required for the non-residential uses;
  - (iv) the **parking spaces** may be in an **automated parking system**; and
  - (v) no **parking spaces** are 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**.
- (N) **parking spaces** must comply with the **parking space** dimensions in clause 200.5.1.10 with the exception that:
  - (i) the minimum length of a **parking space** is 5.4 metres;
  - (ii) the minimum width of a **parking space** is 2.2 metres; and
  - (iii) **parking spaces** provided in excess of the quantity required in subsection (M) above, or within an **automated parking system** will not be subject to clause 200.5.1.10.

- (O) Despite regulation 40.10.40.50(1) **amenity space** must be provided at a minimum rate of 2.70 square metres for each **dwelling unit**, of which:
- (i) a minimum of 0.70 square metres per **dwelling unit** is outdoor **amenity space**;
  - (ii) at least 40.0 square metres of the outdoor **amenity space** is in a location adjoining or directly accessible to one of the areas used as indoor **amenity space**; and
  - (iii) no more than 25 percent of the outdoor **amenity space** component may be a **green roof**.
- (P) Despite 40.10.40.50(2), no outdoor **amenity space** is required for the non-residential uses;
- (Q) Despite regulation 40.10.40.1(1), residential use portions of the **building** may also be located on the same level or below non-residential use portions;
- (R) Despite 200.15 and By-law 579-2017, accessible **parking spaces** must be provided as follows:
- (i) accessible **parking spaces** must have the following minimum dimensions:
    - (a) length of 5.6 metre;
    - (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 minimum 1.5 metre wide accessible barrier free aisle or path;
  - (iii) despite 200.15.1.5 and 200.15.1(4), accessible **parking spaces** within an **automated parking system** may be located anywhere above or below ground; and
  - (iv) accessible **parking spaces** within an **automated parking system** do not need to comply with the dimensional requirements in (R).
- (S) Despite regulation 230.5.1.10(4)(A), a horizontal **bicycle parking space** must have a minimum width of at least 0.4 metres and a minimum length of at least 1.6 metres;
- (T) Despite regulation 230.5.1.10(4)(B), a vertical **bicycle parking space** must have a minimum width of at least 0.4 metres and a minimum horizontal clearance from the wall of at least 1.1 metres;

- (U) Despite regulation 230.5.1.10(7), no shower and change facilities are required;
- (V) Despite regulation 230.5.1.10(9), long term and short term **bicycle parking spaces** for **dwelling units** or for non-residential uses may be located anywhere above or below ground in the **building**;
- (W) Despite regulation 230.5.1.10(10), long term and short term **bicycle parking spaces** for **dwelling units** or for non-residential uses may be provided in any combination of vertical, horizontal or stacked positions;
- (X) Despite regulations 230.5.10.1(1), (2) and (5):
  - (i) at least 0.9 **bicycle parking spaces** per **dwelling unit** must be allocated as long-term **bicycle parking spaces** for the **dwelling units**;
  - (ii) at least 0.1 **bicycle parking spaces** per **dwelling unit** must be allocated as short-term **bicycle parking spaces** for the **dwelling units**;
  - (iii) at least 27 **bicycle parking spaces** must be allocated as long-term **bicycle parking spaces** for the non-residential uses;
  - (iv) at least 40 **bicycle parking spaces** must be allocated as short-term **bicycle parking spaces** for the non-residential uses; and
  - (v) the number of required **bicycle parking spaces** must be rounded down when the calculation results in a fraction.
- (Y) Despite regulation 230.40.1.20(2), a short-term **bicycle parking space** may be located more than 30 metres from a pedestrian entrance to the **building** on the **lot** and may be located in a secured room or an unsecured room;
- (Z) Despite the requirements of 220.5.10.1, **loading spaces** must be provided and maintained on Parcel A in accordance with the following minimum amounts:
  - (i) one (1) Type "B" **loading spaces** one;
  - (ii) five (5) Type "C" **loading spaces**; and
  - (iii) two (2) Type "G" **loading space**.
- (AA) Despite regulation 40.10.100.10(1)(A), **vehicle** access to the **lot** does not need to be from the **lane**;
- (BB) Despite regulation 40.10.100.10(1)(c), more than one **vehicle** access is permitted;
- (CC) In addition to the **building** elements listed in regulation 40.5.40.40(3), the **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**.
- (DD) Despite 40.10.40.10(5), the minimum height of the first **storey** may be less than 4.5 metres;
- (EE) Despite 40.10.20.100(21), the maximum area of an **outdoor patio** is 500 square metres;
- (FF) Despite 40.10.20.100(33) and 150.100, there is no maximum **interior floor area** for an **eating establishment**;
- (GG) Despite 40.5.40.60(1), the height limitation of 5.0 metres related to canopies does not apply;
- (HH) Section 40.5.40.70(1) regarding setbacks to centreline of a **lane** do not apply;
- (II) Despite 200.5.1.10(12), a **vehicle** entrance or exit to the **building** can be closer than 6.0 metres from the **lot line** abutting the **street**;
- (JJ) Despite (C) under "Prevailing By-law and Prevailing Sections" Section 12(2)380 of By-law 438-86 of the former City of Toronto, as amended and does not apply; and
- (KK) For the purposes of this By-law 662-2020, a terrace means an outdoor area located on the roof of a **building** and such terrace is not a balcony.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(1) 3(b) of former City of Toronto By-law 438-86;
  - (B) Section 12(2)132 of former City of Toronto By-law 438-86; and
  - (C) Section 12(2)380 of former City of Toronto By-law 438-86.
9. 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.
10. For the purposes of interpreting By-law 662-2020 "**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 and accessible parking space dimensions set out in City of Toronto Zoning By-law 569-2013 and above in By-law 662-2020. 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 City of Toronto Zoning By-law 569-2013 and relevant clauses above in By-law 662-2020.

**11. Section 37 Provisions**

- A. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 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 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 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 or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July 29, 2020.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

Seal of the City

**SCHEDULE A**  
**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided by the owner of the **lot** at their expense to the City in accordance with one or more 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, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

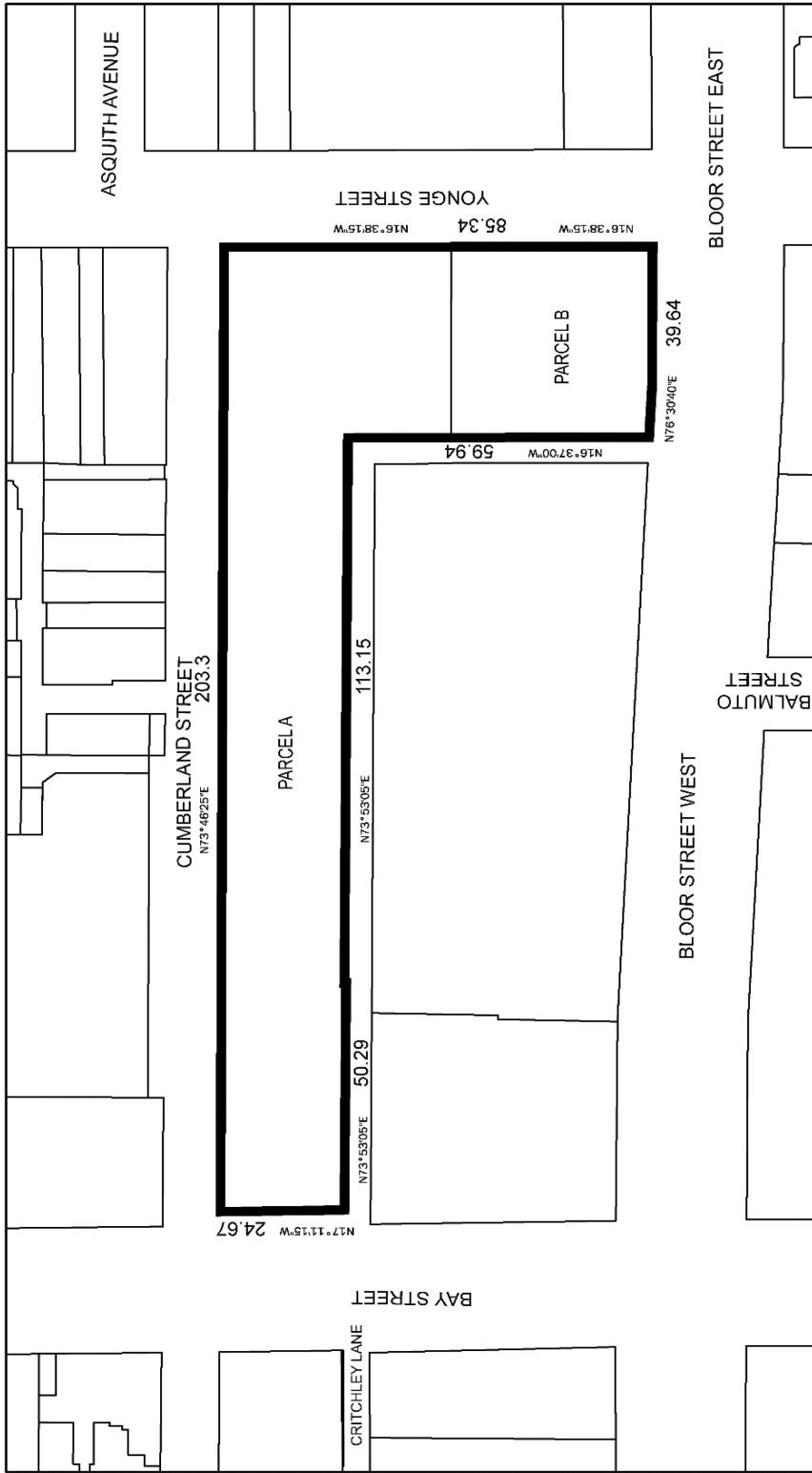
1. a total financial contribution of \$20,000,000.00, whereas City Council recognizes that \$500,000.00 has been already been paid to the City into the Planning Act Reserve Account, and the remaining financial contribution in the amount of \$19,500,000.00 shall be payable to the City prior to issuance of the first above-grade building permit, with such remaining financial contribution amount to be indexed upwardly in accordance with Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date of payment and; the funds shall be directed as follows:
  - a. \$4,000,000.00 directed towards new and/or capital improvements to existing Affordable Housing in the vicinity of the **lot**;
  - b. \$500,000.00 directed towards streetscape improvements in the vicinity of the **lot**;
  - c. the \$500,000.00 already paid to the City through previous permissions, forming part of the total contribution shall continue to be directed towards the provision of streetscaping and landscaping improvements to Bloor Street West and Bloor Street East in the vicinity of the **lot** described in this By-law;
  - d. \$15,000,000.00 directed towards community facilities and parks within the vicinity of the **lot**; and
  - e. in the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the implementing Zoning By-law Amendment coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the ward Councillor, provided that the purposes are identified in Toronto's Official Plan and will benefit the local community.
2. the following matters are secured in the Section 37 Agreement as matters required to support the development of the **lot**:
  - a. a publicly accessible open space of not less than 125 square metres fronting onto Yonge Street. The owner shall operate, maintain and repair the open space and install and maintain a sign, at its own expense, stating that members of the public

shall be entitled to use the open space at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the open space shall be determined in the context of a site plan approval pursuant to Section 114 of the *City of Toronto Act, 2006*, and secured in a Site Plan Agreement with the City, all to the satisfaction of the Chief Planner and Executive Director, City Planning;

- b. a Phasing Plan for the development in a form and content satisfactory and acceptable to the Chief Planner and Executive Director, City Planning in consultation with the General Manager, Transportation Services; General Manager, Parks, Forestry and Recreation; Chief Engineer and Executive Director, Engineering and Construction Services; the Toronto Transit Commission; Director, Real Estate Services and the City Solicitor which will be provided in a satisfactory and acceptable manner to the City prior to any Site Plan Approval on the **lot**;
- c. a Functional Servicing and Stormwater Management Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and payment for and construction of any necessary improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support the development;
- d. provision and maintenance of a continuous publicly-accessible pedestrian connection from Bay Street, at grade, to the concourse level of the Building 'A', and connecting to the TTC subway station entrance access below Bay Street;
- e. maintenance by the owner and at the owner's expense of the existing below grade, publicly accessible pedestrian connection beneath Cumberland Street to the concourse level of the building permitted by this By-law together with the construction, provision and maintenance of a publicly accessible concourse-level corridor between such connection and the Bay subway station;
- f. prior to the earlier of condominium registration and the first residential use of Building 'C' the construction, provision and maintenance of a continuous publicly-accessible pedestrian connection from Cumberland Street, at grade, to the concourse level of the existing building on Parcel B (as shown on Diagram 1) and connecting to the below-grade pedestrian connection located below Yonge Street leading to the Bloor-Yonge subway station;
- g. provision and maintenance of streetscape improvements adjacent to the **lot**;
- h. prior to Site Plan Approval for each phase of the development, a Pedestrian Level Wind Study, including wind tunnel analysis report, to the satisfaction of the Chief Planner and Executive Director, City Planning, which identifies recommendations for the pedestrian realm and the outdoor areas of the base buildings to mitigate wind impacts year-round, and the owner will implement and maintain in support

of the development all recommended mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning;

- i. prior to the issuance of Site Plan Approval, a Construction Management Plan and Neighbourhood Communication Strategy to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Executive Director, Engineering and Construction Services and the ward Councillor;
- j. warning clauses, to be inserted in all offers to purchase, agreements of purchase and sale or agreements to lease, and condominium declaration documents for each south-facing unit within Building 'A' and 'B', to advise of the legal possibility that office or residential buildings may be erected on the lands south of the public lane which runs along the south property line of the **lot**, with undetermined height and massing;
- k. prior to the earlier of condominium registration and the first residential use of Building 'C', relocation by the owner of the existing public art currently located on the Yonge Street frontage to the new publicly accessible open space required in 2.a. above, and maintenance by the owner of the public art, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- l. a minimum 4.0 metre wide publicly-accessible pedestrian walkway, inclusive of structural support columns and a minimum 2.1 metre pedestrian clearway, on the south side of Cumberland Street, forming part of the colonnade for the base building of Building 'A' and 'B';
- m. construction and maintenance by the owner of the development of the **lot** in accordance with Tier 1 performance measures of the Toronto Green Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate through the Site Plan Approval process; and
- n. amendment to the existing ground lease for the **lot** and related ancillary documents to decrease and surrender the leased lands for the purpose of parkland dedication as it relates to this application only, shall not result in any form of rent reduction or any negative financial implication or loss to the City, and shall be on terms approved by the Executive Director, Corporate Real Estate Management, in consultation with the General Manager, Parks, Forestry and Recreation, and in a form satisfactory to the City Solicitor.



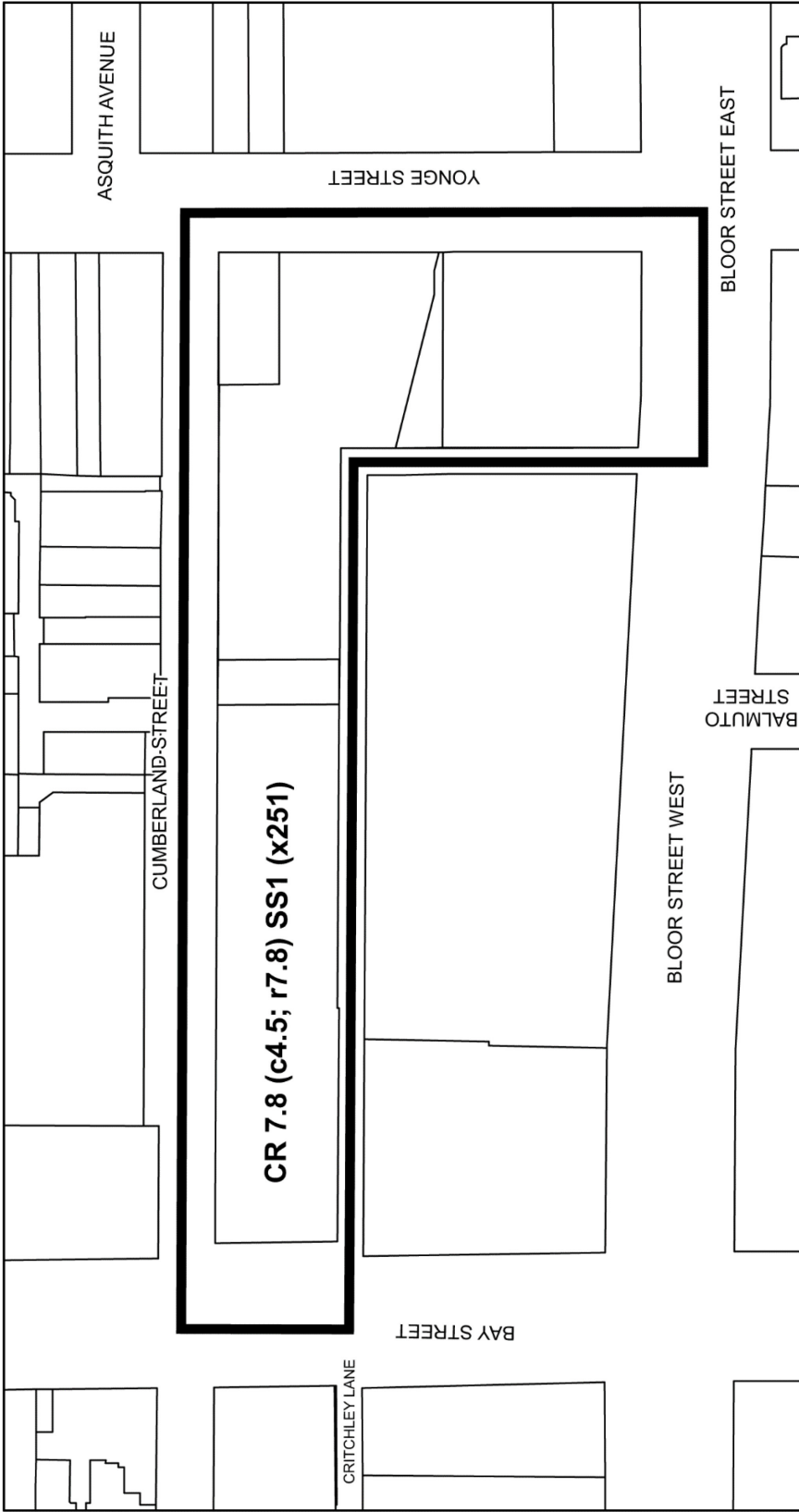
**Toronto**  
Diagram 1

## 2 Bloor Street West

File # 18 221948 STE 27 0Z



City of Toronto By-law 569-2013  
Not to Scale  
07/09/2020

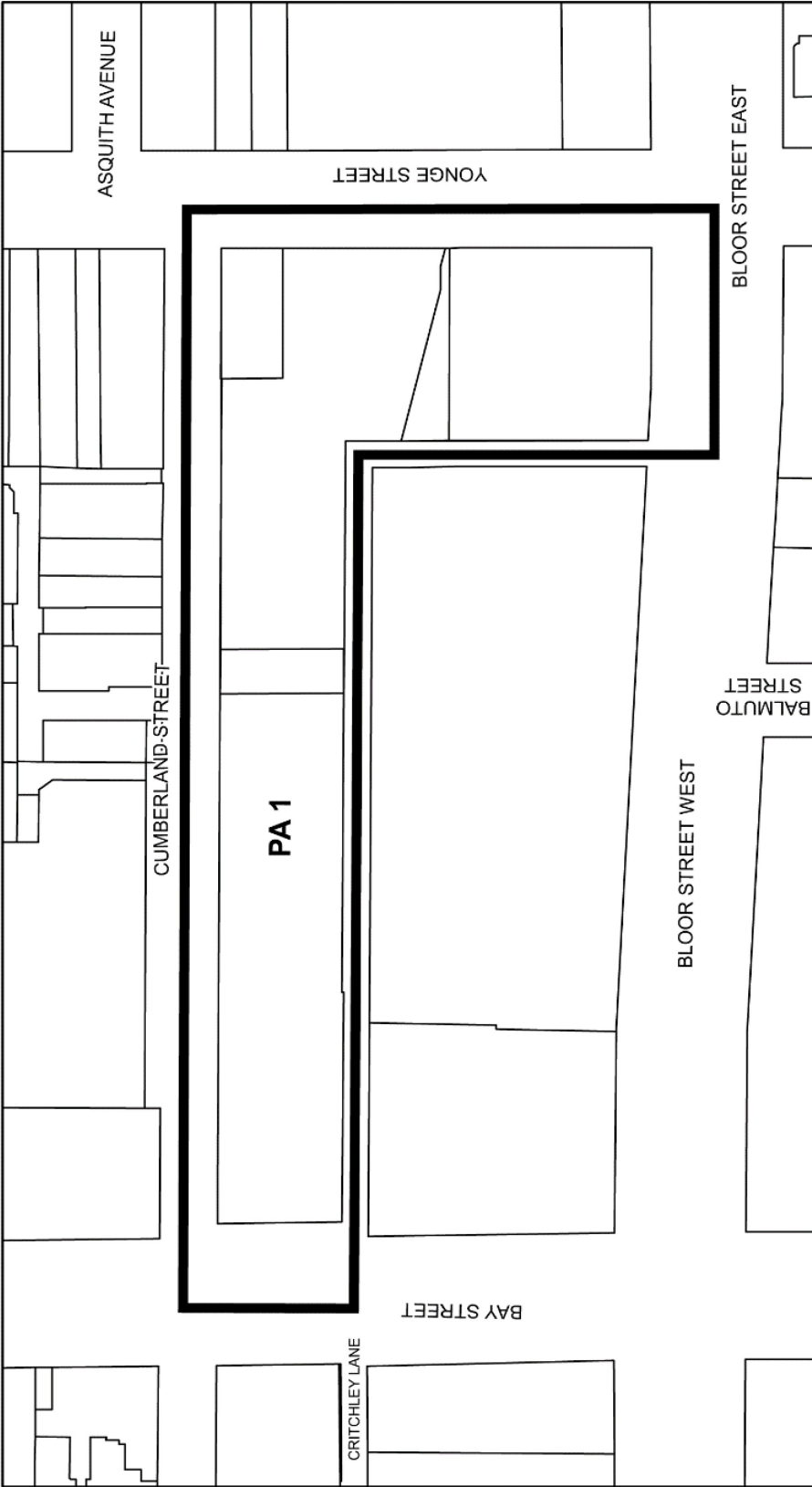


## 2 Bloor Street West

File # 18 221948 STE 27 OZ



City of Toronto By-law 569-2013  
Not to Scale  
07/07/2020



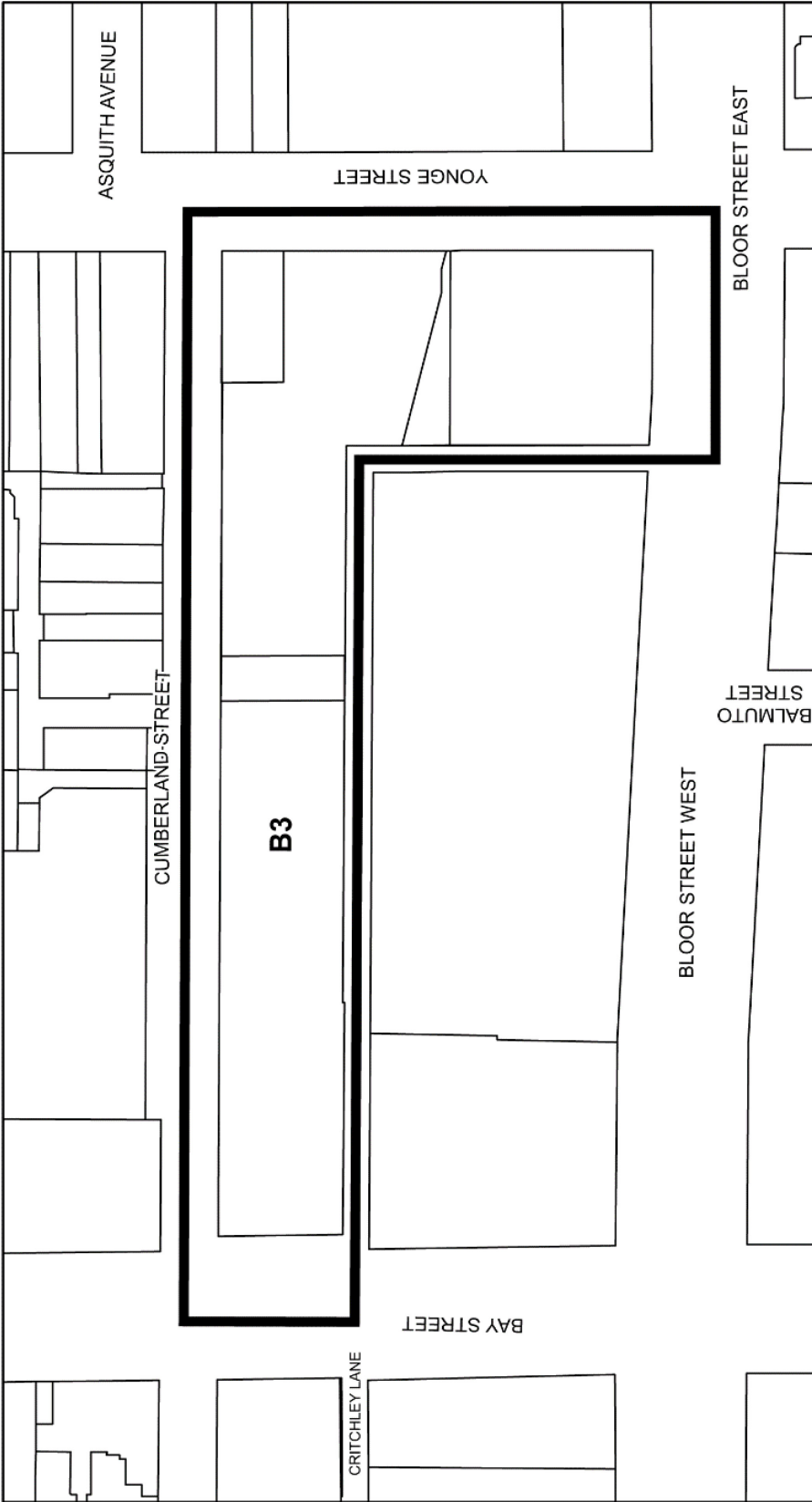
 **Toronto**  
Diagram 3

**2 Bloor Street West**

File # 18 221948 STE 27 0Z



City of Toronto By-law 569-2013  
Not to Scale  
02/19/2020



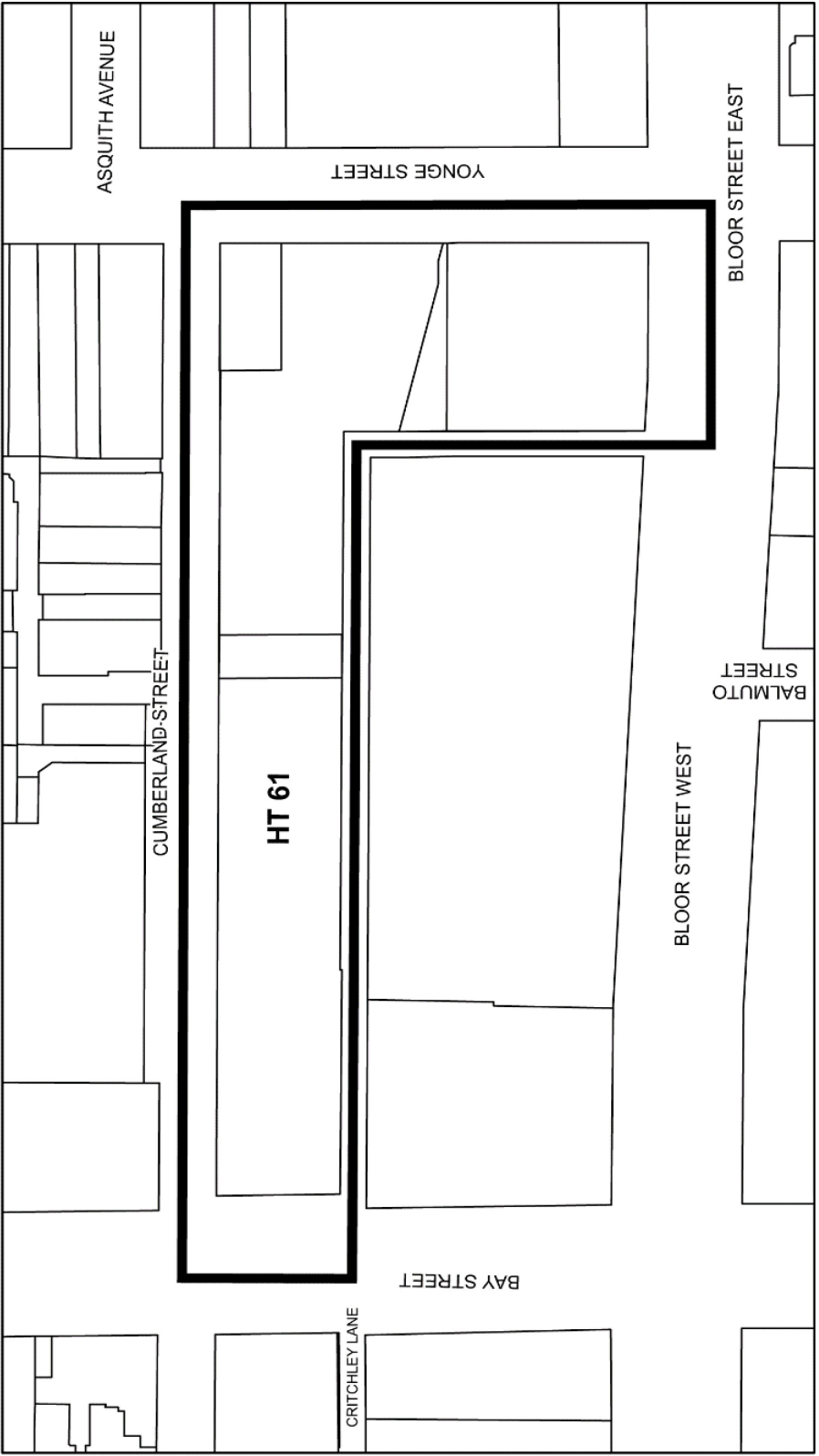
 **Toronto**  
Diagram 4

**2 Bloor Street West**

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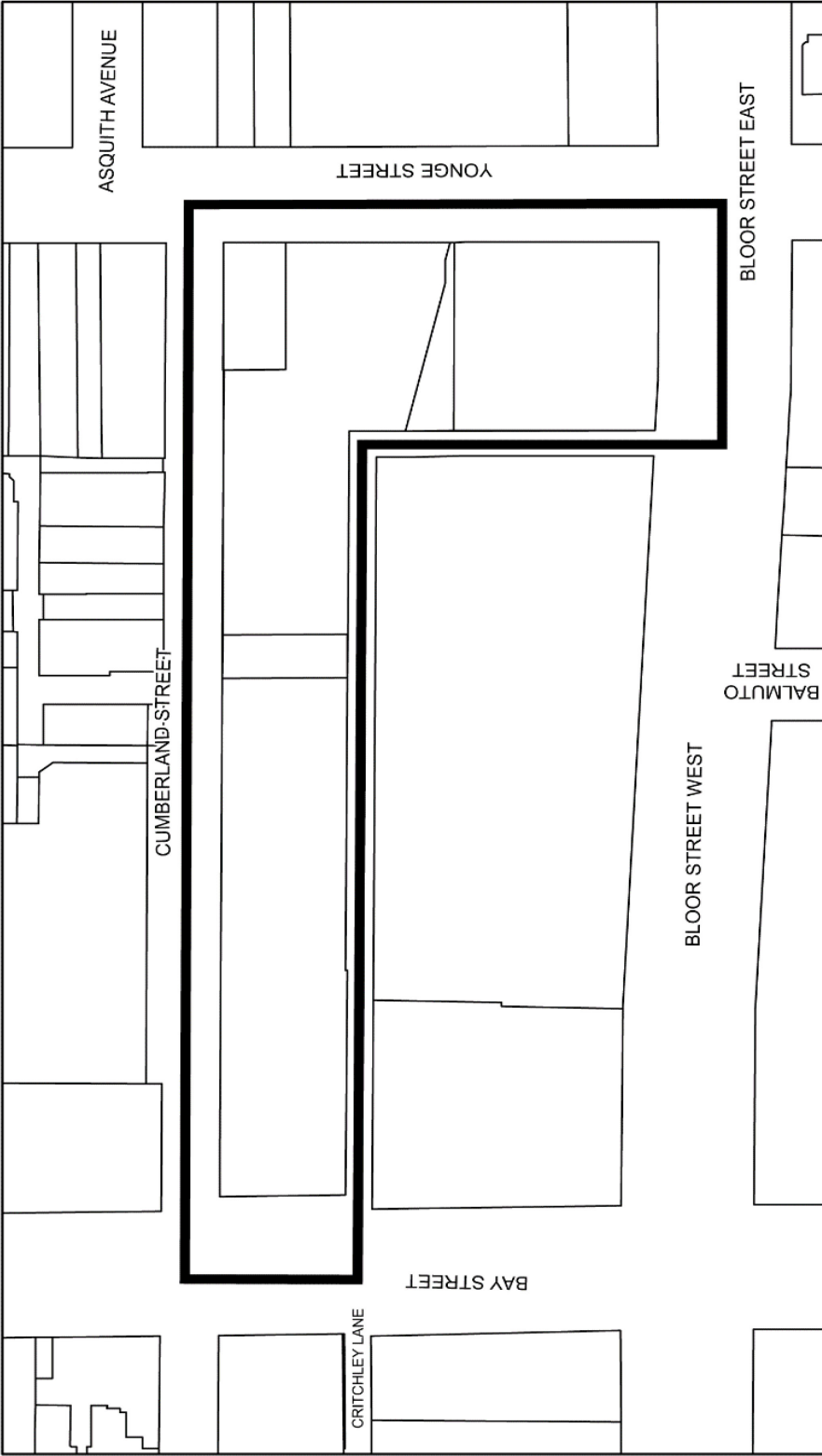
City of Toronto By-law 569-2013  
Not to Scale  
02/19/2020



## 2 Bloor Street West

File # 18 221948 STE 27 0Z

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City of Toronto By-law 569-2013  
Not to Scale  
02/19/2020



## 2 Bloor Street West

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City of Toronto By-law 569-2013  
Not to Scale  
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