

Authority: Toronto and East York Community Council Item TE7.3, adopted as amended, by City of Toronto Council on July 16, 17 and 18, 2019 and Toronto and East York Community Council Item TE7.4, as adopted by City of Toronto Council on July 16, 17 and 18, 2019

CITY OF TORONTO

BY-LAW 72-2021

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2021 as 300 Bloor Street West and 478 Huron Street.

Whereas authority is given to Council by 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 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 an increase 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 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, 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 by By-law 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. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in *height* and density of development permitted in this By-law are permitted beyond that otherwise permitted on the lands shown on Map 1 attached to and forming part of this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 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.

2. Where Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters and the execution and registration in priority of an agreement or agreements with the owner pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same.
3. 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 Appendix 1 of this By-law are satisfied, including the execution and registration in priority of an agreement or agreements with the owner pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor.
4. None of the provisions of Section 2(1) with respect to the definition of *bicycle parking space – visitor, grade, height, lot*, and Sections 4(2), 4(5), 4(8), 4(12), 4(13), 4(17), 8(3) Part I, 8(3) Part II, 8(3) Part XI 2(ii), 12(2)270 and 12(2)380 of Zoning By-law 438-86, as amended, 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 lands 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, which may contain *dwelling units* and non-residential *gross floor area* and uses accessory thereto including a parking garage containing an *automated parking system* 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) the residential *gross floor area* on the *lot* shall not exceed a maximum of 20,475 square metres;
 - (c) the non-residential *gross floor area* on the *lot* shall not exceed a maximum of 6,525 square metres;
 - (d) no portion of any building or structure erected on the *lot* above grade shall be located otherwise than wholly within the heavy lines identified on Map 2 attached to and forming part of this By-law with the exception of the following:
 - (i) cornices, light fixtures, ornamental and architectural features, vertical screen elements at balconies, projecting panel system at exterior walls, parapets, art and landscape features, patios, decks, pillars, pergolas, trellises, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, covered walkways, screens, site servicing features, awnings and canopies including support structures, window washing equipment, bicycle parking facilities and underground garage ramps and associated structures may project no more than 0.5 metres into the building setbacks.
 - (e) no portion of any building or structure, including the mechanical penthouse, erected or used above grade on the *lot* shall exceed the *height* limits above grade

in metres specified by the numbers following the symbol "H" as shown on Map 2 attached hereto and forming part of this By-law with the exception of the following:

- (i) the portions of the existing buildings on the *lot* shown in shading on Map 2 to a maximum *height* of 38.0 metres, attached to and forming part of this By-law;
 - (ii) erection of use of structures on any roof used for outdoor residential amenity space or open air recreation, maintenance, safety, wind protection purposes, vestibules providing access to outdoor amenity or recreation space, partitions dividing outdoor recreation areas, provided such projections are limited to a maximum vertical projection of 4.5 metres above the permitted building heights shown on Map 2 attached to and forming part of this By-law;
 - (iii) the erection or use of structures on the roof used for green roof purposes, roof assembly, air intakes, vents and ventilating equipment, chimney stacks, exhaust flues, parapets, elevator overruns and garbage chute overruns and elements associated with green energy and renewable energy facilities, provided such projections are limited to a maximum of 2.0 metres above the permitted building heights shown on Map 2 attached to and forming part of this By-law; and
 - (iv) lightning rods and window washing equipment provided such projections are limited to a maximum of 6.0 metres above the permitted building heights shown on Map 2 attached to forming part of this By-law.
- (f) *parking spaces*, shall be provided and maintained on the *lot* in accordance with the following minimum requirements;
- (i) 0.31 *parking spaces* per dwelling unit for residents;
 - (ii) 20 *parking spaces* for the place of worship;
 - (iii) 25 *parking spaces* for visitor and office uses;
 - (iv) 3 car-share *parking spaces*;
 - (v) *parking spaces* may be provided in an *automated parking system* as defined in Section 8 of this by-law; and
 - (vi) If *parking spaces* are provided in an *automated parking system* as defined in Section 7 of this by-law, the 3 car-share *parking spaces* referenced in (f)(iv) above are not required.
- (g) A *parking cabin* contained within an *automated parking system* will be provided on the *lot* in accordance with the following dimensions;

- (i) A minimum length of 6.0 metres;
 - (ii) A minimum width of 6.0 metres; and
 - (iii) A minimum vertical clearance of 2.1 metres.
- (h) *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following minimum requirements:
- (i) A minimum of 225 *bicycle parking spaces – occupant* for residential uses on the *lot*;
 - (ii) A minimum of 25 *bicycle parking spaces – visitor* for residential uses on the *lot*;
 - (iii) A minimum of 9 *bicycle parking spaces – occupant* for non-residential uses on the *lot*; and
 - (iv) A minimum of 15 *bicycle parking spaces – visitor* for the non-residential uses on the *lot*.
- (i) one loading space – type "G" and two loading space – type "C" shall be provided and maintained on the *lot*;
- (j) at least 10 percent of all dwelling units shall have three or more bedrooms;
- (k) a minimum of 1.88 square metres of indoor residential *amenity space* per *dwelling unit* shall be provided and maintained on the *lot*;
- (l) For the purposes of this exception, indoor *amenity space* may include a maximum of 1 *guest suite* provided:
- (i) The *guest suite* does not exceed 55 square metres; and
 - (ii) The *guest suite* does not include food preparation facilities.
- (m) a minimum of 40 square metres of outdoor *amenity space* shall be in a location adjoining or directly accessible from a portion of the indoor *amenity space*;
- (n) *privately-owned publicly accessible open space* having a minimum area of 368 square metres shall be provided on the ground level generally as shown within the shaded areas on Map 3 attached to and forming part of this By-law;
- (o) Parking pallets will not conform to the parking space dimensions set out in City of Toronto Zoning By-law 438-86 and above in By-law 72-2021.
5. None of the provisions of By-law 438-86, as amended, or this By-law shall apply to prevent a *temporary sales office* on the *lot*.

6. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
7. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law 438-86, as amended, with the exception of the following:
- (a) "amenity space" shall mean means indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities;
 - (b) "automated parking system" shall mean 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. For the purposes of this By-law parking pallets are the portion of the *automated parking system* that is used to manoeuvre a vehicle into its specific *parking space*;
 - (c) "parking cabin" shall mean the entire area, inclusive of a parking pallet, in which a person parks their vehicle for the sole purpose of storing said vehicle within an *automated parking system*. For the purposes of By-law 72-2021, a *parking cabin* will be considered as a parking space for the purpose of determining compliance with the requirements in City of the Toronto Zoning By-law 438-86 and relevant clauses above in By-law 72-2021;
 - (d) "bicycle parking space – visitor" shall be as defined in By-law 436-86 except that bicycle parking spaces may be located outdoors or indoors and if located outdoors they may be provided in a bicycle parking rack where each space has minimum dimensions of 1.7 metres in length, 0.264 metres in width and a vertical clearance of at least 1.9 metres;
 - (e) "car-share" means the practice whereby a number of people share the use of one or more cars that are owned and operated by a profit or non-profit car-sharing organization, and where such organization may require that the use of cars is 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;
 - (f) "car-share parking space" means a parking space exclusively reserved and signed for a car used only for car-share purposes and a car-share parking space may be provided in an *automated parking system*;
 - (g) "grade" means 115.00 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment);

- (h) "gross floor area" shall mean the gross floor area of a mixed use building is reduced by the area in the building used for:
- (i) parking, loading and bicycle parking below-ground;
 - (ii) required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) shower and change facilities required by this By-law for required bicycle parking spaces;
 - (v) amenity space required by this By-law;
 - (vi) elevator shafts;
 - (vii) garbage shafts;
 - (viii) mechanical penthouse; and
 - (ix) exit stairwells in the building.
- (i) "guest suite" shall mean a suite, other than a dwelling unit, that has no kitchen facilities and is available for use on a temporary basis as overnight accommodation for persons visiting residents of a building on the lot;
- (j) "height" means the vertical distance between grade and the highest point of the roof of any building on the lot, except for those elements prescribed by this By-law;
- (k) "lot" means those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- (l) "privately-owned publicly accessible open space" means a space on the lot situated at ground level generally within the shaded areas shown on Map 3, attached to and forming part of this By-law, that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plazas, and ornamental structures and is used principally for the purpose of sitting, standing and other recreational uses; and

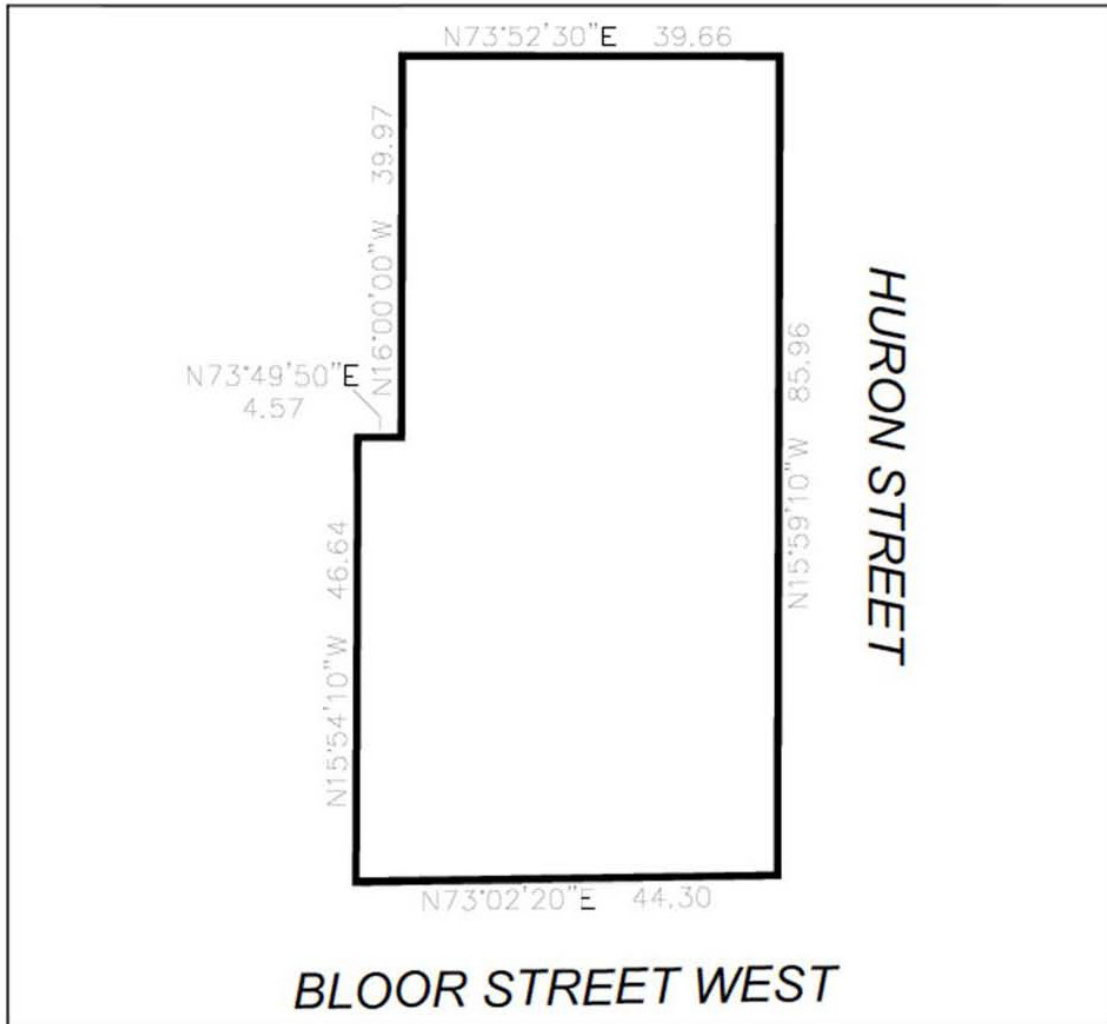
- (m) "temporary sales office" means a building or structure used exclusively for the sale and/or leasing of dwelling units or non-residential gross floor area to be erected on the lot.

Enacted and passed on February 18, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
Interim City Clerk

(Seal of the City)

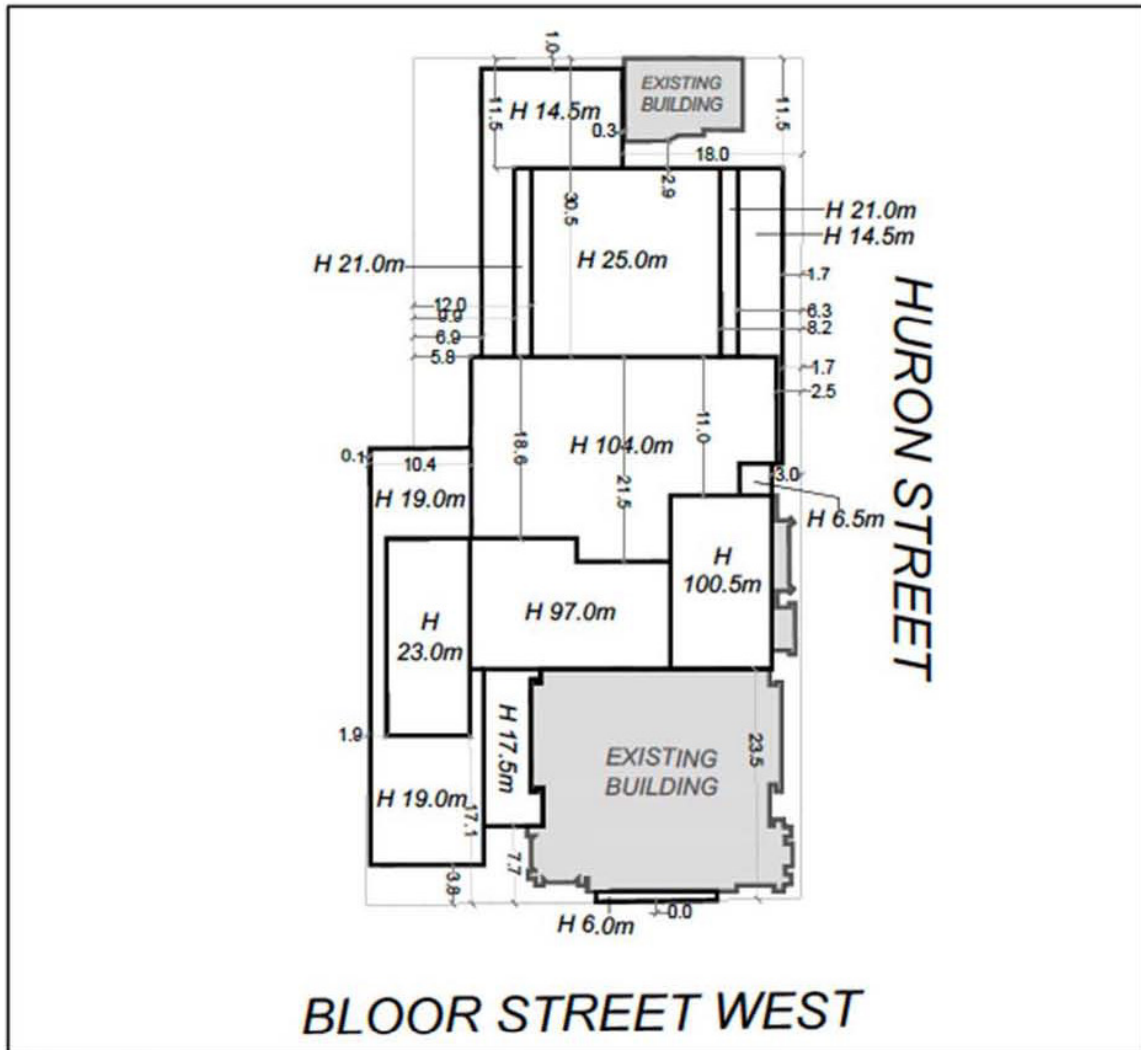


300 Bloor Street West and 478 Huron Street, Toronto

Map 1



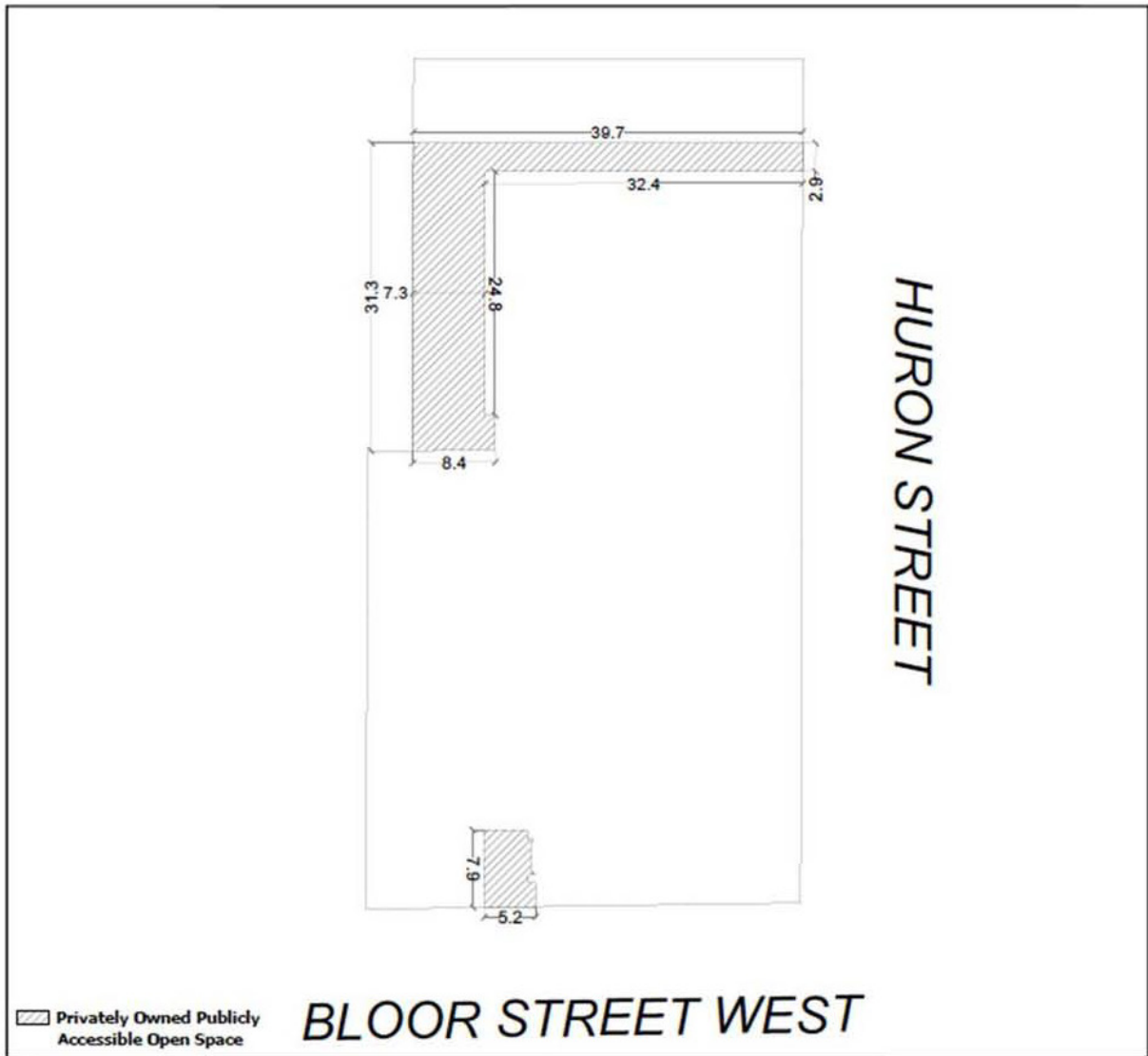
Not to Scale



300 Bloor Street West and 478 Huron Street, Toronto

Map 2





300 Bloor Street West and 478 Huron Street, Toronto

Map 3



Not to Scale

APPENDIX 1
Section 37 Provisions

Upon execution and registration in priority of an agreement or agreements with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity, insurance, and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the facilities, services and matters set out below are required to be provided to the City by the owner of the lands at the owner's expense in accordance with this By-law, and 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:

1. The owner shall provide a cash contribution to the City in the amount of TWO MILLION THREE HUNDRED AND FORTY-FOUR THOUSAND DOLLARS (\$2,344,000.00), fifty percent (50 percent) of which is payable to the City prior to issuance of the Notice of Approval Conditions, and fifty percent (50 percent) of which is payable prior to the issuance of the first above-grade building permit for all or any part of the land, and the funds are to be directed as follows, all to the satisfaction of the Chief Planner and Executive Director, City Planning, and subject to upwards indexing as set out in Item 1(c) below:
 - a. TWO MILLION THREE HUNDRED AND FORTY-FOUR THOUSAND DOLLARS (\$2,344,000.00) towards capital improvements for new or existing Toronto Community Housing and/or affordable housing in consultation with the Ward Councillor, and/or playground improvements to Huron Street Junior Public School and to allow public access for a fifteen (15) year period of time;
 - b. FOUR HUNDRED THOUSAND AND SIXTEEN DOLLARS (\$416,000.00) of benefit value in addition to Item 1(a) above, towards providing space during the week, for the Annex Seniors Adult Services (SAS) group for accommodation within the Bloor Street United Church building subject to the following conditions:
 - i. a minimum of 200 square metres of space;
 - ii. available 2 half days per week (8 hours per week total);
 - iii. a minimum of a 10 year term;
 - iv. 50 percent discount over rental rate; and
 - v. not to be assignable/transferrable to any other group without the City's consent and the consent of the Bloor Street United Church not to be unreasonably withheld.
 - c. the payment in Item 1(a) above shall be indexed upwardly in accordance with the Building Construction Price Index, or its successor, calculated from the date of

the execution of the Section 37 Agreement to the date the owner makes the payment to the City; and

- d. in the event that the cash contribution referred to in Item 1(a) above has not been used for its intended purpose within three (3) years of the zoning by-law amendments 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 purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the land.
2. Prior to the issuance of final site plan approval pursuant to section 114 of the City of Toronto Act, 2006 and section 41 of the Planning Act for all or any part of the land the owner shall:
- a. provide final site plan drawings that are satisfactory to the Senior Manager, Heritage Planning, including drawings related to a Conservation Plan approved by such Senior Manager that is satisfactory to such Senior Manager and is prepared by a qualified heritage consultant, and that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 300 Bloor Street West and 478 Huron Street prepared by ERA Architects Inc., dated March 6, 2019;
 - b. provide a Heritage Lighting Plan that describes how the exterior of the heritage properties on the land will be sensitively illuminated to enhance their heritage character, all to the satisfaction of the Senior Manager, Heritage Planning, and thereafter the owner at its sole expense shall implement such Plan on the land to the satisfaction of the Senior Manager, Heritage Planning;
 - c. provide an Interpretation Plan for the heritage properties on the land to the satisfaction of the Senior Manager, Heritage Planning, and thereafter the owner at its sole expense shall implement such plan on the land to the satisfaction of the Senior Manager, Heritage Planning;
 - d. provide a detailed Landscape Plan for the land satisfactory to the Senior Manager, Heritage Planning, and thereafter the owner at its sole expense shall implement such plan on the land to the satisfaction of the Senior Manager, Heritage Planning; and
 - e. submit a Signage Plan for the proposed development, to the satisfaction of the Senior Manager, Heritage Planning.
3. Prior to the issuance of any permit for all or any part of the land, including a heritage permit pursuant to the Ontario Heritage Act or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage properties on the land as are acceptable to the Senior Manager, Heritage Planning, the owner shall at its sole expense:

- a. obtain final approval for the necessary zoning by-law amendments required for the alterations to the properties at 300 Bloor Street West and 478 Huron Street, that such amendments have been enacted by City Council and have come into full force and effect in a form and with content acceptable to City Council as determined by the Chief Planner and Executive Director, City Planning, in consultation with the Senior Manager, Heritage Planning;
 - b. provide full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Planning;
 - c. provide a letter of credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning, to secure all work included in the approved Conservation Plan and the approved Interpretation Plan. Prior to the release of the letter of credit, the owner shall:
 - i. provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work have been completed in accordance with the approved Conservation Plan and the approved Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning; and
 - ii. provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning; and
 - d. provide full documentation of the existing heritage properties at 300 Bloor Street West and 478 Huron Street, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, all to the satisfaction of the Senior Manager, Heritage Planning.
4. a. The owner shall, at its sole expense, provide, construct and maintain both a privately-owned publicly-accessible open space ("POPS") of an area of not less than 41 square metres adjacent to the sidewalk on Bloor Street on the south and western end of the land, and a POPS of not less than 327 square metres adjacent to the sidewalk on Huron Street on the north and eastern end of the land, with the specific location, configuration and design of the two POPS to be determined in the context of the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning, and additionally secured in a site plan agreement with the City, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, and including provision by the owner of insurance and indemnity;

- b. prior to the earlier of the issuance of any site plan approval for the land and the issuance of any heritage permit or building permit for the land, the owner shall at its sole cost and expense convey and register to the satisfaction of the City Solicitor a non-exclusive surface easement in perpetuity respecting the two POPS, in favour of the City for use by the City and general public 24 hours a day, 7 days a week, as publicly accessible, open space for pedestrian, cycling and open space use, for nominal consideration free and clear of encumbrances other than encumbrances permitted to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - c. prior to the earlier of any condominium registration on the land and the first commercial or residential use of the development, the owner shall complete the construction of the two POPS to the satisfaction of the Chief Planner and Executive Director, City Planning.
- 5. The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by City Council, applicable at the time a site plan application is submitted to the City for each building of the development, and the owner will be encouraged to achieve Tier 2 performance measures of the Toronto Green Standard or higher, where appropriate, consistent with the performance standards of Toronto Green Standard applicable at the time of the site plan application for the development.