

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 73-2021

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 300 Bloor Street West and 478 Huron Street.

Whereas Council of the City of Toronto has the authority to pass this By-law pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended; 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 or 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 the height and density permitted hereunder, beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, are permitted in return for the provision of the facilities, services and matters set out in this By-law and to be further secured by one or more agreements between the owner of the lands and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined in 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 3.0 (c2.0; r2.5) SS2 (x289) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 289 - so that it reads:

Exception CR (289)

The lands are subject to the following Site-Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 300 Bloor Street West and 478 Huron Street, if the requirements of Section 7 of this By-law and Schedule A of By-law 73-2021 are complied with a **building, structure**, addition or enlargement maybe erected or constructed in compliance with (B) to (U) below;
- (B) Despite regulation 40.10.40.40(1), the maximum permitted **gross floor area** of all **buildings** and **structures** on the lands must not exceed 27,000 square metres, of which:
 - (i) residential uses must not exceed 20,475 square metres; and
 - (ii) non-residential uses must not exceed 6,525 square metres;
- (C) Despite regulations 40.5.40.10(1) and 40.5.40.10(2) the **height** of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 115.00 metres to the elevation of the highest point of the **building**;
- (D) Despite regulations 40.10.40.70(2), 40.10.40.80(2), clauses 40.5.40.60, 40.10.40.60 and 40.10.40.71 and article 600.10.10, the minimum required **building setbacks** and minimum distance between **main walls** for each level of the **building** are as shown in metres on Diagram 3 of By-law 73-2021.
- (E) Despite clauses 40.5.40.60, 40.10.40.60 and (D) above, the following are permitted to encroach into a required **building setback** or distance between **main walls**:
 - (i) a maximum of 0.50 metres for; 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**; and

- (F) Despite regulations 40.5.40.10(4)(C), (5), (6) and (7) and 40.10.40.10(2), (4) and (5), no portion of a **building** or **structure**, including the mechanical penthouse, may exceed the **height** in metres specified by the numbers following the symbol HT on Diagram 3 of By-law 73-2021, with the exception of the following:
- (i) the portions of the existing **buildings** on the lands shown in shading on Diagram 3 to a maximum height of 38.0 metres;
 - (ii) the erection or use of **structures** on any roof used for outdoor **amenity space** or open air recreation, maintenance, safety, wind protection purposes, pergolas, cabanas, vestibules providing access to outdoor **amenity space** 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 Diagram 3;
 - (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 Diagram 3; 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 Diagram 3.
- (G) Despite regulation 40.10.40.50(1) and 40.10.40.50(2), a minimum of 3.88 square metres of **amenity space** for each **dwelling unit** must be provided, of which:
- (i) a minimum of 1.88 square metres for each **dwelling unit** must be indoor **amenity space**; and
 - (ii) a minimum 40 square metres is outdoor **amenity space** in a location adjoining or directly accessible to a portion of the indoor **amenity space**.
- (H) Section 150.50, with regards to Places of Worship, does not apply.
- (I) Despite clause 200.5.10.1, Table 200.5.10.1 and regulations 200.10.1(1) and (2) **parking spaces**, must be provided and maintained on the lands, 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 residential visitor and non-residential uses; and
 - (iv) 3 'car-share' **parking spaces**;
 - (v) **Parking spaces** may be provided within an 'automated parking system' as defined in 5 (ii) of By-law 73-2021; and
 - (vi) If **parking spaces** are provided in an 'automated parking system' as defined in 5 (ii) of By-law 73-2021, the 3 'car-share' **parking spaces** referenced in (I)(iv) above are not required.
- (J) Section 200.5 and Article 200.10.1 do not apply to **parking spaces** within an 'automated parking system'.
- (K) Section 200.15 does not apply to accessible **parking spaces** located within an 'automated parking system.'
- (L) A 'parking cabin' contained within an 'automated parking system' will be provided on the lands 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.
- (M) Despite regulation 230.5.1.10(4) "short-term" **bicycle parking spaces** may have minimum dimensions of:
- (i) 1.7 metres in length;
 - (ii) 0.264 metres in width; and
 - (iii) a vertical clearance of 1.9 metres.
- (N) Despite regulations 230.5.10.1(1), and 230.5.10.1(5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided and maintained on the lands, in accordance with the following;
- (i) A minimum of 225 long term bicycle **parking spaces** for the exclusive use of **dwelling units**;
 - (ii) A minimum of 25 short-term bicycle **parking spaces** for the exclusive use of **dwelling units**;
 - (iii) A minimum of 9 long-term bicycle **parking spaces** for the exclusive use of non-residential uses; and

- (iv) A minimum of 15 short-term bicycle **parking spaces** for the exclusive use of non-residential uses.
- (O) Despite regulation 230.5.1.10(7), shower and change facilities are not required;
- (P) Despite clauses 40.10.90.1 and 220.5.10.1(5), a minimum of one type "G" **loading space** and two type "C" **loading space** must be provided and maintained on the lands;
- (Q) Despite regulation 40.10.40.1(1) residential use portions of the **mixed use building** may be located at the same level or below non-residential uses portions of the **building**;
- (R) At least 10 percent of all **dwelling units** must have three or more bedrooms;
- (S) For the purposes of this exception, **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.
- (T) 'Privately-owned publicly accessible open space' having a minimum area of 368 square metres must be provided on the ground level generally as shown within the shaded areas on Diagram 4 of By-law 73-2021;
- (U) Parking pallets 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 73-2021.

Prevailing By-laws and Prevailing Sections: (None Apply)

5. For the purpose of this By-law:

- (A) 'Privately-owned publicly accessible open space' means a space on the lands situated at ground level generally within the shaded areas shown on Diagram 4 of By-law 73-2021, 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;
- (B) '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. 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**.

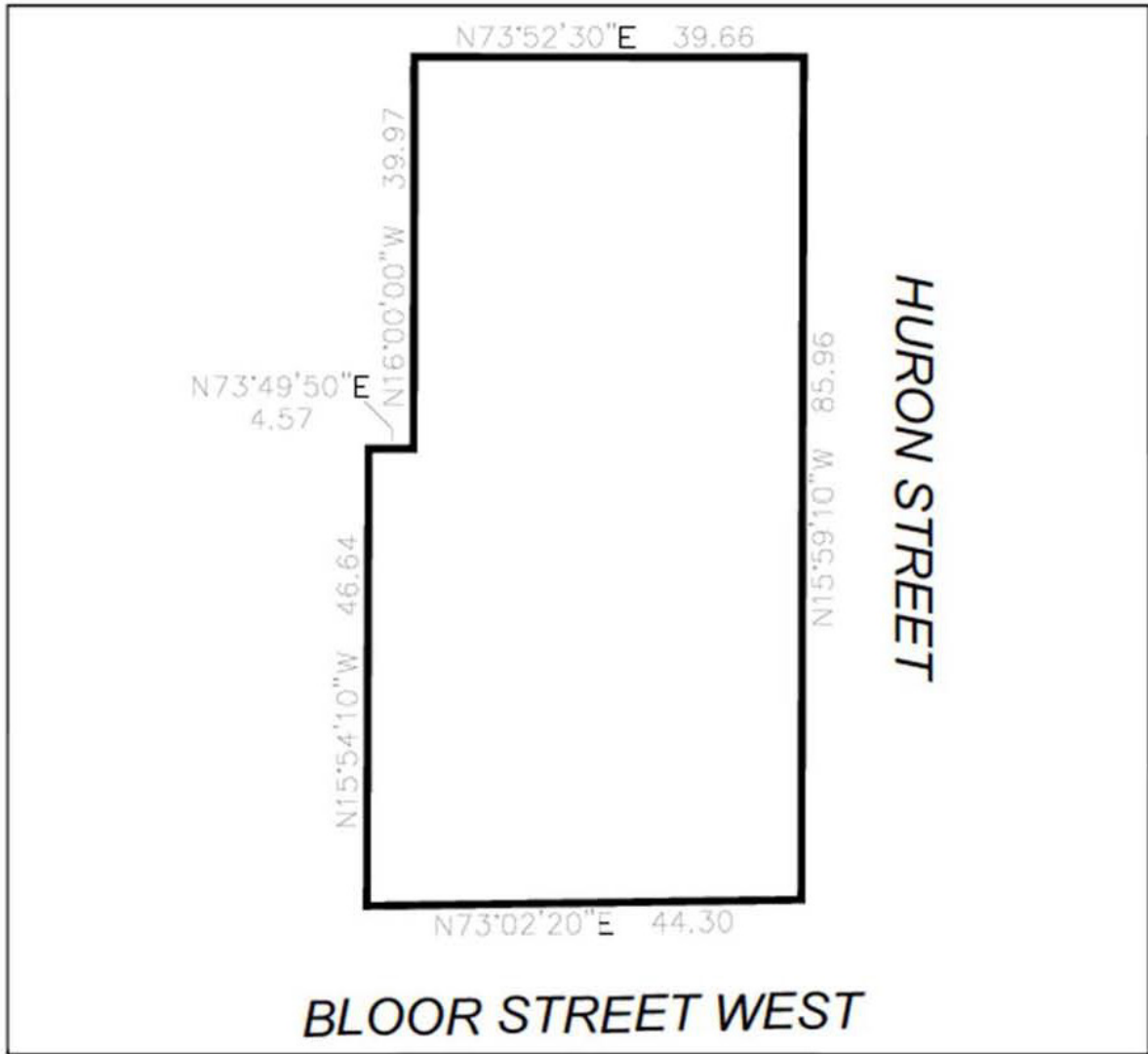
- (C) 'Parking cabin' means the entire area, inclusive of a parking pallet, in which a user parks their vehicle for the sole purpose of storing said vehicle within an 'automated parking system'. For the purposes of this By-law, a 'parking cabin' may be considered as a **parking space** or as an accessible **parking space**.
- (D) 'Car-share' means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reversed 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.
- (E) 'Car-share' **parking space** means a **parking space** that is reserved and actively used for car-sharing.
6. Despite any existing or future severance, partition, or division of the lands, the provisions of this By-law apply to the whole of the lands as if no severance, partition or division occurred.
7. 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 density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 to this By-law subject to the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37 of the Planning Act that are in a form and registered in priority 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 and density pursuant to this By-law unless or until the owner has executed and registered in priority an agreement or agreements pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, securing the provision of facilities, services and matters set out in all provisions of Schedule A of By-law 73-2021.

Enacted and passed on February 18, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
Interim City Clerk

(Seal of the City)

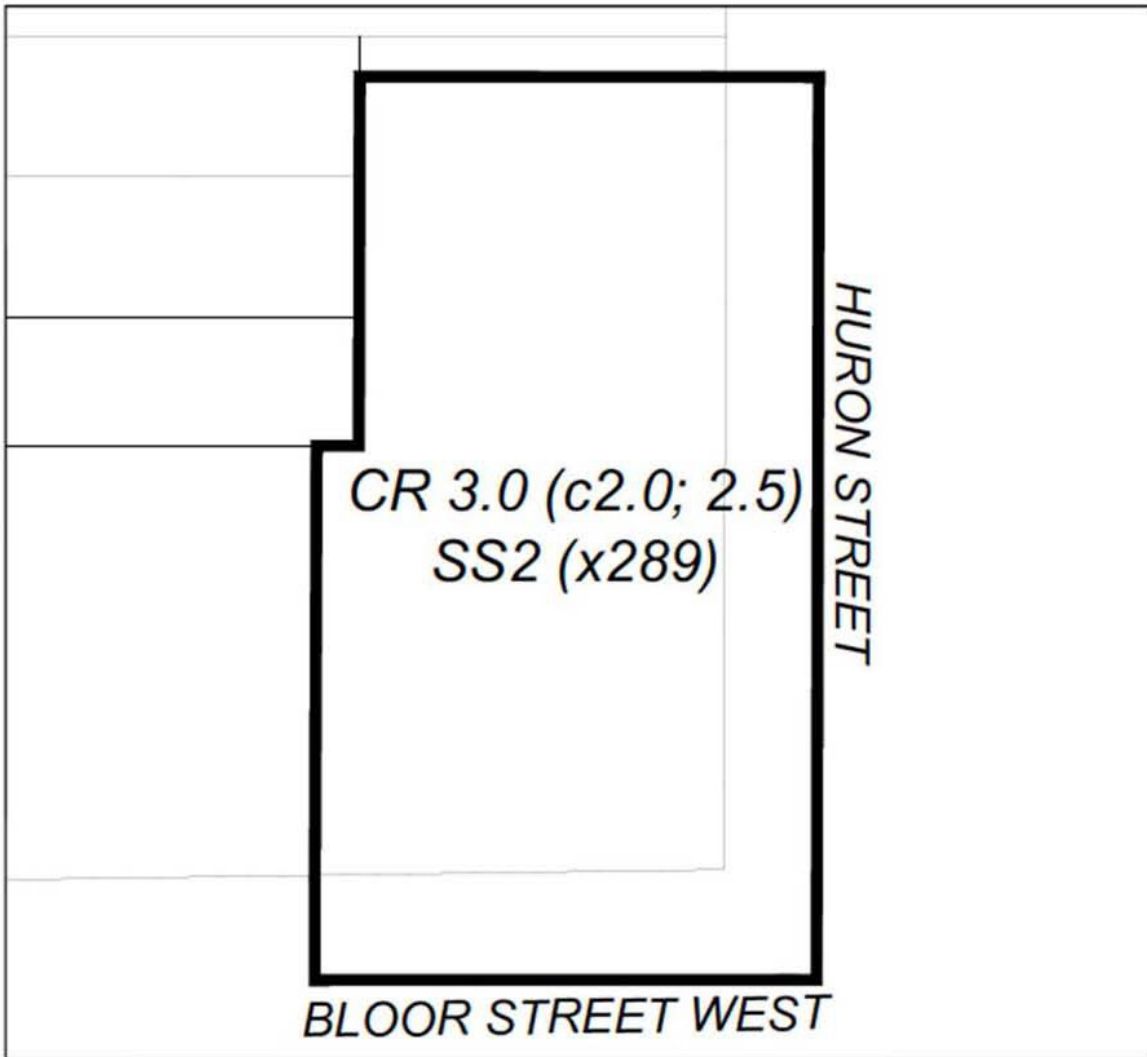


300 Bloor Street West and 478 Huron Street, Toronto

Diagram 1



Not to Scale

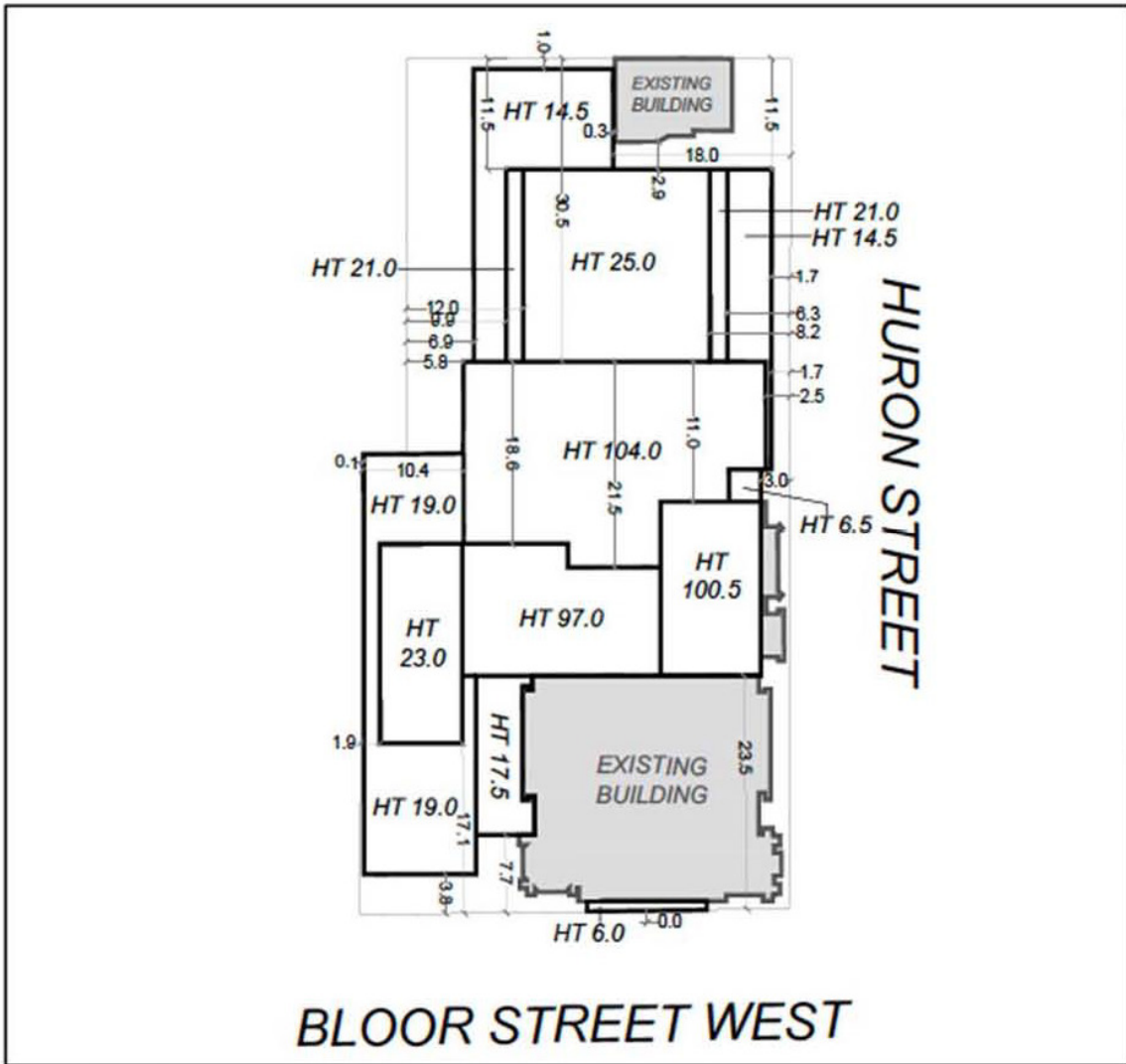


300 Bloor Street West and 478 Huron Street, Toronto

Diagram 2



Not to Scale

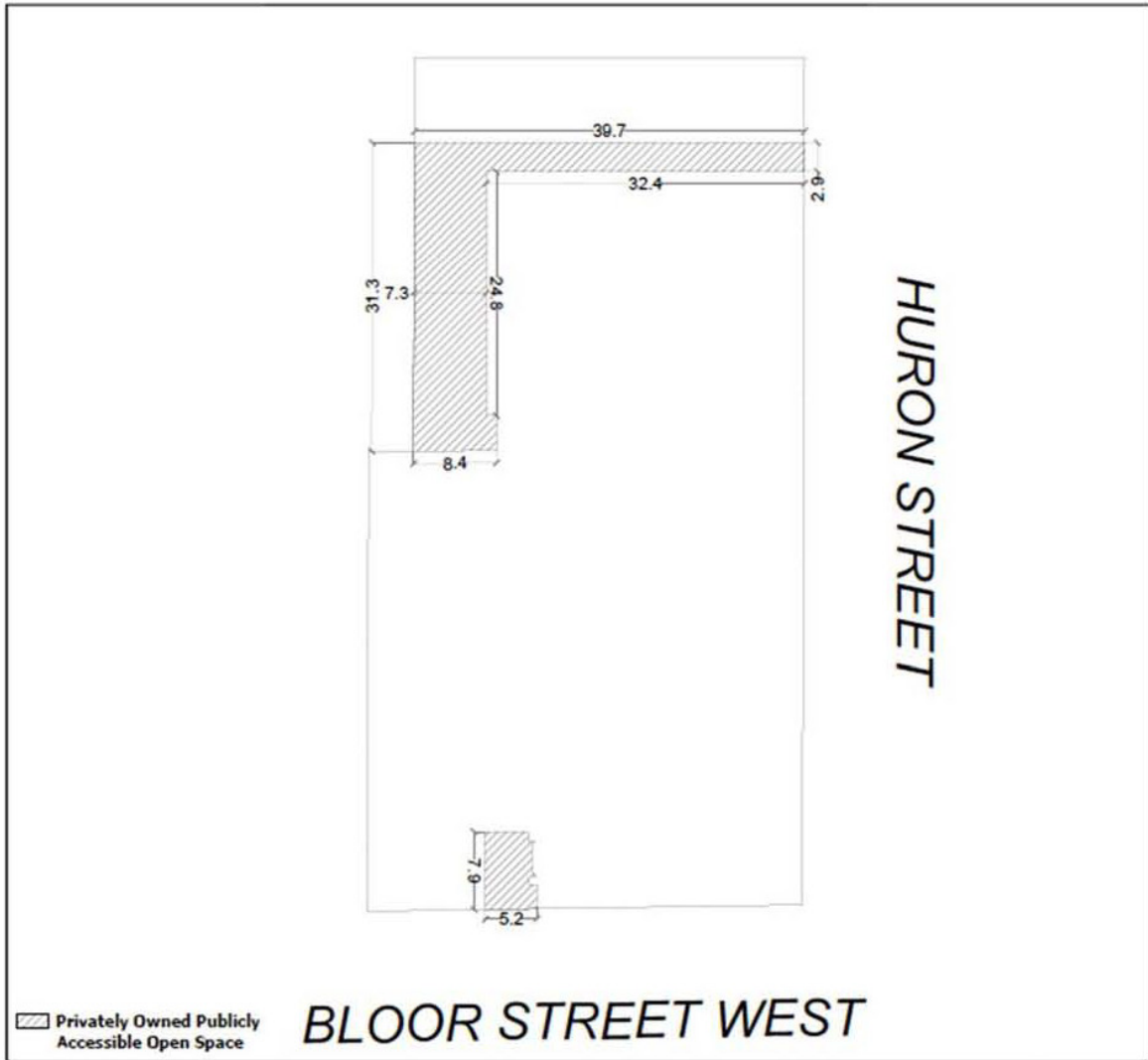


300 Bloor Street West and 478 Huron Street, Toronto

Diagram 3



Not to Scale



BLOOR STREET WEST

300 Bloor Street West and 478 Huron Street, Toronto

Diagram 4



Not to Scale

SCHEDULE A
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.
 - 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.