

Authority: Ontario Municipal Board Decision issued June 19, 2017 and Local Planning Appeal Tribunal Order issued February 7, 2020 in File PL151186

CITY OF TORONTO

BY-LAW 594-2021(OLT)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands municipally known in the year 2020 as 316 Bloor Street West.

Whereas Ontario Municipal Board Decision issued June 19, 2017 and Local Planning Appeal Tribunal Order issued February 7, 2020, in File PL151186, in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deem it advisable to amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2020 as 316 Bloor Street West; 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 matter 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 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 Local Planning Appeal Tribunal orders:

1. Pursuant of Section 37 of the Planning Act, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Appendix 1 of this By-law.
2. 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 provisions 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

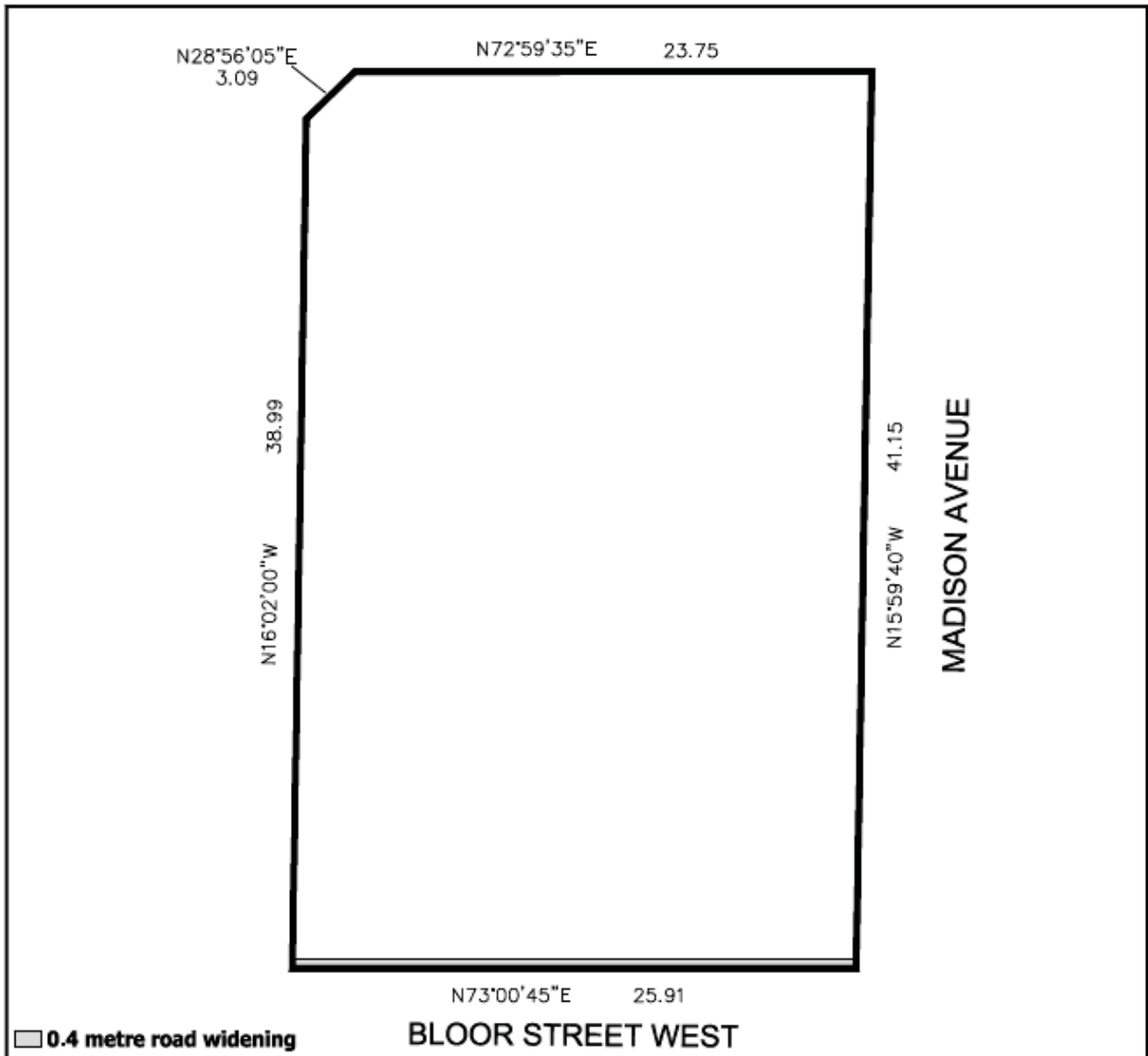
facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.

3. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
4. None of the provisions of Sections 4(2)(a), 4(3)(a), 4(5), 4(12), 4(13), 8(3) PART I 1 and 3, 8(3) PART II 1(b), 8(3) Part II 4(c), 8(3) PART XI 2, 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 on the lands shown delineated by heavy lines on Map 1 attached hereto of a *mixed-use building* and *accessory* uses thereto including *car-sharing*, on the *lot* provided:
 - (a) the *lot* consists of those lands delineated by heavy lines on Map 1;
 - (b) the total combined non-residential *gross floor area* and residential *gross floor area* does not exceed 22,450 square metres;
 - (c) the residential *gross floor area* shall not exceed 22,100 square metres;
 - (d) the non-residential *gross floor area* shall not exceed 350 square metres;
 - (e) the height of any building or structure, or portion thereof including mechanical penthouse, erected above *grade* within the *lot* shall not exceed the maximum *height* in metres as shown following the symbol "H" on the attached Map 2, with the exception of the following:
 - (i) railings, parapets, balconies, cornices, window washing equipment, lighting fixtures, ornamental elements, trellises, planters, partitions dividing outdoor recreational areas, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, screens, architectural features, elements of a green roof, lightning rods, and exhaust flues, located above the height of each of the roof levels of the building;
 - (ii) despite paragraph (e)(i) above, the only element permitted to exceed a *height* of 98.0 metres shall be window washing equipment;
 - (f) no portion of any building or structure erected and used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on Map 2, except for the following:
 - (i) cornices, eaves, light fixtures, awnings, ornamental elements, trellises, window sills, planters, guardrails, balustrades, railings, stairs, stair enclosures, vents, ventilation shafts, fences, screens, wheel chair ramps, underground garage ramps and their associated structures and landscape and art features, patios, decks, balconies, terraces, canopies, pillars, doors, partitions dividing outdoor recreational areas and site servicing features;

- (g) a minimum of 4.0 square metres of *residential amenity space* per *dwelling unit* shall be provided including:
 - (i) a minimum of 2.5 square metres of indoor *residential amenity space* per *dwelling unit*; and
 - (ii) a minimum of 0.5 square metres of outdoor *residential amenity space* per *dwelling unit*;
- (h) a minimum of 27 *parking spaces* including 4 *car share parking spaces* shall be provided and maintained on the *lot*;
- (i) no *parking spaces* are required for the exclusive use of *non-residential* uses and *residential* visitors;
- (j) despite paragraph (h) above, a maximum of 2 *parking spaces* required by paragraph (h) may be provided on lands municipally known in the year 2020 as 320, 322, 322½, 324, 324½, 326, 326½, 328, 328½ and 332 Bloor Street West;
- (k) a minimum of 1.0 *bicycle parking space* per *dwelling unit* shall be provided and maintained on the *lot* for the residents of and visitors to the building in accordance with the following:
 - (i) for residents, not less than 0.9 *bicycle parking spaces - occupant* per *dwelling unit* shall be provided; and
 - (ii) for visitors and *non-residential* uses, not less than 0.1 *bicycle parking spaces - visitor* per *dwelling unit* shall be provided;
- (l) a *bicycle parking space* may be provided in a horizontal or vertical position, or in a bicycle stacker and if provided in a bicycle stacker, the minimum dimensions required by the definitions of *bicycle parking space – occupant* and *bicycle parking space – visitor* shall not apply;
- (m) notwithstanding the definition of *bicycle parking space – visitor* in Section 2(1)(iii) of Zoning By-law 438-86, as amended, a *bicycle parking space - visitor* may be provided within a secured room;
- (n) one *loading space – type G* shall be provided and maintained on the *lot*;
- (o) None of the provisions of this By-law or By-law 438-86 shall apply to prevent a *sales office* on the *lot*; and
- (p) For the purpose of this By-law:
 - i. *sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*;
 - ii. *grade* means 114.95 metres Canadian Geodetic Datum;

- iii. *car-share motor vehicle* shall mean a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of the building erected on the lot;
 - iv. *car-share parking space* shall mean a parking space used exclusively for the parking of a car-share motor vehicle;
 - v. *height* means the height above *grade* as shown on Map 2;
 - vi. *gross floor area* means the sum of the total area of each floor level of a building or structure above and below finished ground level, measured from the exterior main wall of each floor level, exclusive of any areas in a building or structure used for:
 - A. *Parking spaces* and *loading spaces* below *grade*;
 - B. Required *loading spaces* at the ground level;
 - C. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*;
 - D. Facilities for bicycle parking, including but not limited to the area occupied by *bicycle parking spaces* and required shower and change facilities;
 - E. *Residential amenity space* for the *dwelling units* on the *lot*;
 - F. Elevator shafts, garbage shafts;
 - G. Mechanical penthouses; and
 - H. Exit stairwells in the building or structure; and
 - vii. each other word or expression that is italicized in this By-law shall have the same meaning as that word or expression as defined in the said By-law 438-86, as amended.
5. 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 had occurred.

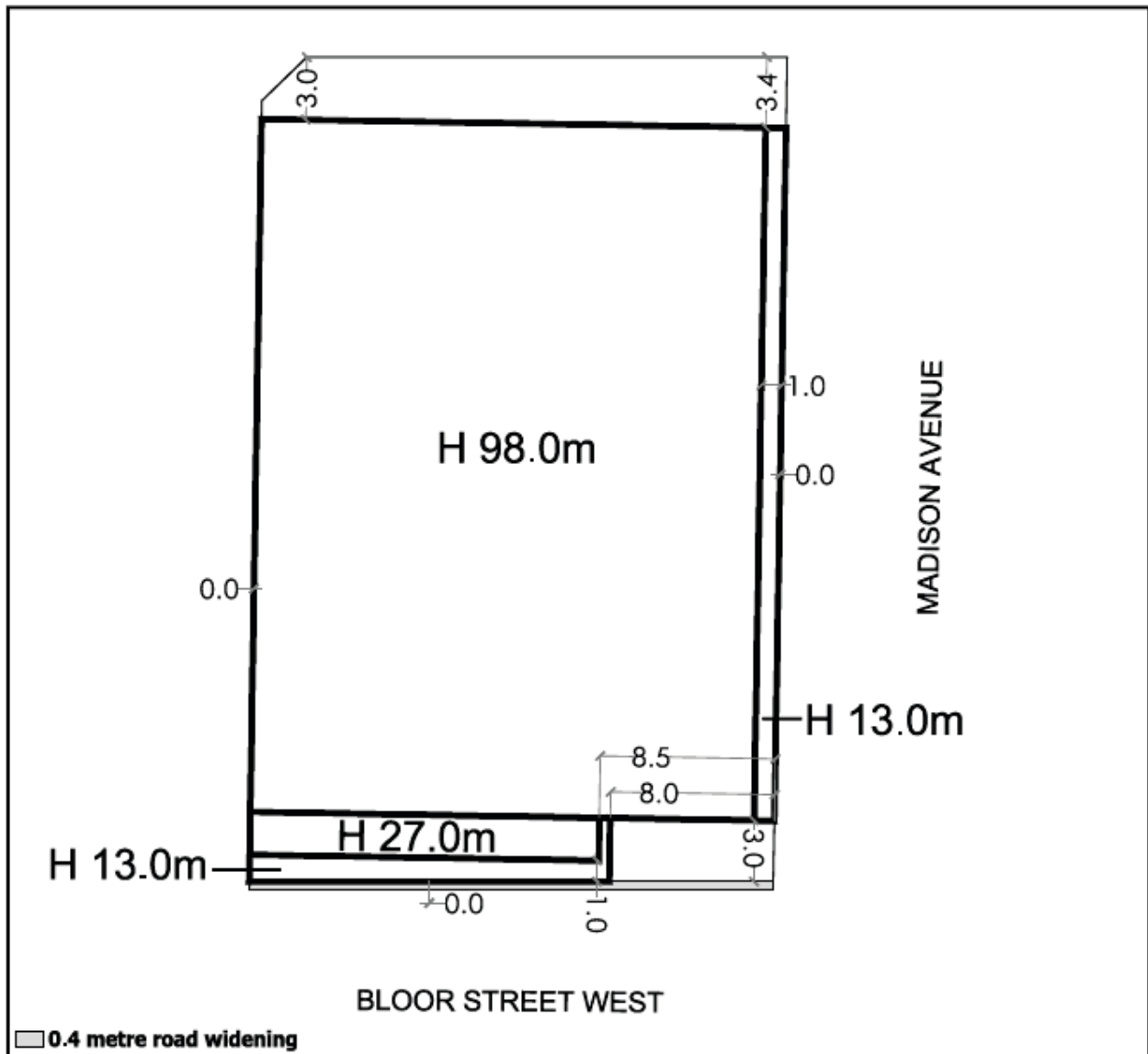
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Map 1



Not to Scale



Map 2



Not to Scale

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 lot and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to the issuance of the first above-grade building permit for the proposed development on the lot, other than a building permit for a temporary sales office/pavilion, the Owner shall pay to the City the sum of \$2,300,000 provided that:
 - \$200,000 to be allocated towards capital improvements for new or existing Toronto Community Housing in Ward 20, in consultation with the Ward Councillor;
 - \$200,000 to be allocated towards to the provision of new affordable housing in Ward 20;
 - \$1,700,000 be allocated to parkland improvements; public realm improvements; and/or capital improvements for new or existing cultural and/or community space in Ward 20 to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Parks, Forestry and Recreation and/or the General Manager, Transportation Services, in consultation with the Ward Councillor and local community; and
 - \$200,000 to be allocated towards streetscape improvements in the immediate adjacent area of the Site, to the satisfaction of the Chief Planner and Executive Director, City Planning.

with such amounts to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the final Order of the Ontario Land Tribunal to the date the payment is made;

2. In the event the cash contribution has not been used for the intended purpose within three years of the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands; and
3. Legal convenience items to support the development, including an easement to permit cars to access a future underground parking garage at 320-326 Bloor Street West from the proposed parking garage at 316 Bloor Street West, accessed via the proposed surface driveway of 316 Bloor Street West.