

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 595-2021(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands known municipally in the year 2020 as 316 Bloor Street West.

Whereas the 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 City of Toronto Zoning By-law 569-2013, 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 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 Local Planning Appeal Tribunal orders:

1. The lands subject to this By-law are outlined by heavy 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 (x378), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 378 so that it reads:

(378) Exception CR 378

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

- (A) On 316 Bloor Street West, if the requirements of Section 6 and Schedule A are complied with, none of the provisions of 5.10.40.70, 40.5.40.10, 40.5.40.60, 40.5.40.70(1)(A), 40.10.20.100(17), 40.10.40.10(2) and (5), 40.10.40.40(1), 40.10.40.60, 40.10.40.70(2), 40.10.40.80(2), 200.5.10.1, 200.15, 220.5.10.1, 230.5.1.10(4), (5), (9) and (10), Section 600.10, and 995.20 apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in compliance with (B) to (N) below:
- (B) The total **gross floor area** of **buildings** or **structures** on the **lot** must not exceed 22,450 square metres of which:
 - (i) The total **gross floor area** for residential uses must not exceed 22,100 square metres; and
 - (ii) The total **gross floor area** for non-residential uses must not exceed 350 square metres;
- (C) **Average grade** is Canadian Geodetic Datum elevation 114.95 metres. The height of a **building** or **structure** must not exceed the height in metres specified by the numbers following the symbol HT on Diagram 3 in By-law 595-2021(OLT);
- (D) Despite (C) above, the following elements may exceed the height indicated by the numbers following the letter HT shown on Diagram 3 of By-law 595-2021(OLT):
 - (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**; and
 - (ii) despite paragraph (D)(i) above, the only element permitted to exceed a height of 98.0 metres shall be window washing equipment;

- (E) The portions of a **building** or **structure** above **average grade** must be located within the areas delineated by heavy lines on Diagram 3 of By-law 595-2021(OLT), except that:
- (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 may extend beyond the heavy lines shown on Diagram 2 of By-law 595-2021(OLT);
- (F) 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**;
- (G) A minimum of 27 **parking spaces** including 4 "car-share parking spaces" shall be provided and maintained on the **lot**;
- (H) No **parking spaces** are required for the exclusive use of residential visitors or non-residential uses on the **lot**;
- (I) A minimum of 2 accessible **parking spaces**, the entire length of which must be adjacent to a 1.5 metre wide accessible barrier free aisle or path, shall be provided and maintained on the **lot** and must have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres; and
 - (iii) vertical clearance of 2.1 metres;
- (J) Despite any provision to the contrary in By-law 595-2021(OLT) and/or By-law 569-2013, a maximum of 2 **parking spaces** required by Section (G) 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 0.9 **bicycle parking spaces** per **dwelling unit** must be provided and maintained on the **lot**, of which:

- (i) **0.9 bicycle parking spaces per dwelling unit** must be allocated for resident bicycle parking; and
 - (ii) **0.1 bicycle parking spaces per dwelling unit** must be allocated for visitor and non-residential use **bicycle parking**, and may be provided in a secured room;
- (L) **Bicycle parking spaces** may be provided on the first **storey**, second **storey** and second **storey** mezzanine levels;
- (M) One Type "G" **loading space** shall be provided and maintained on the **lot**; and
- (N) For the purpose of this exception:
- (i) "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**; and
 - (ii) "car-share parking space" shall mean a parking space used exclusively for the parking of a "car-share motor vehicle".

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

5. Notwithstanding any existing or future severances, partition, or division of the lot, the provisions of this By-law will apply to the whole of the lot as if no severance, partition, or division had occurred.
6. 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 in return for 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(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 and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

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

SCHEDULE A
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.

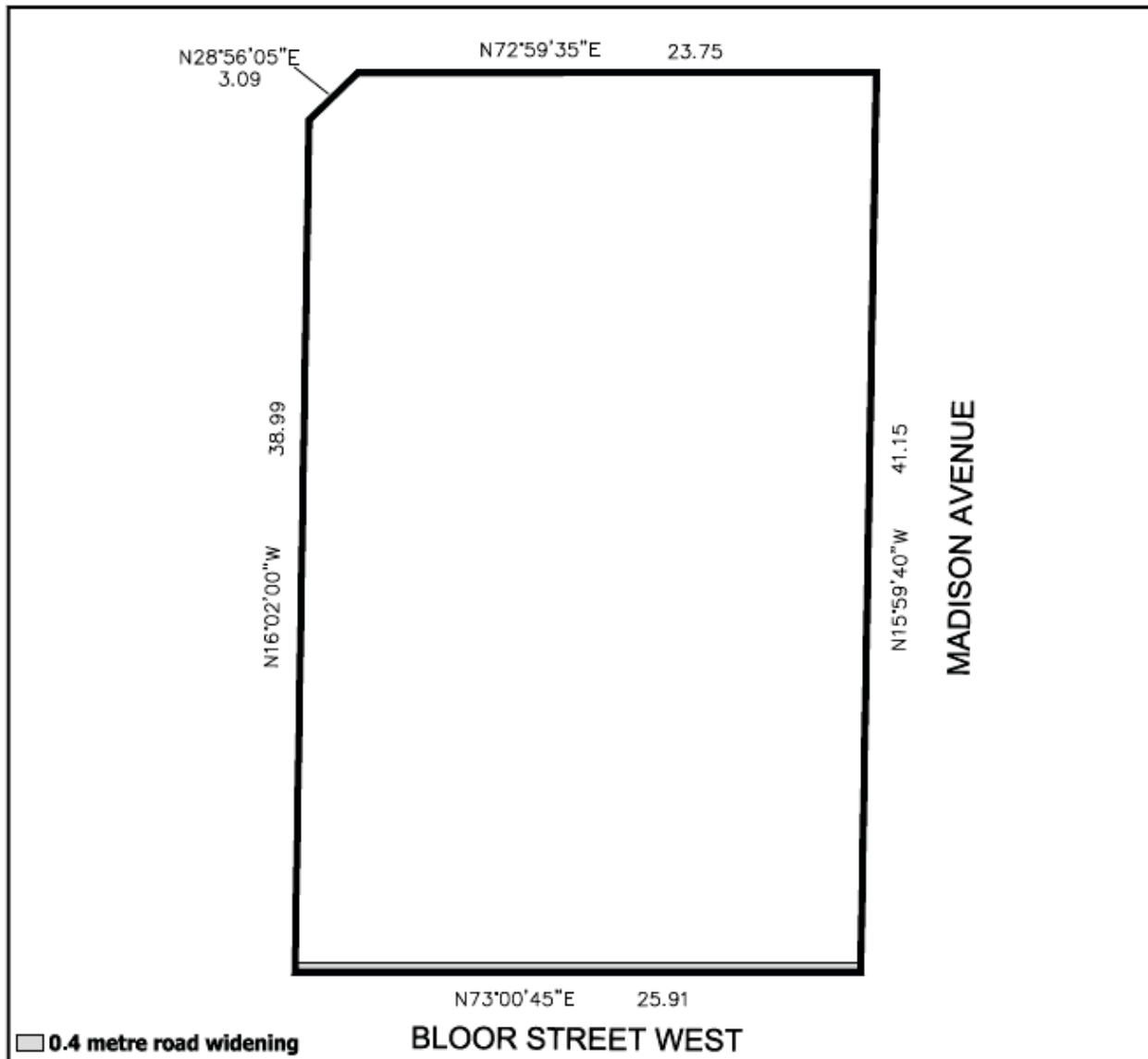


Diagram 1



Not to Scale

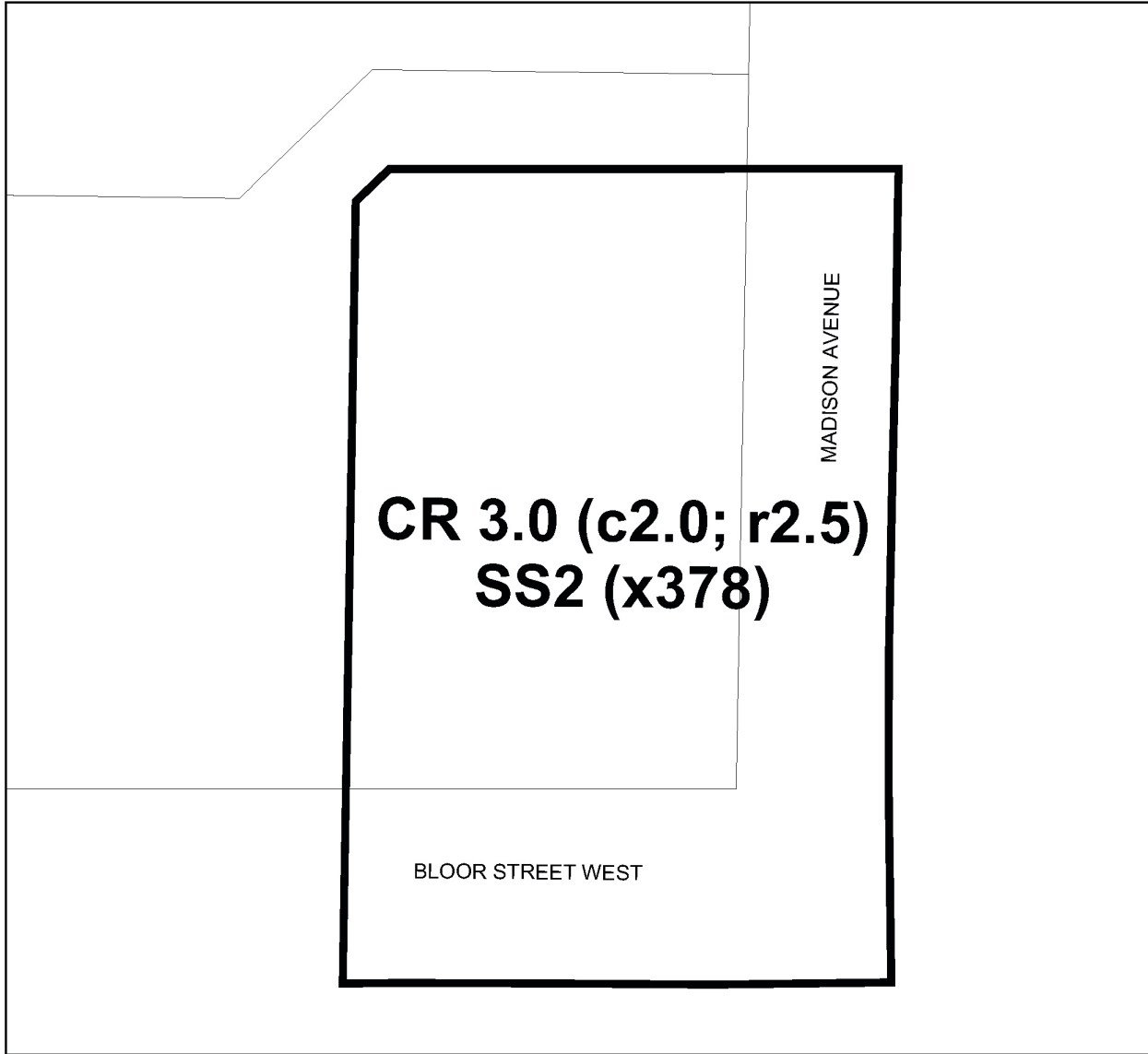


Diagram 2



Not to Scale

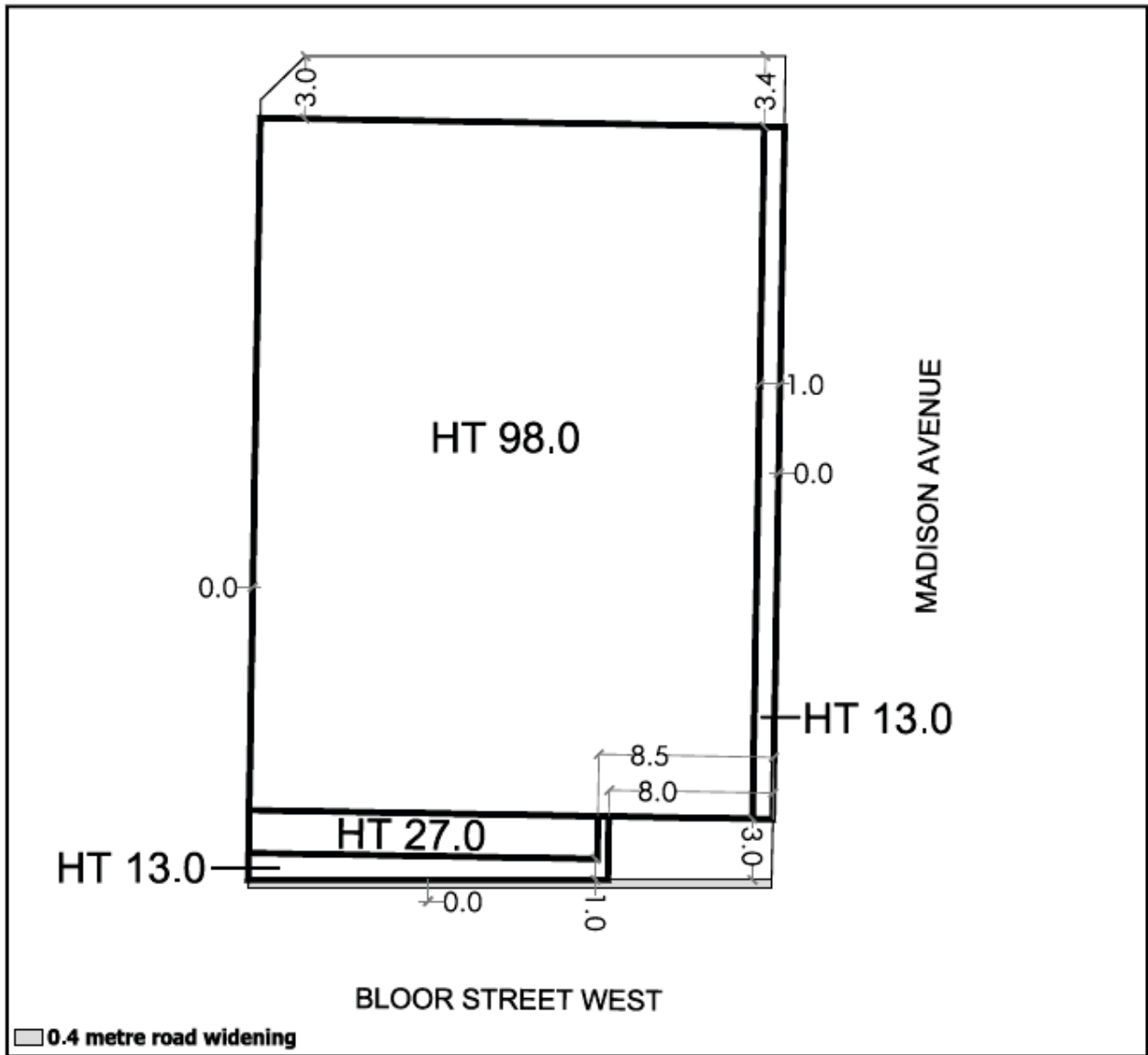


Diagram 3



Not to Scale