

Authority: Ontario Land Tribunal Decision/Order issued
May 19, 2020 and September 3, 2021 in Tribunal File
PL171166

CITY OF TORONTO

BY-LAW 885-2021(OLT)

To amend Chapters 320 and 324 of the Zoning Code of the former City of Etobicoke, as amended, and By-law 1088-2002, as amended, with respect to the lands municipally known as 3411 and 3429 Bloor Street West.

Whereas the Ontario Land Tribunal, pursuant to its decision and its Order issued on May 19, 2020 and September 3, 2021 in respect of Tribunal File PL171166, after hearing the appeal under Section 34(11) of the Planning Act, deems it advisable to amend the Zoning Code of the former City of Etobicoke and By-law 1088-2002 of the City of Toronto; and

Whereas the Tribunal continues to have the power under subsection 37(1) of the Planning Act, as it read on the day before Section 9 of Schedule 12 to the *More Homes, More Choices Act*, 2019 came into force, to authorize in a by-law passed under Section 34 of the Planning Act increases in 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, as it read on the day before Section 9 of Schedule 12 to the *More Homes, More Choices Act*, 2019 came into force, 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 set out in Schedule 1; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by Chapters 320 and 324 of the Zoning Code of the former City of Etobicoke, as amended, and Zoning By-law 1088-2002 of the City of Toronto, as amended, is permitted in return for the provision of the facilities, services and matters set out in Schedule 1 of the By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Ontario Tribunal hereby enacts:

1. Notwithstanding the provisions of the Etobicoke Zoning Code and By-law 1088-2002 (The Etobicoke Centre Zoning By-law), the following provisions shall apply to the EC1 lands described on Schedule A attached hereto.
2. **Definitions**

For the purposes of this By-law, the following definitions shall apply:

- (a) "Amenity Space" shall mean indoor or outdoor space on the Lands that is communal and available for the exclusive use by the occupants of the Senior Citizens' Retirement Home Facility for recreation or social activities;
- (b) "Building Envelope" shall mean the area shown within the heavy lines on Schedule B to this By-law;
- (c) "Dwelling Room" shall mean separate living quarters located in a Senior Citizens' Retirement Home Facility designed or intended for use or used by an individual or individuals and which shall include at least one room and separate sanitary conveniences and shall not include culinary services, with a private entrance from outside and/or from a common hallway inside;
- (d) "Dwelling Unit" shall mean separate living quarters located in a Senior Citizens' Retirement Home Facility designed or intended for use or used by an individual or individuals and which shall include at least one room and separate sanitary conveniences and may include a kitchen with culinary services, with a private entrance from outside and/or from a common hallway inside;
- (e) "Grade" shall mean 121.03 metres Canadian Geodetic Datum;
- (f) "Gross Floor Area" shall have the same meaning as in By-law 1088-2002 except that the following areas shall also be excluded: garbage shaft, exit stairway, elevator shafts, all parking areas including access thereto, garbage and loading areas, bicycle parking areas, and 1.5 square metres of indoor amenity space per Dwelling Room and Dwelling Unit;
- (g) "Height" shall mean the vertical distance between Grade and the highest point of the roof surface of the building;
- (h) "Lands" shall mean the parcel of land outlined by heavy lines on Schedule A attached hereto;
- (i) "Senior Citizens' Retirement Home Facility" shall mean a building or structure on the Lands that may include Dwelling Rooms and Dwelling Units designed primarily for senior citizens and where common facilities are provided for the preparation and consumption of food; and
- (j) "Tandem Parking Space" shall mean a Parking Space that is only accessed by passing through another Parking Space from a street, lane, drive aisle or driveway.

3. Permitted Uses

Notwithstanding Section 3 of By-law 1088-2002, for the purposes of this By-law, no building or structures shall be erected or used on the Lands with a Zone Symbol EC1 except for the following uses:

- (a) All uses permitted in Sections 3(a)(ii) and 3(a)(iii) of By-law 1088-2002 and a Senior Citizens' Retirement Home Facility containing Dwelling Rooms and a maximum of 28 Dwelling Units; and
- (b) Accessory structures, including underground parking garages, television antennae, private swimming pools and structures in conjunction with such pools, covered ramps, exterior stairs, stair enclosures, noise barriers and ventilation shafts.

4. Density

Notwithstanding Section 4 of By-law 1088-2002, for the purposes of this By-law:

- (a) The maximum Floor Space Index permitted on the Lands shall be 6.4;
- (b) The maximum total Gross Floor Area (GFA) permitted on the Lands shall be 14,300 square metres; and
- (c) A maximum of 1,000 square metres of non-residential Gross Floor Area may be provided on the lands. This GFA is included in the maximum GFA permitted in Section 4(b) of this By-law.

5. Height

- (a) The maximum building Height, including the mechanical penthouse, in metres above Grade, permitted on the Lands shall be as shown following the letter H on Schedule B, attached hereto;
- (b) Notwithstanding Section 5(a), electrical, utility, mechanical and ventilation equipment, photovoltaic solar energy devices, enclosed stairwells, roof access, lighting fixtures, elevator shafts, chimneys vents and flues, telecommunications;
- (c) equipment, window washing equipment, trellises, and pergolas, may project up to a maximum of 4.0 metres above the height limits shown on Schedule B;
- (d) Notwithstanding Sections 5(a) and 5(b), unenclosed structures providing safety or wind protection to rooftop amenity spaces, guard rails and railings, privacy and/or divider screens/partitions may project up to a maximum of 2.5 metres above the height limits shown on Schedule B; and
- (e) Notwithstanding Sections 5(a), 5(b) and 5(c), architectural features, parapets elements and structures associated with a green roof, planters, and landscape features may project up to a maximum of 1.5 metres above the height limits shown on Schedule B.

6. Building Envelope

- (a) Every portion of a building or structure located above-finished ground level on the Lands shall be located within the Building Envelope shown on Schedule B, attached hereto;

- (b) Notwithstanding Section 6(a), porches, decks, guards or dividers, railings, windscreens and associated railings, balustrades art/landscape features, architectural elements, pilasters, pillars, columns, window projections, sills, bay windows, light fixtures, eaves, cornices, wall-mounted equipment, awnings, signage, wheelchair ramp, elements or structures used for outside or open-air recreation or green roof, and canopies which may project up to a maximum of 1.3 metres beyond the Building Envelope shown on Schedule B.;
- (c) Notwithstanding Sections 6(a), a terrace may project up to a maximum of 4.0 metres beyond the Building Envelope shown on Schedule B; and
- (d) Notwithstanding Sections 6(a), balconies may be located in the areas delineated by dashed lines on Schedule B for building elements above 21.0 metres. On the east and west elevations, balconies may project up to a maximum of 1.5 metres beyond the Building Envelope, as shown on Schedule B. On the north and south elevations, balconies are to be generally inset and may have a maximum projection beyond the Building Envelope of 0.64 metres, as shown on Schedule B.

7. Floor Plate

Each Storey located above a Height of 25.0 metres shall have a Floor Plate Area no greater than 755.0 square metres measured from exterior wall to exterior wall, excluding balconies and terraces.

8. Vehicle Parking

- (a) Vehicle parking shall be provided on the Lands as follows:

Use	Minimum parking standard
Senior Citizens' Retirement Home Facility	0.25 Parking Spaces per Dwelling Unit or Dwelling Room 0.10 Parking Spaces per Dwelling Unit or Dwelling Room for Visitors
Non-Residential	1 Parking Space per 100 square metres of non-residential gross floor area

- i. If the calculation of the number of required Parking Spaces results in a number with a fraction, the number shall be rounded down to the nearest whole number;
- ii. Parking Spaces provided for visitors and non-residential uses may be shared;
- iii. A required Parking Space may not be a Tandem Parking Space;
- iv. The minimum dimensions of a Parking Space shall be 5.6 metres in length and 2.6 metres in width, with a minimum vertical clearance of 2.0 metres;

- v. The minimum dimensions of an accessible Parking Space shall be 5.6 metres in length and 3.4 metres in width, in addition to an adjacent area having a minimum width of 1.5 metres, with a minimum vertical clearance of 2.0 metres;
- vi. The minimum required width of a Parking Space shall be increased by 0.3 metres for each side of the Parking Space that is obstructed in accordance with subsection 320-18A(3) of the Etobicoke Zoning Code;
- vii. Notwithstanding Section 8(a)v., vi, and vii above and subsection 320-18A(3) of the Etobicoke Zoning Code, up to 10 percent of the parking spaces provided on the Lands may have minimum dimensions of 2.45 metres in width, and 4.9 metres in length, and a minimum vertical clearance of 1.9 metres; and
- viii. Notwithstanding Section 8(a)v, vi, vii and viii above, electric vehicle charging equipment shall be permitted to project into such minimum parking space dimensions.

9. Bicycle Parking

- (a) Bicycle parking spaces shall be provided on the Lands as follows:

- i.

Use	Type of bicycle parking	Minimum bicycle parking requirement
Non-Residential	Short Term	3 + 0.25 spaces/100 square metres of non-residential gross floor area
	Long Term	0.13 spaces/100 square metres of gross floor area

10. Loading

- (a) Loading spaces shall be provided on the Lands as follows:
 - i. One Type "B" loading space with minimum dimensions of 11.0 metres in length, 3.5 metres in width and a vertical clearance of 4.0 metres; and
 - ii. One Type "C" loading space with minimum dimensions of 6.0 metres in length, 3.5 metres in width and a vertical clearance of 3.0 metres.

11. Amenity Space

- (a) Amenity Space shall be provided on the Lands as follows:
 - i. A minimum of 800 squares metres of Indoor Amenity Space; and

- ii. A minimum of 500 square metres of Outdoor Amenity Space, at least 40 square metres of which shall be in a location adjoining or directly accessible from a portion of the indoor Amenity Space.

12. 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 Schedule B in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule 1 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 1 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 1 are satisfied.

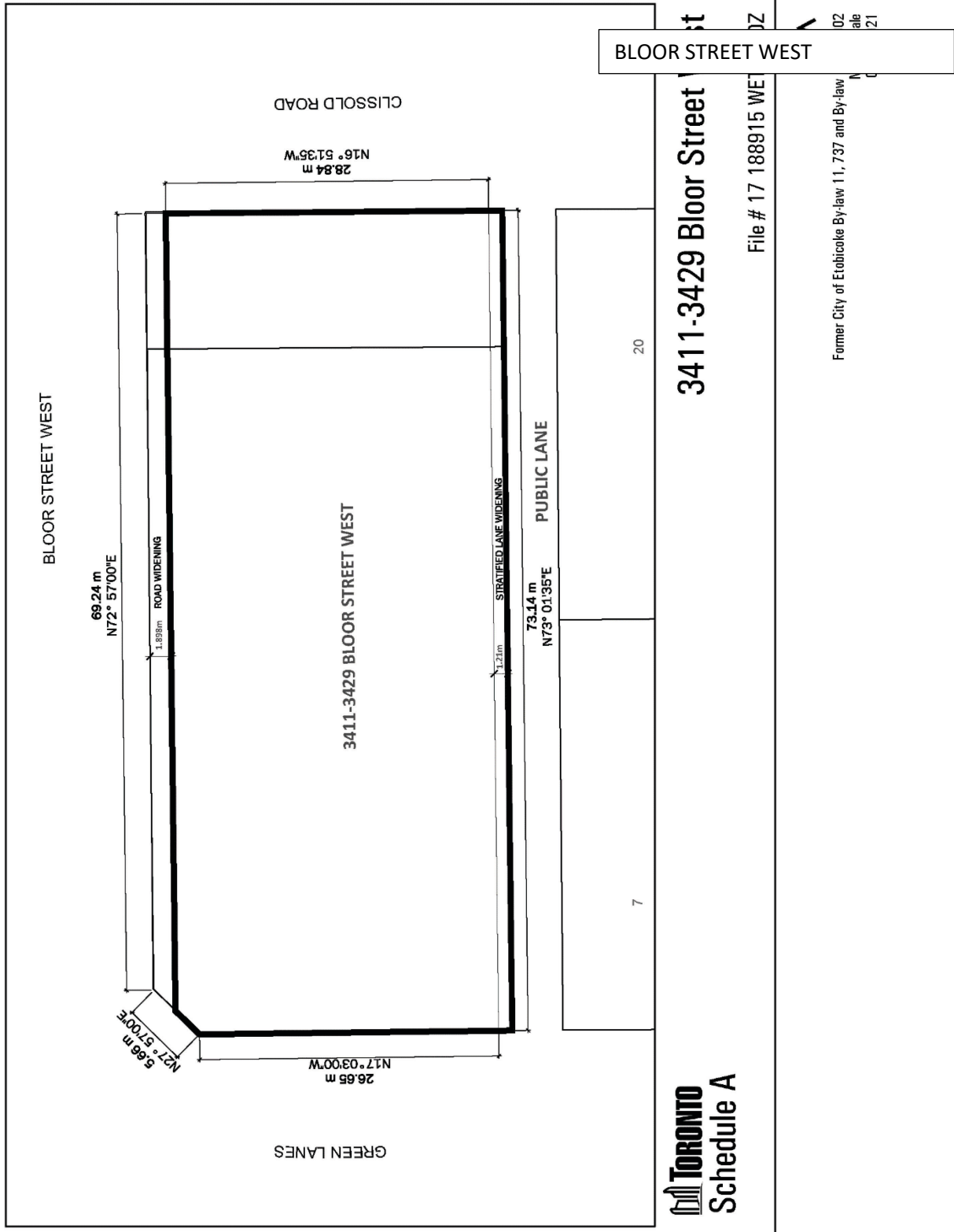
13. The provisions of this By-law shall apply collectively to the Lands notwithstanding any future division of the Lands.

14. Where the provisions of the Etobicoke Zoning Code or By-law 1088-2002 conflict with this By-law, the provisions of this By-law shall prevail.

15. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is amended to include a reference to this By-law by adding the following to Section 324-1, Table of Site-Specific By-laws:

By-law Number and Adoption Date	Description of Property	Purpose of By-law
885-2021(OLT) September 3, 2021	3411 and 3429 Bloor Street West	To amend the provisions of By-law 1088-2002 and provide site-specific development standards to permit a mixed-use development on the Lands.

Ontario Land Tribunal Decision/Order issued May 19, 2020 and September 3, 2021 in Tribunal File PL171166.



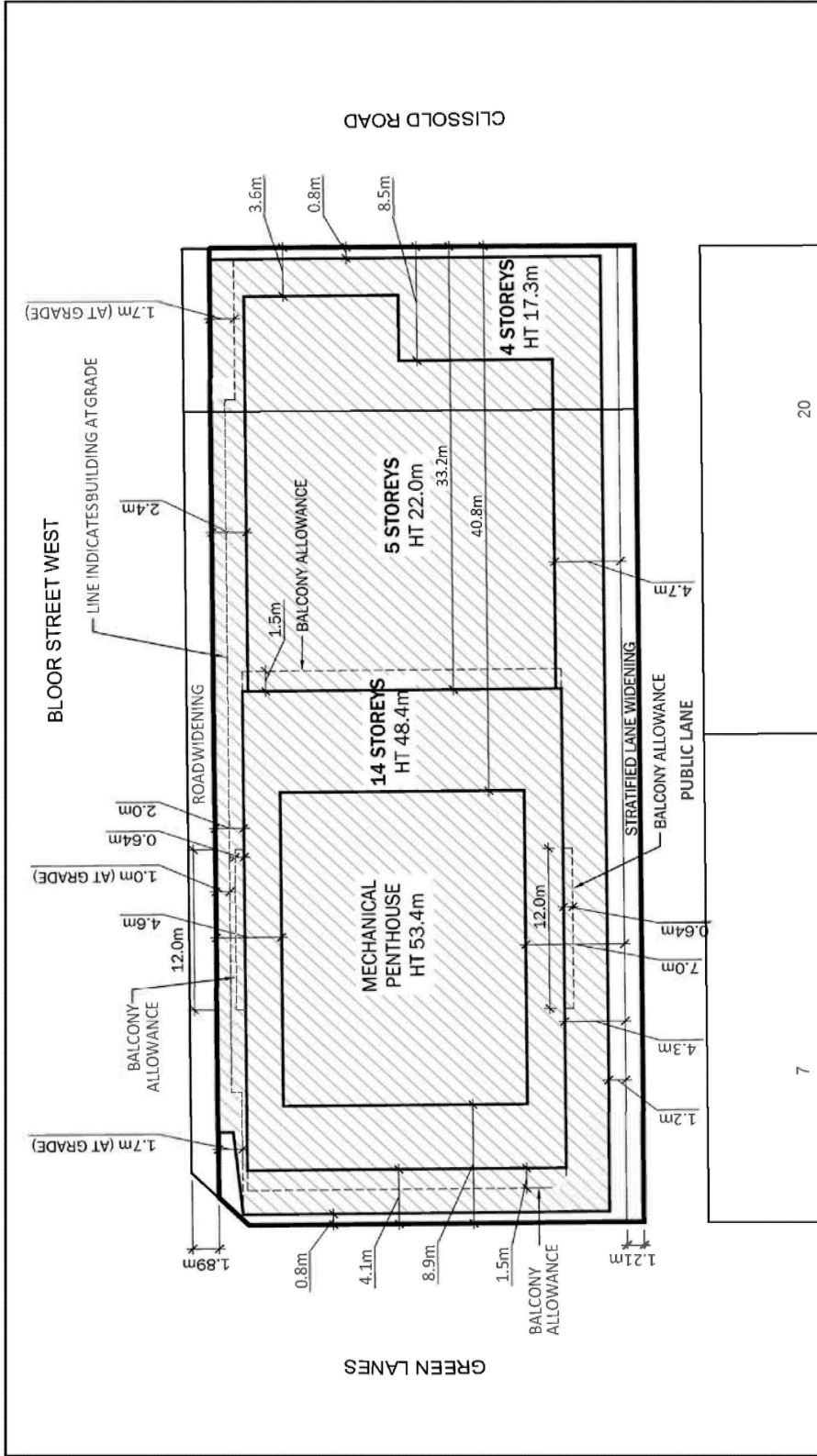
BLOOR STREET WEST

3411-3429 Bloor Street

File # 17 188915 WE

Toronto
Schedule A

Former City of Etobicoke By-law 11, 737 and By-law



3411-3429 Bloor Street West

File # 17 188915 WET 05 0Z

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Former City of Etobicoke By-law 11, 737 and By-law 1088-2002
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Schedule 1

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in accordance with this By-law and as further specified in one or more agreements pursuant to Section 37(3) of the Planning Act, as it read on the day before Section 9 of Schedule 12 to the *More Homes, More Choices Act*, 2019 came into force, 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 the agreement in return for the increase in height and/or density of the proposed development on the lands as follows:

1. Prior to the issuance of the Above Grade Building Permit, the Owner shall provide to the City a cash contribution of ONE MILLION DOLLARS (\$1,000,000.00) towards community facilities, park improvements and local traffic calming in the vicinity of the Lands, to be allocated and used at the discretion of the Chief Planner in consultation with the Ward Councillor.
2. The Owner shall implement modified signal timing plans for the Bloor Street West and Green Lanes intersection to the satisfaction of the General Manager, Transportation.
3. The Owner shall convey to the City a stratified 1.21 metre wide laneway widening to a minimum depth of 1.5 metres below grade, and any necessary easements for support, at the rear of the Lands abutting the north limit of the east-west public lane, including any applicable signage and required removal of existing signage, all at no cost to the City and to the satisfaction of the General Manager, Transportation.