

Authority: Ontario Land Tribunal Decision and Interim Order issued on June 7, 2021, and Ontario Land Tribunal Order issued on June 28, 2022 in OLT-22-003654 (formerly PL190356)

CITY OF TORONTO

BY-LAW 782-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 210 Bloor Street West.

Whereas the Ontario Land Tribunal, in its Decision and Interim Order issued on June 7, 2021, and the Ontario Land Tribunal in its Order issued on June 28, 2022 in OLT-22-003654 (formerly file PL190356), in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P13, as amended, ordered the amendment of Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 210 Bloor Street West; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the Council of a Municipality may, in a By-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the By-law; 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 and the Ontario Land Tribunal, upon appeal, 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 Ontario Land Tribunal Orders:

1. The lands subject to this By-law are outlined by 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 from the zone label of CR 3.0 (c2.0; r2.5) SS2 (x2482) to a zone label of CR 3.0 (c2.0; r2.5) (SS2) (x566) 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 900.12.10 Exception Number (566), so that it reads:

(566) Exception CR 566

The lands, or portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 210 Bloor Street West, if the requirements of Section 6 and Schedule A of By-law 782-2022(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Sections (B) to (X) below;
- (B) For the purposes of this exception, the **lot** comprises the lands identified by heavy lines on Diagram 1 attached to By-law 782-2022(OLT);
- (C) The provision of dwelling units is subject to the following:
 - (i) a minimum of 25 percent of the total number of dwelling units must have two or more bedrooms; and
 - (ii) if the calculation of the number of required dwelling units with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;
- (D) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 113.25 metres and elevation of the highest point of the **building** or **structure**;
- (E) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 3 of By-law 782-2022(OLT);
- (F) Despite Regulations 40.5.40.10(3) to (8) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 782-2022(OLT):
 - (i) guard rails, railings and dividers, terraces, landscaping features and planters, lighting fixtures by a maximum of 3.0 metres;

- (ii) equipment used for the functional operation of the **building** including electrical, utility, mechanical penthouses, mechanical and ventilation equipment, roof access, generators, enclosed stairwells, roof access, roof drainage, maintenance equipment storage, cooling towers, parapets, screen, stairs, roof drainage, elevator shafts and overruns, chimneys, equipment used for the exterior maintenance of the building and vents by a maximum of 7 metres; and
 - (iii) lightning rods, structures used for safety, and window washing equipment, by a maximum of 7 metres;
- (G) Despite Regulation 40.5.40.60(2), an awning, canopy or similar **structure** may be located more than 5.0 metres above the elevation of the ground directly below it;
- (H) Despite Regulation 40.10.40.10(5), a mezzanine does not constitute a **storey**;
- (I) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** for residential and non-residential uses is 16,220 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 16,100 square metres; and
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 120 square metres;
- (J) Despite Regulation 40.10.40.50(1), **amenity space** must be provided in accordance with the following:
 - (i) a minimum of 4.0 square metres per unit of indoor **amenity space** must be provided; and
 - (ii) no outdoor **amenity space** will be required;
- (K) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 3;
- (L) Despite Regulation 40.10.40.80(2), the required separation of **main walls** are as shown in metres on Diagram 3;
- (M) Despite Clause 40.10.40.60 and (K) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) cornices, light fixtures, ornamental elements, parapets, art and landscape features, architectural elements, patios, decks, pillars, trellises, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site

- servicing features, and underground garage ramps and associated **structures**, to a maximum of 1.0 metre;
- (ii) awnings and canopies in a **rear yard** or **front yard**, to a maximum of 2.5 metres;
 - (iii) balconies, which may extend to a maximum of 3.0 metres; and
 - (iv) equipment used for the exterior maintenance of the building and window washing equipment to a maximum of 7.5 metres;
- (N) Despite Regulation 200.5.1(3), the minimum **drive aisle** width shall be 5.25 metres;
- (O) Despite Regulation 200.5.1.10(2), **parking spaces** and related platforms shall have dimensions of not less than 2.4 metres wide by 5.4 metres long and may not be readily accessible at all times without maneuvering another vehicle or a device;
- (P) Despite Regulation 200.5.1.10(12)(A), the **vehicle** entrance and exit for a two-way **driveway** into and out of the **building** must have a minimum width of 4.5 metres;
- (Q) Despite Regulation 200.5.1.10(13), access to a **parking space** may be provided by motor vehicle elevators, provided each motor vehicle elevator is readily accessible at all times for the parking and removal of a motor vehicle and a minimum of two (2) motor vehicle elevators are provided and maintained in the **building** for the use of residents;
- (R) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** in accordance with the following requirements:
- (i) a maximum of 84 **parking spaces** will be provided for residents of the **mixed-use building**;
 - (ii) no **parking spaces** are required for residential visitors;
 - (iii) no **parking spaces** are required for non-residential uses; and
 - (iv) required **parking spaces** may be provided in a **parking stacker** within a below **grade** parking garage on the **lot** accessed by vehicular elevators;
- (S) Despite Regulation 200.15.10(1), no accessible **parking spaces** shall be provided;
- (T) Despite Regulation 220.5.10.1(2), the **building** will provide a Type "C" **loading space**;
- (U) Despite Regulations 220.5.20.1(1) and (2), the **driveway** accessing a **loading space** will have a minimum width of 4.5 metres for **driveway** access and a minimum vertical clearance along its entire length of 3.1 metres;

- (V) Regulation 230.5.1.10(7), with respect to shower and change facilities for non-residential uses, does not apply;
- (W) Despite Regulation 230.5.1.10(4)(B), the minimum dimension of a **bicycle parking space** if placed in a vertical position on a wall, structure or mechanical device is:
 - (i) minimum length or vertical clearance of 1.2 metres;
 - (ii) minimum width of 0.46 metres; and
 - (iii) minimum horizontal clearance from the wall of 1.2 metres;
- (X) Regulation 230.40.1.20(2) with respect to the location of a "short-term" **bicycle parking space** relative to a **building** entrance, does not apply;
- (Y) Despite Regulation 230.5.1.10(9)(B), "long-term" and "short-term" **bicycle parking spaces** for **dwelling units** may be located anywhere above or below ground in the **building**, provided that all "short-term" **bicycle parking spaces** are publicly accessible;
- (Z) Regulation 230.5.1.10(9)(A)(iii) and (B)(iii), with respect to the location of a "long-term" **bicycle parking space**, does not apply;
- (AA) Despite Regulation 230.5.1.10(10), "long-term" and "short-term" **bicycle parking spaces** for **dwelling units** may be provided in any combination of vertical, horizontal or stacked positions;
- (CC) Despite Regulations 600.20.10(1)(A) and (B), the first **storey** of a **mixed-use building** must provide a minimum of 50 percent of the **lot frontage** abutting the priority retail street for those uses described in Regulations 600.20.10(1)(A) and (B);
- (DD) Despite any existing or future severance, partition or division of the lands outlined by heavy lines on Diagram 1 of By-law 782-2022(OLT), the provisions of this by-law shall apply as if no severance, partition or division occurred.

Prevailing By-laws and Prevailing Section(s): (None Apply)

5. None of the provisions of By-law 569-2013, as amended, apply to prevent a temporary sales office on the lot, used exclusively for the initial sale and/or initial leasing of dwelling units or non-residential units proposed on the same lot, for a period not to exceed 3 years from the date of this by-law coming into full force and effect.
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 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.
- (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.

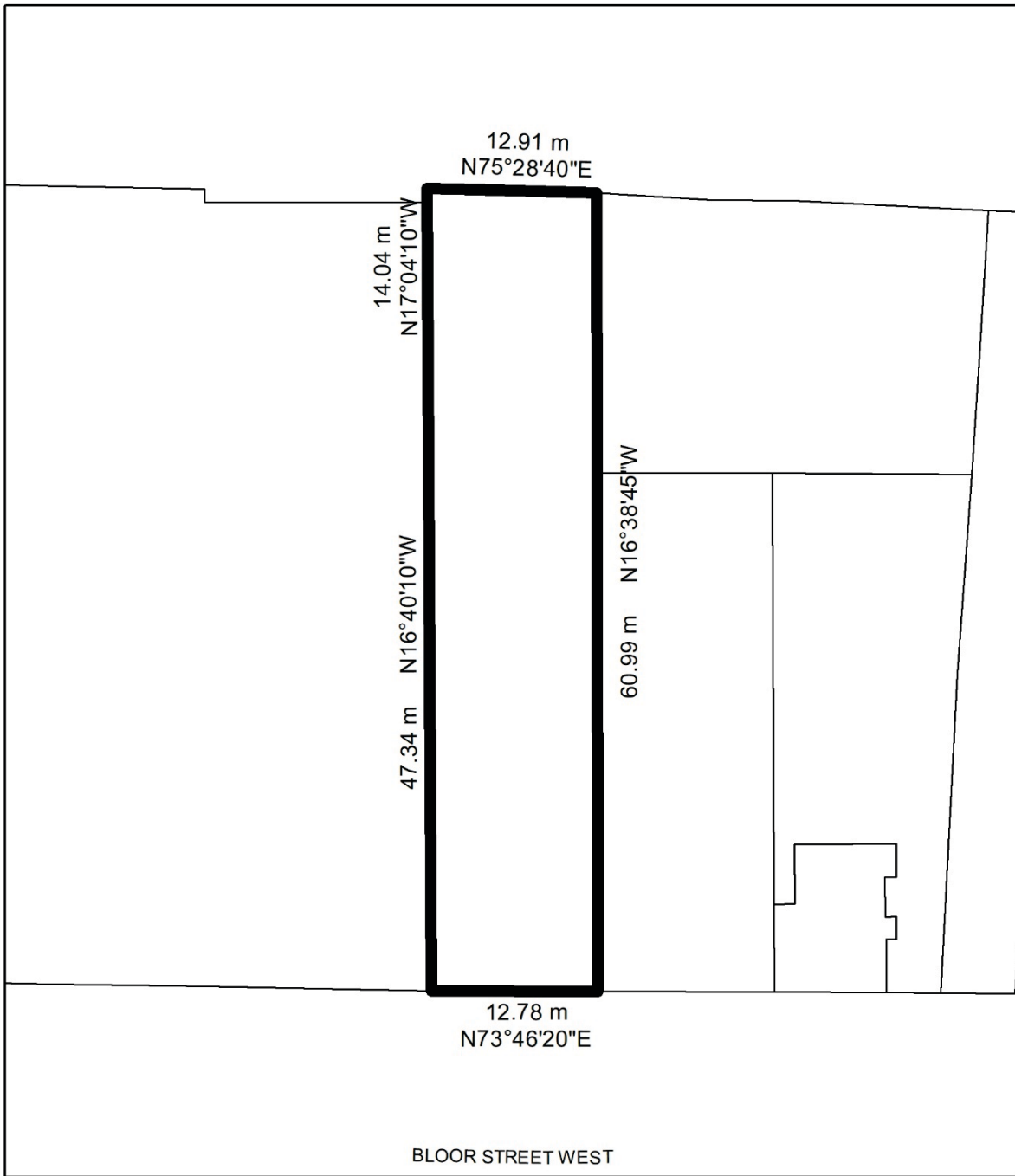
Ontario Land Tribunal Decision and Interim Order issued June 7, 2021, and Ontario Land Tribunal Order issued on June 28, 2022 in OLT-22-003654 (formerly File PL190356).

SCHEDULE A**Section 37 Provisions**

The facilities, services and matters set out herein are required to be provided by the owner of the lot at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of all financial contributions from the passage of the zoning by-law, no credit for development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement whereby the owner shall agree as follows:

1. Prior to the issuance of an above-grade building permit of the proposed development, a cash contribution of \$5,800,000.00 to be paid by the Owner of which twenty percent (20 percent) is to be allocated to new or existing Toronto Community Housing and/or affordable housing in the Ward, and eighty percent (80 percent) is to be allocated to local community benefits and improvements in the vicinity of the Lands, all at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
2. The \$5,800,000.00 cash contribution is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the Ontario Land Tribunal decision to the date of payment; all cash contributions will be payable prior to issuance of the first above-grade building permit;
3. In the event that the portion of the Cash Contribution to be allocated towards local community benefits and improvements set out in Part 1 has not been allocated for other capital improvements, including but not limited to work on laneways and public right-of-ways adjacent to the Lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, within one (1) year after the Amending By-laws come into force and effect, the Parties acknowledge and agree to pursue such steps as they may agree are necessary to secure the foregoing capital improvements, including but not limited to effecting an amendment to this Agreement;
4. In the event the cash contribution referred to in Part 1 above has not been used for the determined 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;
5. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, as further amended by City Council from time to time; and

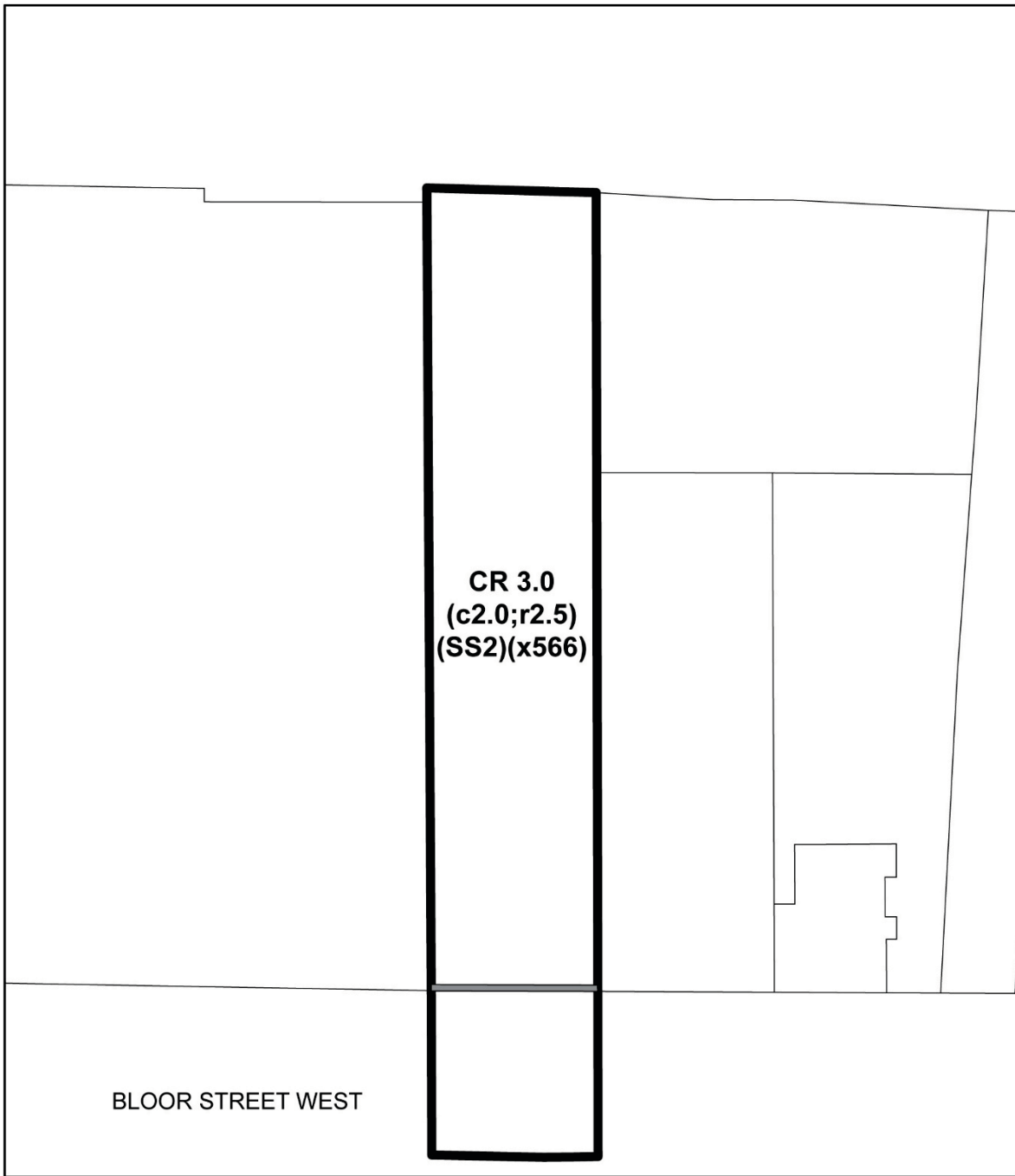
6. The Owner shall erect a sign to the Toronto District School Board's specifications and satisfaction prior to issuance of any building permit.



 **TORONTO**
Diagram 1

210 Bloor St W

File # 18 254623 STE 20 02




 **TORONTO**
Diagram 2

210 Bloor St W

File # 18 254623 STE 20 0Z

 0.45 metre road widening




City of Toronto By-law 569-2013
Not to Scale
04/28/2022




 **TORONTO**
Diagram 3

210 Bloor St W

File # 18 254623 STE 20 OZ

-  0.45 metre road widening
-  Building step back between a height of 80.5 m to 60 m


City of Toronto By-law 569-2013
Not to Scale
06/15/2022