

Authority: Toronto and East York Community Council
Item TE34.9, as adopted by City of Toronto Council on
July 19, 20, 21 and 22, 2022

CITY OF TORONTO

BY-LAW 904-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 334-350 Bloor Street West and 2-6 Spadina Road.

Whereas authority is given to the Council of a municipality by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass Zoning By-laws; 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 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, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, a by-law under Section 34 of the Planning Act, may authorize increases in the 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 the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the 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 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 adding the lands municipally known in the year 2021 as 350 Bloor Street West to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 3.0 (c2.0; r2.5) SS2 (x760) as shown on Diagram 2 attached to this By-law.
4. 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 municipally known in the year 2021 as 334-350 Bloor Street West and 2-6 Spadina Road to CR 3.0 (c2.0; r2.5) SS2 (x760) as shown on Diagram 2 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2021 as 350 Bloor Street West to the Policy Areas Overlay Map in Article 995.10.1 and applying the following Policy Area label to these lands: PA1, as shown on Diagram 3 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2021 as 350 Bloor Street West to the Height Overlay Map in Article 995.20.1, and applying the following height and storey label to these lands: HT 18.0, as shown on Diagram 4 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2021 as 350 Bloor Street West to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value.
8. Zoning By-law 569-2013, as amended, as amended, is further amended by adding the lands municipally known in the year 2021 as 350 Bloor Street West to the Rooming House Overlay Map in Article 995.40.1, and applying the following rooming house label to these lands: B3, as shown on Diagram 5 attached to this By-law.
9. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 760 so that it reads:

(760) Exception CR 760

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

Site Specific Provisions:

- (A) On 334-350 Bloor Street West and 2-6 Spadina Road, if the requirements of Schedule A of By-law 904-2022 are complied with, nothing in this by-law shall prevent the erection or use of a **building, structure**, addition or enlargement if it is in compliance with Regulations (B) to (W) below;
- (B) The provision of **dwelling units** is subject to the following:
 - (i) a minimum of 15 percent of the total number of **dwelling units** must have two or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;
 - (iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;
 - (iv) 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; and
 - (v) (i) to (iv) above shall not apply to rental replacement **dwelling units** as required by By-law 904-2022;
- (C) Despite Regulations 40.5.40.10(1) and (2) the height of a **building or structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 114.90 metres and the highest point of the **building or structure**;
- (D) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building or structure** is the number in metres following the letters "HT" as shown on Diagram 6 of By-law 904-2022;
- (E) Despite Regulation 40.5.40.10(3), (4), (5), (6), (7) and (8) and (D) above, the following elements of a building may project above the permitted maximum **height** in Diagram 6 of By-law 904-2022:
 - (i) wind screens, parapets, guard rails, railings and dividers, pergolas, trellises, balustrades, screens, stairs, roof drainage, window washing equipment, chimneys, vents, lightning rods, light fixtures, and elements of a green roof, up to a maximum height of 6.5 metres; and
 - (ii) the elements and structures noted in (K) below to a maximum of 3.5 metres;
- (F) Despite Regulation 40.10.40.40(1), the maximum permitted **gross floor area** of all **buildings and structures** on the **lot** must not exceed 37,500 square metres, of which:

- (i) **residential** uses must not exceed 29,300 square metres; and
 - (ii) **non-residential** uses must not exceed 8,200 square metres, of which a minimum of 3,716 square metres shall be for **office** uses;
- (G) Despite Regulation 40.10.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** at a minimum rate of 3.9 square metres per unit, of which:
- (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 40.0 square metres of outdoor **amenity space** is in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**;
- (H) Despite Regulations 40.10.40.70(2), 40.10.40.80(2), and 600.10.10(1)(A) to (D), the required minimum **building setbacks** and **main wall** separation distances for all buildings or structures are shown on Diagram 6 of By-law 904-2022;
- (I) Despite Clause 40.10.40.60, Regulation 600.10.10(1)(E) to (F), and (J) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) cornices, 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, 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 to a maximum of 3 metres; and
 - (ii) structures, elements and enclosures permitted by (E) above to a maximum of 3 metres;
- (J) Despite Regulation 200.5.1.10(2), a maximum of 10 percent of the **parking spaces** required by By-law 904-2022 may be small car **parking spaces** with a minimum width of 2.4 metres, length of 5.4 metres and vertical clearance of 1.8 metres;
- (K) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1 and Regulations 200.10.1(1) and (2), **parking spaces** must be provided and maintained, in accordance with the following minimum:
- (i) a minimum of 0 residential occupant **parking spaces** for each **dwelling unit**;

- (ii) a maximum of 0.65 residential occupant **parking spaces** for each **dwelling unit**;
 - (iii) a minimum of 2.0 **parking spaces** for residential visitors, plus an additional 0.01 **parking spaces** for each **dwelling unit** for residential visitors;
 - (iv) a minimum of 0 **parking spaces** for non-residential uses;
 - (v) **parking spaces** for non-residential uses and for residential visitors to a **dwelling unit** may be provided on a non-exclusive basis and may be located in a **public parking** area;
- (L) Despite Regulation 200.5.10.1(1), "car-share parking spaces" may replace **parking spaces** otherwise required for residential occupants;
- (M) For the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental;
- (N) For the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- (O) Despite Regulations 200.15.1(1) to (4), accessible **parking spaces** must be provided and maintained in accordance with the following:
- (i) an accessible **parking space** must have the following minimum dimensions:
 - a. length of 5.6 metres;
 - b. width of 3.4 metres; and
 - c. vertical clearance of 2.1 metres;
 - (ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
 - (iii) accessible **parking spaces** must be located within 16 metres of a barrier free entrance to the **building** or passenger elevator that provides access to the first **storey** of the **building**;
- (P) Despite Regulation 200.15.10(1) a total of 7 accessible **parking spaces** shall be provided;

- (Q) Despite Clauses 220.5.10.1 and 40.10.90.1(1) and (2), a minimum of two type "**B**" **loading spaces**, two type "**C**" **loading spaces**, and one type "**G**" **loading space** must be provided and maintained on the **lot**;
- (R) Despite Regulation 230.5.1.10(4), a **stacked bicycle parking space**, shall have a minimum length of 1.7 metres a minimum width of 0.30 metres and a minimum vertical clearance of 1.2 metres;
- (S) Despite Regulation 230.5.1.10(9), "long-term" **bicycle parking spaces** may be located anywhere within the **building** below grade and above grade up to and including the second **storey**;
- (T) Despite Regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (U) Despite Regulation 230.40.1.20(2), "short-term" **bicycle parking spaces** may be located anywhere in a **building**, including within a secure room, or on the lands outlined in heavy black lines on Diagram 1;
- (V) None of the provisions of By-law 569-2013 shall apply to prevent a temporary sales office with a maximum height of 1 **storey** for the purposes of marketing, rental, leasing and/or sale of **dwelling units** and non-residential uses; and
- (W) Despite Regulation 40.10.40.40(5), a mezzanine shall not be considered as a limiting factor in the determination of the minimum height of the first **storey**.

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

- 10. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
- 11. For the purpose of this exception, each word or expression that is in bold font in this exception shall have the same meaning as each word or expression as defined in Chapter 800 of By-law 569-2013, as amended.
- 12. Section 37 Provisions
 - (i) 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 Diagram 2 of By-law 904-2022 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;
 - (ii) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a

building permit, the issuance of such permit shall be dependent on satisfaction of same.

- (iii) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to By-law 904-2022 unless all provisions of Schedule A are satisfied.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

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, in form and content satisfactory to the City, whereby the owner agrees as follows:

1. Prior to the issuance of any Building Permit, the owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits set out below.
2. Prior to the issuance of the first above-grade building permit, the owner shall pay \$1,750,000.00 toward the provision and maintenance of public art in accordance with the City of Toronto Public Art Program through a direct commission with an Indigenous artist or designer. The public art will be located on the ground floor and/or in the enhanced public realm of the site.
3. Prior to the earlier of condominium registration or first residential use of any residential unit on the site, the owner shall design, construct, and convey in freehold ownership to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum of 470 square metres non-profit community space (the "Conveyed Community Agency Space") located on the northwest corner of the second floor of the proposed development and subject to the following:
 - a) the Conveyed Community Agency Space shall be provided in accordance with the City's Community Space Tenancy Policy and finished to Base Building Conditions, and prioritized for an Indigenous not-for-profit organization with the terms and specifications to be finalized and secured in the Section 37 Agreement, all to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning, and the City Solicitor;
 - b) Prior to conveyance of the Conveyed Community Agency Space in Part 3.a) above to the City, the owner shall provide a one-time cash contribution of \$650,000 for future capital improvements to the Conveyed Community Agency Space; and
 - c) The cash contribution pursuant to Part 3.b) above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the adoption of the zoning by-law amendment to the date of payment.

4. Prior to the earlier of condominium registration or the closing of the final building permit, the owner shall design, construct, finish, and furnish a minimum of 28.8 square metres of prominent ground floor space for the purpose of two non-profit community kiosks in the lobby of the proposed development and license the space at no cost to the City (the "License Community Agency Space") which shall be provided in accordance with the City's Community Space Tenancy Policy, with modifications as necessary to reflect the kiosk form, with the terms and specifications to be finalized and secured in the Section 37 Agreement, all to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning, and the City Solicitor, and subject to the following:
 - a) The entering into a license agreement with the City at no cost for 99 years with automatic renewal for the Licensed Community Agency Space and such facility shall be free of all rent, caretaking costs (of the building common areas), repair and maintenance costs (excluding wear and tear), structural and servicing elements, property damage, and utilities for a period of ninety-nine (99) years; and
 - b) Prior to the issuance of the first above grade building permit, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and conveyance of the Conveyed Community Agency Space and Licensed Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning and the City Solicitor.
5. Concurrent with or prior to, the conveyance of the Conveyed Community Agency Space and lease of the Leased Community Agency Space, the owner and the City shall enter into, and register on title to, the appropriate lands an Easement and Shared Facilities Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor. The Easement and Shared Facilities Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Conveyed Community Agency Space and the Licensed Community Agency Space.
6. The following matters of convenience are also recommended to be secured in the Section 37 Agreement:
 - a) Prior to Site Plan Approval, the owner shall prepare a public art plan in accordance with the City of Toronto Public Art Program at its expense and in consultation with Indigenous partners and the Ward Councillor;

- b) An acceptable tenant relocation and assistance plan to mitigate hardship from the proposed development on eligible tenants to the satisfaction of the Chief Planner and Executive Director, City Planning;
- c) The owner construct and maintain the development of the Site in accordance with Tier 1 performance measures of the Toronto Green Standard and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate;
- d) The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, to be resubmitted for review and acceptance by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development;
- e) Prior to the earlier of Site Plan Approval or the first building permit for shoring and excavation, the Applicant shall submit the following materials for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services: Functional Servicing and Stormwater Management Report, Hydrogeological Report, Servicing Report Groundwater Summary Form, and Hydrogeological Review Summary Form; and
- f) A 1.7 metre wide publicly-accessible pedestrian midblock connection, which may include bollards, to be secured by means of a pedestrian easement as part of the site plan control process to the satisfaction of the Chief Planner and Executive Director, City Planning.

Diagram 1

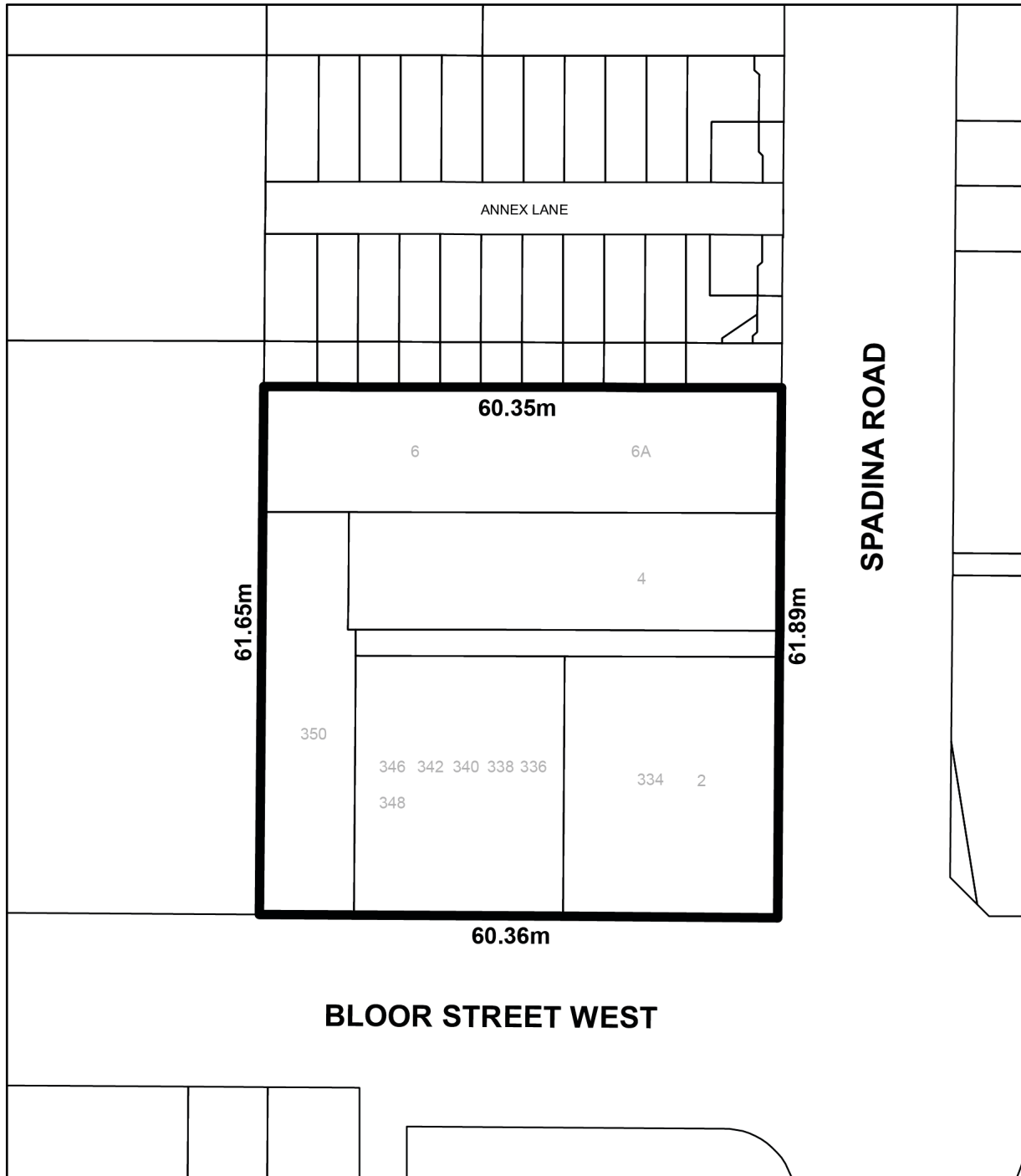


Diagram 2

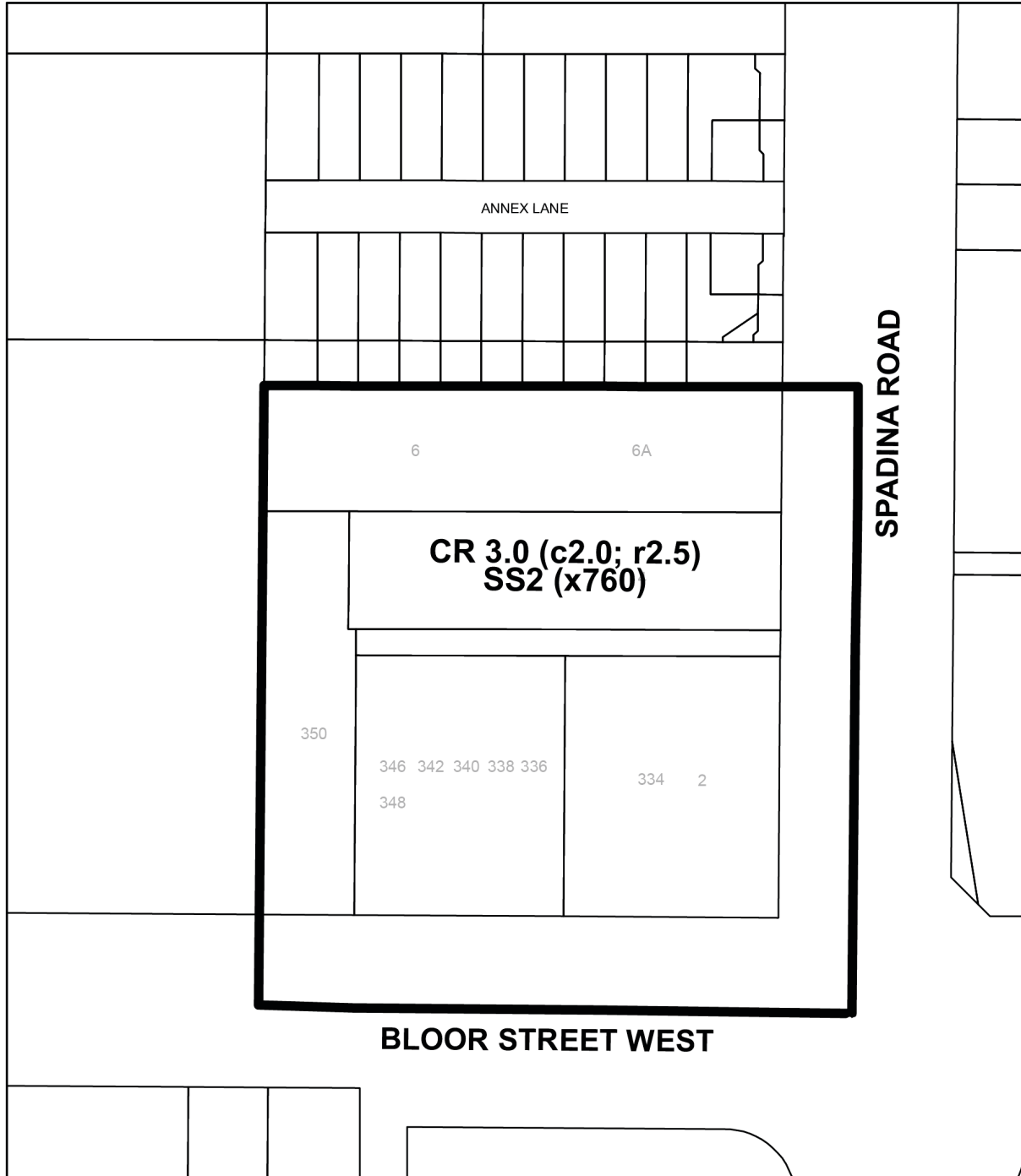


Diagram 3

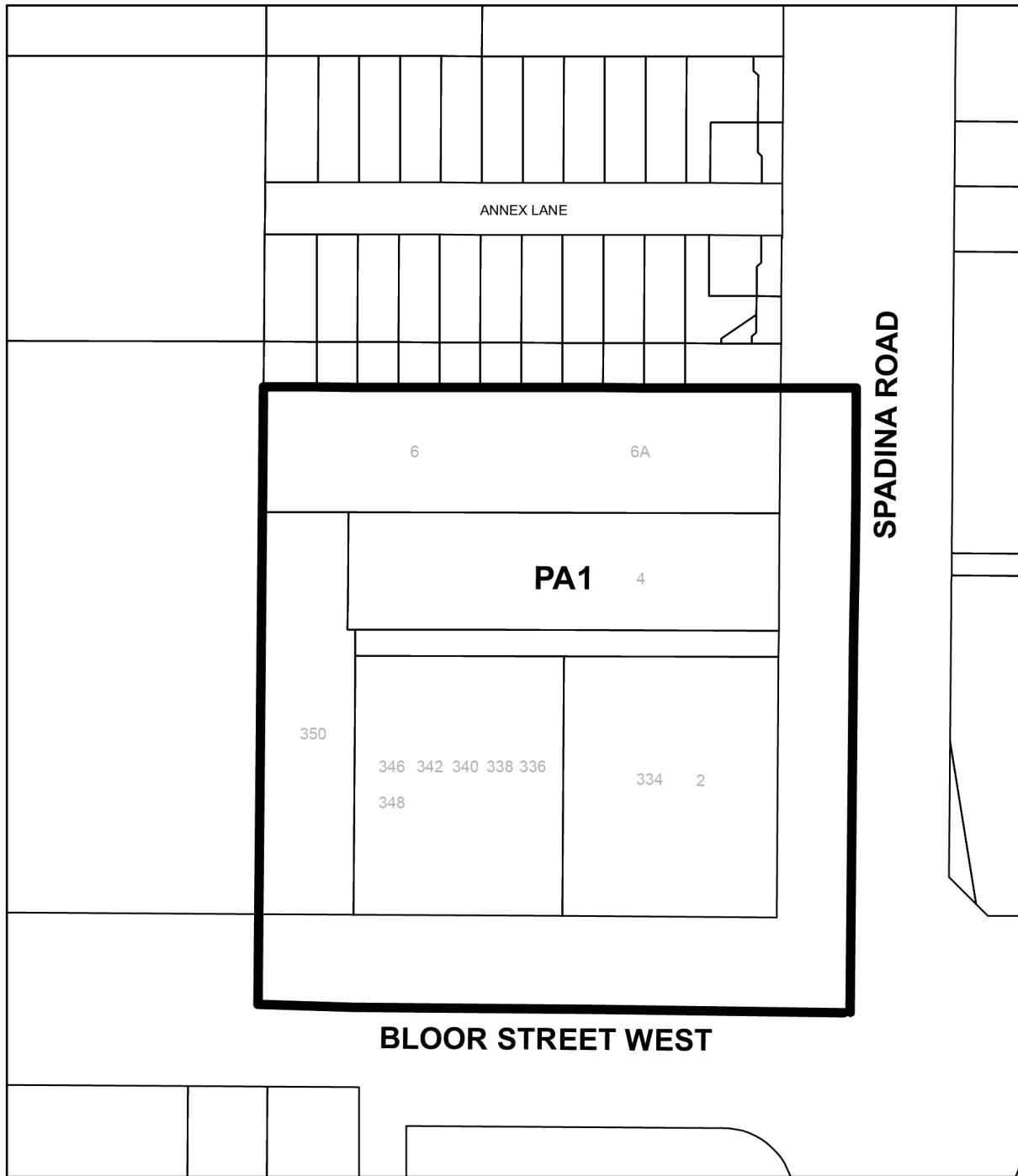


Diagram 4

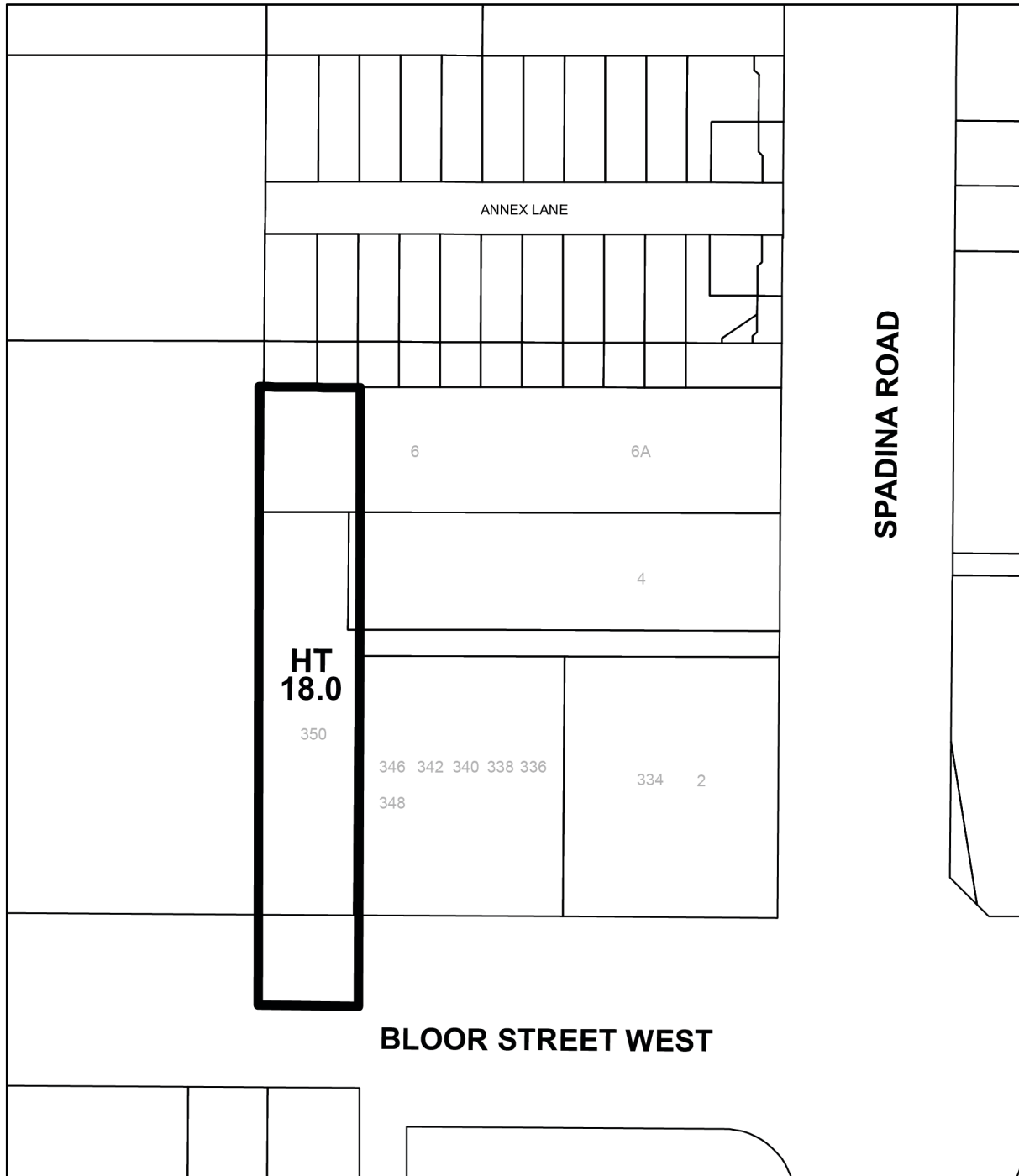


Diagram 5

