

Authority: Ontario Land Tribunal Decision issued on November 9, 2021 and Order issued on August 16, 2022, and effective August 12, 2022, in File OLT-22-003674 (formerly PL171113)

CITY OF TORONTO

BY-LAW 1288-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 22 Balliol Street.

Whereas the Ontario Land Tribunal, in its Decision issued on November 9, 2021 and its Order issued on August 16, 2022, effective August 12, 2022, in file OLT-22-003674 (formerly PL171113), in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, 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 22 Balliol Street; 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 Section 37.1 of the Planning Act provides that Subsections 37(1) to (4) 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to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge by-law and this by-law was passed prior to that date; and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 in Schedule A of this By-law in return for the increase in height and density permitted on the aforesaid lands by By-law 569-2013, as amended; and

Whereas Schedule A of this By-law requires the owner of the aforesaid lands to provide certain facilities, services or matters and enter into an agreement or agreements between the owner of the land and the City of Toronto prior to the issuance of a building permit;

The Ontario Land Tribunal, by Order, amends By-law 569-2013 as follows:

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 a zone label of R (d0.6) (x913) to a zone label of R (d0.6) (x142) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 142 so that it reads:

(142) Exception R 142

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

Site Specific Provisions:

- (A) On 22 Balliol Street, if the requirements of By-law 1288-2022(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (N) below:
- (B) Despite Regulation 10.10.20.100(12), a **retail store** in an **apartment building** is subject to the following:
 - (i) the **retail store** must be a grocery store;
 - (ii) there may be only one **retail store** in the **apartment building**;
 - (iii) it may not be located above the first **storey** of the **apartment building**;
and
 - (iv) the **interior floor area** of the **retail store** must not exceed 1,150 square metres;
- (C) Despite Regulation 10.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 154.30 metres and the elevation of the highest point of the **building** or **structure**;
- (D) Despite Regulation 10.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law 1288-2022(OLT);
- (E) Despite Regulations 10.5.40.10(2) to (4), 10.10.40.10(8) to (10) and (C) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 1288-2022(OLT):

- (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment; roof access, elevator shafts, garbage shafts, **green roof** elements and **structures**, enclosed stairwells, maintenance equipment storage, chimneys, and vents, that are associated with **structures** and parts of a **building**; **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building**; trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 7.5 metres;
 - (ii) **green roof** elements and **structures** referred to in (E)(i) above must not exceed a Canadian Geodetic Elevation of 282.30 metres;
 - (iii) architectural features and parapets, by a maximum of 2.0 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 2.0 metres; and
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres;
- (F) Regulation 10.10.40.30(1)(B), respecting the permitted maximum **building depth** for an **apartment building**, does not apply;
- (G) Despite Regulation 10.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 28,872 square metres;
- (H) Despite Regulation 10.5.40.70(1) and Clause 10.10.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 1288-2022(OLT);
- (I) Despite Regulation 10.10.40.80(1), the required separation of **main walls** are as shown in metres on Diagram 3 of By-law 1288-2022(OLT);
- (J) Despite Clauses 10.5.40.50 and 10.5.40.60 and (H) and (I) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) decks, porches, and balconies located at and above the 5th **storey**, by a maximum of 2.5 metres;
 - (ii) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.6 metres;
 - (iii) architectural features, including a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 0.6 metres;

- (iv) window projections, including bay windows and box windows, by a maximum of 0.75 metres;
 - (v) eaves, by a maximum of 0.9 metres; and
 - (vi) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 0.9 metres;
- (K) 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 bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;
 - (iii) an additional 15 percent of the total number of **dwelling units** must have two or three bedrooms (or be convertible to **dwelling units** with two or 3 bedrooms);
 - (iv) convertible **dwelling units**, as described in (iii) above, may be converted using accessible or adaptable design measures such as knock-out panels;
 - (v) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) and (iii) above;
 - (vi) 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
 - (vii) a minimum of 32 affordable **dwelling units**;
- (L) Despite Clause 10.5.50.10, no **landscaping** is required to be provided;
- (M) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.19 residential occupant **parking spaces** for each **dwelling unit**;
 - (ii) a minimum of 0.06 residential visitor **parking spaces** for each **dwelling unit**;
 - (iii) a minimum of 1 "car-share parking space"; and
 - (iv) a minimum of 10 **parking spaces** for non-residential uses;
- (N) For the purpose of this exception:

- (i) "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; and
 - (ii) "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 as shown on Diagram 1 and Diagram 2 of By-law 579-2017; and
 - (iii) Accessible **parking spaces** must be the closest to a barrier free:
 - (a) entrance to a **building**;
 - (b) passenger elevator that provides access to the first **storey** of the **building**; and
 - (c) and shortest route from the required entrances in (A) and (B);
- (P) Despite Regulation 220.5.1.10(2), one Type "B" and one Type "G" **loading space** is required;
- (Q) Despite Regulation 230.5.10.1 and Table 230.5.10.1, **bicycle parking spaces** for a **retail store** must be provided and maintained in accordance with the following:
- (i) a minimum of 6 "short-term" **bicycle parking spaces**;
- (R) Despite Regulation 230.5.1.10(4)(A)(ii), **bicycle parking spaces** may have a minimum width of 0.43 metres;

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

2. 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.

3. Section 37 Requirements:

- (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 2 attached to this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law 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 and enter into an agreement or agreements 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 Land Tribunal Decision issued on November 9, 2021 and Order issued on August 16, 2022, and effective August 12, 2022, in File OLT-22-003674 (formerly PL171113).

SCHEDULE A

Section 37 Requirements

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 lands as shown in Diagram 2 in this By-law 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 any Building Permit, the Owner shall enter into an agreement or agreements 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 facilities, services or matters set out below.
2. The Owner shall provide on-site affordable housing, to also be secured in the implementing zoning by-law amendment, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning. The on-site affordable housing will comprise of one of the following two options:
 - a. thirty-two (32) affordable rental units, secured at affordable rents for twenty-five (25) years, comprising twenty-four (24) one-bedroom units and eight (8) two bedroom units; or
 - b. thirty-three (33) affordable rental units, secured at affordable rents for twenty-five (25) years, comprising twenty-six (26) one-bedroom units and seven (7) twobedroom units.

The election of either Option 2.a. or 2.b. above, shall be made by the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning, and the Ward Councillor.

3. The Owner shall provide a publicly accessible pedestrian walkway (the "Midblock Connection"), to be secured by means of a surface pedestrian public easement, in the location as generally shown as midblock connection on the Revised Plans dated July 6, 2021 by gh3 Architects included as Public Attachment 2 to the report to City Council dated September 22, 2021 from the City Solicitor (Item CC36.10), all to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor. The final location and design of the Midblock Connection will be secured as part of and through the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning. The Midblock Connection shall have a minimum width of 3.0 metres, unless otherwise satisfactory to the Chief Planner and Executive Director, City Planning.

Diagram 1

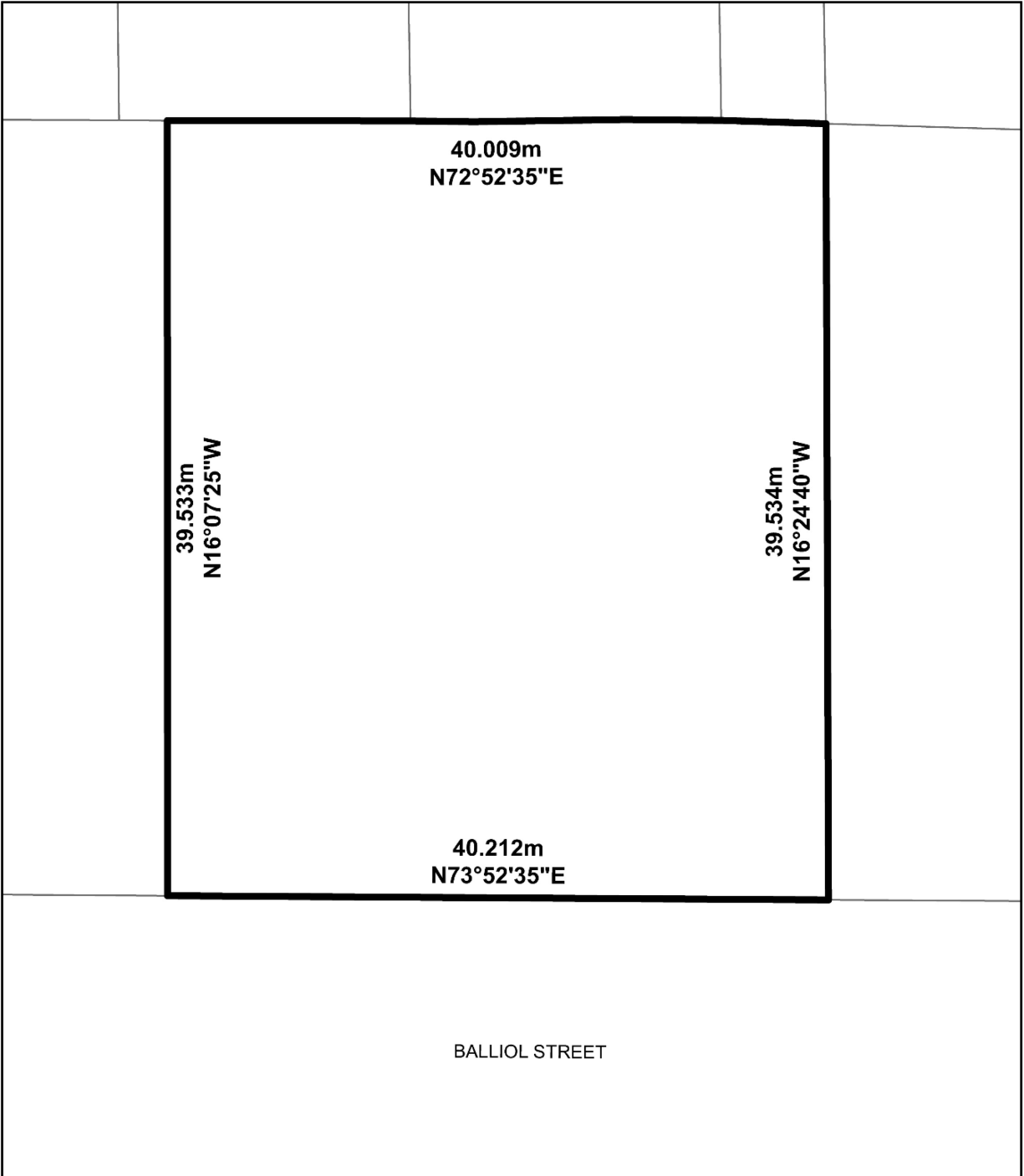


Diagram 2

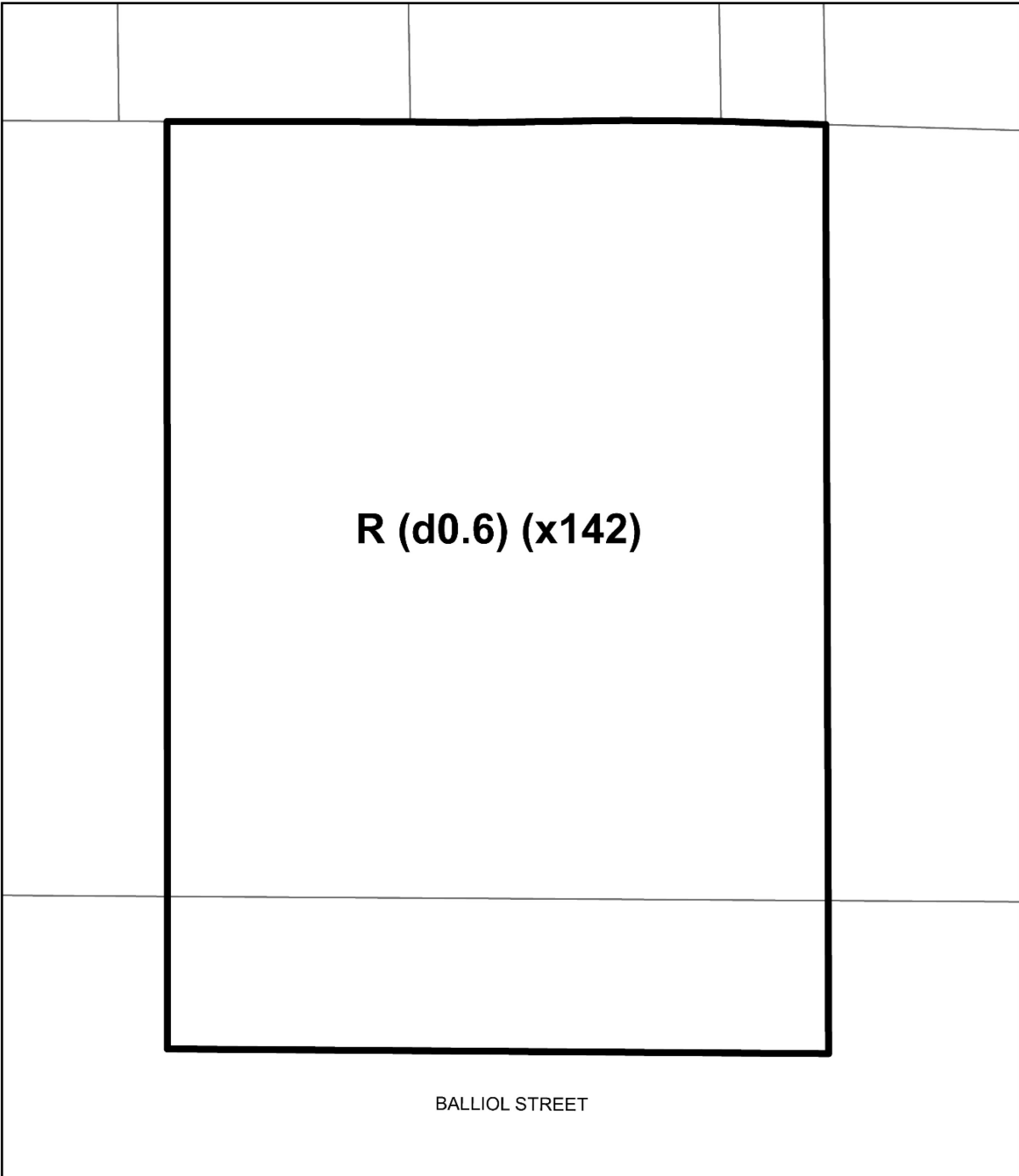


Diagram 3

