Authority: Ontario Land Tribunal Decision issued on November 1, 2023 and Ontario Land Tribunal Order issued on December 9, 2024 in Tribunal File OLT-22-004116

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CITY OF TORONTO

BY-LAW 1330-2024(OLT)

2024-12-16

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 83-95A Bloor Street West.

Whereas the Ontario Land Tribunal, by its Decision issued on November 1, 2023 and its Order issued on December 9, 2024, in respect of Tribunal File OLT-22-004116, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, determined to amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 83-95A Bloor Street West; and

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the Planning Act, as amended, to pass this By-law; 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;

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, as amended, 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 CR 6.0 (c4.5; r6.0) SS1 (x2489) to a zone label of CR 6.0 (c4.5; r6.0) SS1 (x1036) 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 1036 so that it reads:

(1036) Exception CR (1036)

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 lands municipally known as 83-95A Bloor Street West, if the requirements of By-law 1330-2024(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (U) below;

(B) 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 116.0 metres and the elevation of the highest point of the **building** or **structure**;

(C) Despite regulation 40.10.40.1(1), residential use portions of the **building** are permitted to be located on the same **storey** as non-residential use portions of the **building**;

(D) Despite regulation 40.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3, and as indicated in the areas shown on Diagram 4 of By-law 1330-2024(OLT);

(E) 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 and Diagram 4 of By-law 1330-2024(OLT):

(i) enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 5.5 metres;

(ii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, by a maximum of 5.5 metres;

(iii) roof drainage materials, thermal insulation, roof assemblies including decking and pavers or roof ballast by maximum of 1.0 metres;

(iv) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 3.5 metres;

(v) **building** maintenance units and window washing equipment, by a maximum of 6.0 metres;

(vi) planters, **landscaping** features, fences, guard rails, railings, and divider screens on a balcony and/or terrace, by a maximum of 2.5 metres;

(vii) privacy screens, mechanical and architectural screens, balcony and terrace guards and dividers, solar and **wind energy** facilities, garbage chute, boiler flue, generator flue, plumbing vents, lightning protection equipment, silencing or acoustic measures for mechanical equipment by maximum of 5.5 metres;

(viii) lightning rods by a maximum of 6.0 metres;

(ix) antennae, flagpoles and satellite dishes, by a maximum of 2.0 metres;

(x) Trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 5.5 metres; and

(xi) The projections listed in (ii) and (v) above may cover no more than 40 percent of the roof area;

(F) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 72,800 square metres, of which:

(i) the permitted maximum **gross floor area** for residential uses is 71,150 square metres; and

(ii) the required minimum **gross floor area** for non-residential uses is 1,650 square metres;

(G) Despite regulation 40.10.40.50(1) and (2), **amenity space** must be provided at the following rate:

(i) at least 2.5 square metres of **amenity space** per **dwelling unit**, of which:

(a) a minimum of 700 square metres must be outdoor **amenity space**;

(H) Despite regulation 40.10.40.70(1), and 600.10.10(1), the required minimum **building setbacks** are as shown in metres on Diagram 3 and Diagram 4 of By-law 1330-2024(OLT);

(I) Despite Clause 40.10.40.60 and (H) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:

(i) canopies, trellises, privacy screens, landscape features, lighting features, public art features and awnings, by a maximum of 4.0 metres;

(ii) exterior stairs, access ramps and elevating devices, by a maximum of 1.0 metres;

(iii) architectural features and structural elements, such as a pilaster, decorative column, cornice, sill, by a maximum of 1.0 metres;

(iv) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metres;

(v) mechanical and architectural screens, window sills, window mullions, vents, metal panel, stacks, and insulation materials by a maximum of 1.0 metres;

(vi) terraces, planters, balustrades, bollards by a maximum of 2.5 metres; and

(vii) balconies, by a maximum of 1.5 metres, provided:

(a) balconies may only be located on the eastern and western **main walls** of the **building**; and

(b) balconies on the eastern **main wall** of the **building** are only permitted above a Canadian Geodetic Datum elevation of 178 metres;

(J) Despite regulation 200.5.1.10(12)(C), if an **apartment building**, **mixed use building** or a **building** with non-residential uses, has an area for parking 2 or more **vehicles**, the **vehicle** entrance and exit to the **building** may be 0 metres from the **lot line** abutting a **street**;

(K) Despite regulation 200.5.10.1(1), Table 200.5.10.1, **parking spaces** must be provided in accordance with the following and may be provided in a **stacked parking space** and may be in an "automated parking system":

(i) a minimum of 0 residential occupant **parking spaces** for each **dwelling unit**, but not exceeding the permitted maximum in Table 200.5.10.1 for **dwelling units** in a **mixed-use building** in Parking Zone A;

(ii) a minimum of 4 residential visitor **parking spaces**;

(iii) a minimum of 0.0 **parking space** for non-residential uses;

(iv) Regulations 200.5.1.10(2), (4), (12) and (13) do not apply to **stacked parking spaces** provided within an "automated parking system"; and

(v) For the purpose of this exception, an "automated parking system" means a mechanical system for the purpose of parking and retrieving vehicles with or without drivers in the vehicle during parking and with or without the use of ramping or drive aisles. Automated maneuvering of other vehicles may be required for vehicles to be parked or retrieved;

(L) Despite regulations 200.15.10.10(1) and (2) and (K) above, a minimum of 4 accessible **parking spaces** must be provided;

(M) Despite regulation 200.15.1(1), an accessible **parking space** 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;

(N) Despite regulation 200.5.1.10(2)(A)(iv), a maximum of 20 percent of the **parking spaces** may be obstructed as described in regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;

(O) Despite regulation 200.5.1.10(2), a maximum of 20 percent **parking spaces** may be small car spaces with the following minimum dimensions:

(i) length of 5.0 metres;

(ii) width of 2.4 metres; and

(iii) vertical clearance of 2.0 metres;

(P) Despite regulation 200.5.1.10(13), access to **parking spaces** may be from a **vehicle** elevator;

(Q) Despite Regulations 220.5.1.10(8)(B)(i) and (D)(i) and Clause 220.5.10.1, **loading spaces** must be provided on the **lot** as follows:

(i) a minimum of 1 shared Type "G" and Type "B" **loading space** which must have a minimum length of 10 metres;

(ii) a minimum of 1 type "C" **loading space**; and

(iii) **loading spaces** required in (i) and (ii) above may be provided on an automated turntable;

(R) Despite regulations 230.5.10.1(1), (3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:

(i) 0.9 "long-term" **bicycle parking spaces** for each **dwelling unit**;

(ii) 0.1 "short-term" **bicycle parking spaces** for each **dwelling unit**;

(iii) **bicycle parking spaces** required in (ii) above may be used to satisfy the **bicycle parking space** requirement for non-residential uses;

(S) Despite Regulations 230.5.1.10(4)(A)(ii) and (B)(ii), (6) and (10), **bicycle parking spaces** must be provided and maintained in accordance with the following:

(i) Both "long-term" and "short-term" **bicycle parking spaces** may be provided above or below ground and in a **stacked bicycle parking space**;

(ii) "long-term" and "short-term" **bicycle parking spaces** may be located outdoors or indoors including within a secured room or enclosure or unenclosed space, or bike locker or combination thereof.

(a) the minimum width of a **stacked bicycle parking space** is 0.35 metres; and

(b) the minimum width of a **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device is 0.45 metres;

(T) In addition to the locations listed in Regulation 230.5.1.10 (9), **bicycle parking spaces** may also be provided above the second **storey** of the **building**;

(U) The provision of **dwelling units** is subject to the following:

(i) A minimum of 15 percent of the total number of **dwelling units** must contain two or more bedrooms;

(ii) A minimum of 10 percent of the total number of **dwelling units** must contain 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) an additional 15 percent of the total number of **dwelling units** will be any combination of two bedroom and three bedroom **dwelling units**, or **dwelling units** that can be converted into any combination of two and three bedroom **dwelling units** through the use of accessible or adaptable design measures; and

(V) A "privately-owned publicly-accessible open space (POPS)" with a minimum area of 122 square metres must be provided within the area of the **lot** shown on Diagram 3 and Diagram 4 attached to By-law 1330-2024(OLT), and:

(i) A minimum vertical clearance of 9.0 metres must be provided above the POPS area;

(ii) The equipment, **structures** and elements of a **building** listed in site-specific provisions (E) and (I) above are permitted to encroach and project into this area; and

(iii) For the purposes of this exception, "Privately-owned publicly-accessible open space (POPS)" means a space on the lands situated at ground level, generally within the shaded areas shown on Diagram 3 and Diagram 4 of By-law 1330-2024(OLT), that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plazas, and ornamental **structures** and is used principally for the purpose of sitting, standing and other recreational uses.

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

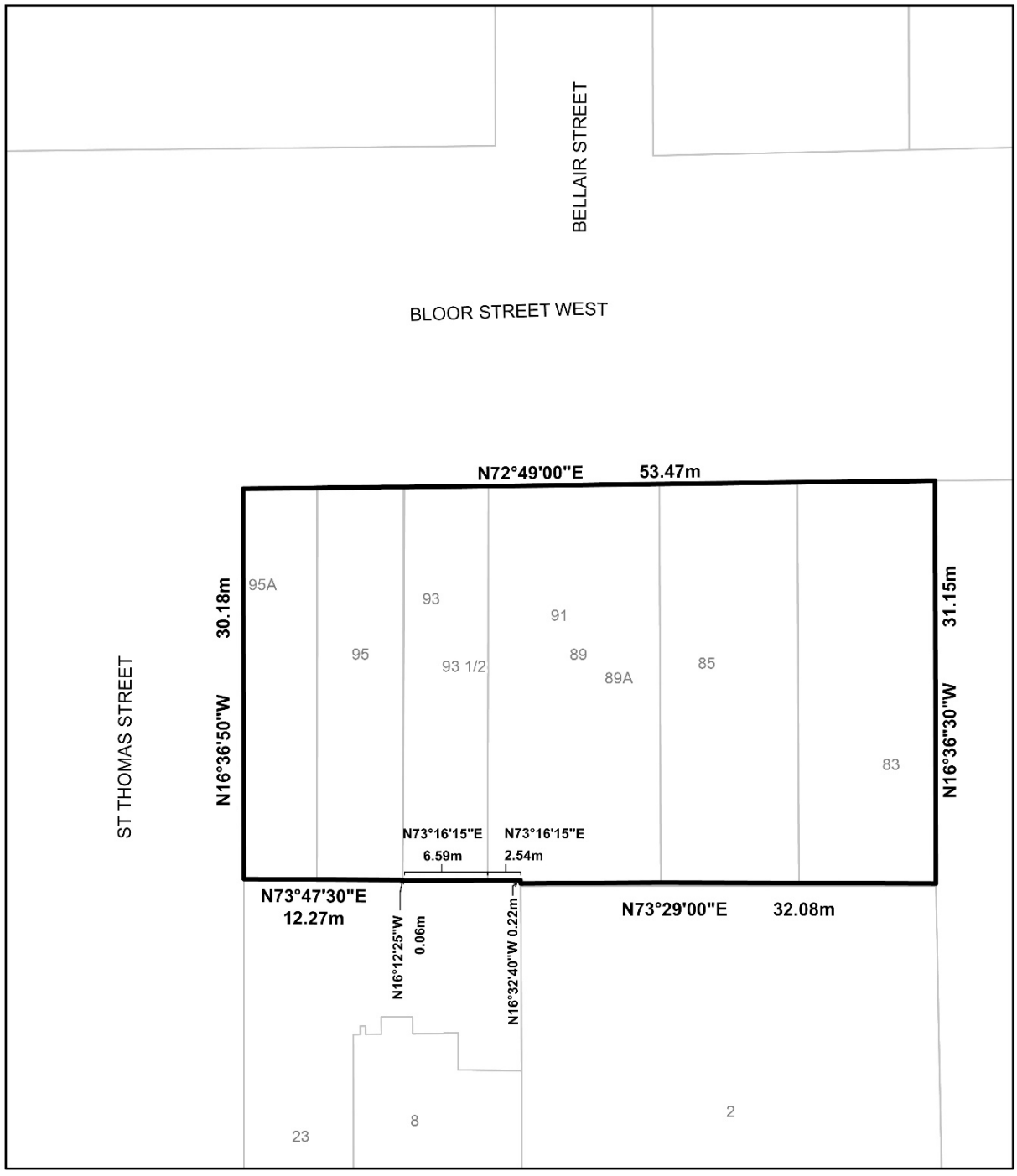
5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

6. Temporary Use(s):

(A) None of the provisions of Zoning By-law 569-2013, as amended, or this By-law apply to prevent the erection and use of Construction Office/Sales Office on the lands identified on Diagram 1 of this By-law where a Construction Office/Sales Office means **buildings, structures,** facilities or trailers, or portions thereof, used for the purpose of the administration and management of construction activity and/or for selling or leasing **dwelling units** and/or non-residential **gross floor area** on the lands identified on Diagram 1 of this By-law, for a period of 3 years from the date this By-law comes into full force and effect, after which this temporary use permission expires.

Pursuant to Ontario Land Tribunal Decision issued on November 1, 2023 and Ontario Land Tribunal Order issued on December 9, 2024 in Tribunal File OLT-22-004116

Diagram 1



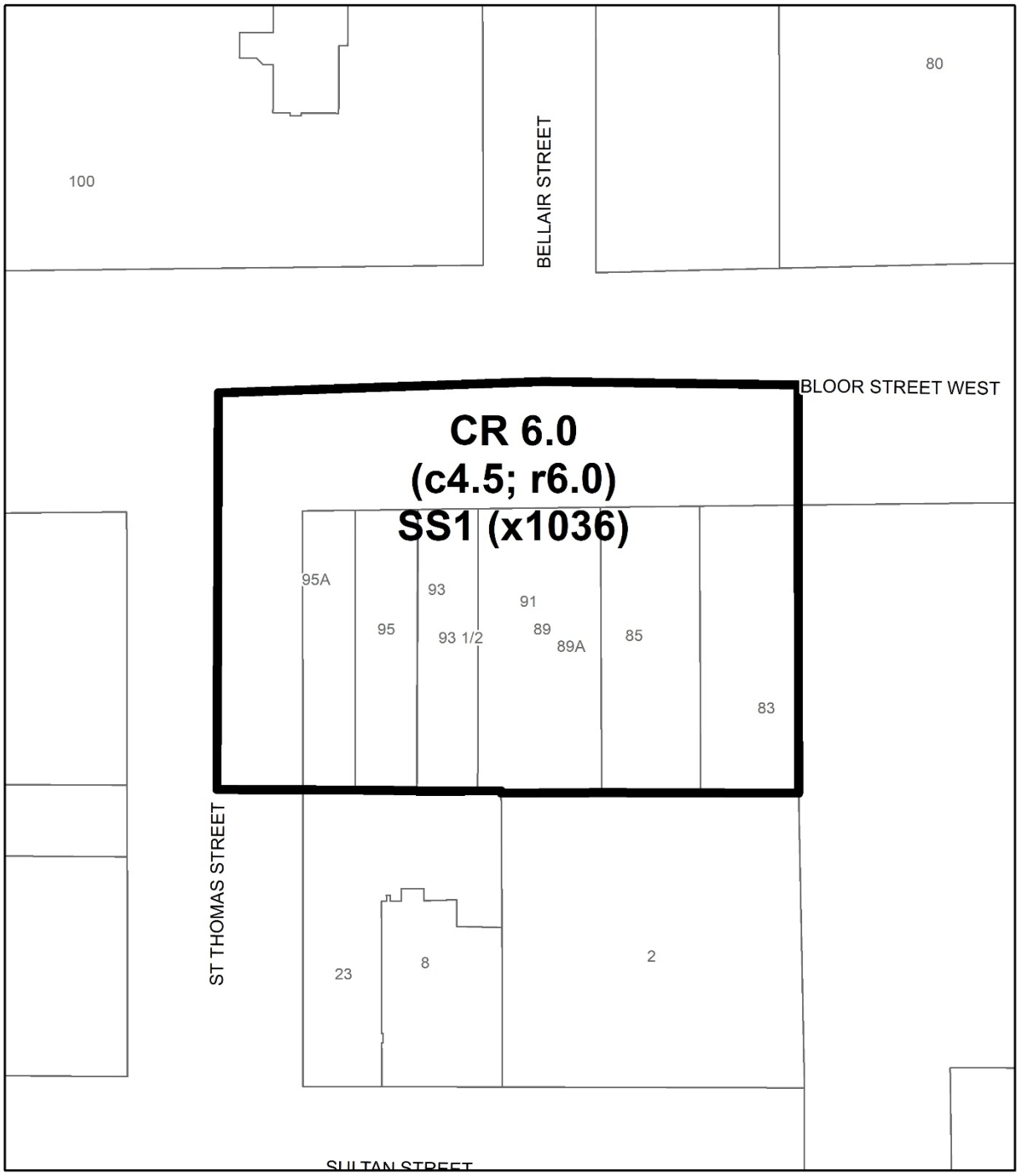
TORONTO
Diagram 1

83-95a Bloor Street West

File # 21 249697 STE 11 OZ

City of Toronto By-law 569-2013
Not to Scale
08/26/2024

Diagram 2



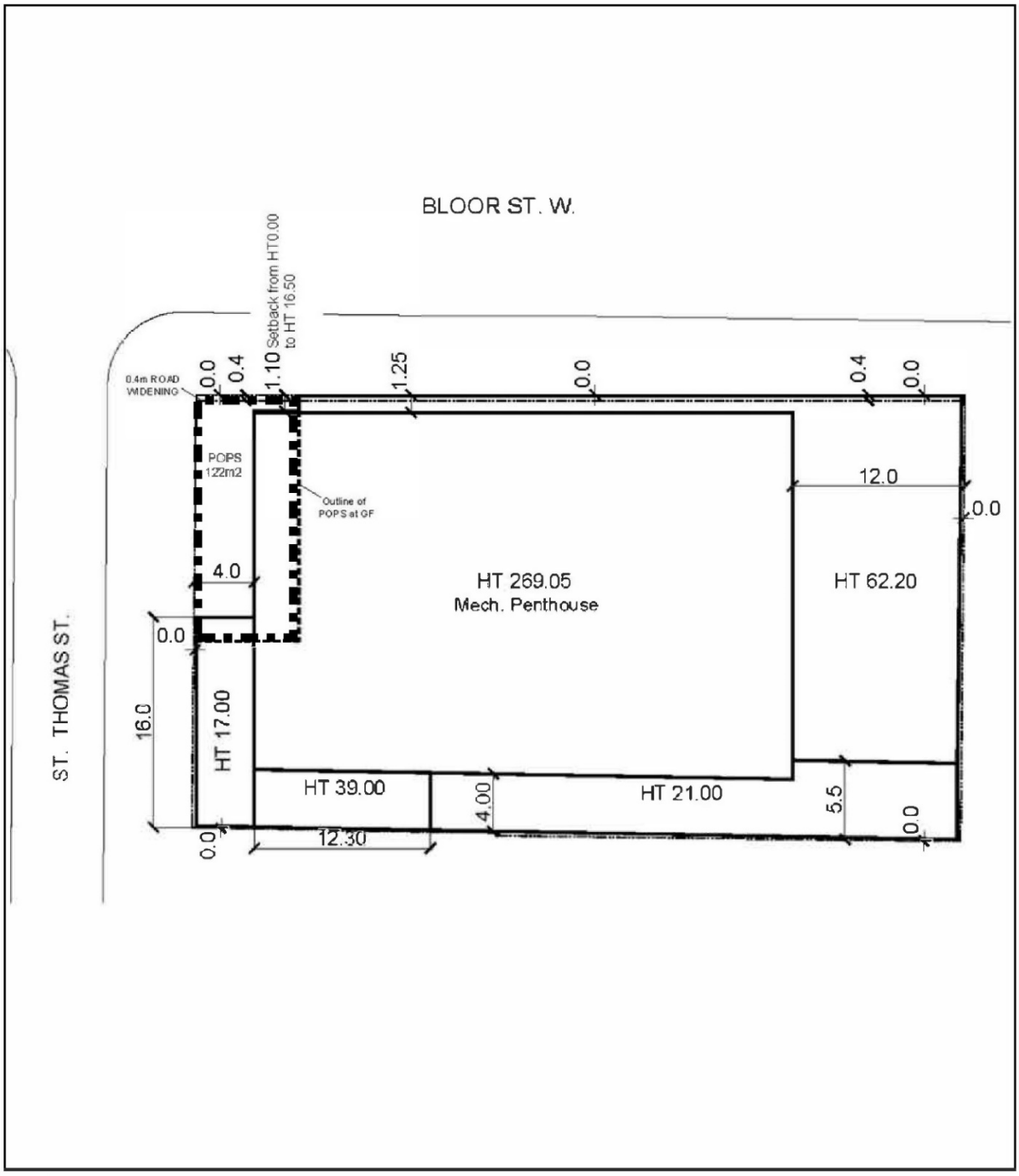
TORONTO
Diagram 2

83-95a Bloor Street West

File # 21 249697 STE 11 OZ

City of Toronto By-law 569-2013
Not to Scale
08/28/2024

Diagram 3



TORONTO
Diagram 3

83-95a Bloor Street West

File # 21 249697 STE 11 OZ

Privately-Owned Publicly Accessible Space (POPS)

City of Toronto By-law 569-2013
Not to Scale
08/26/2024

Diagram 4

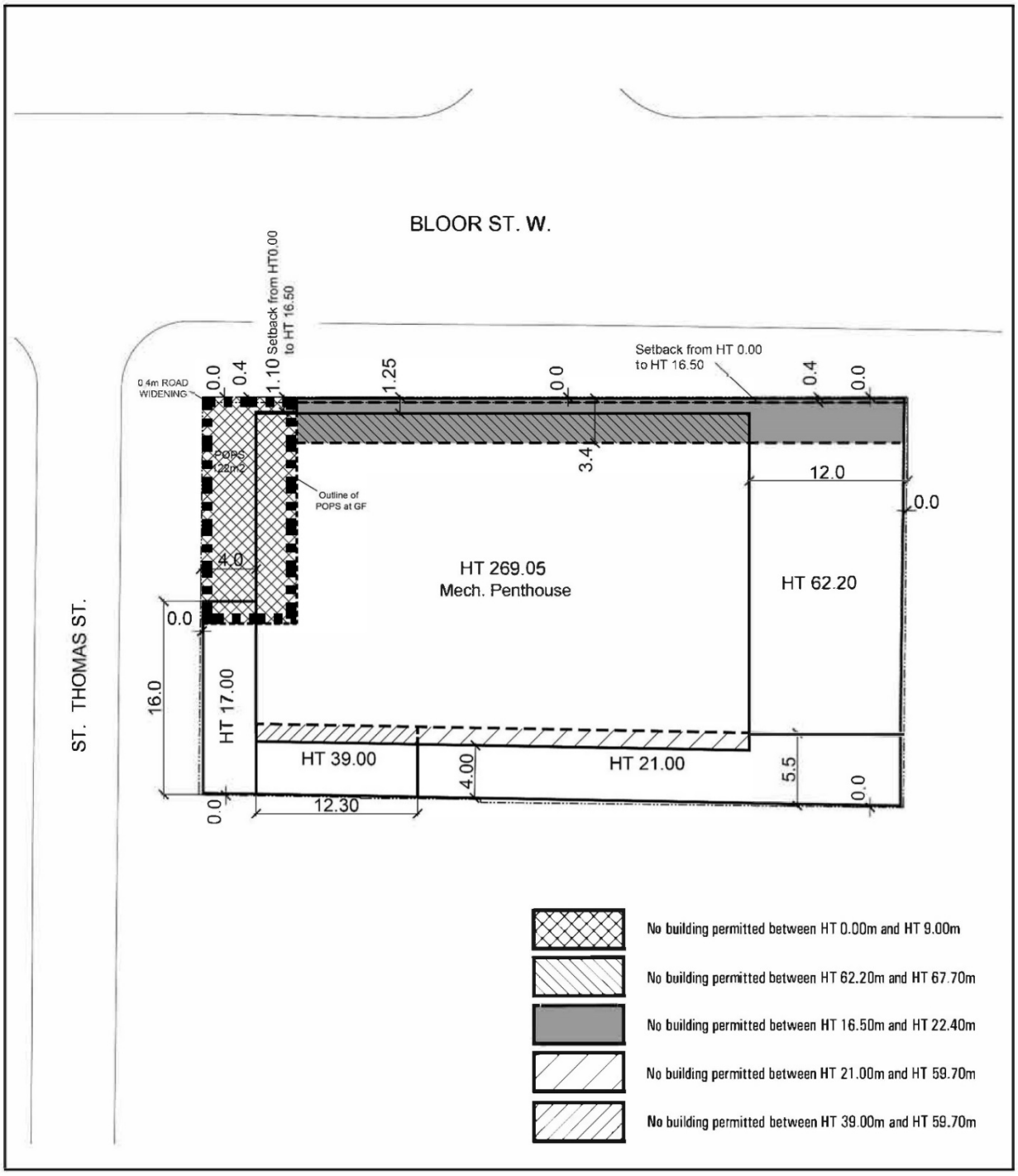


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Diagram 4 - Building stepbacks at various heights

83-95a Bloor Street West

File # 21 249697 STE 11 OZ

Privately-Owned Publicly Accessible Space (POPS)

City of Toronto By-law 569-2013
Not to Scale
08/26/2024