

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 2022

**CITY OF TORONTO**

**BY-LAW XXXX-2022**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 1319 Bloor Street West.**

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; 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*, 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; 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 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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 4.0 (c1.0; r3.5) SS2 (x1750) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying the following height label to these lands: HT 30, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, as amended, is further amended by adding the lands 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 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding a portion of the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying no value, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569 -2013, as amended, is further amended by adding a portion of the lands subject to this By-law to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value as shown on Diagram 5 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number 1750 so that it reads:

(1750) Exception CR 1750

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 1319 Bloor Street West, as shown on Diagram 1 of By-law **XXXX-2022** if the requirements of Section 11 and Schedule A of By-law **XXXX-2022** are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (W) below:
- (B) Despite 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**;

- (C) Despite Regulation 40.5.40.10(1) and 40.5.40.10(2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 113.0 metres and the elevation of 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, following the letters "HT" in metres as shown on Diagram 6 of By-law ~~XXXX-2022~~;
- (E) Despite (D) above and Regulation 40.10.40.10(2), there is no maximum height for a **transportation use** located within the area labelled as "Metrolinx conveyance" on Diagram 6 of By-law ~~XXXX-2022~~;
- (F) Despite (D) above and Regulations 40.5.40.10(4), 40.5.40.10(5), and 40.5.40.10(6), the following equipment and **structures** may project beyond the permitted maximum height of a **building**, in accordance with the following:
  - (i) **structures** on any roof used exclusively for the storage of mechanical, electrical, or other equipment used for the functional operation of the building may project above the height limits to a maximum of 6.5 metres;
  - (ii) **structures** on any roof used for elevators, elevator overruns, window washing equipment, and related structural elements may project above the height limits to a maximum of 8.0 metres;
  - (iii) **structures** on any roof used for outdoor **amenity space** or open air recreation may project above the height limits to a maximum of 3.5 metres;
  - (iv) balcony dividers, privacy screens, parapets, architectural elements, landscape features, light fixtures, acoustical and privacy screens, sound barriers, and wind mitigation equipment may project above the height limits to a maximum of 2.0 metres; and
  - (v) crash walls and **structures** associated with rail safety mitigation;
- (G) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 61,500 square metres, of which:
  - (i) the permitted maximum **gross floor area** for residential uses is 60,000 square metres;
  - (ii) the permitted maximum **gross floor area** for non-residential uses is 1,500 square metres;

- (iii) a minimum of 200 square metres of the permitted non-residential **gross floor area** must be provided for a **transportation use**; and
- (iv) a minimum of 464 square metres of the permitted non-residential **gross floor area** must be provided for a **community centre**;
- (H) a minimum of 20 percent of the total **dwelling units** on the **lot** must contain a minimum of two-bedroom **dwelling units**; and
- (I) a minimum of 10 percent of the total **dwelling units** on the **lot** must contain a minimum of three-bedroom **dwelling units**;
- (J) The maximum permitted floor area of any storey above a height of 45.0 metres, measured from the Canadian Geodetic Elevation of 113.0, is 850 square metres;
- (K) For the purposes of this exception:
  - (i) the floor area of a storey located above a height of 45.0 metres is measured from the exterior of the main walls;
- (L) Despite Regulations 40.10.40.70(2), and 40.10.40.80(2), the required minimum **building setbacks** and the required minimum separation of **main walls** are as shown, in metres, on Diagram 6 of By-law **XXXX-2022**;
- (M) Despite (L) above and Regulations 40.10.40.70(2) and 40.10.40.80(2), there are no minimum **building setbacks** or minimum separation of **main walls** for a **transportation use** located within the area labelled as "Metrolinx conveyance" on Diagram 6 of By-law **XXXX-2022**;
- (N) Despite (L) above, the required minimum **building setback** for the ground floor is:
  - (i) 7.0 metres from Bloor Street West, except for the portion of a **main wall** of a **building** containing a **transportation use**; and
  - (ii) 7.5 metres, exclusive of structural support columns, from St. Helen's Avenue for the first 28.5 metres south of Bloor Street West;
- (O) Despite (L) above and Regulations 40.10.40.60(1), 40.10.40.60(2), 40.10.40.60(3), 40.10.40.60(4), 40.10.40.60(5), 40.10.40.60(6), 40.10.40.60(7), 40.10.40.60(8), and 40.10.40.60(9), the following elements may encroach into the required minimum **building setbacks** and minimum separation distances as follows:
  - (i) cornices, window sills, eaves, balustrades, ornamental or architectural features, to a maximum extent of 0.75 metres;

- (ii) balconies, to a maximum extent of 3.5 metres;
  - (iii) canopies along Bloor Street West to a maximum extent of 8.5 metres;
  - (iv) canopies, other than those in (iii) above, and awnings, including structural support **structures**, to a maximum extent of 4.0 metres;
  - (v) railings, planters, stairs, light fixtures, bollards, safety railings, guards, guardrails, wheelchair ramps, **bicycle parking** facilities, landscape features, architectural features, and art installations to a maximum extent of 2.0 metres; and
  - (vi) Crash walls and **structures** associated with rail safety mitigation;
- (P) Despite Regulations 200.5.10.1(1) and 200.5.10.1(2) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) Resident requirement for a **dwelling unit** in an **apartment building** or **mixed use building**
    - (a) a minimum of 0 **parking spaces** for each **dwelling unit**;
    - (b) a maximum of 0.3 **parking spaces** for each bachelor **dwelling unit** up to 45 square metres;
    - (c) a maximum of 1.0 **parking space** for each bachelor **dwelling unit** greater than 45 square metres;
    - (d) a maximum of 0.5 **parking spaces** for each one-bedroom **dwelling unit**;
    - (e) a maximum of 0.8 **parking spaces** for each two-bedroom **dwelling unit**; and
    - (f) a maximum of 1.0 **parking space** for each three-bedroom **dwelling unit**;
  - (ii) Visitor requirement for a **dwelling unit** in an **apartment building** or **mixed use building**:
    - (a) a minimum of 2.0 **parking spaces** plus 0.01 **parking spaces** per **dwelling unit**;
    - (b) a maximum of 1.0 **parking space** per **dwelling unit** for the first five **dwelling units**; and

- (c) a maximum of 0.1 **parking spaces** per **dwelling unit** for the sixth and subsequent **dwelling units**;
  - (iii) 0 **parking spaces** are required for non-residential uses; and
  - (iv) A minimum of three **parking spaces** for "car-share";
- (Q) For the purposes 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** or short term rental, including hourly rental;
  - (ii) "car-share parking space" means a parking space exclusively reserved and signed for a **vehicle** used only for car-share purposes;
- (R) Despite Regulations 200.15.1(1) and 200.15.10(1) and By-law 579-2017 , ten accessible **parking spaces** must be provided 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** are required to be within 30 metres of a barrier free entrance to the **building** and passenger elevator that provides access to the first **storey** of the **building**;
- (S) Despite Clause 220.5.10.1, a minimum of one Type "G" **loading space** and one Type "C" **loading space** must be provided on the **lot**;
- (T) Regulations 230.5.1.10(9) and 230.40.1.20(2), in relation to the location of "long-term" and "short-term" **bicycle parking**, do not apply;
- (U) Despite Regulation 230.5.1.10(10), both "long-term" and "short-term" **bicycle parking spaces** may be located in a **stacked bicycle parking**

**space;**

- (V) An opening in the **main wall** of the **building** abutting Bloor Street West is required and must provide unobstructed pedestrian access to the privately owned publically accessible open space in accordance with the following:
- (i) the required opening in the **main wall** must have a minimum width of 8.6 metres;
  - (ii) the required opening under (i) above must have a minimum vertical clearance of 10.0 metres, measured from the finished grade to the underside of the floor above, excluding canopy and other architectural and decorative elements, including light fixtures; and
  - (iii) the south end of the required opening abutting Bloor Street West and providing unobstructed pedestrian access to the privately owned publically accessible open space must have a vertical clearance of 8.0 metres, measured from the finished grade to the underside of the floor above, excluding canopy and other architectural and decorative elements, including light fixtures;
- (W) A multi-use path with a minimum width of 4.75 metres is required along the southern **lot line**, as shown on Diagram 6 of By-law **XXXX-2022**.

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

9. 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.
10. Temporary Uses
- (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office, which is a temporary **building, structure**, facility, or trailer on the lands used exclusively for the purpose of marketing or sale of **dwelling units** or non-residential gross floor area to be erected on the **lot** for a period of not more than three years from the date this By-law comes into full force and effect.
11. 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 1 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 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 attached to 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 and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on [month day, 2022].

Name  
Speaker

Name  
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 lands as shown in Diagram 1 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 earlier of condominium registration or first residential use on site, the owner shall design, construct, finish and convey to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum 5,000 square feet (465 square metres) Community Agency Space located on levels one and two of the podium fronting Bloor Street West and subject to the following:
  - (i) The Community Agency Space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building Condition, with the terms and specifications to be secured in the Section 37 Agreement, all satisfactory to the Executive Director, Social Development, Finance and Administration, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning and the City Solicitor;
  - (ii) 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 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;
  - (iii) Prior to the conveyance of the Community Agency Space to the City, the owner shall provide a one-time cash contribution in the amount of \$500,000.00 for total finishing costs of the community agency space; and
  - (iv) Concurrent with or prior to, the conveyance of the Community Agency Space to the City, the owner and the City shall enter into, and register on title to, the appropriate lands an Easement and Cost Sharing Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor. The Easement and Cost Sharing 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 Community Agency Space.

2. The owner shall provide and maintain fifteen (15) new affordable rental dwelling units on the lands for a minimum period of ninety-nine (99) years beginning from the date that each such unit is first occupied, in accordance with the following:
  - (i) At least one (1) of the new affordable rental dwelling units shall be a three-bedroom rental unit with an average unit size of approximately 90 square metres;
  - (ii) At least four (4) of the new affordable rental dwelling units shall be two-bedroom rental units with an average unit size of approximately 70 square metres;
  - (iii) At least ten (10) of the new affordable rental dwelling units shall be one-bedroom rental units with an average unit size of approximately 50 square metres;
  - (iv) The fifteen (15) new affordable rental dwelling units shall be provided in vertically and/or horizontally contiguous groups of six (6) or more dwelling units within the development;
  - (v) The location and layouts of the new affordable rental dwelling units within the development shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - (vi) The owner shall provide and maintain all fifteen (15) new affordable rental dwelling units as secured rental housing at affordable rents, as defined in the Official Plan as of the date of enactment of this By-law, for a minimum period of ninety-nine (99) years beginning from the date that each such unit is first occupied. During such ninety-nine (99) year period, the rent (inclusive of utilities) charged to any tenant of a new affordable rental dwelling unit shall not exceed one (1) times the average rent for the same bedroom type in the City of Toronto, as reported by the Canada Mortgage and Housing Corporation in its most recent Rental Market Survey, and no application shall be made to demolish any affordable rental dwelling unit or to convert any affordable rental dwelling unit to a non-residential rental purpose;
3. The cash contribution set out in Subsection 1(iii) above shall 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 Table: 18-10-0135-01, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the Cash Contribution by the owner to the City.

4. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development, prior to Site Plan approval:
- (i) The owner shall prepare all documents and convey a Pedestrian Clearway Easement to the City to secure a 6.0 metre corner rounding, at a minimum height of 3.0 metres above finished grade, at the northeast corner of 1319 Bloor Street West (southwest corner of Bloor Street West and St. Helen's Avenue), together with rights of support, such lands to be free and clear of all other physical and title encumbrances, and subject to a right-of-way for access and construction purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated for public pedestrian clearway purposes, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor;
  - (ii) The owner shall submit to the Chief Engineer and Executive Director, Engineering and Construction Services, a draft Reference Plan of Survey in metric units and integrated into the Ontario Coordinate System, with coordinate values shown on the face of the plan and delineating thereon, by separate PARTS, the lands to be conveyed to the City for corner rounding purposes as, the remainder of the site, and any appurtenant right-of-way, for review and approval, prior to depositing it in the Land Registry Office;
  - (iii) The owner shall prepare all documents and convey a Pedestrian Clearway Easement to the City to secure a 2.5 metre wide minimum pedestrian clearway, to a minimum height of 3.0 metres above finished grade, along the Bloor Street West frontage of the subject site, together with rights of support, such lands to be free and clear of all other physical and title encumbrances, and subject to a right-of-way for access and construction purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated for public pedestrian clearway purposes, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor;
  - (iv) The owner shall submit a comprehensive Construction Management Plan for each stage of the construction process, to the satisfaction of the General Manager, Transportation Services, the Chief Building Official and Executive Director, Toronto Building and the Ward Councillor. The

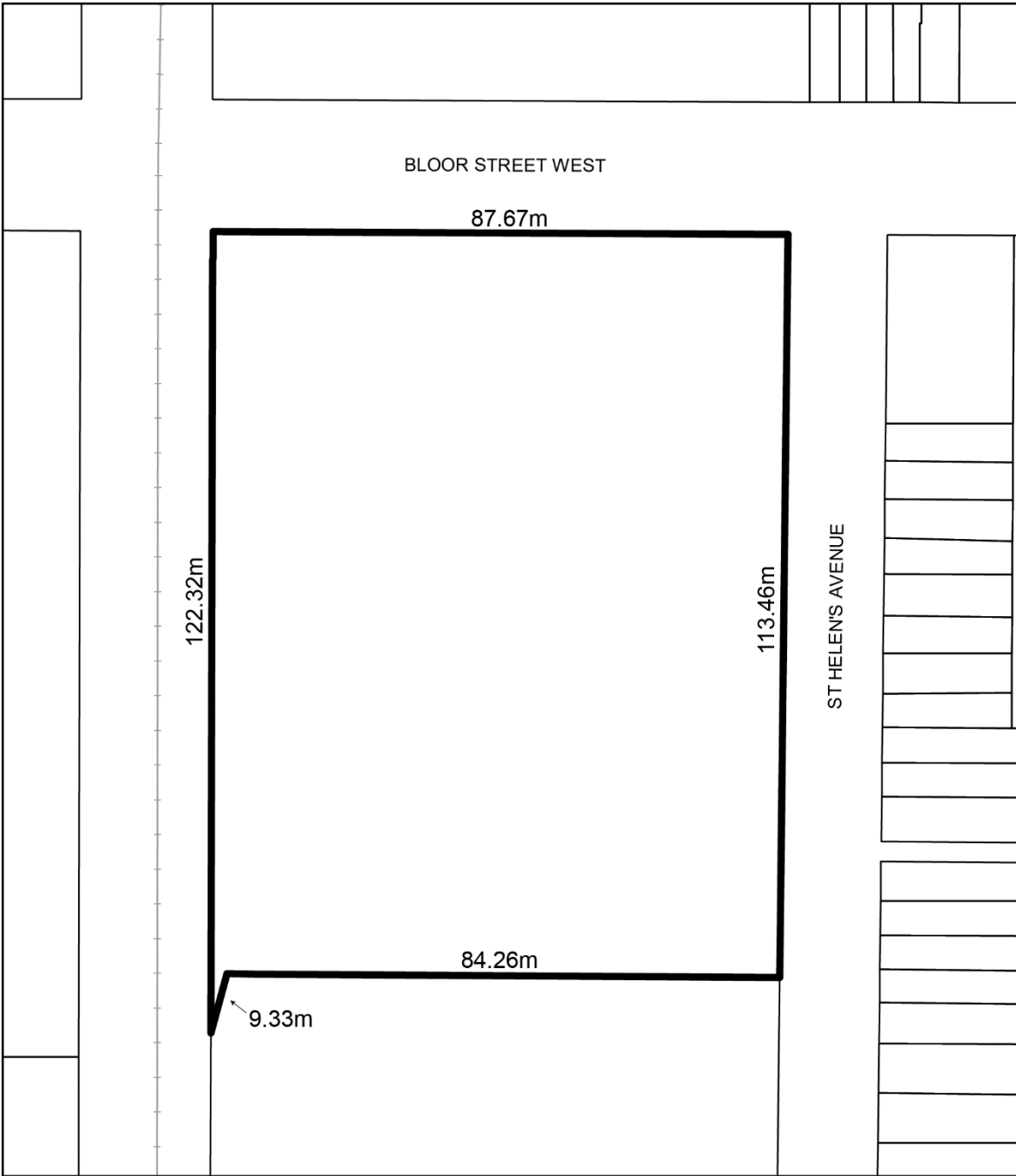
Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the General Manager, Transportation Services, in consultation with the Ward Councillor;

- (v) The owner shall submit a financial security in the form of a letter of credit or certified cheque (amount to be determined) for the traffic control signals to be installed at the intersection of Bloor Street West and St. Helen's Avenue, and any subsequent timing card/programming costs, as required by the General Manager, Transportation Services;
- (vi) The owner shall submit a payment in the form of a certified cheque (amount to be determined) for the pavement marking and signage additions and modifications required within the frontage of the site and at the Bloor Street West and St. Helen's Avenue intersection, to the satisfaction of the General Manager, Transportation Services;
- (vii) The owner shall submit a payment of \$85,513.01 for a five year maintenance fee for the required new traffic signal at Bloor Street West and St. Helen's Avenue;
- (viii) The owner shall submit financial contributions/payments in the form of a letter of credit or certified cheques and/or provide additional documentation for the implementation of a Transportation Demand Management (TDM) plan. These provisions include, but are not limited to:
  - i. A payment of \$100,000 for bike-share station implementation on-site or in the area surrounding the subject site;
  - ii. A minimum of three (3) publicly accessible car-share spaces on-site;
  - iii. One (1) car-share or bike-share membership per unit, offered for the first year of occupancy; and
  - iv. A minimum of one (1) bike repair station/area provided on-site.
- (ix) The owner shall submit a revised Functional Servicing and Stormwater Management Report, Hydrogeological Report and supporting documents,

including confirmation of water and fire flow, sanitary and storm capacity, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;

- (x) The owner shall address all outstanding engineering issues set out in the memoranda dated March 28, 2022, as well as any other comments that may arise from further review of materials to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services;
- (xi) The owner shall design and submit the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted Engineering Reports to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades and/or new infrastructure are required to support the development;
- (xii) The owner shall submit a Rail Safety Assessment for peer review, at the owner's sole expense, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (xiii) The shall submit a revised Noise and Vibration Impact Study for peer review, at the owner's sole expense, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (xiv) The shall submit a revised Compatibility Mitigation Study for peer review, at the owner's sole expense, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- (xv) The owner shall provide to the City for nominal consideration Privately-Owned Publicly Accessible Open Space (POPS) easements for the on-site POPS of approximately 304 square metres located within the centre of the subject site, for public access and provisions for rights of support if necessary, encumbrances and insurance, and indemnification of the City by the owner, to the satisfaction of the Director, Real Estate Services, the Chief Planner and Executive Director, City Planning, and the City Solicitor in consultation with the Ward Councillor. The owner shall own, operate, maintain, and repair the POPS and install signage in a location to be determined through the Site Plan review process, at its own POPS at any time, 365 days a year. The final design and program of the POPS will be determined through the Site Plan review process and secured in a Site

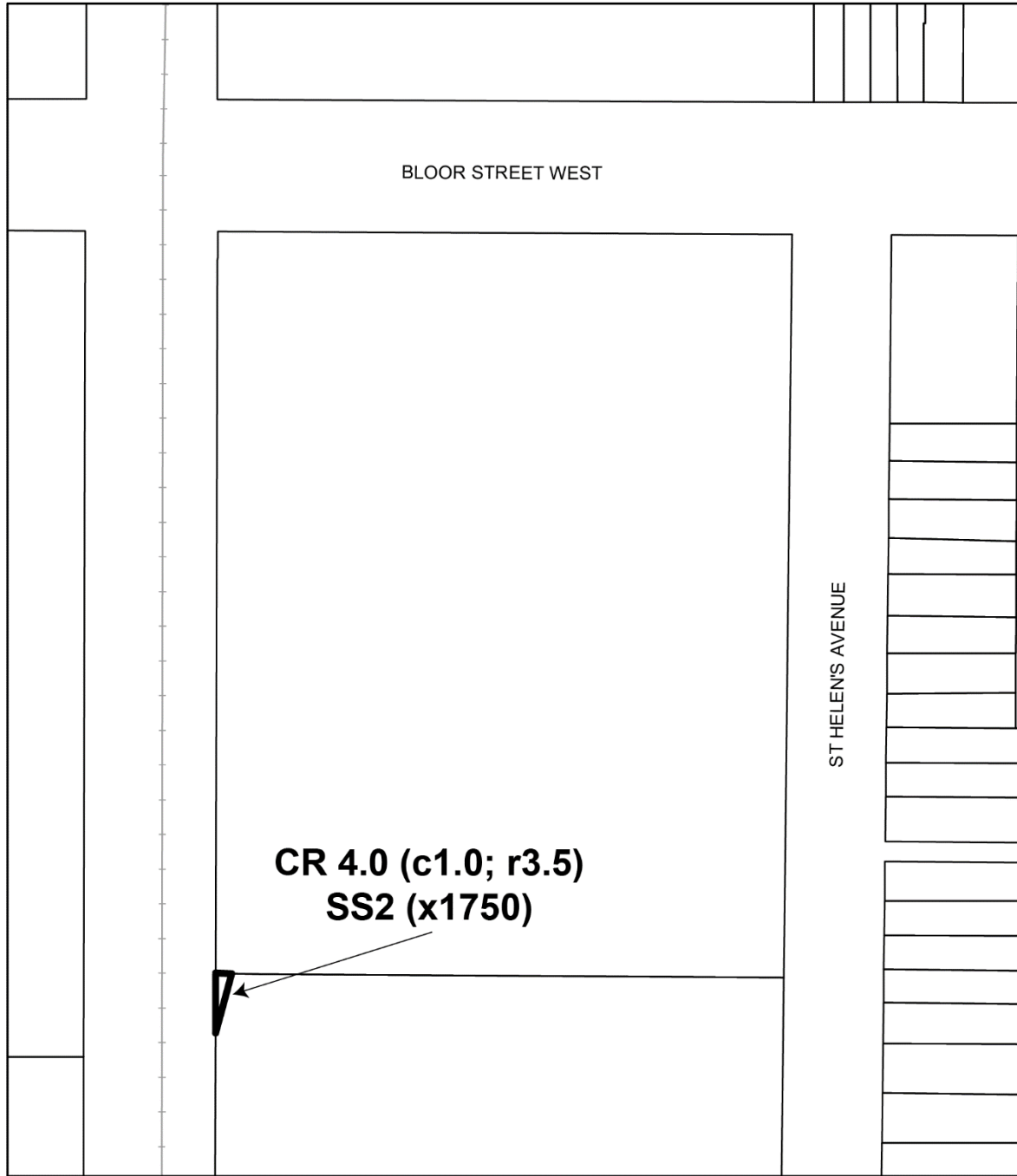
Plan Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning.



 **TORONTO**  
Diagram 1

**1319 Bloor Street West**

File #: 20 230587 STE 09 0Z

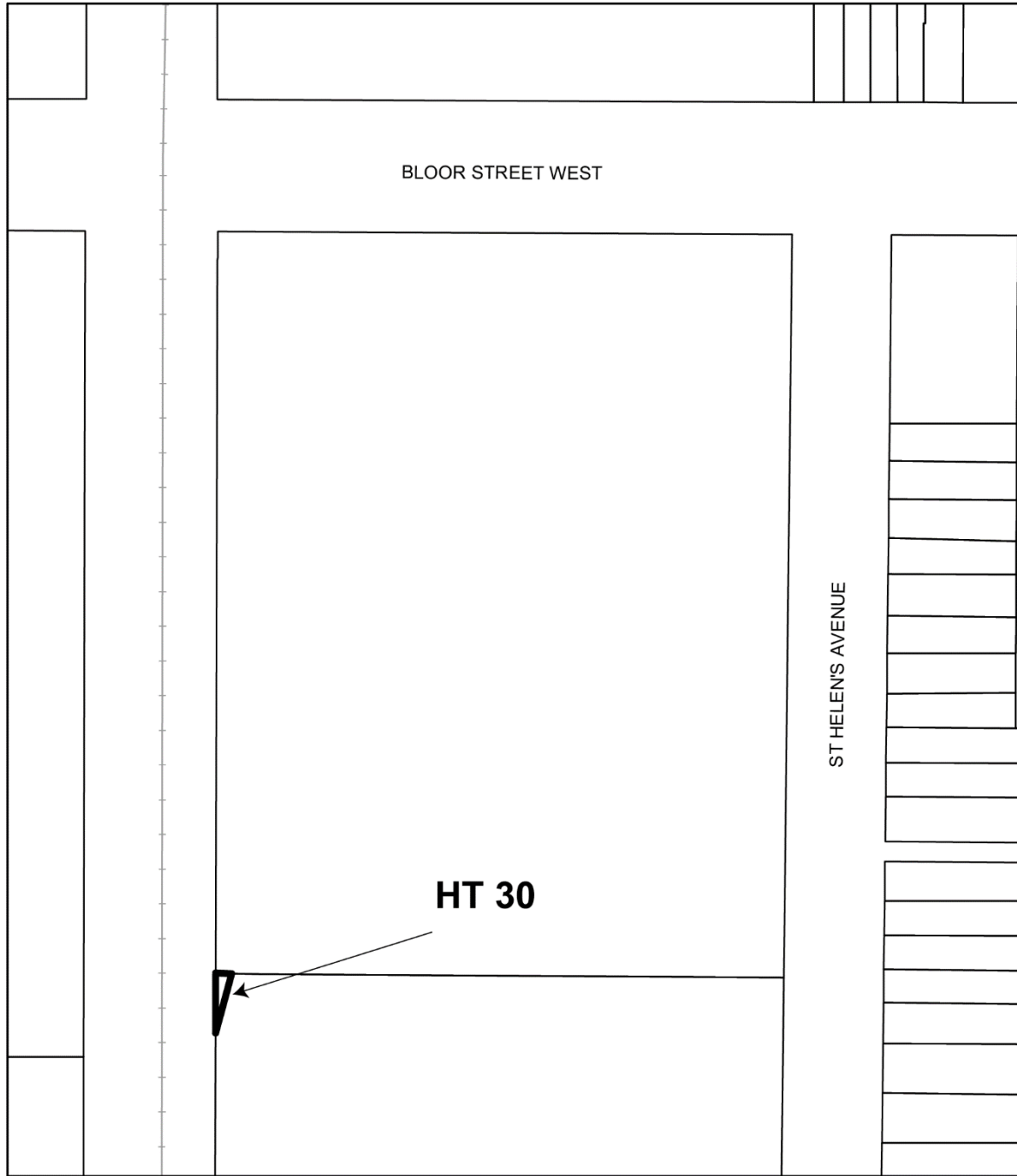


 **TORONTO**  
Diagram 2

**1319 Bloor Street West**

File #: 20 230587 STE 09 0Z

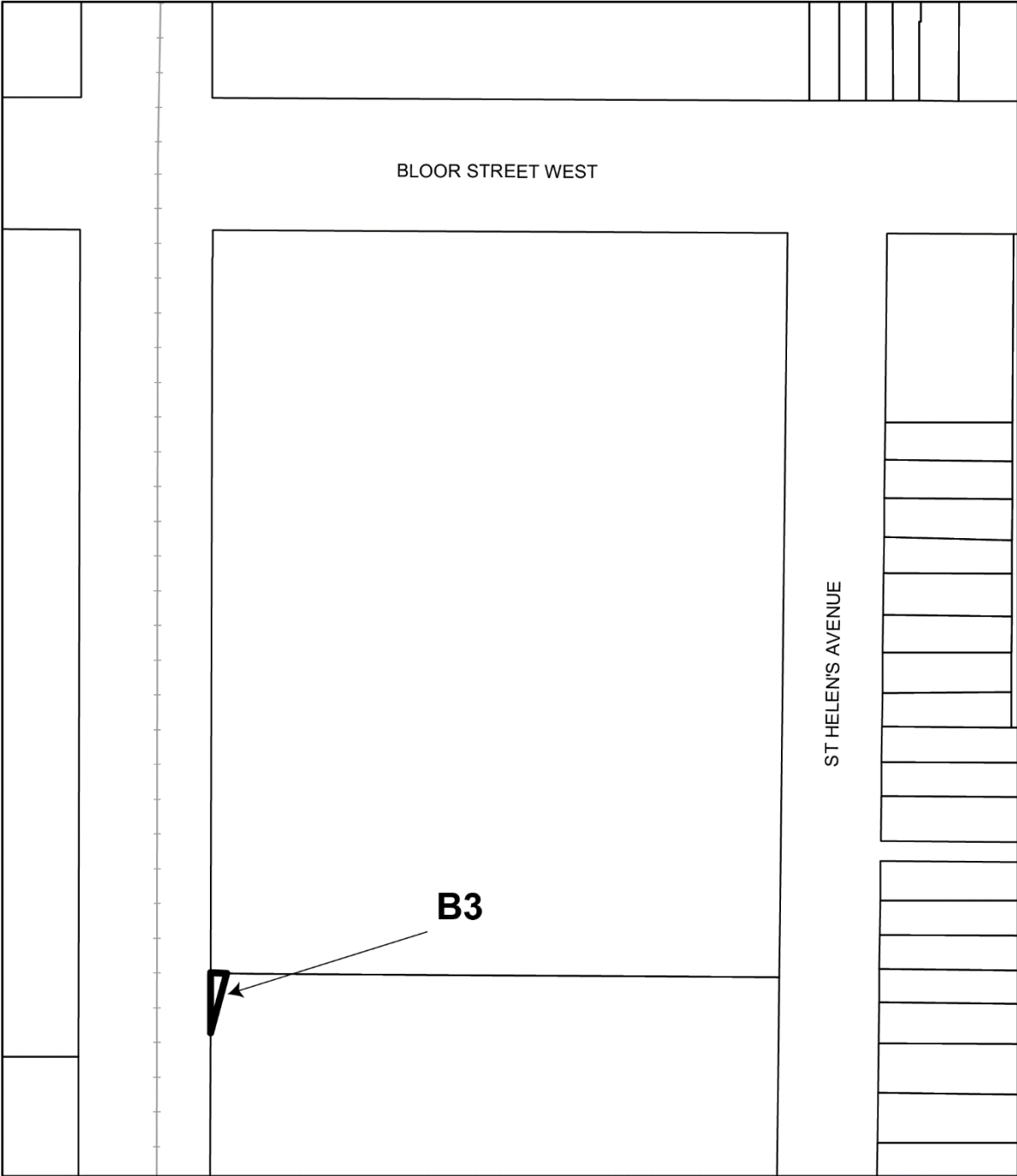




 **TORONTO**  
Diagram 3

**1319 Bloor Street West**

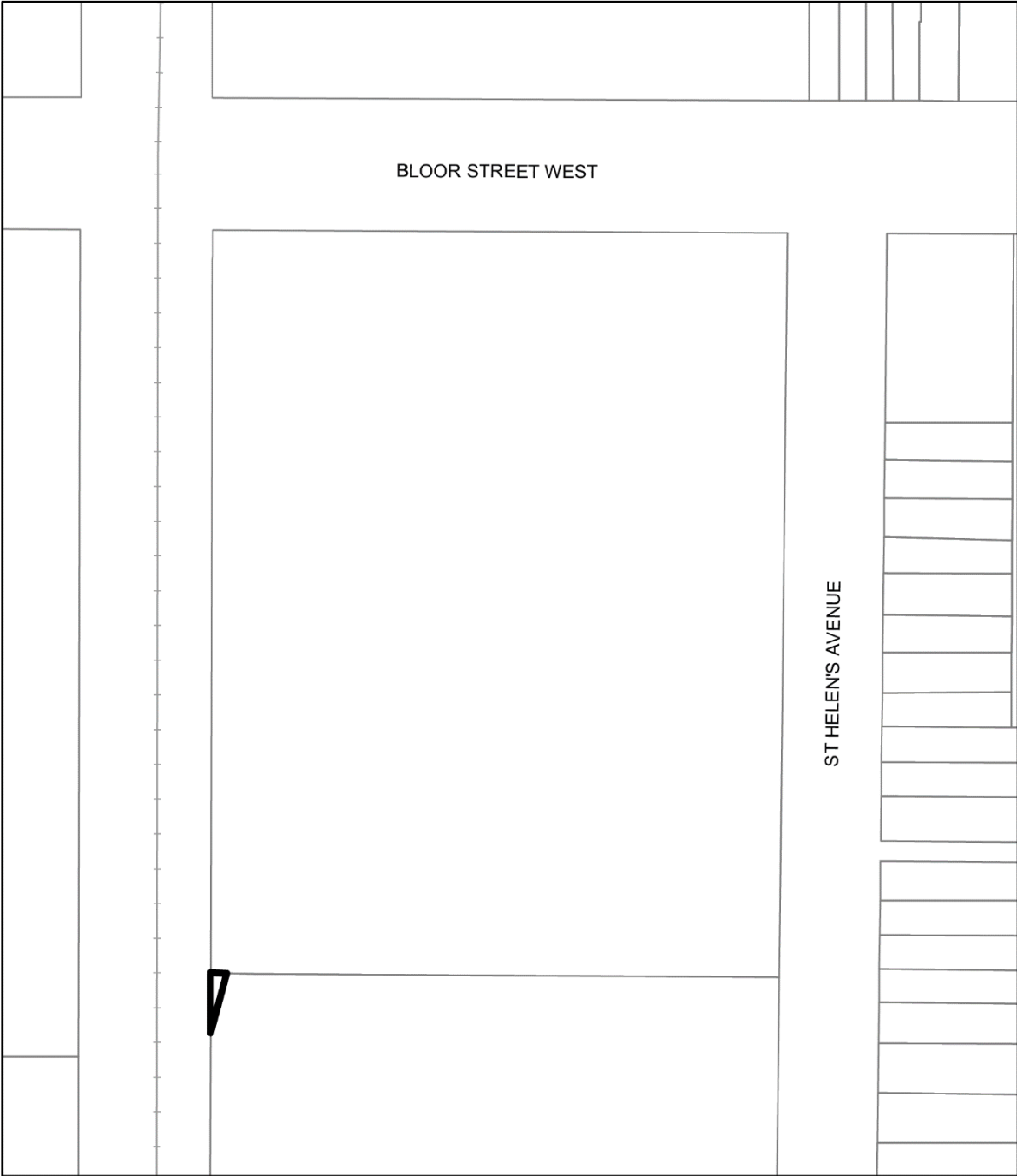
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 **TORONTO**  
Diagram 4

**1319 Bloor Street West**

File #: 20 230587 STE 09 0Z




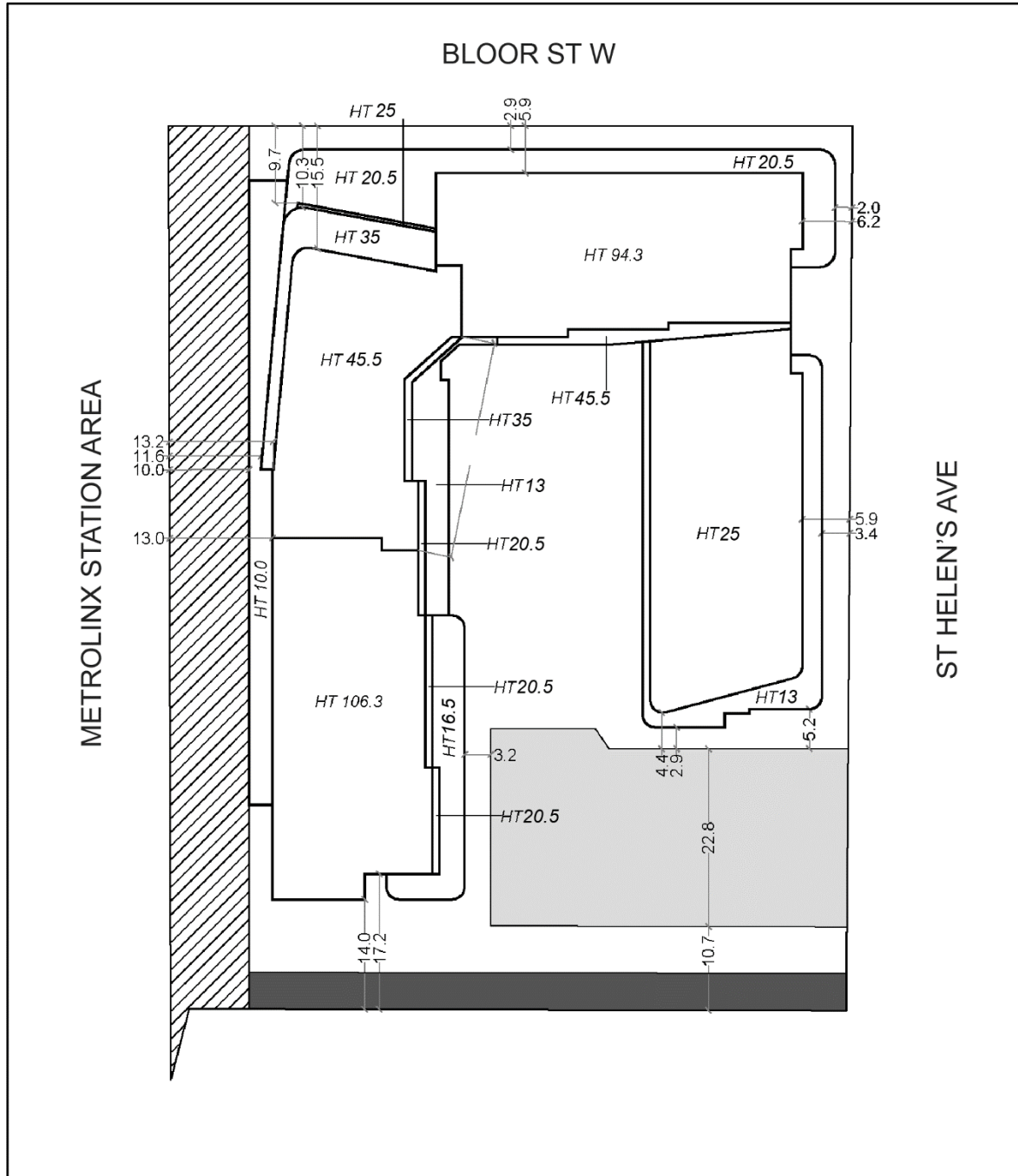
 **TORONTO**  
Diagram 5

**1319 Bloor Street West**

File #: 20 230587 STE 09 0Z

 Location Of Parcel

  
City of Toronto By-law 569-2013  
Not to Scale  
04/19/2022




**Toronto**  
 Diagram 6

1319 Bloor Street West

File #: 20 230587 STE 09 02

-  Metrolinx conveyance
-  Multi-use path
-  Parkland dedication to the City

  
 City of Toronto By-law 569-2013  
 Not to Scale  
 04/19/2022