

Authority: Toronto Community Council Report No. 4, Clause No. 1,
as amended and adopted by City of Toronto Council on March 2, 3 and 4, 1999
Enacted by Council: March 4, 1999

CITY OF TORONTO

BY-LAW No. 133-1999

**To amend By-law No. 438-86 of the former City of Toronto, as amended,
respecting 86 and 100 Bloor Street West
and to repeal By-law No. 435-89 of the former City of Toronto,
respecting lands known as 96 and 100 Bloor Street West.**

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in height or density of development beyond those otherwise permitted by the By-law 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 or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 4(2), 4(5)(b), 4(14)(a), 8(3) Part I, and 8(3) Part III 1(a) of By-law No. 436-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use on the lands delineated by heavy lines on Plan 1 attached to and forming part of this By-law of a *mixed-use building*, including below-grade parking, containing not more than 33 675 square metres of combined *residential gross floor area* and *non-residential gross floor area*, provided:

- (1) the *lot* on which the building is located comprises at least those lands delineated by heavy lines on Plan 1 attached to and forming part of this By-law;

- (2) no portion of any building, including the mechanical penthouse but exclusive of canopies, located above *grade* is located otherwise than wholly within the areas delineated by heavy lines on Plan 2 attached to and forming part of this By-law;
- (3) the *height* of the building, including the mechanical penthouse, does not exceed the *heights* or penetrate the “Angular Plane Area A” or “Angular Plane Area B” for the various portions of the building and mechanical penthouse as shown on the attached Plan 2, such *heights* shown being inclusive of the structural elements referred to in sections 4(2)(a)(i) and (ii) of By-law No. 438-86, as amended, for the “Angular Plane Area A” and “Angular Plane Area B” and such *heights* being exclusive of structural elements referred to in section 4(2)(a)(i) and (ii) of By-law No. 438-86, as amended, for the remainder of the building except that any parapet may only exceed the *heights* shown by 0.4 metres;
- (4) not more than 20 020 square metres of *residential gross floor area* shall be used for residential dwelling purposes;
- (5) not more than 13 655 square metres of *non-residential gross floor area* shall be used for non residential purposes, of which not more than 6 070 square metres *non-residential gross floor area* shall be used for retail purposes and not more than 7 585 square metres of *non-residential gross floor area* shall be used for motion picture or other theatre purposes;
- (6) there are not more than 160 residential *dwelling units* in the building;
- (7) *parking spaces* are provided and maintained to serve the *mixed-use building* in accordance with the following:
 - (a) *parking spaces* are provided on the *lot* for the exclusive use of residents of the building at a minimum rate of :
 - (i) 0.7 *parking space* for each one *bedroom dwelling unit*;
 - (ii) 1 *parking space* for each two *bedroom dwelling unit*;
and
 - (iii) 1.2 *parking spaces* for each three or more *bedroom dwelling unit*;
 - (b) *parking spaces* are provided on the *lot* for the exclusive use of visitors to the residents of the building at a minimum rate of .06 *parking space* for every *dwelling unit*;
 - (c) *parking spaces* are provided on the *lot*, or off-site within 300 metres thereof, at a minimum rate of:

- (i) 1 *parking space* for every twelve theatre seats or fraction equal to or greater than one-half thereof;
- (ii) 1 *parking space* for each 100 square metres of *net floor area*, or fraction equal to or greater than one-half thereof, of retail uses;

provided that not more than 48 per cent of the total number of *parking spaces* required by the By-law for the non-residential portion of the building are provided off-site; and

- (d) *parking spaces* provided on the *lot* shall comply with the dimensional requirements of the aforesaid By-law No. 438-86, as amended, save and except for the parallel *parking spaces*, located on the east side of the below-*grade* garage, which are required to have a minimum length of 7.0 metres, and up to 5 per cent of the *parking spaces* in the below-*grade* garage, which may have an unobstructed area of not less than 2.3 metres in width and not less than 5.0 metres in length;
- (8) one *loading space - Type G* and two *loading spaces - Type B* are provided on the *lot* in the below-*grade* garage, with generally level surfaces and access designed so that trucks can enter and exit the *lot* in a forward motion;
 - (9) notwithstanding the provisions of Section 4(5)(i)(ii) of By-law No. 438-86, as amended, the driveway which provides access to and from the parking facilities in the building may have a minimum width of 3.0 metres for one-way operation at the parking control areas;
 - (10) the owner reconstruct and maintain the publicly accessible walkway at *grade* over the lands labelled Right-of-Way on Plan 1 attached to and forming part of this By-law to provide pedestrian access between Bloor Street West and Critchley Lane.
 - (11) the owner of the *lot*, at its expense and in accordance with and subject to the agreement referred to in Subsection 1(11)(j) of this By-law:
 - (a) retains in its current location and incorporates the facade of the former University Theatre into the *mixed-use building* and relocates the portal of the former Percy House to Bellair Street and incorporates it into the *mixed-use building*;
 - (b) pays to the City the sum of \$800,000.00 for off-site local area improvements;
 - (c) pays to the City the sum of \$8,000.00 for costs to monitor traffic and pedestrian conditions and for traffic related improvements in the vicinity of the *lot*;

- (d) provides and maintains works of public art in publicly accessible portions of the *lot* or on adjacent lands owned by the City of a value not less than one per cent of the cost of construction of the *mixed-use building* erected on the *lot*;
- (e) reconstructs and maintains the publicly accessible pedestrian walkway at *grade* over the lands labelled Right-of-Way on Plan 1 attached to and forming part of this By-law providing pedestrian access between Bloor Street West and Critchley Lane;
- (f) provides and maintains the measures, facilities and strategies stipulated for in required approved Plans respecting Construction Phasing; Noise Impact; Soil and Groundwater Management; Demolition and Excavation Dust Control; Pedestrian Management; and Parking Information;
- (g) has a qualified Architect/Acoustical Consultant certify, in writing, to the Commissioner of Works and Emergency Services that the development has been designed and constructed in accordance with the Noise Impact Statement approved by the Commissioner of Works and Emergency Services;
- (h) submits and has approved by the Commissioner of Works and Emergency Services, within 12 months of the opening of the cinema/theatre complex, a Monitoring Report, which details parking utilization on the *lot* and in the off-site parking facility, including the number of days that the off-site facility achieved capacity after 6:00 p.m., and the need for any additional elements in the Parking Information Plan;
- (i) provides space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes, sewer maintenance holes and any other collateral matters which are required in connection with the development of the *lot* pursuant to this By-law; and
- (j) installs and funds three commemorative plaques through Heritage Toronto, at suitable locations on the new building, such plaques to commemorate:
 - (1) The Physicians and Surgeons Building;
 - (2) The University Theatre; and
 - (3) Percy House;
- (k) enters into an agreement with the City pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to in subsections 1(11)(a) - (j) of this By-law.

- 2.** For the purposes of this By-law:
- (1) “Angular Plane Area A” means a plane at an angle of 45 degrees measured horizontally over the *lot* adjacent and parallel to Critchley Lane at a *height* of 35.0 metres above *grade* through which no part of the building may penetrate;
 - (2) “Angular Plane Area B” means a plane at an angle of 54 degrees measured horizontally over the *lot* and parallel 9.3 metres south of Critchley Lane at a *height* of 71.4 metres above *grade* through which no part of the building may penetrate exclusive of a 0.4 metre tall parapet;
 - (3) “*lot*” means the lands delineated by heavy lines on the attached Plan 1; and
 - (4) each other word or expression which is italicized in this by-law shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended.
- 3.** By-law No. 435-89 is repealed upon the coming into force of the balance of this By-law.

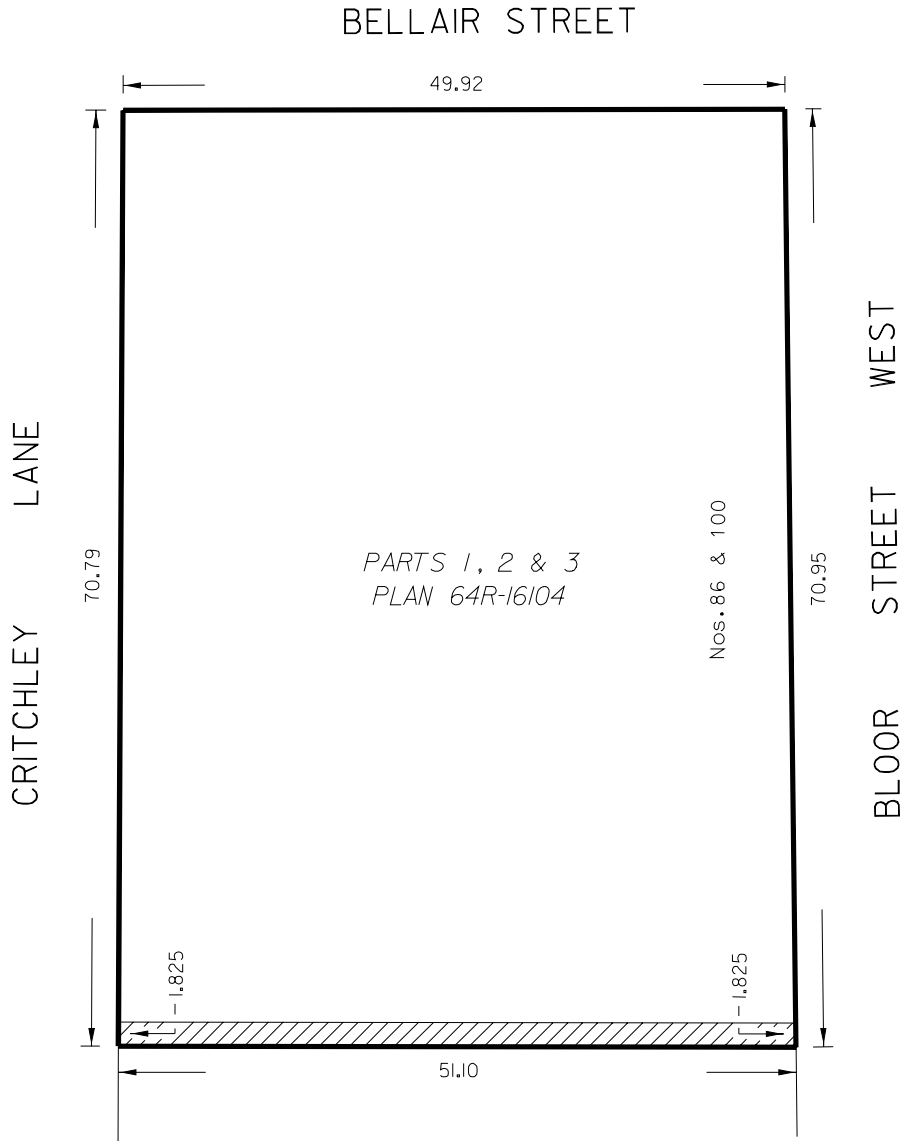
ENACTED AND PASSED this 4th day of March, A.D. 1999.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)

PLAN 1



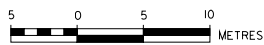
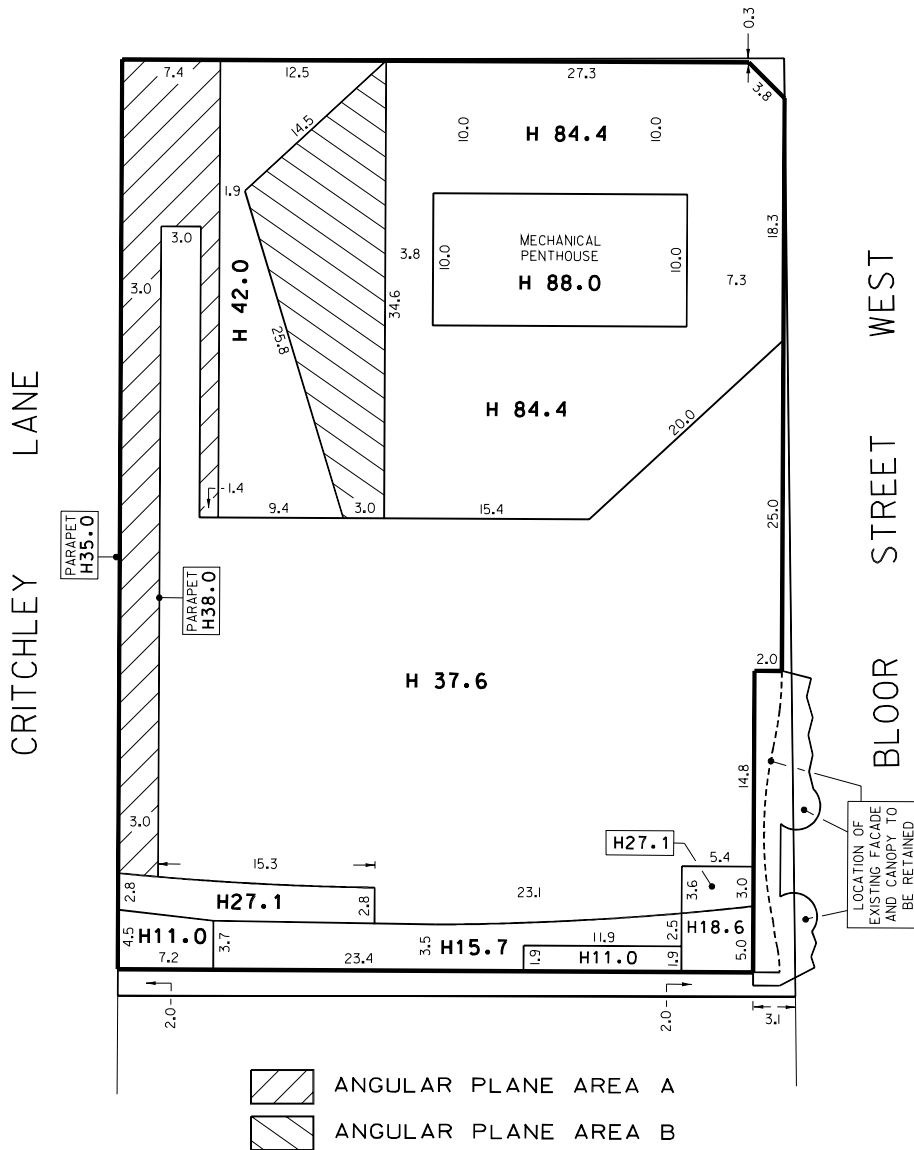
 RIGHT-OF-WAY (PART 3, PLAN 63R-4465)



WORKS AND EMERGENCY SERVICES
SURVEY SERVICES SECTION
TORONTO FEBRUARY, 1999
BL786BL00R1.DGN
FILE: B22-27
MAP No. 50J-313 DRAWN: PG

PLAN 2

BELLAIR STREET



WORKS AND EMERGENCY SERVICES
 SURVEY SERVICES SECTION
 TORONTO FEBRUARY, 1999
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 FILE: B22-Z7
 MAP No. 50J-313 DRAWN: PG