

CITY OF TORONTO

BY-LAW No. 969-2000(OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto, with respect to lands known municipally as Nos. 4 St. Thomas Street and 100 to 108 and part of 110 Charles Street West, to be known as No. 4 St. Thomas Street.

WHEREAS the Council of the former City of Toronto, at its meeting held on the 23rd and 24th days of June, 1997 adopted Clause No. 6 of Land Use Committee Report No. 9 as a settlement of the proposed official plan amendments and zoning by-law amendments and the appeal of By-law No. 425-93, all currently before the Ontario Municipal Board; and

WHEREAS the Council of the City of Toronto, at its meeting held on the 9th, 10th and 11th days of June, 1999 adopted Clause No. 7 of Toronto Community Council Report No. 8 to revise the terms of settlement of the proposed official plan amendments and zoning by-law amendments and the appeal of By-law No. 425-93, all currently before the Ontario Municipal Board; and

WHEREAS the Board having held a hearing on the referral and amendments has approved an amendment in accordance with an agreed upon settlement by the Owner and the Council of the former City, as revised and agreed upon by the Council of the City of Toronto;

THEREFORE pursuant to the Order of the Ontario Municipal Board issued June 19, 2000, Board File Nos. M90024, O900088, O900184, Z900007 and R930372, being Decision/Order No. 0906;

1. Section 12(1) of By-law No. 438-86, 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, is further amended by adding the following exception:

- "440. to prevent the erection or use of a building or structure on the lands shown outlined by heavy lines on the map following this exception for the purpose of a *hotel* which may include *hotel* rooms and *hotel* suites and which may contain *dwelling units*, provided:
- (i) the *lot* on which such building is located comprises at least the lands shown outlined by heavy lines on such map;
 - (ii) not more than an aggregate of 125 *hotel* rooms, *hotel* suites and *dwelling units* are erected and used on the *lot*;
 - (iii) the aggregate of the *non-residential gross floor area* and the *residential gross floor area* erected on the *lot* does not exceed 9 400.0 square metres;
 - (iv) the aggregate of the *non-residential gross floor area* erected or used for *retail stores* and *restaurants*, exclusive of areas comprising *restaurant* kitchens, does not exceed 475.0 square metres;
 - (v) no portion of such building or structure erected or used on the *lot* is located above the *height limits* shown on such map, subject only to the following exceptions:

- A. on the part of the building or structure designated as “H 37.5” on the map, a vertical flag pole and mast and a boiler or chimney stack may exceed the *height limit* of 37.5 metres by not more than 3.66 metres;
 - B. on the part of the building or structure designated as “H 32.5” on the map, an open air canopy may exceed the *height limit* of 32.5 metres by not more than 3.61 metres;
 - C. on the parts of the building or structure designated as “H 32.5” and “H 27.0” on the map, window washing equipment may exceed the respective *height limits* of 32.5 metres and 27.0 metres by not more than 3.66 metres;
 - D. on the parts of the building or structure designated as “H 13.8” and “H 27.0” on the map, unit divider screens may exceed the respective *height limits* of 13.8 metres and 27.0 metres by not more than 1.80 metres;
 - E. on the parts of the building or structure designated as “H 8.0”, “H 32.5” and “H 27.0” on the map, cornices and copings may exceed the respective *height limits* of 8.0 metres, 32.5 metres and 27.0 metres by not more than 0.60 metres; and
 - F. on all parts of the building or structure for which *height limits* are shown on the map, balcony and terrace guards may exceed the respective *height limits* by not more than 1.07 metres.
- (vi) no part of any building or structure located above *grade* on such lands is located otherwise than wholly within the “Building Envelope” shown on such map, subject only to the following exceptions:
- A. a vertical flag pole and mast may extend no more than 0.80 metres outside the Building Envelope;
 - B. French balcony guards may extend no more than 0.30 metres outside the Building Envelope; and
 - C. copings and cornices may extend no more than 1.20 metres outside of the Building Envelope.
- (vii) despite paragraphs (v) and (vi), garden walls not exceeding 0.6 metres in height are permitted;

- (viii) a common loading area containing not less than three *loading spaces - type B* and two *loading spaces - type C* is provided and maintained on the lands referred to in section 12(1)438 to serve both the *hotel*, and the office building referred to in section 12(1)438, provided that the *loading spaces - type C* may be provided in tandem arrangement and the *loading spaces - type B* may have a vertical clearance of not less than 3.7 metres;
- (ix) not more than 99 and not less than 25 *parking spaces* are provided and maintained to serve the *hotel* and any *dwelling units*;
- (x) subject to paragraph (ix) herein, in the case of any *dwelling units* located in such building, parking shall be provided on such lands to meet at least the following standards:

Residents' Parking:

Not less than 0.3 *parking spaces* for each bachelor unit
 Not less than 0.7 *parking spaces* for each 1 bedroom unit
 Not less than 1.0 *parking spaces* for each 2 bedroom unit
 Not less than 1.2 *parking spaces* for each 3+ bedroom unit

Visitors' Parking:

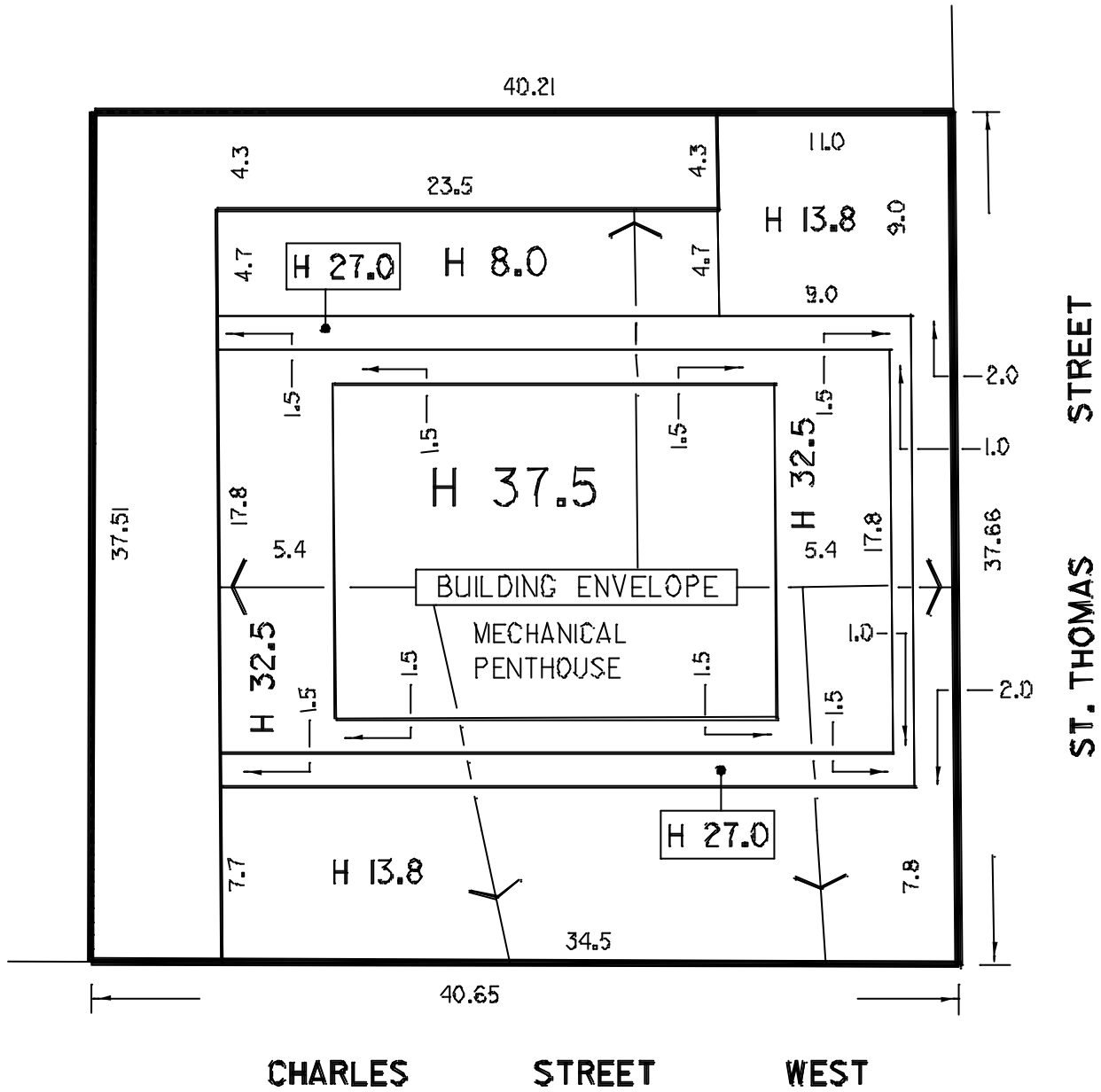
0.06 *parking spaces* for every *dwelling unit* contained therein, to be used for visitors' parking;

- (xi) no *common outdoor space* is required to be provided;
- (xii) no *residential amenity space* is required to be provided if the building contains *hotel rooms* or *hotel suites*;
- (xiii) for the purposes of this exception, despite the definition of "*hotel*" set forth in section 2(1), *dwelling units* may be erected or used in such building; and
- (xiv) subject to paragraph (xiii) herein, with the exception of sections 4(2)(a)(i) and (ii), 4(5)(b), 4(5)(i), 4(8), 4(12), 4(13), 8(3) PART I 1, 2 and 3 and 8(3) PART III 1(a), all other provisions of this by-law are complied with.

For the purposes of this exception,

- (a) "*height limit*" means the level above *grade* as shown on the map following this exception; and
- (b) "*grade*" means 114.50 metres Canadian Geodetic Datum".

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JUNE 19, 2000 IN BOARD FILE NO. PL908439.



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



LANDS REFERRED TO IN SECTION 12(1)440
PART 1, PLAN 66R-17748



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO SEPTEMBER, 1998
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FILES: 243-23 & 2402.53-3
MAP No. 5011-323 DRAWN: WL