

CITY OF TORONTO

BY-LAW No. 991-2001(OMB)

To amend By-law No. 356-89 of the former City of Toronto, as amended, respecting lands known as 333 Bloor Street East, (formerly 321 Bloor Street East), 1 Mount Pleasant Road, 575 and 577 Jarvis Street.

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 the 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 the density or 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; and

WHEREAS the Ontario Municipal Board by way of Order issued on September 20, 2001, determined to amend By-law No. 356-89;

THEREFORE:

1. Sections 4, 5 and 6 of By-law No. 356-89 being, "A By-law to amend By-law No. 438-86 respecting certain lands known as No. 321 Bloor Street East and certain lands south-east of Mount Pleasant Road" are deleted and the following Sections 4, 5 and 6 are substituted therefor.

"4. None of the provisions of the definition of *lot* contained in Section 2 or of Sections 4(2), 4(5)(i) and (ii), 4(5)(b), 4(8), 4(10)(a), 4(10)(c), 4(13)(a) and (c), 6, 8(3) PART I 1(a), 8(3) PART I 2, 8(3) PART I 3(a), 8(3) PART II 2, 8(3) PART III, 8(3) PART XI 3, 12(2)80 and 12(2)132 of the aforesaid By-law No. 438-86, shall apply to prevent the erection and use of a building within the lands shown in heavy outline on Plan 1a attached to and forming part of this

By-law and containing any one or more of Phases A, B1 or B2 also shown on Plan 1a and the portion of the surface and/or underground parking facility beneath each Phase, provided:

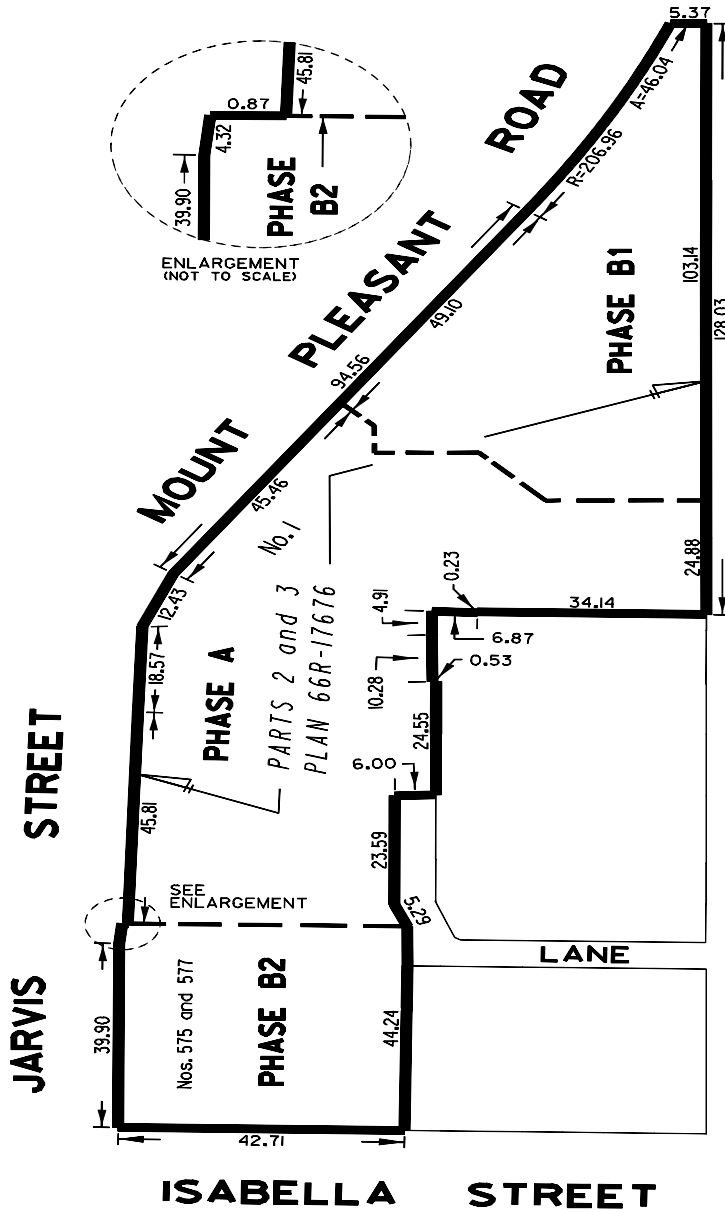
- (1) the lands consist of at least those shown in heavy outline on Plan 1a attached to and forming part of this by-law;
- (2) no part of the building, above *grade*, is located otherwise than wholly within the area shown in heavy outline on Plan 2a attached to and forming part of this by-law;
- (3) the *non-residential gross floor area* of the building does not exceed 63,330 square metres;
- (4) no part of the building located within Phase B1 is used for non-residential purposes until 9 *dwelling units* are erected within Phase B1 and within the area indicated on Plan 3a;
- (5) *common outdoor space* is provided and maintained in the areas shown on Plan 3a attached to and forming part of this by-law;
- (6) the owner or occupant of the building provides and maintains the number of loading spaces required by Schedule 1 of Section 4 of By-law No. 438-86;
- (7) the owner or occupant of the building provides and maintains a minimum of 615 and a maximum of 647 *parking spaces* of which;
 - (i) at least 606 *parking spaces* are provided and maintained in an underground parking facility beneath Phases A, B1 and B2
 - (ii) 9 *parking spaces* are provided and maintained for the residential component of Phase B1 and
 - (iii) not more than 32 *parking spaces* have a minimum width of 2.5 metres and minimum length of 4.88 metres,

and such *parking spaces* are located in an underground parking facility beneath the subject lands except for 6 *parking spaces* located within the surface parking lot located on the portion of the lands indicated as Phase B1 on Plan 1a of this by-law to serve the subject building and, except in respect of the residential *parking spaces*, to serve the building known in the year 1999 as No. 333 Bloor Street East;

- (8) the height, above *grade*, of any portion of the building to be erected does not exceed those heights shown on Plan 2a attached to and forming part of this by-law, except that, for that portion of the building for which a 94 metre height limit is shown on such Plan, a decorative spire and boiler stack may extend no more than 6.5 metres above such limit.
5. Notwithstanding Section 4 hereof, the density and height of development permitted by Section 4 is permitted subject to compliance with the conditions set out therein and in return for the provision by the owner of the lands referred to in Section 4 of the following facilities, services and matters to the City of Toronto, namely:
- (1) contribute \$900,000.00 to the City to achieve heritage objectives in the vicinity of such lands;
 - (2) provide and maintain one or more works of art pursuant to a public art program in publicly accessible portions of such lands of a value not less than one per cent of the cost of construction of all new buildings, structures and additions erected on such lands after the date of issuance of the Order of the Ontario Municipal Board;
 - (3) provide, maintain and operate the development in accordance with the Noise Impact Statement approved by the Commissioner of Works and Emergency Services;
 - (4) provide 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;
 - (5) enters into one or more agreements with the City pursuant to Section 37 of the *Planning Act* to secure all the facilities, services and matters referred to in this By-law, and such agreement or agreements are appropriately registered against the title to such lands.
6. Except where in this by-law a contrary intention appears, the definition of the word "*grade*" and of the expressions "*parking space*", "*non-residential gross floor area*", "*dwelling unit*" and "*common outdoor space*" contained in the aforesaid By-law No. 438-86 shall respectively apply to such word and expressions where used in this by-law".
2. Section 13 of By-law No. 438-86, as amended, is further amended by deleting the phrase "By-law No. 356-89 respecting 1 Mount Pleasant Road" and substituting the phrase "By-law Nos. 356-89 and 991-2001(OMB) respecting 1 Mount Pleasant Road and 575 and 577 Jarvis Street".

PURSUANT TO ORDER NO. 1533 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON SEPTEMBER 20, 2001 IN BOARD CASE NOS. PL000807 AND PL000798.

PLAN 1a



JARVIS STREET

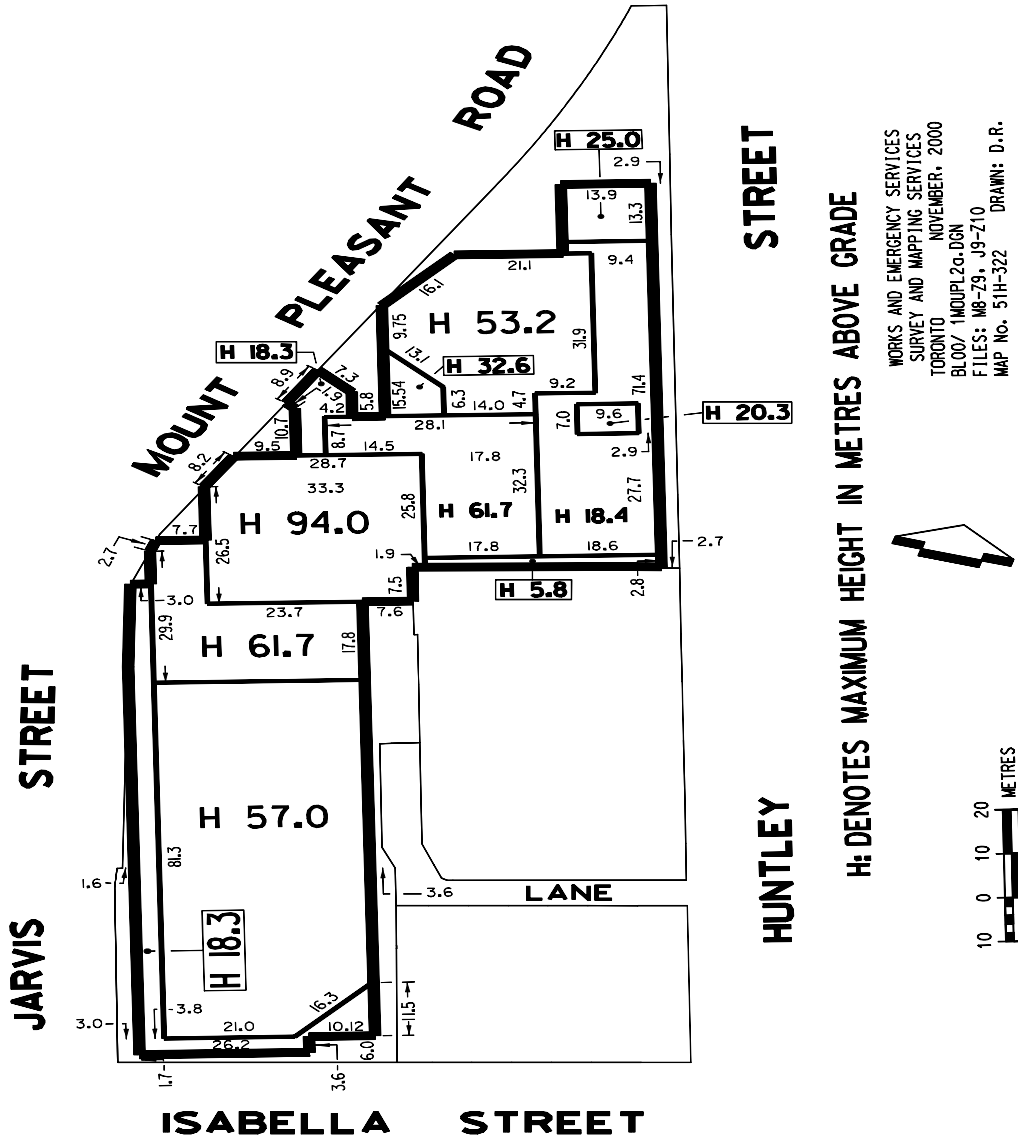
HUNTLEY STREET

LANDS SUBJECT TO THE PROVISIONS OF THIS BY-LAW

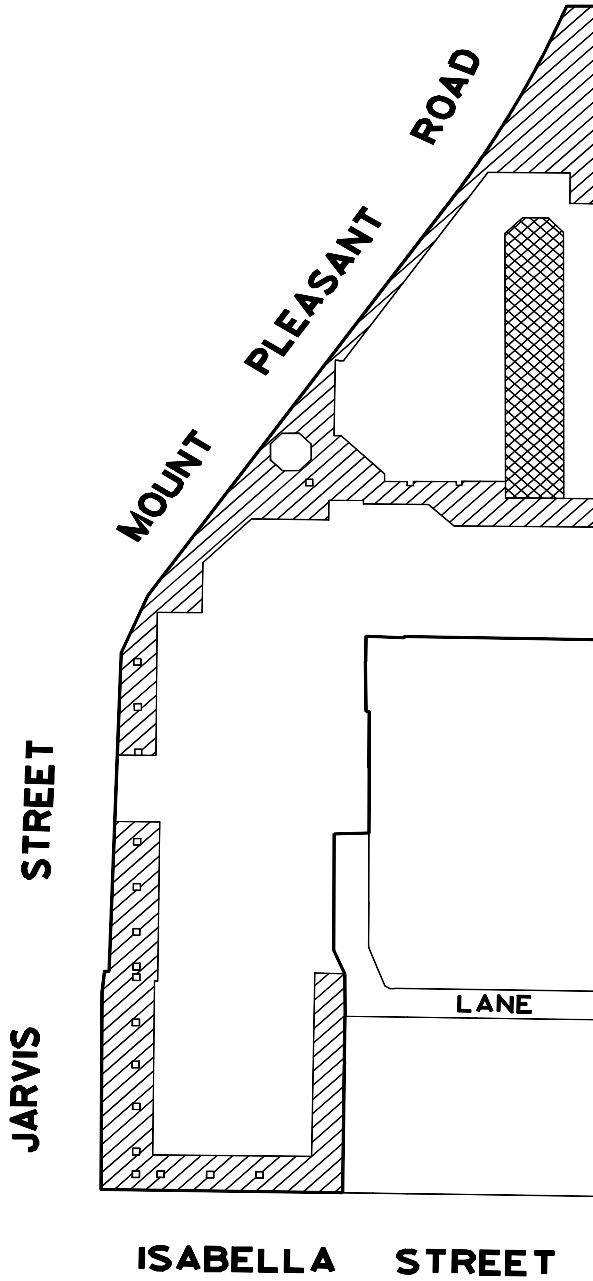
WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO NOVEMBER, 2000
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 FILES: M8-29, J9-710
 MAP No. 51H-322 DRAWN: D.R.



PLAN 2a



PLAN 3a



-  COMMON OUTDOOR SPACE
-  LOCATION OF DWELLING UNITS



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO NOVEMBER, 2000
 BLOO7 1MOUPL3A.DGN
 FILES: M8-Z9, J9-Z10
 MAP No. 51H-322 DRAWN: PG