

# CITY OF TORONTO

## BY-LAW No. 645-2007(OMB)

### To amend the General Zoning By-law No. 438-86 for the former City of Toronto with respect to lands municipally known as 1 Bedford Road, 230, 232, 234, 236, 238, 240, 242 and 244 Bloor Street West.

WHEREAS the Ontario Municipal Board pursuant to its Order No. 1489 issued May 17, 2006, approved an amendment to Zoning By-law No. 438-86 for the former City of Toronto with respect to lands municipally known as 1 Bedford Road and 230, 232, 234, 236, 238, 240, 242 and 244 Bloor Street West;

THEREFORE the Ontario Municipal Board HEREBY ORDERS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendices 1 and 2 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site*, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendices 1 and 2 hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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”, shall continue to apply to the *site*.
4. The uses permitted on the *site* are:
  - (a) one or more of the uses permitted within a CR zone pursuant to Section 8(1) of By-law No. 438-86, as amended, which for clarity includes a *mixed-use building* and *accessory* uses thereto, and
  - (b) notwithstanding Section 12(2) 219(b) of By-law No. 438-86, a *parking garage* as an *accessory* use to a *mixed use building*.
5. Notwithstanding Section 8(3) Part I of By-law No. 438-86, as amended, the maximum combined *non-residential gross floor area* and *residential gross floor area* of all buildings or structures erected within the *site*, after the passage of this By-law, shall not exceed 36,092 square metres, of which the maximum *residential gross floor area* shall not exceed 34,511 square metres and the maximum *non-residential gross floor area* shall not exceed 1,581 square metres.

6. No part of any building or structure erected within the *site*, after the passage of this By-law, shall be located above finished ground level other than within a *building envelope*.
7. Section 6 hereof does not apply to the type of structure listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION
Parapets	maximum 1.0 metre projection, provided the height of such “STRUCTURE” is not greater than 1.0 metres above the height limits established in Section 9 of this By-law
eaves, cornices, ornamental or architectural elements, balustrades, mullions, window sills, bay windows	maximum 1.0 metre projection, provided the height of the “STRUCTURE” is no higher than that portion of the building to which it is attached
fences, safety railings, guardrails and landscape features, including trellises	no restriction on the extent of the projection provided the height of such “STRUCTURE” does not exceed 3.0 metres
canopy extending westerly from the main entrance to the residential component of the <i>mixed use building</i>	maximum 14.2 metre projection, provided the height of the canopy is no higher than that portion of the building to which it is attached
canopies, excluding the canopy extending westerly from the main entrance to the residential component of the <i>mixed use building</i>	maximum 2.0 metre projection, provide the height of the canopy is no higher than that portion of the building to which it is attached
ramps, wheelchair ramps and/or stairs (and associated structures) servicing an underground <i>parking garage</i>	no restriction, provided the height of such “STRUCTURES” does not exceed 2.0 metres above finished ground level
Balconies	maximum 1.5 metre projection, provided the balcony is no higher than that portion of the building to which it is attached
stairs, stair enclosures, landings and associated railings	no restriction, provided the height of such “STRUCTURE” does not exceed 3.0 metres
public art features	no restriction in extent of projection or height of “STRUCTURE”.

8. The provisions of Section 8(3) Part II 1 (a) (ii) of By-law No. 438-86, as amended, shall not apply to prevent the erection or use of a building or structure in which the window of a *dwelling unit*, located within the *site*, is closer than 4.0 metres to the north property line of the *site*.

9. Notwithstanding Section 4(2)(a) of By-law No. 438-86, as amended, after the passage of this By-law:
- (a) a building or structure erected within the *site* may, in respect of the *building envelope*, have a maximum *height* in metres above *grade* as shown following the symbol “H” on Map 2, and
  - (b) no building or structure shall be erected above finished ground level within the *site* outside the *building envelope*, other than a structural projection permitted outside a *building envelope* by Section 7 hereof.
10. The preceding Section hereof does not apply to prevent the erection or use above the said maximum *height* limits of:
- (a) the structural projections identified in Section 7 of this By-law, subject to the limitations contained therein,
  - (b) the structures and elements identified in Section 4(2)(a)(i) of By-law No. 438-86, as amended, subject to the limitations contained therein,
  - (c) the structures identified in Section 4(2)(a)(ii) of By-law No. 438-86, as amended, provided that:
    - (i) the maximum height to the top of the structure is not higher than the sum of 3.0 metres and the *height* limits shown on Map 2, and
    - (ii) the structure does not enclose space so as to constitute a form of penthouse or other room or rooms,
  - (d) a roof-top architectural canopy, provided the roof-top architectural canopy is no higher than that portion of the building to which it is attached, and
  - (e) a landscape feature/ screen along the *east building façade*, provided the height of such structure does not exceed 8.0 metres.
11. Notwithstanding Section 4(5)(b) of the By-law No. 438-86, as amended, *parking spaces* for residential uses within the *site* shall be provided and maintained in accordance with the following minimums:
- (a) 0.3 parking spaces for each bachelor dwelling unit located on the site,
  - (b) 0.7 parking spaces for each one bedroom dwelling unit located on the site,
  - (c) 1.0 parking spaces for each two bedroom dwelling unit located on the site,
  - (d) 1.2 parking spaces for each three or more bedroom dwelling unit located on the site, and

(e) 0.06 parking spaces for visitors for each dwelling unit located on the site.

12. Notwithstanding Section 4(12) of By-law No. 438-86, as amended, no person shall erect or use a building, located within the *site* unless *residential amenity space* is provided and maintained in accordance with the following table:

<u>Type of Residential Amenity Space Required</u>	<u>Amount of Residential Amenity Space Required</u>
<i>residential amenity space</i> in a multi-purpose room(s), at least one of which contains a kitchen and a washroom:	2 square metres of <i>residential amenity space</i> for each <i>dwelling unit</i>
<i>residential amenity space</i> located outdoors:	A minimum of 443 square metres of <i>residential amenity space</i> of which at least 40 square metres is to be provided in a location adjoining or directly accessible from indoor <i>residential amenity space</i> .

13. Notwithstanding Section 4(8) of By-law No. 438-86, as amended, a minimum of one *loading space – type G* shall be provided on the *site*.
14. Notwithstanding Section 8(3) Part XI 2 of By-law No. 438-86, as amended, no person shall erect or use a building or any portion of a building on the *site* for any commercial purpose unless:
- (a) the portion of the main floor level of the building containing such commercial uses has a depth of not less than 7.5 metres measured from the main front wall of the building and has a minimum width of 60% of the street frontage of the *site* fronting on Bloor Street West and a minimum width of 15% of the street frontage of the *site* fronting on Bedford Road, and
  - (b) all exterior entrance doors, other than service entrance doors, which provide access to a commercial use within the building, shall be directly accessible from the public sidewalk by a level surface or a ramp not exceeding a gradient of 1 in 25 (4%).
15. Section 8(3) Part XI 2 of By-law No. 438-86 and section 14 of this By-law do not apply to any portion of a building containing a commercial purpose whose entrance is located in the portion of the exterior wall containing the *Lyle façade*.
16. None of the provisions of By-law No. 438-86, as amended, or of this By-law, shall apply to prevent the erection or use within the *site* of a sales showroom for the purposes of marketing *dwelling units* and *parking spaces*, provided the *total floor area* does not exceed 1,000 square metres.
17. For clarity the *site* shall be deemed to be a *lot* for the purposes of the *proposed building*.

18. For clarity, Appendices 1 and 2 attached to this By-law are incorporated into this By-law and are deemed to be a part of this By-law.
19. For the purposes of the By-law, the following expressions shall have the following meaning:
- (a) “*building envelope*” means a building envelope as delineated by heavy lines on Map 2 attached hereto,
  - (b) “*Chief Planner*” means the City of Toronto Chief Planner and Executive Director,
  - (c) “*City*” means the City of Toronto,
  - (d) “*east building façade*” means an exterior east facing wall, or a portion of a wall, of the *proposed building*,
    - (i) located within 1.5 metres of the eastern site limit, and
    - (ii) which is at an angle of 30 degrees or less to the eastern site limit,
  - (e) “*eastern site limit*” means the easterly property line of the *site*,
  - (f) “*exterior amenity space*” means the outdoor *residential amenity space* for the *proposed building* as shown generally on Map 3 attached hereto,
  - (g) “*front lot line*” shall mean the property line adjacent to and parallel with Bedford Road,
  - (h) “*grade*” shall mean an elevation of 114.30 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment),
  - (i) “*height*” shall mean the vertical distance between *grade* and the highest point of the roof,
  - (j) “*hotel*” means the property directly to the east of the *site* municipally known in the year 2005 as 220 Bloor Street West,
  - (k) “*Lyle façade*” means the portion of the exterior wall of the building containing the façade of the John Lyle studio building, identified as the “Lyle Façade” on Map 2,
  - (l) “*mitigated air intakes*” means air intakes or openings together with any associated fans that meet the requirements of the Ministry of Environment Noise Guidelines as embodied in City of Toronto Municipal Code Chapter 591, Noise, as amended from time to time,

- (m) “*noise openings*” means,
  - (i) exhaust openings, vents and similar openings of the *proposed building*, and
  - (ii) includes all air intake openings that are not *mitigated air intakes*,
- (n) “*owner*” means the *owner* of the fee simple of the *site* or any part thereof,
- (o) “*parking space*” means an unobstructed area at least 5.9 metres in length and at least 2.6 metres in width, except that a maximum of 39 *parking spaces* may be at least 5.5 metres in length and 2.6 metres in width,
- (p) “*proposed building*” means any building erected on the *site* after the passage of this By-law, excluding any temporary sales showroom for the purposes of marketing *dwelling units* and *parking spaces*,
- (q) “*site*” means those lands outlined by heavy lines on Map 1 attached hereto,
- (r) “*translucent fencing*” means a continuous 1.5 metre high translucent glass and metal screen,
- (s) “*visible façade*” means that portion of the *east building façade* for the 7th and 8th floors and components of the 9th floor of the *proposed building* that are visible from the *hotel’s* rooftop amenity space, and
- (t) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended.

## APPENDIX 1

## SECTION 37 PROVISIONS

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *site* to the City in accordance with an agreement or agreements pursuant to Section 37(1) of the *Planning Act*:

- A. upon the Ontario Municipal Board issuing its first Order approving a Zoning By-law that permits an increase to the *height* limits and the maximum *gross floor area* on the *site*, the *owner* shall:
  - (a) make a payment to the *City* in the total amount of \$100,000.00 for the enhancement of landscaping and park equipment for Taddle Creek Parkette,
  - (b) make a payment to the *City* in the total amount of \$200,000.00 for professional consulting services required in the preparation of a Heritage Conservation District Plan or Plans for a study area or areas within the Annex community,
  - (c) make a payment to the *City* in the total amount of \$70,000.00 for consultant fees for an Annex Visioning Study,
- B. prior to the issuance of the first building permit, the *owner* shall:
  - (a) submit and undertake to implement an appropriate Construction Mitigation Plan and Communication Strategy to the satisfaction of the *Chief Planner*,
  - (b) submit a Conservation Strategy for the John Lyle Studio heritage façade to the satisfaction of the Manager, Heritage Preservation Services,
- C. prior to the issuance of the first above-grade building permit, the *owner* shall:
  - (a) make a payment to the *City* in the total amount of \$900,000.00 for the enhancement of landscaping and park improvements for Taddle Creek Parkette,
  - (b) make a payment to the *City* in the total amount of \$25,000.00 for public art,
- D. prior to the first occupancy of the proposed building on the *site*, the *owner* shall relocate and restore the John Lyle Studio heritage façade to the south wall of the proposed courtyard fronting on Bedford Road and the cost to the *owner* of such relocation and restoration work shall be a maximum of \$500,000.00,
- E. the *owner* shall use building materials, including limestone, or other building materials satisfactory to the *Chief Planner*,
- F. the *owner* shall undertake streetscape improvements on Bedford Road to the satisfaction of the *Chief Planner*,

- G. the *owner* shall install monitoring wells to monitor ground water on and off the *site* prior to and during the construction phase of the development,
- H. the *owner* shall provide all studies required by the civic officials,
- I. the *owner* shall allow public access to portions of the Bedford Road courtyard,
- J. the *owners* shall enter into and register on title a Heritage Easement Agreement with the *City* to provide for the permanent protection of the John Lyle Studio heritage façade,
- K. the *owner* shall agree to provide and maintain the building elements for the *proposed building* on the *site* as set out in Appendix 2, and
- L. the *owner* shall enter into one or more agreements with the *City* pursuant to Section 37 of the *Planning Act* to secure the provision of the said facilities, services and matters in a form satisfactory to the City Solicitor.



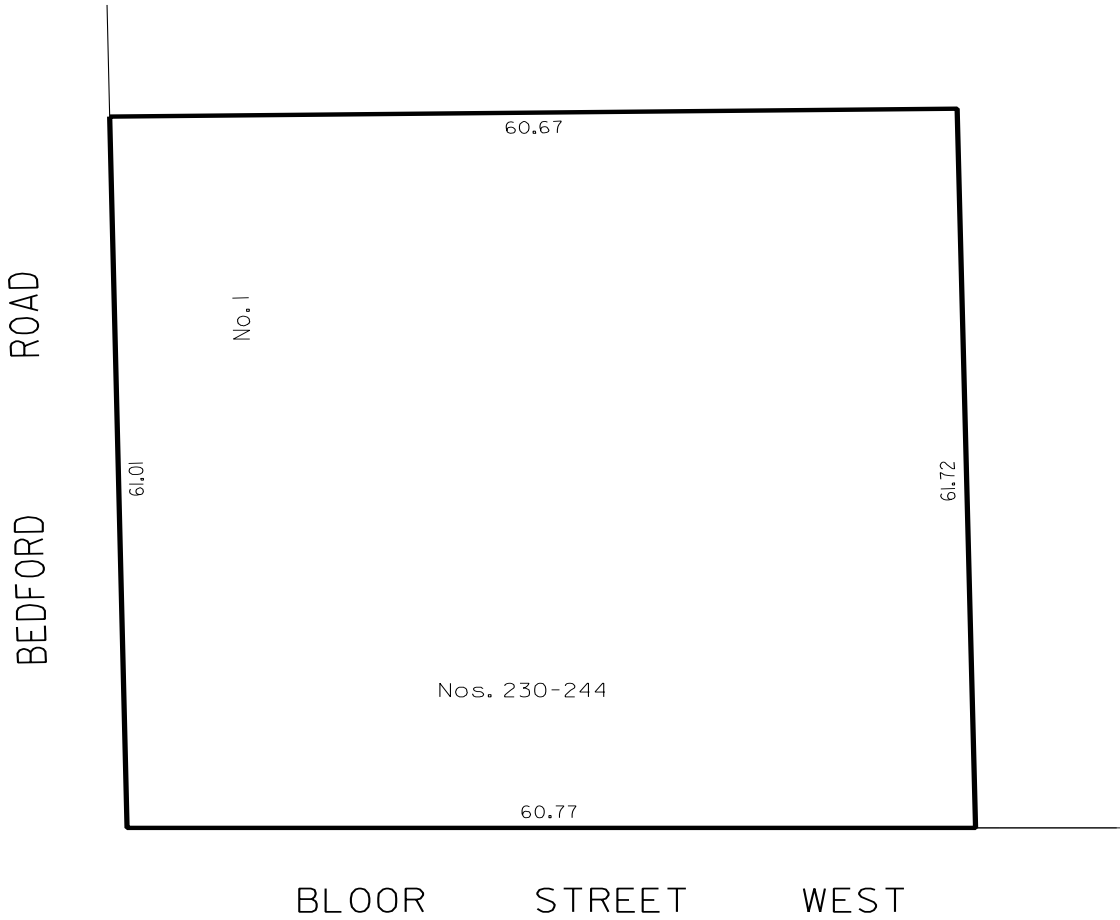
## APPENDIX 2

## PROPOSED BUILDING ELEMENTS TO BE INCORPORATED INTO A SECTION 37 AGREEMENT FOR A BUILDING CONSTRUCTED PURSUANT TO THE PROVISIONS OF THIS BY-LAW

1. The *owner* agrees that,
  - (a) the *owner* shall not construct or permit any doors, *noise openings* or *mitigated air intakes* on the first floor of the *east building façade* of the *proposed building*, provided that the *owner* may construct and maintain *mitigated air intakes*,
    - (i) within those portions of the first floor of the *east building façade* that are located within 7.5 metres of the south *side lot line*,
    - (ii) within those portions of the first floor of the *east building façade* that are located within 7.5 metres of the north *side lot line*, and
  - (b) the *owner* shall not construct or permit any *noise openings* on the *proposed building*, that are:
    - (i) located on any east building façade, and
    - (ii) located on any other façade located within 1 metre of the eastern site limit.
2. The *owner* agrees to construct and maintain, on all 9th floor terraces, *translucent fencing* within 0.50 metres of the eastern edge of the *proposed building* along with wing walls of a minimum length of 1.5 metres, provided at 90 degree angles to the eastern edge of the *proposed building*, forming a vertical projection of the northern and southern walls of the *proposed building* that form any east-facing courtyard facing the *hotel*.
3. The *owner* agrees to design, provide and maintain architectural and/or landscaping elements or features along that portion of the *east building façade* of the *proposed building* generally opposite the *hotel's* courtyard to:
  - (a) obscure the first floor of the *east building façade* with an architectural/landscaping element of year-round interest,
  - (b) obscure overlook from the Wintergarden patio/deck into the *hotel's* courtyard,
  - (c) obscure overlook from the *exterior amenity space* into the *hotel's* courtyard, and
  - (d) provide such overlook screening throughout the spring, summer and fall seasons.
4. The *owner* shall agree as a condition of site plan approval to implement, retain and maintain the *translucent fencing* and all the elements that are set out in paragraph 2 herein.

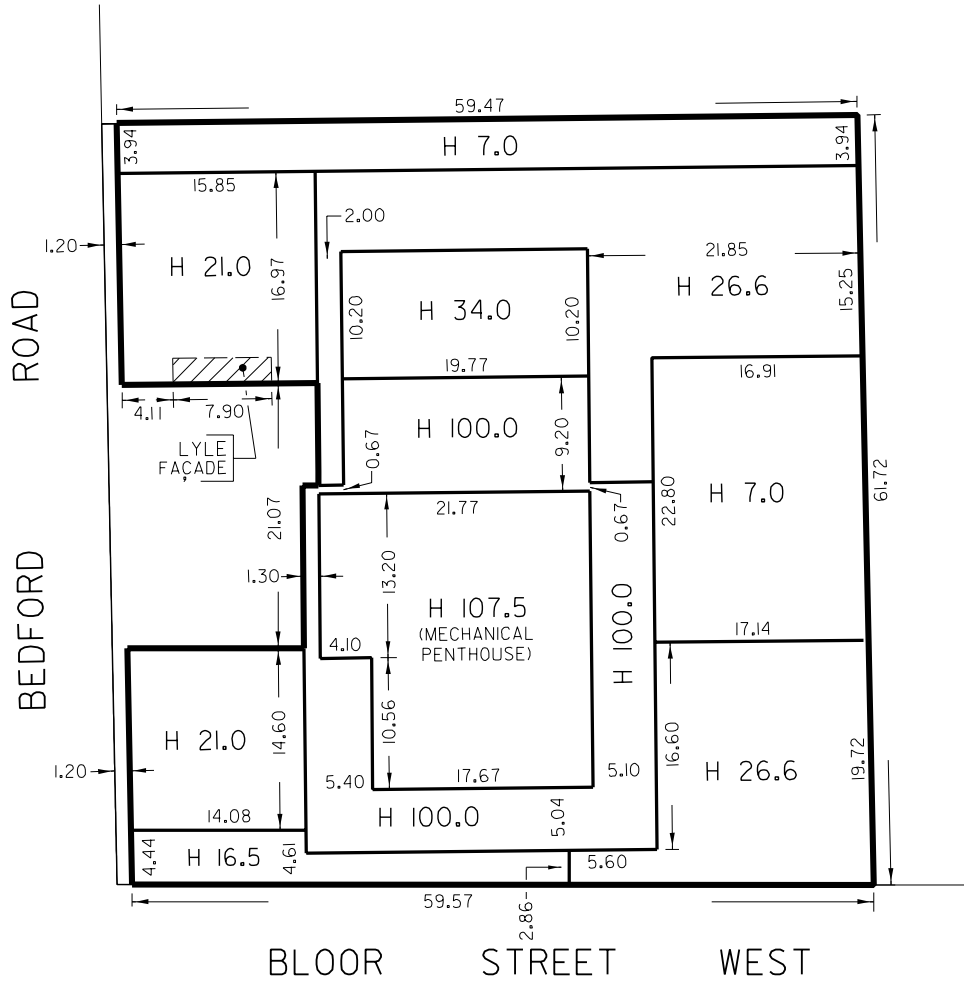
5. The *owner* agrees that the *visible façade* shall be comprised of quality materials, such as brick, stone and stucco, that are of architectural interest and which have been approved by the *Chief Planner*, acting reasonably.

MAP I



SURVEY AND MAPPING SERVICES  
TORONTO NOVEMBER 2005  
BL05/1BEDFORD1.DGN  
FILE: B22-235  
MAP No. 50J-312 DRAWN: VG

MAP 2

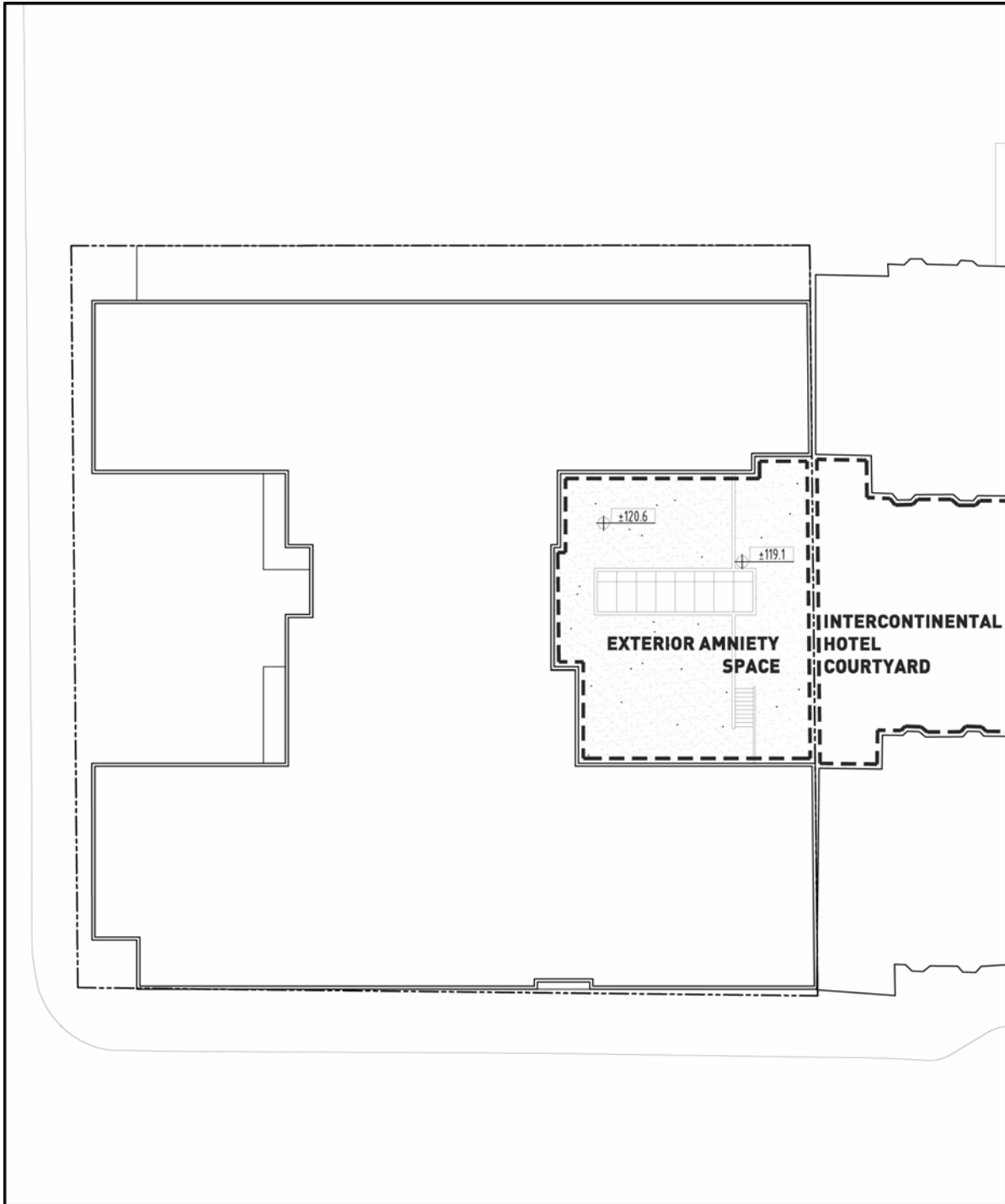


H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

 BUILDING ENVELOPE



SURVEY AND MAPPING SERVICES  
 TORONTO FEBRUARY 2006  
 BL06/1BEDFORD2.DGN  
 FILE: B22-235  
 MAP No. 50J-312 DRAWN: VG



NTS

**MAP 3**