

CITY OF TORONTO

BY-LAW No. 880-2010(OMB)

**To amend the General Zoning By-law No. 438-86 of the former
City of Toronto with respect to the lands municipally known as
1638-1650 Bloor Street West.**

WHEREAS the Ontario Municipal Board, by way of its Order issued on June 15, 2010, following an appeal pursuant to section 34(11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, determined to amend the former City of Toronto Zoning By-law No. 438-86, the General Zoning By-law, as amended, in respect of lands municipally known as 1638-1650 Bloor Street West (the "Subject Property"); and

WHEREAS pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, the Ontario Municipal Board on appeal, may in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by the by-law, that will be permitted in return for the provision of such facilities, services and matters as are set out in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that where an owner of lands elects to provide facilities, services and matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with such facilities; and

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

WHEREAS the increase in the height and density of the development permitted hereunder, beyond that otherwise permitted on the lot by By-law No. 438-86, as amended, is to be permitted in return for the provision of facilities, services and matters set out in this By-law and to be further set out in an agreement between the owner of the Subject Property and the City of Toronto;

THEREFORE By-law No. 438-86, the General Zoning By-law of the former City of Toronto, as amended is further amended by the Ontario Municipal Board as follows:

1. None of the provisions of Section 2(1) with respect to the definition of *grade*, *height*, *parking space(s)*, Sections 4(2), 4(3), 4(4)(b), 4(12), 4(17), 8(3) Part I, 8(3) Part II 1(b), 8(3) Part II 4, 8(3) Part XI 2(ii), and 12(2) 347 of Zoning By-law No. 438-86, as amended, shall apply to prevent the erection and use on the *lot* of a *mixed-use building* containing *dwelling units* and non-residential uses, provided that:
 - (1) the *lot* comprises those lands delineated by heavy lines on Map 1 attached hereto;

Gross Floor Area

- (2) the total combined *residential gross floor area* and *non-residential gross floor area* of the building erected on the *lot* shall not exceed 11,151 square metres, of which:
- (i) the *residential gross floor area* shall not exceed 9,982 square metres; and
 - (ii) the *non-residential gross floor area* shall not exceed 1,169 square metres and shall not be less than 750 square metres.

Building Envelopes

- (3) No part of any building or structure located above or below finished ground level is located otherwise than wholly within the areas delineated by heavy lines on Map 2, with the exception of:
- (i) Features at grade including canopies, terraces, stairs, fences, landscape features, guard-rails, retaining walls, patios, decks and wheel chair ramps which may extend beyond the heavy lines shown on Map 2;
 - (ii) eaves, cornices, balustrades, ornamental elements, architectural details and mullions are permitted to project 0.45 metres beyond the heavy lines shown on Map 2; and
 - (iii) balconies within the areas identified as 'Area A' shown on Map 2.

Maximum Heights

- (4) No person shall erect or use a building or structure on the *lot* having a greater *height*, in metres, than the *height* specified by the numbers following the symbol H on the attached Map 2, with the exception of the following:
- (i) an elevator shaft, stair enclosure, exhausts, chimney stack and vents, and mechanical penthouse structure on the roof of the building to the maximum *height* in metres within the area identified as "Mechanical Room Area" as specified on the attached Map 2;
 - (ii) parapets to a limit of the sum of 0.9 metres and the applicable *height* limit on the attached Map 2; and
 - (iii) safety railings and window washing equipment, make up air units, air pressurization fans and similar roof top equipment to a limit of the sum of 1.2 metres and the applicable *height* limit shown on the attached Map 2.

Number of Units and Unit Mix

- (5) No more than 108 *dwelling units* shall be erected and used on the *lot*, of which a minimum of 35 *dwelling units* must contain two or more *bedrooms*.

Bloor Street West Retail

- (6) The main floor level of the building façade facing Bloor Street West is used for commercial purposes and has a minimum depth of at least 7.5 metres, measured from the front wall of the building facing Bloor Street West and a width of at least 80% of the Bloor Street West frontage.
- (7) The provisions of Section 4(6)(b) of City of Toronto Zoning By-law No. 438-86, as amended shall be satisfied with the provision of one *loading space - type G* being provided on the *lot*.

Window Separation

- (8) The main window of a *dwelling unit* or *dwelling room* in the building shall not be closer than 3.0m to a wall, or to a *lot* line that is not a *street* line.

Parking

- (9) Each *parking space* shall have minimum dimensions of 2.6 metres in width by 5.6 metres in length.
- (10) A minimum of 100 *parking spaces* and a maximum of 117 *parking spaces* shall be provided on-site for *dwelling units* on the *lot* of which a minimum of 9 *parking spaces* shall be allocated for visitor parking; and
- (11) *Parking spaces* for non-residential uses shall be provided in accordance with the requirements of Section 4(4)(b) of City of Toronto By-law No. 438-86, as amended.

Bicycle Parking

- (12) Notwithstanding Section 4(13)(a) of City of Toronto Zoning By-law No. 438-86, as amended, *bicycle parking space(s)* shall not be provided in individually owned storage lockers.

Residential Amenity Space

- (13) A minimum of 264.2 square metres of contiguous indoor *residential amenity space* shall be provided on the *lot* and shall be located on the second floor; and
- (14) A minimum of 107.6 square metres of contiguous outdoor *residential amenity space* shall be provided on the *lot* and shall be located at the second floor level adjoining the indoor *residential amenity space*.

Section 37 of the Planning Act

- (15) Pursuant to Section 37 of the *Planning Act*, the height and density of development permitted on the *lot* by this By-law, are permitted in return for the provision by the *owner* of the following facilities, services and matters to the City at the *owner's* sole expense:
- (i) the *owner* enters into an agreement with the City pursuant to Section 37 of the *Planning Act* which shall be registered on title to the *lot* by the City and such agreement shall provide for the facilities, services and matters required to be provided by this Section, and consents to the registration of such agreement against title to the *lot*.
 - (ii) prior to issuance of a any building permit, including a below grade building permit, the *owner* shall provide a certified cheque in the amount of \$212,500.00 to the City for improved pedestrian lighting and/or parkland acquisition/parkland improvement along Bloor Street West between Keele Street and Dundas Street West.
 - (iii) prior to the registration of the Draft Plan of Condominium or eighteen (18) months following the issuance of the first building permit, whichever occurs first, the *owner* shall provide a further certified cheque in the amount of \$212,500.00 to the City for improved pedestrian lighting and/or parkland acquisition/parkland improvement along Bloor Street West between Keele Street and Dundas Street West.
 - (iv) prior to the issuance of the first building permit (including an excavation permit), the *owner* shall provide the following documents:
 - a. a construction mitigation plan and resident communication strategy, to be implemented by the *owner* in the construction of the building, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division (the "Chief Planner");
 - b. elevation drawings showing exterior building materials, on 1:50 scale drawings, of the Bloor Street West and Indian Road frontages, with building materials labelled to the approval of the Chief Planner subject only to changes made pursuant to the site plan approval process, with said exterior building materials to be incorporated in the construction of the building; and
 - c. a list of green infrastructure elements which shall be incorporated into the construction of the building, all to the satisfaction of the Chief Planner.

- (16) Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act* in accordance with the provisions of Section 1(15) hereof, then once such agreement has been executed and registered, the height and density permissions contained herein shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
- (17) Notwithstanding any of the foregoing provisions, where the provisions of this By-law or an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, require the provision of facilities, services and matters prior to issuance of a *building permit* for the proposed development of the *lot*, the *owner* may not erect or use any new building or structure on the *lot* until the *owner* has satisfied the said requirements and *building permit* issuance shall be dependent on the same.

2. Definitions

- (18) For the purposes of this By-law,
- (i) For the purposes of this By-law, each word or expression which is italicized in this by-law shall have the same meaning and as each such word or expression as defined in the said By-law No. 438-86 as amended;
 - (ii) The following definitions shall apply:
 - A. "*grade*" means an elevation of 108.4 metres Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario adjustment) (average grade along Bloor Street West);
 - B. "*height*" means the vertical distance measured between grade and the highest point of the roof or structures thereon;
 - C. "*parking space*" means an unobstructed area that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle;
 - D. "*sales office*" means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*.

3. Despite any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
4. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.



