

CITY OF TORONTO

BY-LAW No. 465-2005(OMB)

To adopt Amendment No. 294 to the Official Plan for the former City of Toronto with respect to lands known municipally as 764 Yonge Street and 35 Balmuto Street.

WHEREAS the Ontario Municipal Board in a decision issued on April 8, 2004 approved an Official Plan Amendment and Zoning By-law Amendment with respect to lands known municipally as 764 Yonge Street and 35 Balmuto Street;

NOW THEREFORE pursuant to the Order of the Ontario Municipal Board issued April 5, 2005, Board Case No. PL030483 being Decision/Order No. 0811;

1. The text and map annexed hereto as Schedule "A" are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. 294.

PURSUANT TO THE DECISION/ORDER NO. 0811 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON APRIL 5, 2005 IN BOARD FILE NO. PL030483.

SCHEDULE “A”

1. Section 18 of the Official Plan for the former City of Toronto is amended by adding a new Section 18.623 and Map 18.623 as follows:

“18.623 Lands known as 764 Yonge Street and 35 Balmuto Street”.

Notwithstanding any of the provisions of this Plan, Council may pass by-laws applicable to the lands shown on Map 18.623 to permit the erection and use of a building or buildings containing *residential and non-residential* uses and an *accessory parking garage* provided that:

- (i) the *lot* on which such building or buildings are erected and used comprises at least the lands outlined by heavy lines as shown on Map 18.623;
- (ii) the *non-residential gross floor area* of the building or buildings does not exceed 500 square metres;
- (iii) the *residential gross floor area* does not exceed 32,500 square metres; and
- (iv) the owner of the *lot* is required to enter into one or more agreements pursuant to Section 37 of the *Planning Act* satisfactory to the Commissioner of Urban Development Services and the City Solicitor and that such agreement(s) be registered against the title to the *lot* as outlined by heavy lines on Map 18.623 to secure the following facilities, services or matters:
 - (a) a cash contribution in the amount of \$1,000,000.00 towards the Bloor Street Transformation Project prior to issuance of any above *grade* building permit for the building to be erected on the *lot*;
 - (b) a public art contribution in accordance with the City of Toronto’s public art program of a value not less than one percent of the construction costs of all buildings and structures to be erected on the *lot*;
 - (c) the provision of quality building materials for the podium (storeys 1 through 6, inclusive) and tower (storeys 7 and above) façades of the proposed building as follows:
 - (i) the masonry components of the west façade of the entire podium will be of limestone and/or granite;

- (ii) the masonry components of a portion of the north and south façades of the podium will be of limestone and/or granite to the extent that those elevations are viewed or exposed to Balmuto Street; and
 - (iii) the masonry components of the remainder of the building, excluding the balance of the podium not referred to in 1.(iv)(c)(i) and 1.(iv)(c)(ii), will be of two tones of premium pre-cast concrete;
- (d) conveyance to the City prior to occupancy of the building to be erected on the *lot*, at nominal cost and free and clear of encumbrances, save and except for easements required for air intake and exhaust associated with a below grade parking garage on the *lot*, and to the satisfaction of the City Solicitor, the following widenings of the “Existing Public Lane” identified on Map 18.623:
 - (i) a 2.95 metre wide strip of land to the full extent of that portion of the *lot* abutting the north limit of the existing east-west public lane as shown on Map 18.623 to a depth of 0.5 metres from the finished grade;
 - (ii) a 2.35 metre wide strip of land to the full extent of that portion of the *lot* abutting the west limit of the existing north-south public lane as shown on Map 18.623 to a depth of 0.5 metres from the finished grade; and
 - (iii) a 4.0 metre by 4.0 metre triangular corner splay at the intersection of the existing east-west and north-south public lanes (measured in accordance with the limits of the public lanes, as widened) as shown on Map 18.623 to a depth of 0.5 metres from the finished grade;
- (e) provision of assurances satisfactory to the Commissioner of Works and Emergency Services, that the owner of the *lot* either is the registered owner of the lands shown in hatching and identified as “Proposed Access” on Map 18.623 or has existing rights in perpetuity in the nature of an easement for access purposes over such lands, which lands are intended as part of the proposed access for the *lot* and have a width of 6.0 metres;

- (f) conveyance to the City for public lane purposes to the satisfaction of the City Solicitor, at nominal cost and prior to the occupancy of the building to be erected on the *lot*, those lands, or any part thereof, shown in hatching and identified as the “Proposed Access” on Map 18.623 and having a depth of 0.5 metres, that are owned by the owner and that the owner can convey:
 - (i) free and clear of all encumbrances, save and except for easements required for air intake and exhaust associated with a below grade parking garage on the *lot*;
 - (ii) to a width of 6.0 metres; and
 - (iii) to a depth of 0.5 metres from finished grade;

Where the owner is unable to convey all or part of the lands identified as the “Proposed Access” on Map 18.623 as aforementioned, the owner shall, prior to the occupancy of the building to be erected on the *lot*, grant an option to the City to purchase any of the remaining lands held in fee simple by the owner and identified as the “Proposed Access” on Map 18.623, for public lane purposes, which option shall be granted to the City at nominal costs and shall be satisfactory to the Commissioner of Works and Emergency Services in consultation with the City Solicitor; and

- (g) landscaping of the public boulevard immediately abutting the lot on the east side of Balmuto Street to the satisfaction of the Commissioner of Urban Development Services and in a manner that is consistent with the landscaping approved for the lot in the development site plan approval process pursuant to s.41 of the *Planning Act*.

YONGE STREET



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO JUNE, 2004
DPA04/18623.DGN
FILE: Y1-Z185
MAP No. 50H-323 DRAWN: DR/VG