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:

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

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:

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

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 I

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.