

CITY OF TORONTO

BY-LAW No. 469-1998 (OMB)

To amend the General Zoning By-law No. 438-86 with respect to lands municipally known as Nos. 5, 11 St. Joseph Street, No. 10 Phipps Street and Nos. 9, 15 St. Nicholas Street.

WHEREAS Dovestar Developments Limited referred a proposed Official Plan Amendment and appealed a proposed Zoning By-law to the Ontario Municipal Board respecting a mixed-use development at Nos. 5, 11 St. Joseph Street, No. 10 Phipps Street and Nos. 9, 15 St. Nicholas Street;

AND WHEREAS the Ontario Municipal Board conducted a hearing regarding the Official Plan Referral and Zoning By-law Appeal;

AND WHEREAS the Ontario Municipal Board by way of Order issued on June 19, 1998, determined to amend the General Zoning By-law for the City of Toronto;

THEREFORE the Ontario Municipal Board enacts as follows:

1. None of the provisions of the definitions of the words "*grade*" and "*lot*" in Section 2(1) or of Sections 4(2), 4(5), 8(3) Part I 3(a), and 8(3) Part II 1(a)(ii) 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 of 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 apply to prevent the erection and use of a building and a *parking garage* below *grade* on the lands shown as Parcel A on Plan 1 attached to and forming part of this by-law, provided:
 - (1) the *lot* comprises at least the lands outlined by heavy lines shown as Parcel A and Parcel B on Plan 1 and the building is located on Parcel A of the *lot*;
 - (2) no part of the building or any structure above *grade* is located otherwise than wholly within the areas delineated by heavy lines on Plan 2 attached to and forming part of this by-law;
 - (3) "*grade*" for Parcel A means the level which is located at 108.15 metres Canadian Geodetic Datum;
 - (4) the *residential gross floor area*, excluding required indoor *residential amenity space* does not exceed 15,890 square metres;
 - (5) the building contains not more than 206 *dwelling units*;

- (6) no less than 30% of the *dwelling units* shall be limited to the following maximum floor areas:

bachelor	-	55 square metres;
one-bedroom	-	65 square metres;
two-bedroom	-	82 square metres;

- (7) the *height* of the building does not exceed the *heights* shown in metres for various portions of the building on the attached Plan 2, such *heights* shown being inclusive of the structural elements referred to in Sections 4(2)(a)(i) and (ii) of By-law No. 438-86;

- (8) a minimum number of *parking spaces* are provided in accordance with the following ratios:

<u>Type of Unit</u>	<u>Required Residents Parking</u>
bachelor <i>dwelling unit</i>	0.3 <i>parking space</i>
one-bedroom <i>dwelling unit</i>	0.7 <i>parking space</i>
two-bedroom <i>dwelling unit</i>	1.0 <i>parking space</i>
three-bedroom <i>dwelling unit</i>	1.2 <i>parking space</i>

plus 0.06 *parking spaces* for each *dwelling unit* for the purpose of visitor parking, provided that the first 134 *parking spaces* shall be provided as *parking spaces* in the *parking garage* below *grade* and any additional required *parking spaces* in excess of 134 shall be provided by the provision of leased parking facilities within 300 metres of Parcel A; and

- (9) one *loading space - type G* is provided and maintained on Parcel A.

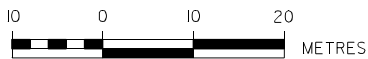
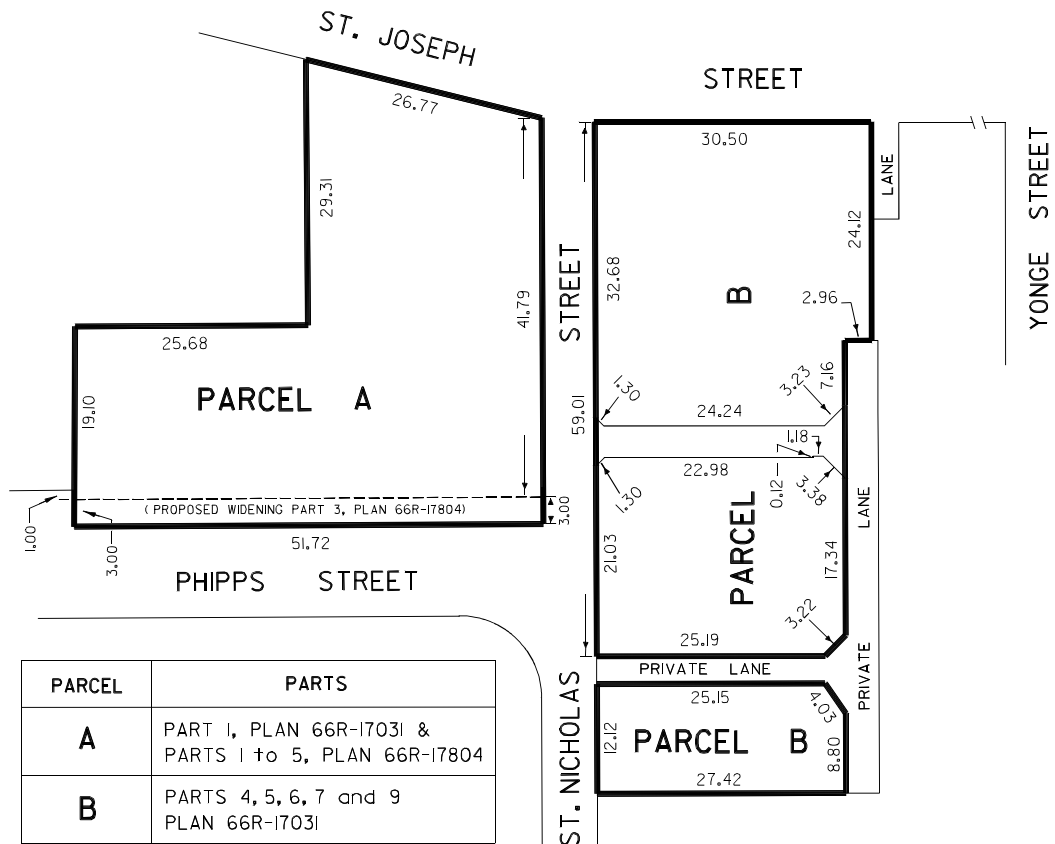
2. None of the provisions of By-law No. 438-86, as amended, shall apply to prevent the use of the existing buildings on the lands shown as Parcel B on Plan 1 attached to and forming part of this by-law, provided:

- (1) the *non-residential gross floor area* does not exceed 9,412 square metres;
- (2) no part of the buildings or any structure above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Plan 3 and the *heights* of the buildings do not exceed the *heights* shown in metres for various portions of the buildings on Plan 3; and
- (3) "*grade*" for Parcel B means the level which is located at 110.08 metres Canadian Geodetic Datum.

3. By-law No. 438-86, as amended, is further amended by deleting therefrom Section 12(2)82.

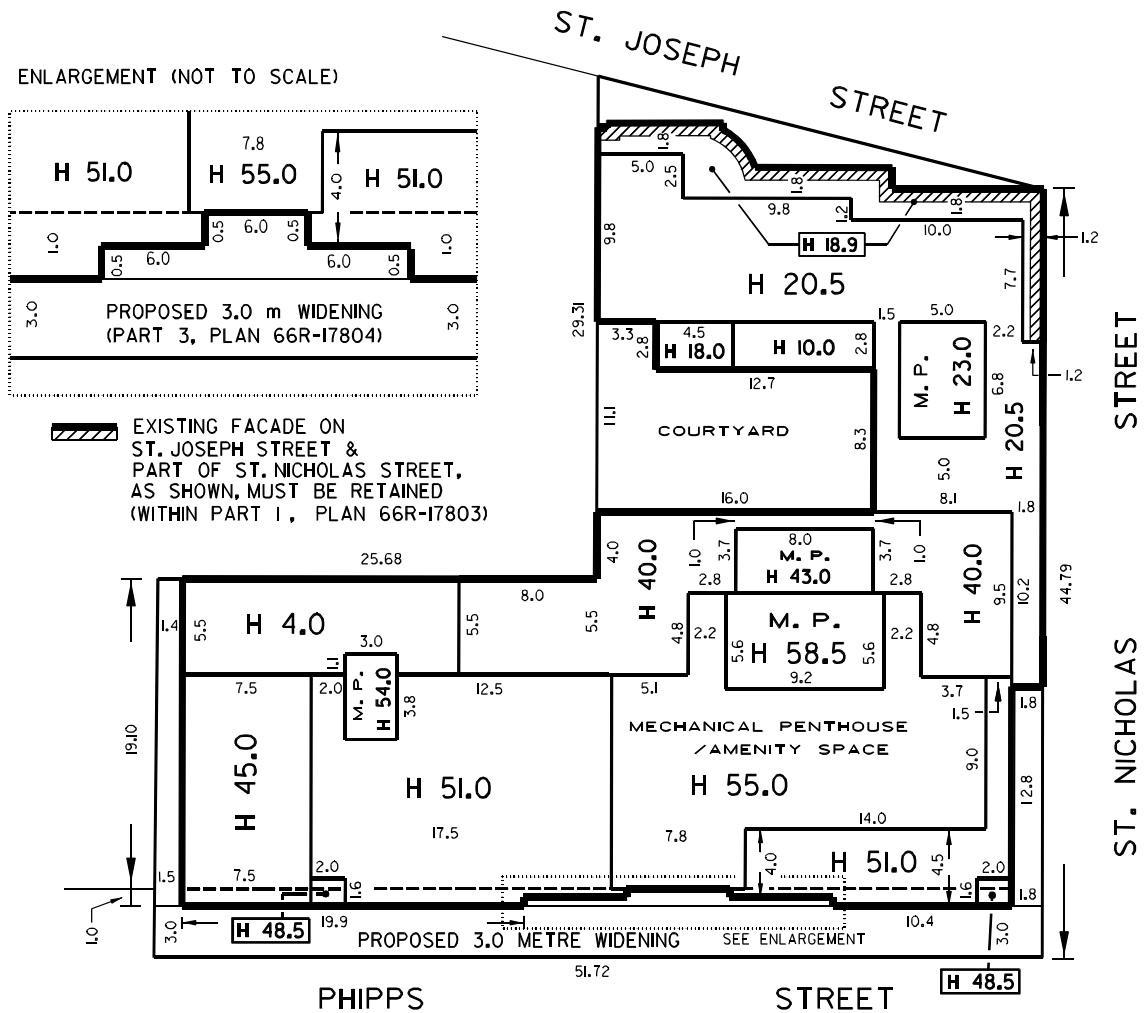
4. For the purpose of this by-law, the terms "*bedroom*", "*dwelling unit*", "*height*", "*loading space - type G*", "*non-residential gross floor area*", "*parking garage*", "*parking space*", "*residential amenity space*", and "*residential gross floor area*", shall have the same meaning as those terms have for the purposes of By-law No. 438-86, as amended.

PLAN 1

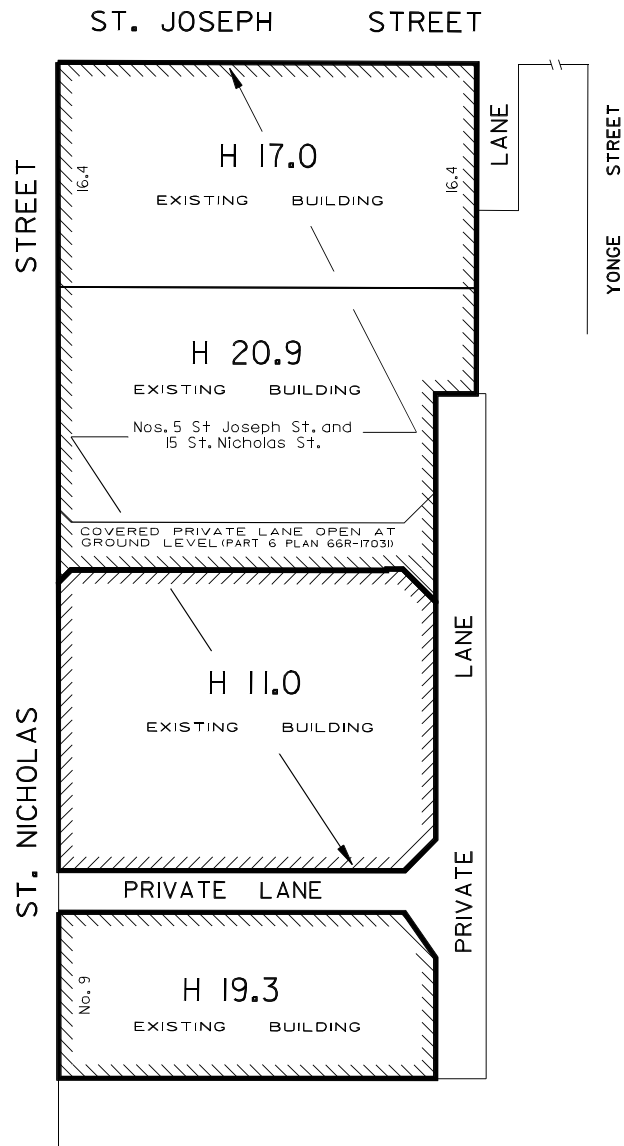


CITY WORKS SERVICES
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TORONTO JANUARY, 1998
BL2/5JOSE2B.DGN
FILES: S61-Z1
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DRAWN: EM

PLAN 2



PLAN 3



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE
GRADE IS 110.08 METRES CANADIAN GEODETIC DATUM



CITY WORKS SERVICES
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FILES: 2402.53-3 & S61-Z1
MAP NO. 50H-123 DRAWN: M.G.R.