

**CITY OF TORONTO**

**BY-LAW No. 398-2000(OMB)**

**To amend By-law No. 438-86, the General Zoning By-law, as amended, respecting lands generally bounded by Yonge Street, Shaftesbury Avenue, Price Street and Park Drive Ravine and Vale of Avoca.**

WHEREAS the Ontario Municipal Board pursuant to its Order No. 1615 dated November 14, 1997, as amended by its Order Nos. 1275, 1456, 1205 and 0325 dated May 27, 1998, June 11, 1998, June 24, 1999 and March 6, 2000, respectively, upon hearing the appeal of Marathon Realty Company Limited under Section 34(11) of the Planning Act, R.S.O. 1990, C.P. 13, deems it advisable to amend By-law No. 438-86, as amended, of the City of Toronto;

THEREFORE By-law No. 438-86, 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", as amended, is hereby further amended as follows:

1. Map No. 51J-321 contained in Appendix "A" of By-Law No. 438-86 as amended, is further amended by redesignating the lands shown outlined by heavy lines on Map 1 attached to and forming part of this By-law from "T", "R2 Z0.6", "R4A Z2.0" and "CR T3.0 C3.0 R1.0" to "T", "CR", "R1", "R1 Z0.8", "R2", "G" and "Gr", as shown on the said Map 1.

2. Map No. 51J-321 contained in Appendix "B" of By-law No. 438-86, as amended, is further amended by redesignating the lands shown outlined by heavy lines on Map 2 attached to and forming part of this By-law from "H11.0" to "H11.0", "H16.0", "H25.5", "H7.0", "H24.8", "H8.5", "H28.9", "H21.0", "H0.0" and "H10.0", as shown on the said Map 2.

3. Map No. 51J-321 contained in Appendix "B" of By-law No. 438-86, as amended, is further amended by adding the "Minimum *Lot Frontage*" requirements for areas E and F, as shown on Map 2, attached to and forming part of this By-law.

4. Except, as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *Yonge-Summerhill Lands*.

5. Notwithstanding the provisions of Sections 6(3) Part I 1 and Section 8(3) Part I 1, 2, and 3 of By-law No. 438-86, as amended:

- (a) no person shall within a *block* listed in Column A below erect or use a *non-residential building, residential building or a mixed-use building*:
  - (i) where the combined *non-residential gross floor area* of all buildings or structures within the *block* exceeds the amount set out in the corresponding row in Column B;
  - (ii) where the combined *residential gross floor area* of all buildings or structures within the *block* exceeds the amount set out in the corresponding row in Column C; and

provided that in no case shall the combined *non-residential gross floor area* and *residential gross floor area* of all buildings or structures within the *block* exceed the amount set out in the corresponding row in Column D;

COLUMN A  BLOCK	COLUMN B  MAXIMUM NON-RESIDENTIAL GROSS FLOOR AREA (sq.m)	COLUMN C  MAXIMUM RESIDENTIAL GROSS FLOOR AREA (sq.m)	COLUMN D  MAXIMUM NON-RESIDENTIAL AND RESIDENTIAL GROSS FLOOR AREA (sq.m)
<i>block A</i>	1,400	1,700	2,000
<i>block B</i>	0	0	0
<i>block C1</i>	4,900	14,600	16,300
<i>block C2</i>	1,500	8,200	8,200
<i>block C3</i>	500	14,700	15,000
<i>block D</i>	12,200	0	12,200
<i>block E</i>	0	3,800	3,800
<i>block F</i>	0	4,680	4,680
<i>block J</i>	0	0	0
<i>block K</i>	0	0	0
<i>block L</i>	0	0	0
<i>block 1</i>	0	559	559
<i>block 2</i>	0	451	451
<i>block 3</i>	0	357	357
<i>block 4</i>	0	271	271
<i>block 5</i>	0	282	282
<i>block 6</i>	0	294	294
<i>block 7</i>	0	306	306
<i>block 8</i>	0	317	245
<i>block 9</i>	0	326	326
<i>Block 10</i>	0	334	334

## City of Toronto By-law No. 398-2000(OMB)

COLUMN A BLOCK	COLUMN B MAXIMUM NON-RESIDENTIAL GROSS FLOOR AREA (sq.m)	COLUMN C MAXIMUM RESIDENTIAL GROSS FLOOR AREA (sq.m)	COLUMN D MAXIMUM NON-RESIDENTIAL AND RESIDENTIAL GROSS FLOOR AREA (sq.m)
<i>Block 11</i>	0	341	341
<i>Block 12</i>	0	347	347
<i>Block 13</i>	0	352	352
<i>Block 14</i>	0	355	355
<i>Block 15</i>	0	357	357
<i>Block 16</i>	0	359	359
<i>Block 17</i>	0	359	359
<i>Block 18</i>	0	358	358
<i>Block 19</i>	0	356	356
<i>Block 20</i>	0	352	352
<i>Block 21</i>	0	348	348
<i>Block 22</i>	0	342	342
<i>Block 23</i>	0	335	335
<i>Block 24</i>	0	690	690

- (b) Subsection a. hereof shall not apply to prohibit on *block B* the *North Toronto Railway Station* provided that no person shall make any alteration to the *North Toronto Railway Station* which increases the *non-residential gross floor area* beyond the *non-residential gross floor area* which exists in the *North Toronto Railway Station*.

6. Notwithstanding the provisions of Section 6(1)(f) of By-law No. 438-86, as amended, no person shall use a *lot* or erect or use a building or structure:

- (a) within *block G* for any purpose except a *detached house* and uses *accessory* thereto, such as but not limited to, a *private garage*, *privately-owned outdoor swimming pool* and garden or storage shed having a floor area of not more than 9.0 square metres; or
- (b) within *block H* for any purpose except a *detached house*, a *semi-detached house*, and uses *accessory* thereto, such as but not limited to, a *private*

*garage, privately-owned outdoor swimming pool and garden or storage shed having a floor area of not more than 9.0 square metres.*

**7.** Notwithstanding the provisions of By-law No. 438-86, as amended, the number of *lots* on *block G* must not exceed a maximum number of 17 and the number of *lots*, in aggregate, on *block G* and *block H* combined must not exceed a maximum number of 49.

**8.** Notwithstanding the provisions of Section 6(3) Part II 3 of By-law No. 438-86, as amended:

- (a) within *block G* and *block H*, no part of any building or structure erected or used on a *corner lot* shall be located closer to the flanking *street* than 0.9 metres; and
- (b) on *blocks 4* to *24*, inclusive, no part of any *detached house* or *semi-detached house* shall be located closer to the *side lot line* than:
  - (i) 1.2 metres for the first 30% of the depth of the building; and
  - (ii) 0.9 metres for the remaining 70% of the depth of the building;

where building depth is measured from the closest point of the *front wall* of the building or structure to the *front lot line*.

**9.** Notwithstanding the provisions of Section 6(3) Part II 4 of By-law No. 438-86, as amended, within *block G* and *block H*, no part of any building or structure shall be located closer to the *rear lot line* than:

- (a) 11.6 metres on *blocks 1* to *24*, inclusive; and
- (b) 10 metres on *blocks 25* to *37*, inclusive.

**10.** Within *block G* and *block H*, the principal entrance of any *detached house* located on a *corner lot* shall not face the flanking *street*.

**11.** Notwithstanding the provisions of Section 6(3) Part II 2 and Section 6(3) Part III 3 of By-law No. 438-86, as amended, and Section 18 of this By-law:

- (a) on *blocks 8* to *29*, inclusive, and *blocks 32* to *47*, inclusive, up to 75% of the *front wall* of each storey of the building or structure may be set back 4.5 metres from the *front lot line* and the remainder of the *front wall* of each storey shall be set back at least 7.5 metres from the *front lot line*; and
- (b) on *block 30* and *block 31*, up to 75% of the *front wall* of each storey of the building or structure may be set back 3 metres from the *front lot line* and the remainder of the *front wall* of each storey shall be set back at least 6 metres from the *front lot line*, provided that the 3 metre setback is

located on the southerly portion of *block 30* and on the easterly portion of *block 31*;

provided that the front yard projections permitted by the exceptions set out in Section 6(3) Part II 8 of By-law No. 438-86, as amended, shall not apply to the said *blocks 8 to 47*, inclusive.

**12.** Notwithstanding the provisions of Section 6(3) Part II 2 of By-law No. 438-86, as amended, the minimum setback from the *front lot line* for any building on a *lot* in *block F* shall be 2.0 metres and on *blocks 1 to 7*, inclusive, shall be 3.0 metres, provided such *lot* contains no driveway or parking facility between the *front wall* of the building or structure on the *lot* and its *front lot line*.

**13.** Notwithstanding the provisions of Section 4(4) of By-law No. 438-86, as amended, on *block G* and *block H*, parking facilities shall be located in an attached or detached *private garage*, other than a carport, located at the rear of the main building or structure.

**14.** Within *block G* and *block H*, no person shall construct or use a driveway or passageway intended for motor vehicles:

- (a) where a portion of the surface of the driveway or passageway within a distance of 4.5 metres of a *street* line is at an elevation higher than 0.30 metres above, or at an elevation lower than 0.30 metres below, the average elevation of the portion of the *street* abutting the driveway or passageway; or
- (b) where the slope of the driveway or passageway, other than the portion within a distance of 4.5 metres of a *street* line, exceeds 10%.

**15.** Notwithstanding the provisions of Section 6(1)(f) of By-law No. 438-86, as amended, no person shall, within *block F*, use a *lot* or erect or use a building or structure for any purpose except for the following uses: *detached house*, *semi-detached house*, *row house*, and uses *accessory* thereto.

**16.** Notwithstanding *height* limitations contained in Section 4(2) of By-law No. 438-86, as amended, where an "H0.0" *height* limit is shown on Map 2, hereto, *accessory* structures such as, but not limited to stairwells, ramps, railings, decorative features and canopies may be erected above the finished ground level provided they do not exceed a *height* of 6.1 metres.

**17.** Notwithstanding the provisions of Section 4(12) of By-law No. 438-86, as amended, for *block C1*, *block C2* and *block C3*, the following shall be applied as the requirements for *residential amenity space*:

- (a) the indoor *residential amenity space* required by Section 4(12) of By-law No. 438-86, as amended, for building(s) on each of *block C1*, *block C2*, or *block C3* may be provided on any of *block C1*, *block C2*, or *block C3*

provided the amount of indoor *residential amenity space* as required by Section 4(12) is satisfied in the aggregate; and

- (b) the outdoor *residential amenity space* required by By-law No. 438-86, as amended, for each of *block C1*, *block C2* and *block C3*, may be provided on any of *block C1*, *block C2*, *block C3*, *block J* or *block K* provided the amount of outdoor *residential amenity space* as required by Section 4(12) is satisfied in the aggregate.

**18.** Notwithstanding the definitions of *non-residential gross floor area* and *residential gross floor area* contained in Section 2(1) of By-law No. 438-86, as amended, for the purposes of calculating *non-residential gross floor area* and *residential gross floor area* on *block C1* and *block D*, the following areas shall be further excluded:

- (a) one or more pedestrian walkways that meet all of the following standards:
  - (i) provides direct access between any of *block C1*, *block D* and *block B*, and any *street*, park, public building, and/or public space or between any such space and a similar walkway in an adjacent building, a *common outdoor space* or a T.T.C. subway station;
  - (ii) are located within 2 metres of *grade*;
  - (iii) are no narrower than 3 metres at any point;
  - (iv) are no wider than 5 metres at any point; and
  - (v) are not used for any commercial purposes, including *hotel* lobbies, retail areas, commercial display areas or other rentable space; and
- (b) areas used for the purposes of one or more public washrooms or sitting areas that have access to the pedestrian walkways referred to in subparagraph a.

**19.** Notwithstanding the provisions of By-law No. 438-86, as amended, no person shall, on a *lot* within *block F*, *block G* and *block H*, erect or use an R building or R structure or a *residential building* or residential structure so that the *lot* has less landscaped open space than 30% of the area of the *lot*.

**20.** Subject to Section 26 of this By-law, no person shall erect or use any building or structure on *block C1*, *block C2* or *block C3* having a *height* greater than 18 metres, unless the exterior faces of the exterior walls of the top floor of the building or structure are set back a minimum of 1 metre from the edge of the exterior faces of the exterior walls of the floor immediately below.

**21.** Notwithstanding Section 4(16) of By-law No. 438-86, as amended, the driveway continuous movement provision of Section 4(16) shall not apply to the *Yonge-Summerhill Lands*.

**22.** Notwithstanding Sections 4(4)(b) and 6(1)(f) of By-law No. 438-86, as amended, the motor vehicle *parking spaces* required by Section 4(4)(b) may be provided in an enclosed underground garage as follows:

- (a) *parking spaces* required for *block E* may be provided on *blocks E and F*;
- (b) *parking spaces* required for *block C1* may be provided on *blocks C1, C2, and C3*;
- (c) *parking spaces* required for *block C2* may be provided on *blocks C1, C2, and C3*; and
- (d) *parking spaces* required for *block C3* may be provided on *blocks C1, C2, and C3*.

**23.** Notwithstanding the provisions of Sections 4(11)(a) and 8(3) Part VII 1 of By-law No. 438-86, as amended, a building on *block C2* may be erected on a *lot* having a *lot frontage* or a minimum *front lot line* of 0.5 metres fronting or abutting a highway assumed for public highway purposes or being constructed pursuant to a subdivision agreement with the *Corporation*.

**24.** Notwithstanding Section 4(11)(a) of By-law No. 438-86, as amended, no person shall erect or use a *residential* building within the *Yonge-Summerhill Lands* other than on a *lot* having a minimum *front lot line* of 3.5 metres fronting or abutting a highway assumed for public highway purposes or being constructed pursuant to a subdivision agreement with the *Corporation*, provided that in the case of *block C2* the provisions of Section 23 of this By-law shall apply.

**25.** Not less than 25% of the *dwelling units* erected or used on the *Yonge-Summerhill Lands* shall be *affordable*. Compliance with the 25% requirement shall be determined as follows:

- (a) within the three years immediately following the 14th day of November, 1997, being the date this By-law comes into full force and effect, dwelling units erected or used on the *Yonge-Summerhill Lands* shall be deemed to be *affordable* only if they receive Federal or Provincial government financial assistance;
- (b) following the three year time period set forth in subparagraph a., *dwelling units* erected or used on the *Yonge-Summerhill Lands* shall be deemed to be *affordable* if they satisfy any portion of the definition of *affordable housing* set forth in Section 27 of this By-law. For clarity, any *dwelling units* constructed in accordance with the size restrictions set forth in Section 27.a.ii. of this By-law during the three year time period set forth in subparagraph a. shall be deemed to be *affordable* following the expiration of that time period; and
- (c) compliance with the 25% requirement shall be assessed only when new buildings have been constructed on each of *block A, block C1, block C2,*

*block C3, block E, block F, block G and block H.* For clarity, until new buildings have been constructed on each of these blocks, it is not necessary that 25% of the *dwelling units* erected or used on the *Yonge-Summerhill Lands* be *affordable*.

**26.** Notwithstanding the provisions of this By-law, or the provisions of By-law No. 438-86, as amended, no person shall erect a building or structure within the *Yonge-Summerhill Lands* having a *height* greater than 11.0 metres unless the owner of the *Yonge-Summerhill Lands* has entered into an agreement with the Corporation of the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters referred to in Schedule 'A' attached to this By-law.

**27.** For the purposes of this By-law:

- (a) “*affordable housing*” means:
- (i) *dwelling units* which receive Federal or Provincial government financial assistance; or
  - (ii) *dwelling units* which are subject to the following size restrictions:
    - (1) the maximum *residential gross floor area* for a bachelor or one-bedroom unit shall be 62 m<sup>2</sup>;
    - (2) the maximum *residential gross floor area* for a two-bedroom units shall be 82 m<sup>2</sup>; and
    - (3) the maximum *residential gross floor area* for a three-bedroom unit shall be 98 m<sup>2</sup>;
- (b) “*block A*”, “*block B*”, “*block C1*”, “*block C2*”, “*block C3*”, “*block D*”, “*block E*”, “*block F*”, “*block G*”, “*block H*”, “*block J*”, “*block K*” and “*block L*” mean those lands respectively designated and shown as BLOCK A, BLOCK B, BLOCK C1, BLOCK C2, BLOCK C3, BLOCK D, BLOCK E, BLOCK F, BLOCK G, BLOCK H, BLOCK J, BLOCK K and BLOCK L on Map 3, appended hereto and forming part of this By-law;
- (c) “*block 1*”, “*block 2*”, “*block 3*”, “*block 4*”, “*block 5*”, “*block 6*”, “*block 7*”, “*block 8*”, “*block 9*”, “*block 10*”, “*block 11*”, “*block 12*”, “*block 13*”, “*block 14*”, “*block 15*”, “*block 16*”, “*block 17*”, “*block 18*”, “*block 19*”, “*block 20*”, “*block 21*”, “*block 22*”, “*block 23*”, “*block 24*”, “*block 25*”, “*block 26*”, “*block 27*”, “*block 28*”, “*block 29*”, “*block 30*”, “*block 31*”, “*block 32*”, “*block 33*”, “*block 34*”, “*block 35*”, “*block 36*”, “*block 37*”, “*block 38*”, “*block 39*”, “*block 40*”, “*block 41*”, “*block 42*”, “*block 43*”, “*block 44*”, “*block 45*”, “*block 46*” and “*block 47*” mean those lands respectively designated and shown as BLOCK 1, BLOCK 2, BLOCK 3, BLOCK 4, BLOCK 5, BLOCK 6, BLOCK 7, BLOCK 8,

BLOCK 9, BLOCK 10, BLOCK 11, BLOCK 12, BLOCK 13, BLOCK 14, BLOCK 15, BLOCK 16, BLOCK 17, BLOCK 18, BLOCK 19, BLOCK 20, BLOCK 21, BLOCK 22, BLOCK 23, BLOCK 24, BLOCK 25, BLOCK 26, BLOCK 27, BLOCK 28, BLOCK 29, BLOCK 30, BLOCK 31, BLOCK 32, BLOCK 33, BLOCK 34, BLOCK 35, BLOCK 36, BLOCK 37, BLOCK 38, BLOCK 39, BLOCK 40, BLOCK 41, BLOCK 42, BLOCK 43, BLOCK 44, BLOCK 45, BLOCK 46 and BLOCK 47 on Map 6, appended hereto and forming part of this By-law;

- (d) “*Yonge-Summerhill Lands*” means that part of the City of Toronto located within the area delineated and designated by heavy lines on Map 4 appended hereto and forming part of this By-law and referred thereon as “*Yonge-Summerhill Lands*” and municipally known as 1121 Yonge Street on August 14, 1995;
- (e) “*North Toronto Railway Station*” means the existing railway station building beneath and south of the *Summerhill Rail Corridor* as it existed on August 14, 1995 within the address municipally known as 1121 Yonge Street; and
- (f) “*Summerhill Rail Corridor*” means the existing railway corridor within the “*Yonge-Summerhill Lands*” as delineated by the heavy lines and tone on Map 5 hereto.

**28.** For the purposes of this By-law, the terms set forth in italics shall, unless otherwise defined herein, have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended.

PURSUANT TO THE DECISION OF THE ONTARIO MUNICIPAL BOARD IN ITS ORDER NO. 1615 DATED NOVEMBER 14, 1997; AS AMENDED BY ITS ORDERS NOS. 1275, 1456, 1205 AND 0325 DATED MAY 27, 1998, JUNE 11, 1998, JUNE 24, 1999 AND MARCH 6, 2000, RESPECTIVELY IN BOARD FILE NO. PL943779.

**SCHEDULE "A"**

- I. The owner will prepare, submit and implement a comprehensive Public Art Plan in accordance with the policies of the Part II Official Plan.
- II. With respect to a second public entrance to the Summerhill subway station that, if requested by the T.T.C.:
- (a) the owner agrees to fund 25% of the total construction costs, if built, to a maximum of \$200,000;
  - (b) this obligation terminates if construction of the subway entrance has not begun by January 31, 2002; and
  - (c) payment will be made at the later of,
    - (i) substantial completion of the subway entrance, and
    - (ii) the issuance of building permits for buildings within *block C1, block C2, block C3*, provided that payments shall be made as each of the three permits are issued, in amounts determined by the ratio of the gross floor area of each building to the total gross floor area of the three buildings.

If the second entrance is requested by the owner, the owner shall be requested to fully fund the total cost of construction except for T.T.C. equipment and installation.

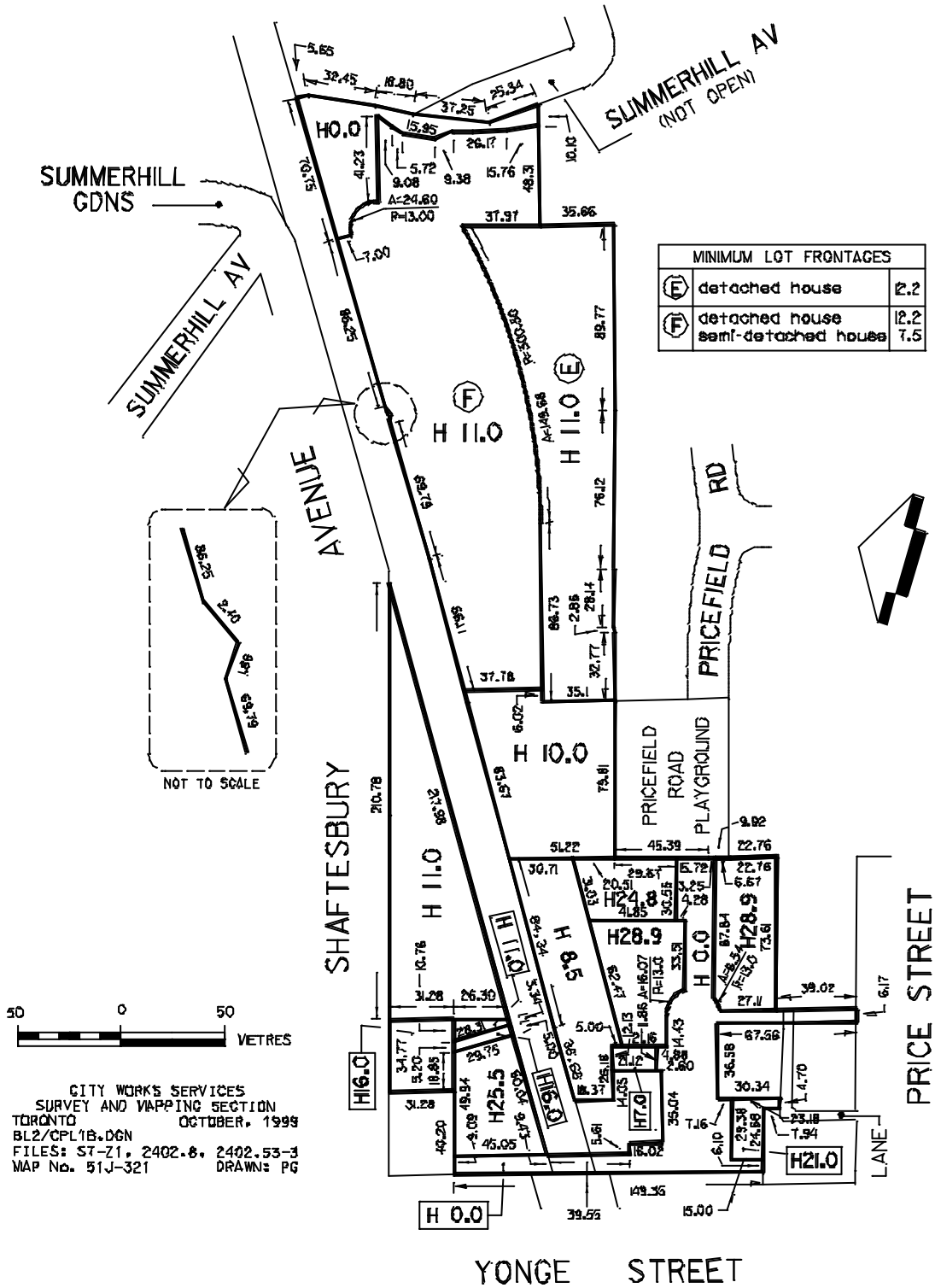
- III. The owner shall not proceed to develop, exploit, release or convey its present legal interest in 10R Price Street (air rights) unless it has first secured in a manner acceptable to the City, at no cost to the City:
- (a) a full road access from the urban forecourt of not less than 15 metres in width to Price Street; and
  - (b) a widening of the road connection to Yonge Street, across the north limit of 10R Price Street of approximately 7 metres.
- IV. The owner agrees to make improvements to the parklands conveyed to the City, together with improvements to the existing Pricefield Playground and Park Drive Ravine. The design of these improvements, including the process of implementation and the matter of appropriate financial security, shall be to the satisfaction of the Commissioner of Parks and Recreation; more particularly the owner will:
- (a) provide a financial contribution to the City, in a form satisfactory to the City, in the amount of \$408,800, to provide for the City to undertake improvements to the existing and expanded Pricefield Playground;
  - (b) rehabilitate and improve to the satisfaction of the City the lands that form the expansion of the Park Drive Ravine; improvement to these lands shall be at the

cost of the owner in an amount to be determined following submission of a conceptual plan and detailed estimate of the work to be carried out; all ravine work to be carried out shall be constructed to the satisfaction of the Commissioner of Parks and Recreation, the design and construction process for which shall be detailed in an Agreement, including but not limited to matters such as design approvals, construction and tender documentation and process approvals, provision of necessary legal and financial securities (insurance, letter of credit, indemnification, etc.), site access, site and slope protection, the manner in which work is to be carried out on the site, consultation/contractor/sub-contractor selection process;

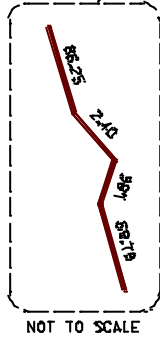
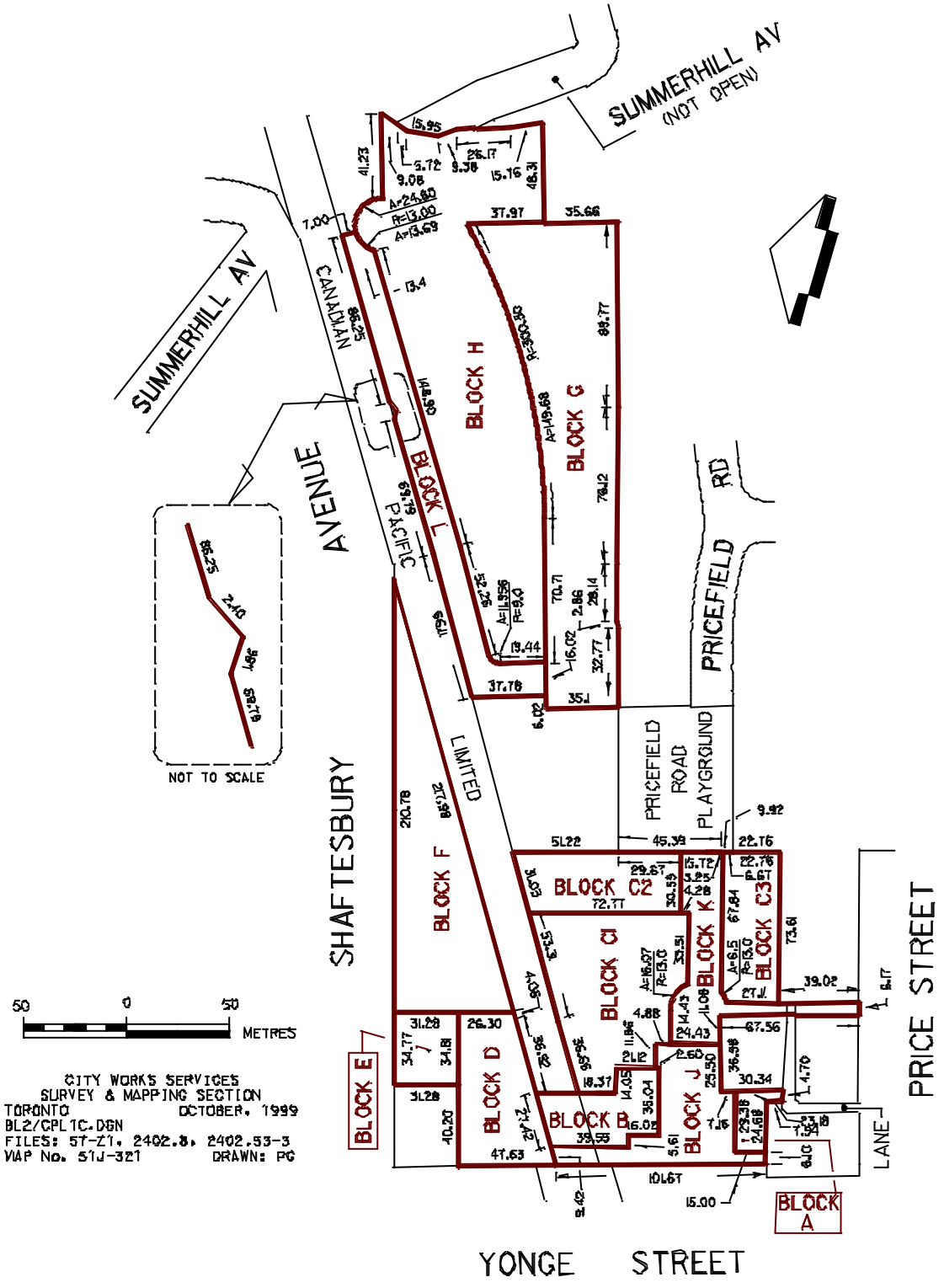
- (c) prior to final conveyance of any ravine land to the City, the owner shall carry out an Environmental Investigation, including any necessary site testing of the park and ravine lands to be conveyed, such report to include, among other things, a review of historic land uses, soil and groundwater conditions to the satisfaction of the Commissioner of Parks and Recreation, in consultation with the City Property Commissioner and the Medical Officer of Health;
  - (d) with respect to any ravine lands proposed to be conveyed to the City, the owner shall remediate these lands to a standard acceptable to the City, or in the event it can be demonstrated by the owner that the ravine lands cannot be reasonably remediated to meet the City's environmental standards, the owner and the City will discuss and make alternative arrangements; and
- V. The owner will be responsible for all costs and approvals associated with the design and development of the new road through Pricefield Playground.



MAP 2



# MAP 3

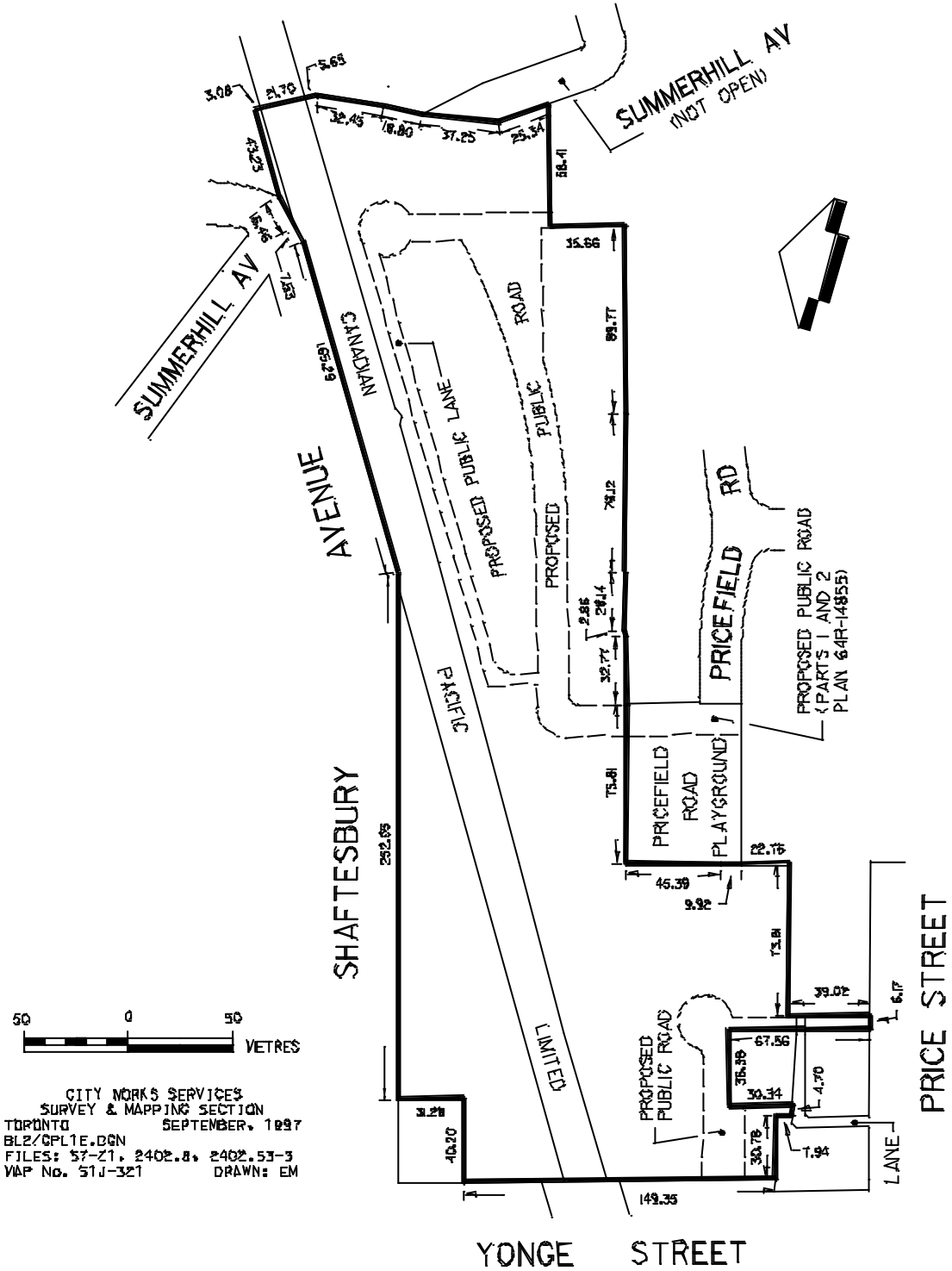


50 0 50 METRES

CITY WORKS SERVICES  
 SURVEY & MAPPING SECTION  
 TORONTO OCTOBER, 1999  
 BL2/CPL1C.DGN  
 FILES: 57-Z1, 2402.8, 2402.53-3  
 VAP No. 51J-321 DRAWN: PC

YONGE STREET

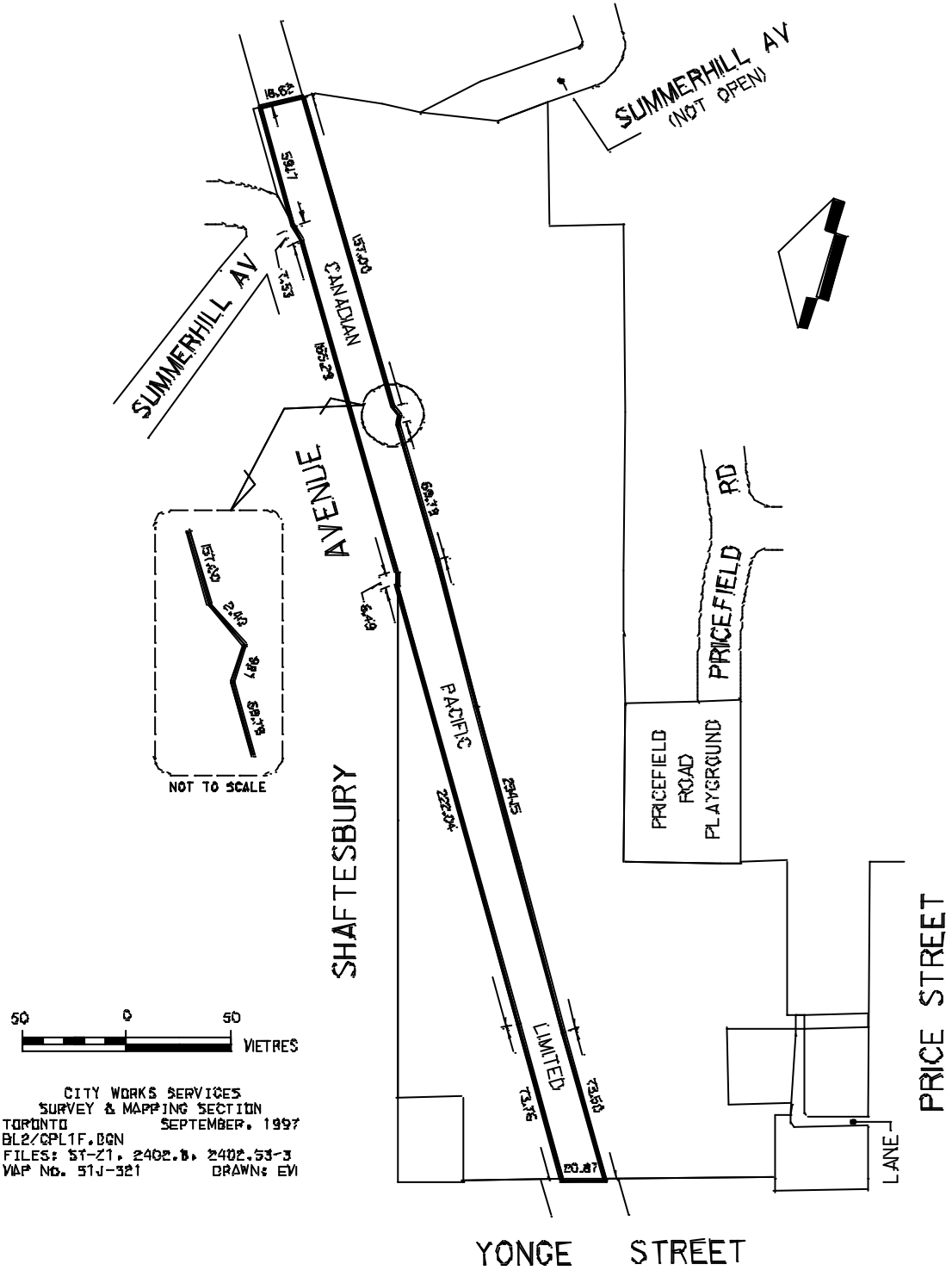
# MAP 4



CITY WORKS SERVICES  
 SURVEY & MAPPING SECTION  
 TORONTO SEPTEMBER, 1997  
 BL2/QPL1E.DGN  
 FILES: 57-21, 2402.8, 2402.53-3  
 VAP No. 51J-321 DRAWN: EM

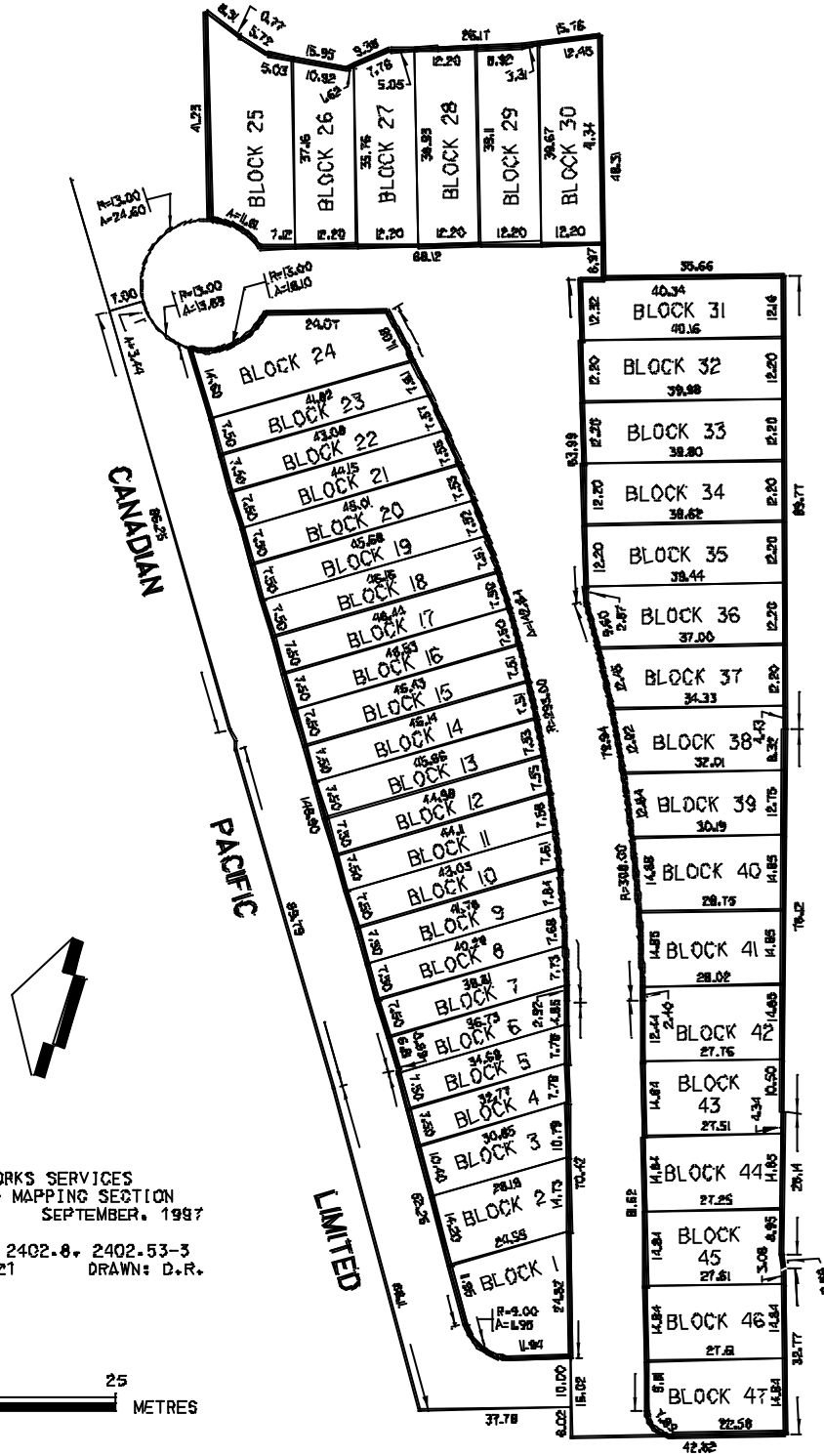
 YONGE-SUMMERHILL LANDS

# MAP 5



 SUMMERHILL RAIL CORRIDOR

MAP 6



CITY WORKS SERVICES  
 SURVEY AND MAPPING SECTION  
 TORONTO SEPTEMBER, 1997  
 BLZ/CPL10.DGN  
 FILES: ST-Z1, 2402.0, 2402.53-3  
 MAP No. 51J-321 DRAWN: D.R.

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