

CITY OF TORONTO

BY-LAW No. 104-2001(OMB)

To amend Zoning By-law No. 438-86, of the former City of Toronto, with respect to 1560 Yonge Street and 10-22 Delisle Street and parts of 22 and 26 Delisle Avenue.

WHEREAS the Ontario Municipal Board pursuant to its Order No. 1786 issued December 5, 2000, upon hearing the appeal of Delisle Court Redevelopment Corporation under Section 34 (11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended deems it advisable to amend By-law No. 438-86 of the former City of Toronto; and

WHEREAS pursuant to Section 37 of the *Planning Act*, a By-law passed under Section 34 of the *Planning Act* may 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 or matters as are set out in the by-law; and

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

WHEREAS the *Owner* has elected to provide the facilities, services or matters as are set out in this By-law; and

WHEREAS the increase in height and residential density of development permitted under this By-law beyond that otherwise permitted on the *Site* by By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *Owner* and the City of Toronto; and

WHEREAS the Council of the City of Toronto has required the *Owner* to enter into one or more agreements dealing with certain facilities, services and matters in return for the increase in permitted height and density in connection with the *Site*;

THEREFORE By-law No. 438-86 of the former City of Toronto, 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 further amended as follows:

1. None of the provisions of Sections 4(2)(a), 4(4)(b), 4(4)(c), 4(10)(a), 6(1)(a), 6(3) Part I 1., 6(3) Part II 2(iii), 6(3) Part II 3, 6(3) Part II 4, 6(3) Part II 5, 6(3) Part II 6, 6(3) Part III 1(a), 8(3) Part I, 8(3) Part II 2(a), 12(2) 16, of the aforesaid By-law No. 438-86, as amended, shall apply to prevent the erection or use of a *mixed-use building* containing a *commercial parking garage* on those lands outlined by heavy lines on Map 1, provided:
 - (a) the *mixed-use building* consists of the *existing building*, a residential component and a *commercial parking garage* operated by the Toronto Parking Authority;
 - (b) the *lot* on which the *mixed-use building* is located comprises at least the *Site*;

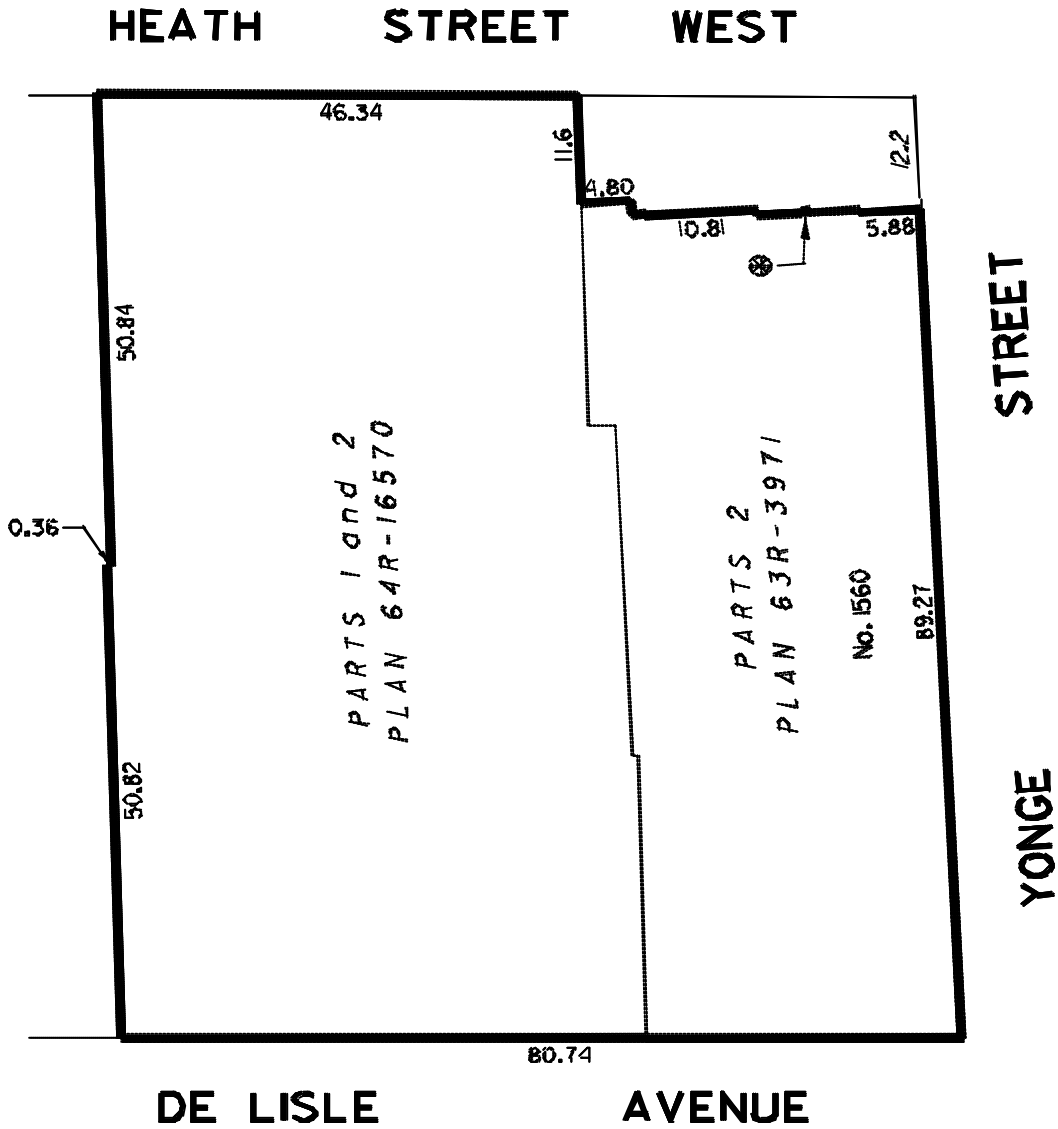
- (c) no above *grade* portion of the *mixed-use building*, is located otherwise than wholly within the area delineated by heavy lines shown on Map 3, excluding balconies extending to a maximum horizontal projection of 1.5 metres beyond the heavy lines show on Map 3;
- (d) the *height* of the *mixed-use building*, other than the *existing building* shall not exceed the height limits shown on Map 3, except for:
 - (i) roof parapets extending to a maximum vertical projection of 1.2 metres beyond the height limits shown on Map 3;
 - (ii) fences and screens extending to a maximum vertical projection of 2.0 metres, provided no part of a fence or screen less than 2 metres from an adjacent outside lower wall extends to a maximum vertical projection of 1.2 metres; and
 - (iii) items identified in Sections 4(2)(a)(i), 4(2)(a)(ii) A and 4(2)(a)(ii) C of By-law No. 438-86, with the exception of elevator shafts;
- (e) the *height* of the *existing building* shall not exceed the height limits shown on Map 3, except for chimney pipes provided that the maximum height of the top of any chimney pipe is no higher than the sum of five metres and the height limit shown on Map 3;
- (f) the *non-residential gross floor area* of the *mixed-use building* shall not exceed 6 920 square metres excluding the *commercial parking garage*, and shall not extend beyond the shaded area shown on Map 2;
- (g) the *residential gross floor area* of the *mixed-use building* shall not exceed 24 330 square metres;
- (h) the number of *dwelling units* within the *mixed-use building* shall not exceed 240;
- (i) at least 3 of the *dwelling units* within the *mixed-use building* shall be individually accessible by way of a separate entrance from Heath Street West with a threshold not exceeding 1.2 metres in height above the public sidewalk opposite the entrance;
- (j) a minimum of one *parking space* is provided and maintained within the *mixed-use building* for each 102 square metres of *residential gross floor area*, exclusively for the use of the residential occupants of the mixed use building;
- (k) despite Section 11(1)1 of By-law No. 438-86, a maximum of 230 parking spaces are provided within the *mixed-use building* for the purposes of a *commercial parking garage*, to be operated by the Toronto Parking Authority;
- (l) at least one *loading space-type G* and two *loading spaces-type B* are provided and maintained on the *site*;

- (m) a minimum of 25 percent of the dwelling units are low-end-of-market dwelling units; and
 - (n) the *Owners* enter into one or more agreements pursuant to Section 37 of the *Planning Act*, to secure the following facilities, services and matters:
 - (i) a contribution of one hundred thousand dollars (\$100 000.00) to the City to undertake a neighbourhood traffic study and implement any required improvements; such contribution to be provided prior to the issuance of any *Building Permit*; and
 - (ii) a minimum of 50 parking spaces on or within 300 metres of the *Site* for the exclusive use of the City, during the period between the commencement of demolition of the existing public parking facility on the *Site* and the commencement of operation of a new public parking facility on the *Site*.
2. For the purposes of this By-law:
- (a) “*Building Permit*” means a permit to construct a building or portion thereof within the *Site*, pursuant to Section 8 of the *Building Code Act*, S.O. 1992, as amended, excluding a demolition permit or an excavation and shoring permit;
 - (b) “*existing building*” means the building located on the *Site* in the year 2000 as shown on Map 2, subject to any modifications that are located within the shaded area shown on Map 2 as permitted by this By-law and By-law No. 438-86;
 - (c) “*height*” means the vertical distance between elevation 150.50 metres (based on Geodetic Survey of Canada 1929 mean sea level vertical datum - 1978 southern Ontario Adjustment) and the highest point of the roof, or where there is no roof, the highest point of the structure;
 - (d) “*low-end-of-market dwelling units*” means *dwelling units* which are subject to the following size restrictions:
 - (i) the *residential gross floor area* of a bachelor or one-bedroom dwelling unit does not exceed 70 square metres;
 - (ii) the *residential gross floor area* of a two-bedroom *dwelling unit* does not exceed 90 square metres; and
 - (iii) the *residential gross floor area* of a three-bedroom *dwelling unit* does not exceed 98 square metres;
 - (e) “*Owner*” means the registered owner of the *Site* or a pending owner under an agreement of purchase and sale; and
 - (f) “*Site*” means the lands delineated by heavy lines on Map 1.

- 3.** With the exception of any defined terms to the extent modified by this By-law, all other provisions of By-law No. 438-86 of the former City of Toronto, as amended, continue to apply.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON DECEMBER 5, 2000 IN BOARD FILE NO. PL980871.

MAP I



LANDS REFERRED TO AS THE "SITE"

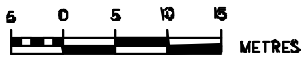
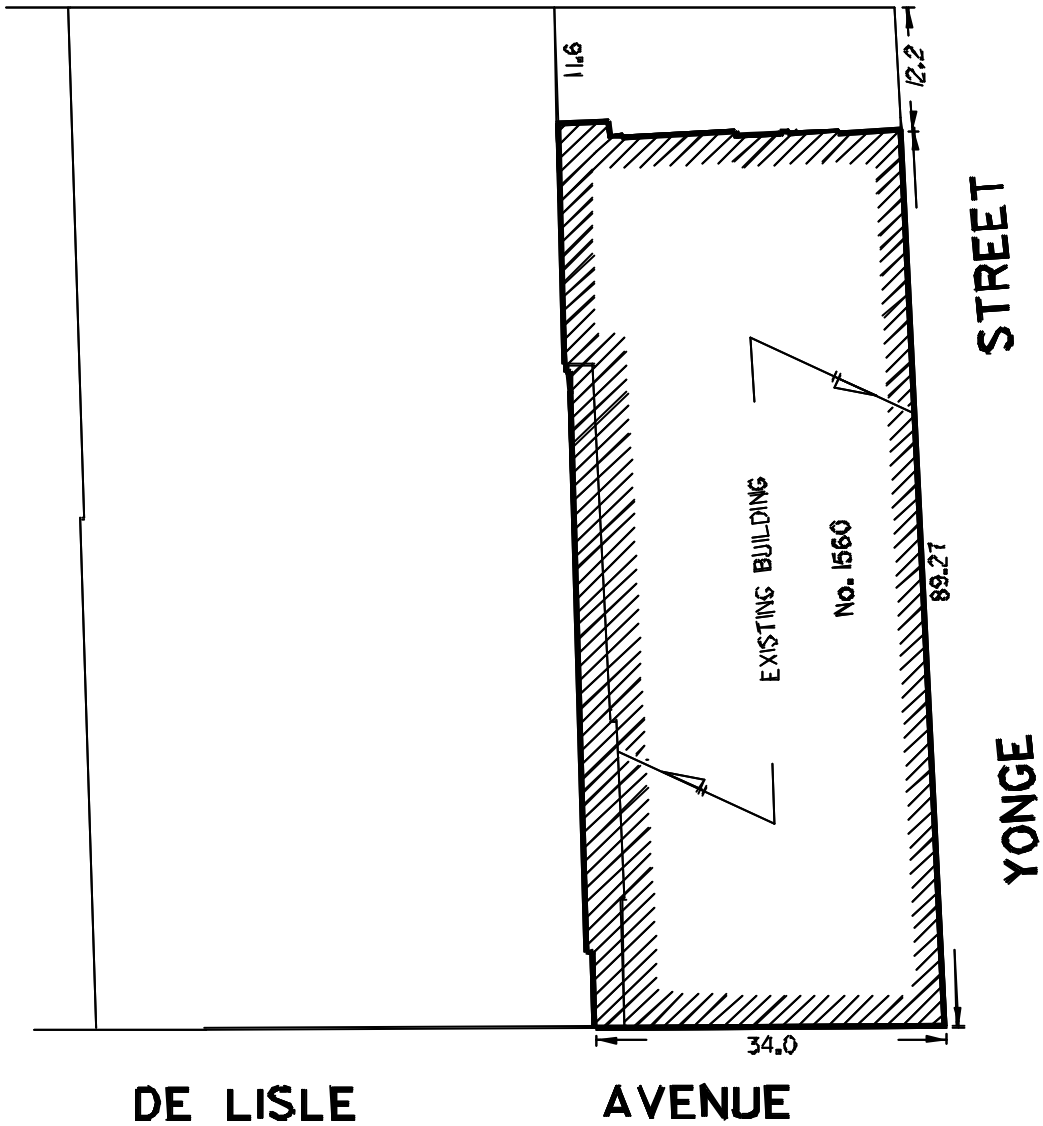
⊗ FOR ADDITIONAL DIMENSIONS SEE PLAN 63R-3971



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO NOVEMBER, 2000
 BLDG/1560Y01.DGN
 FILE: D12-MF1
 MAP No. 50K-313 DRAWN: W.L.: D.R.

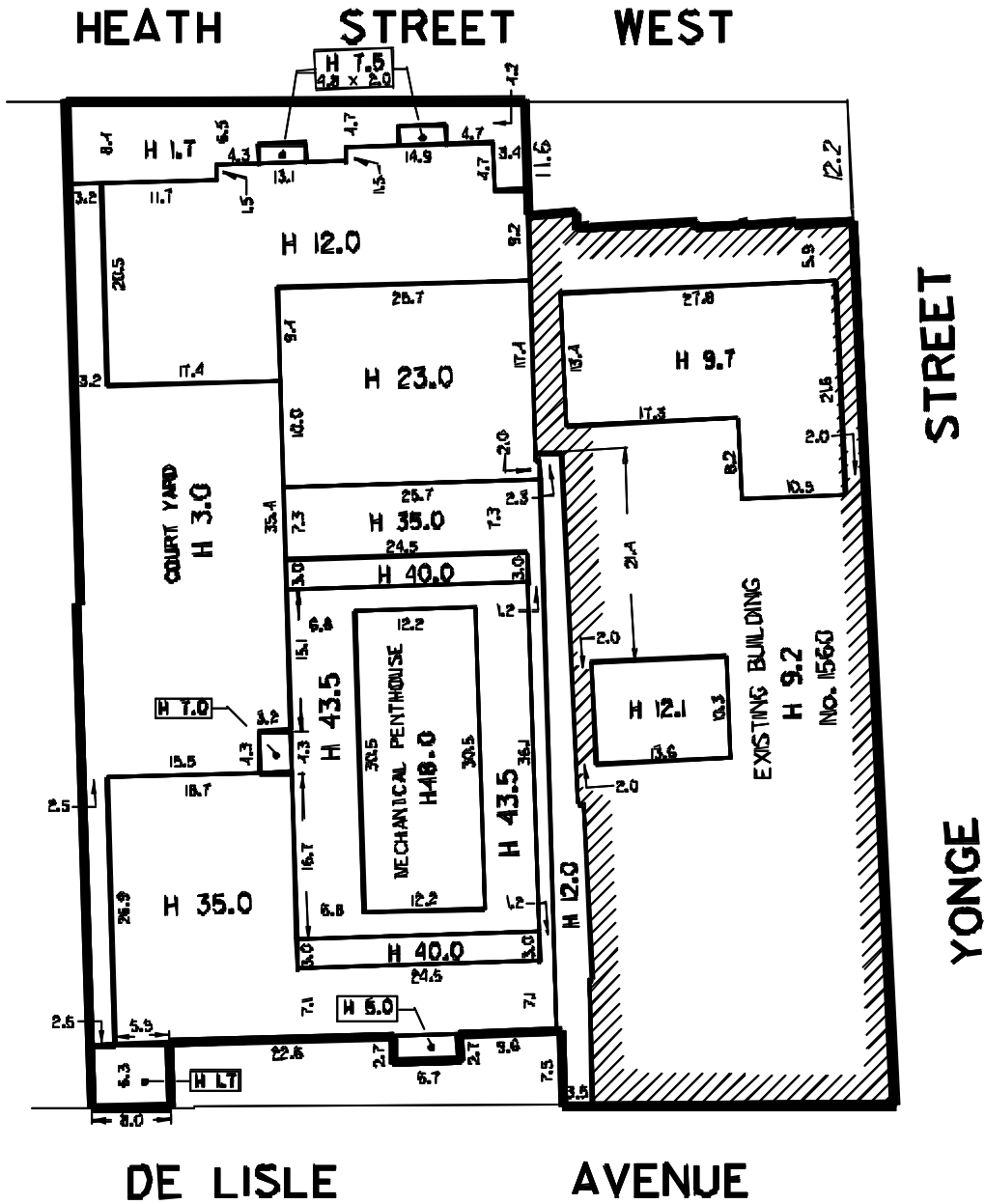
MAP 2

HEATH STREET WEST



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MAP 3



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



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