

CITY OF TORONTO

BY-LAW No. 585-2002(OMB)

To amend the Zoning By-law for the former City of Toronto No. 438-86, as amended, with respect to 1252 Bay Street and 61 Yorkville Avenue.

WHEREAS the Ontario Municipal Board pursuant to its Order No. 1660 dated October 12, 2001, upon hearing the appeal of Minto BYG Inc under Section 34 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;

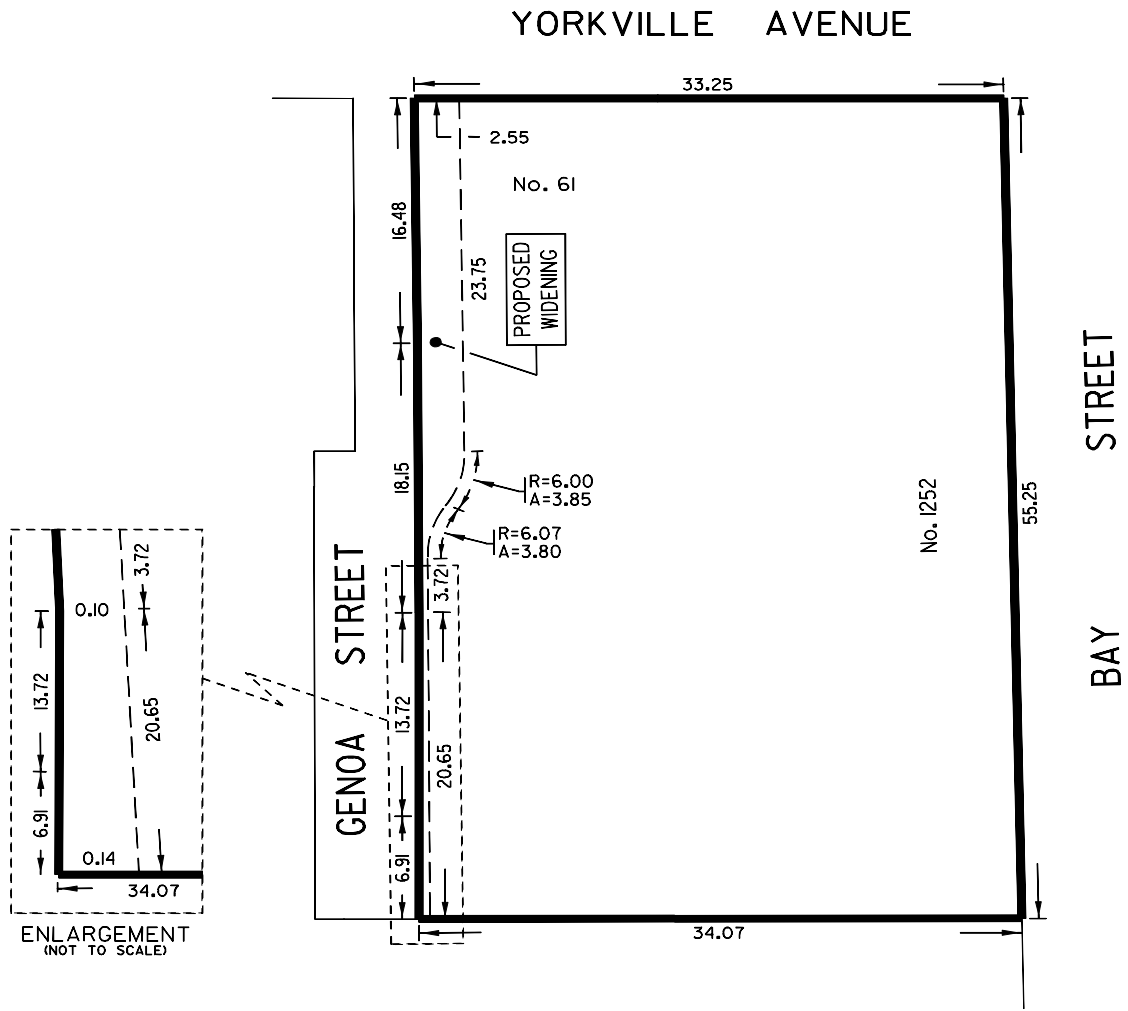
THEREFORE By-law No. 438-86 of the former City of Toronto, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, is further amended as follows:

1. None of the provisions of Sections 4(2), 4(5), 4(12), 8(2)5, 8(3) Part I 1, 8(3) Part I 2, 8(3) Part I 3, 8(3) Part II, 8(3) Part XI 2, 12(2)259 and 12(2)260 of By-law No. 438-86 shall apply to prevent the erection of a *mixed-use building* on the lands outlined by heavy lines on Plan 1 attached to and forming part of this by-law, provided:
 - (a) no portion of any building located above *grade* is located otherwise than wholly within the areas outlined by heavy lines and within the *height* limits shown on Plan 2 attached to and forming part of this by-law, measured to the top of the roof slab, with the exception of cornices, canopies, ornamental elements, parapets, railings, window washing equipment, minor mechanical equipment, vents, stacks and built up insulation and roofing material above the roof slab, or any other ancillary rooftop equipment, which may extend beyond the building envelope shown on Plan 2;
 - (b) the *total floor area* does not exceed 18,382 square metres;
 - (c) the *residential gross floor area* does not exceed 17,800 square metres;
 - (d) the *non-residential gross floor area* does not exceed 800 square metres and is located at *grade*;
 - (e) there are not more than 184 *dwelling units* within the *mixed-use building*;
 - (f) at least 123 *parking spaces* and 1 *loading space - Type G* are provided on the lands outlined by heavy lines on Plan 1;
 - (g) at least 368 square metres of indoor *residential amenity space* is provided and at least 50 square metres of outdoor *residential amenity space*, accessible from the indoor *residential amenity space*, is provided;
 - (h) at least 28 square metres of *common outdoor space* is provided;

- (i) the *grade* level retail and service uses occupy a width of at least 60 percent of the street frontage of the building along Bay Street and at least 33 percent of the street frontage of the building along Yorkville Avenue;
2. In cases where there is a conflict between this by-law and the provisions of By-law No. 438-86, as amended, this by-law shall apply;
3. For the purposes of this by-law, "*grade*" shall mean the 116.75 Canadian Geodetic Datum; and
4. For the purposes of this by-law each word or expression other than "*grade*" that is italicized herein shall have the same meaning as that word or expression has, as defined in By-law No. 438-86.

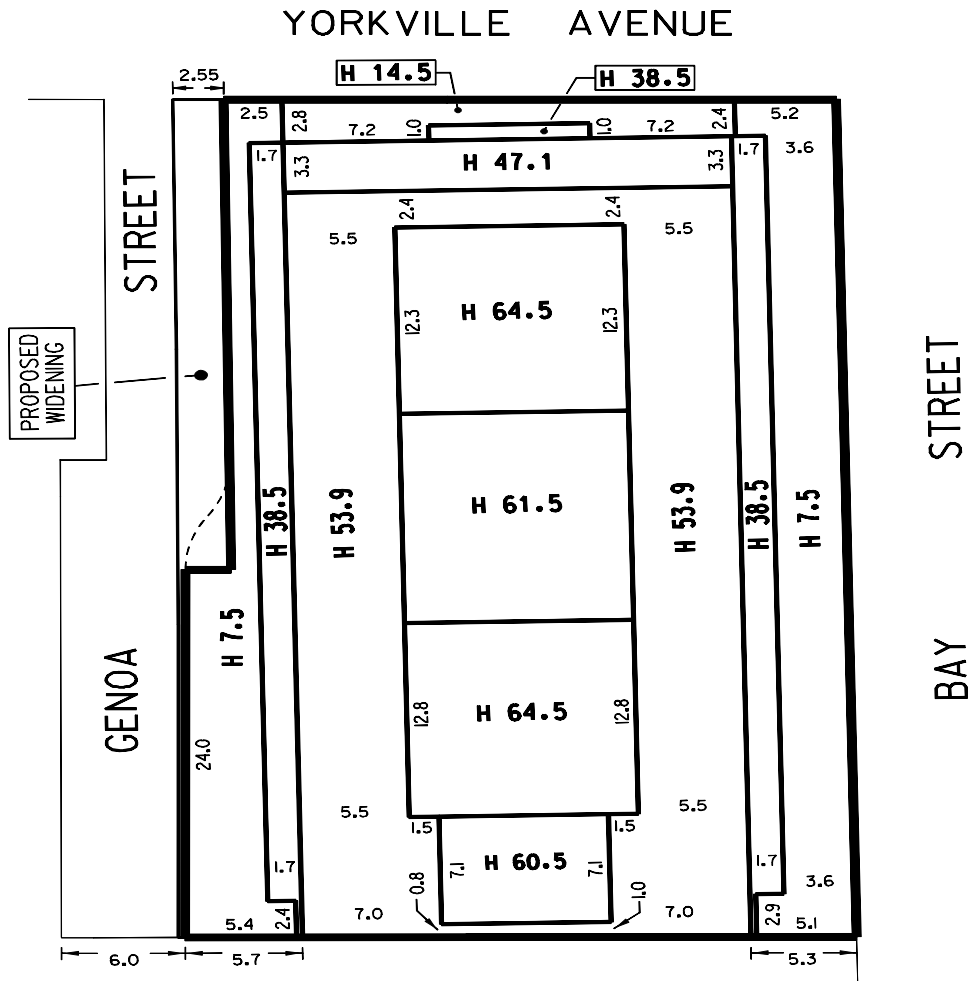
PURSUANT TO ORDER NO. 1660 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON OCTOBER 12, 2001 IN BOARD FILE NO. PL000351.

PLAN 1



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO MARCH, 2001
 BL01/ 1252BA1.DGN
 FILE: B7-239
 MAP No. 50J-313 DRAWN: D.R.

PLAN 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO MARCH, 2001
 BLO1/1252BA2A.DGN
 FILE: B7-Z39
 MAP No. 50J-313 DRAWN: PG