

CITY OF TORONTO

BY-LAW No. 246-2004(OMB)

To amend the General Zoning By-law No. 438-86 for the former City of Toronto, as amended, respecting lands known as 135 St. Clair Avenue West.

WHEREAS the Ontario Municipal Board in a Decision issued August 11, 2003, approved a Zoning By-law Amendment as a result of a zoning by-law appeal with respect to certain lands known as 135 St. Clair Avenue West;

NOW THEREFORE, pursuant to Order No. 1110 of the Ontario Municipal Board issued on August 11, 2003 in Board Case No. PL020587, By-law No. 438-86, as amended, of the former City of Toronto, is amended as follows:

1. None of the provisions of Section 2 with respect to *parking space, parking area, height and grade* and Sections 4(2)(a)(i) and (ii), 4(12), 8(3) Part I 1, and 8(3) PART I 3 of 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, shall apply to prevent the erection and use of an *apartment building* and uses *accessory* thereto, including but not limited to *parking garage and parking area* uses, on the *lot*, provided:
 - (a) the *lot* comprises those lands delineated by heavy lines on Map 1 attached hereto;
 - (b) the *residential gross floor area* of the *apartment building* on the *lot* shall not exceed 16,750 square metres;
 - (c) the *apartment building* contains not more than 94 *dwelling units*;
 - (d) no portion of the building above *grade* is located otherwise than wholly within the area delineated by heavy lines on the attached Map 2 with the exception of the following:
 - (i) cornices, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, and bay windows, which may project 0.6 metres outside of the heavy lines on the attached Map 2;
 - (ii) stairs, stair enclosures, wheel chair ramps, guard rails, underground garage ramps and associated ramp structures, bicycle racks, fences, landscape and public art features which may extend beyond the heavy lines on the attached Map 2;

- (e) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on the attached Map 2 for each delineated portion thereof, but:
- (i) this paragraph does not prevent the erection of a chimney stack or other heating, cooling or ventilating equipment; window washing equipment; any fence, wall or structure enclosing any of the foregoing elements, singly or in combination; cornices; ornamental elements; parapets; and railings; provided:
 - A. the maximum *height* of such elements or enclosures is no higher than the sum of 1.2 metres and the *height* limits on Map 2; and,
 - B. this subparagraph does not apply to that portion of the building on Map 2 with a *height* limit of 74.7 metres;
 - (ii) this paragraph does not prevent the erection and use of lighting fixtures, awnings, canopies, trellises, eaves, window sills, guardrails, balustrades, bay windows, and balconies provided such features comply with the provisions of subparagraph 1(d)(i) of this By-law;
 - (iii) this paragraph does not restrict the erection and use of elements listed in subparagraph 1(d)(ii) of this By-law in the area outside of the area delineated by the heavy lines on Map 2;
 - (iv) this paragraph does not prevent the erection and use of a fence or structure on a part of the building used for outside or open air recreation, safety or wind protection purposes, provided:
 - A. the maximum *height* of the top of the structure or fence is no higher than the sum of 2.4 metres and the applicable *height* limits shown on Map 2;
 - B. no part of the fence or structure is less than two metres from an adjacent outside building wall or a vertical projection of the building wall;
 - C. the structure does not enclose space so as to constitute a form of penthouse or other room or rooms; and,
 - D. this subparagraph does not apply to that portion of the building on Map 2 with a *height* limit of 74.7 metres;
 - (v) this paragraph does not prevent antennae and their supporting structures from exceeding the *height* limits on Map 2;

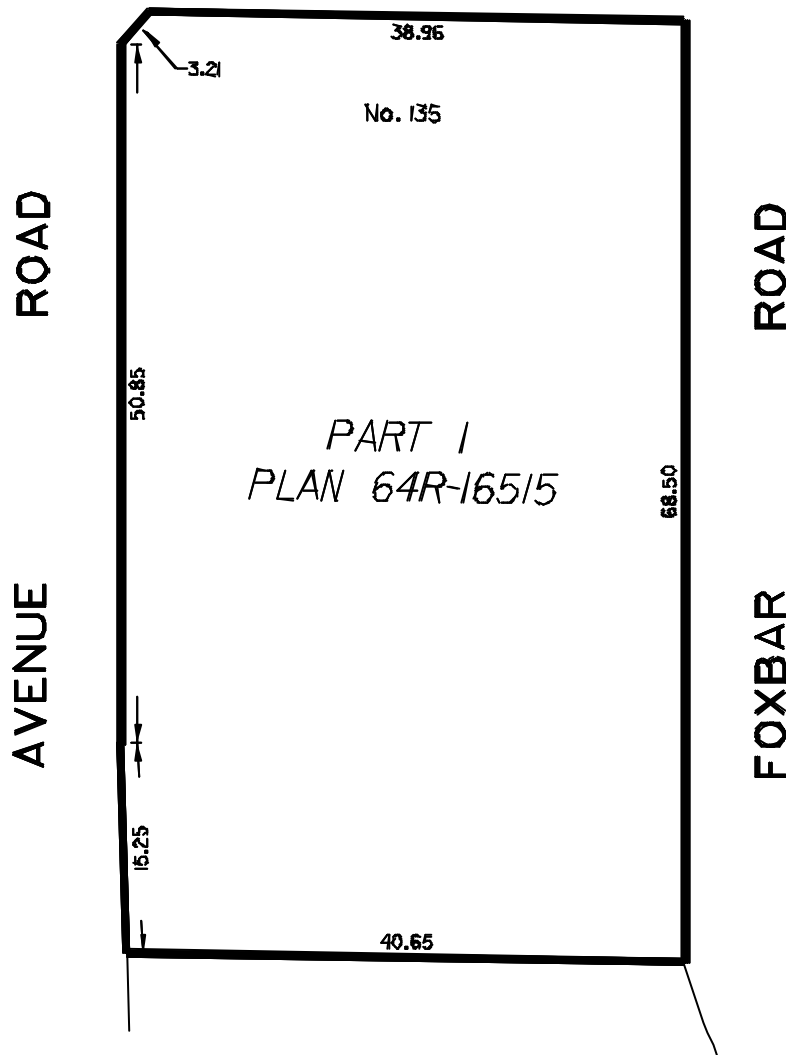
- (f) 4 square metres of indoor *residential amenity space* is provided for each *dwelling unit*, in multi-purpose rooms, at least one of which contains a kitchen and a washroom;
 - (g) the Owner of the *lot* enters into an agreement pursuant to section 37 of the *Planning Act* to secure the following facilities, services and matters:
 - (i) the provision of public art within a landscaped forecourt on the *lot* at a cost of \$150,000.00; and
 - (ii) the contribution of funds to the City in the amount of \$50,000.00 to be used for improvements to Amsterdam Square and/or Glen Gould Park.
2. 2 square metres of *residential amenity space* for each *dwelling unit* shall be excluded from the calculation of the *residential gross floor area* on the *lot*;
3. any part of the building used for the parking of motor vehicles or bicycles, including driveways shall be excluded from the calculation of *residential gross floor area* on the *lot*;
4. Definitions:
- (a) For the purposes of this By-law, the terms set forth in italics, subject to the provisions of this By-law, have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended;
 - (b) the following definitions shall apply:
 - (i) “*grade*” means 148.6 metres Canadian Geodetic Datum;
 - (ii) “*height*” means the vertical distance measured between *grade* and the highest point of the roof subject to those elements described in sections 1(e) of this By-law;
 - (iii) “*parking space*” means an unobstructed area, at least 5.9 meters in length and at least 2.6 metres in width that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle, or a parking space within a *parking stacker*, except that no more than ten *parking spaces* may be provided and maintained on the *lot* with dimensions of at least 5.0 metres in length and at least 2.6 metres in width;
 - (iv) “*parking area*” means an uncovered or covered parking facility at ground level occupying an area of not more than 60 square metres, exclusive of driveways, that is used for the temporary parking of not more than three motor vehicles, as an *accessory* use to the principal use or uses permitted on the whole of the *lot* or on the portion of the *lot* on which the *parking area* is located;

5. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law and By-law No. 438-86, as amended, shall apply to the whole of the *lot* as if no severance, partition or division occurred.

PURSUANT TO THE DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON AUGUST 11, 2003 IN BOARD CASE NO. PL020587.

MAP 1

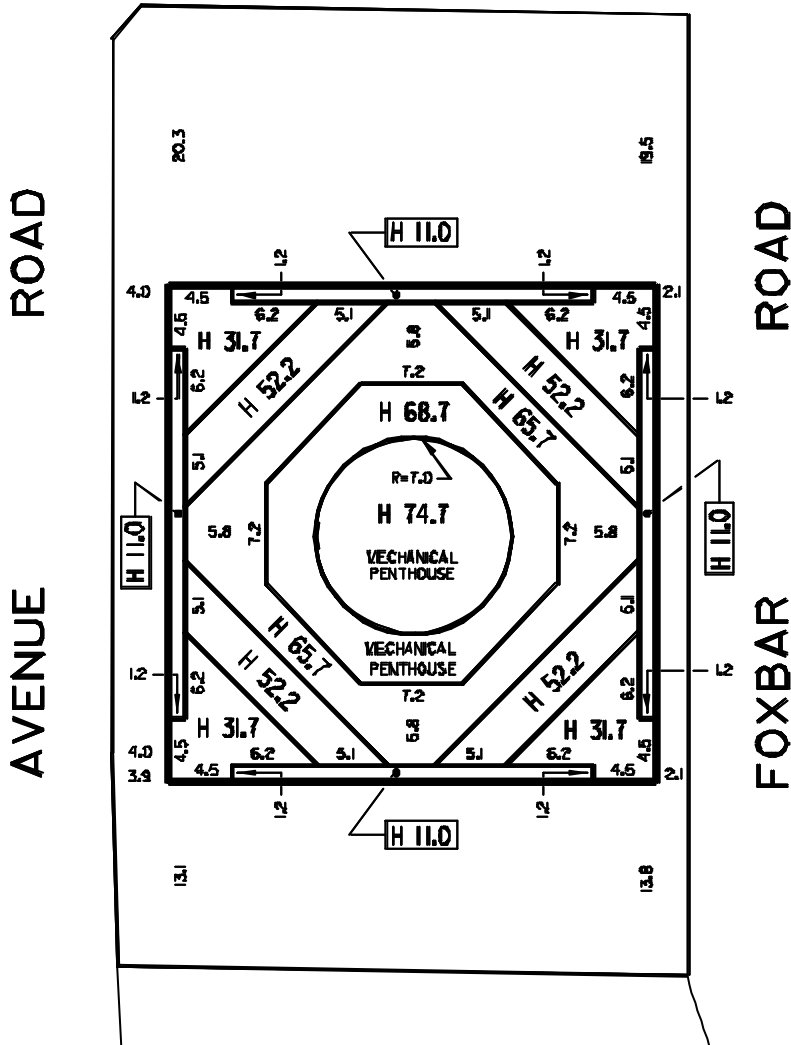
ST. CLAIR AVE W



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO MARCH, 2003
BL03/135STCL1.DGN
FILE# S32-Z83
MAP No. 50J-323 DRAWN# D.R

MAP 2

ST. CLAIR AVE W



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



SURVEY AND MAPPING SERVICES
 TORONTO MARCH, 2003
 BL03/135STCL2.DGN
 FILE: S32-283
 MAP No. 50J-323 DRAWN: D-R