

CITY OF TORONTO

BY-LAW No. 248-2004(OMB)

To amend the General Zoning By-law No. 438-86 for the former City of Toronto respecting lands known municipally as 2195 Yonge Street.

WHEREAS the Ontario Municipal Board in a Decision issued September 18, 2002, approved a Zoning By-law Amendment as a result of a zoning by-law appeal with respect to certain lands known as 2195 Yonge Street;

NOW THEREFORE, pursuant to Order No. 0872 of the Ontario Municipal Board issued on June 27, 2003 in Board File No. PL011152, By-law No. 438-86, as amended, of the former City of Toronto, is amended as follows:

1. None of the provisions of Sections 2 with respect to *height* and *residential amenity space*, 4(2)a(i) and (ii), 4(4)b, 4(4)d, 4(12), 8(3) PART I 1, 8(3) PART I 3(a), 8(3) PART XI 2, 12(2)118(iv), 12(2)119(iii) and 12(2)269 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 a *mixed-use building* and *parking garage* on the lands municipally known in the year 2002 as 2195 Yonge Street (hereafter referred to as the “*lot*”) provided only:
 - (1) the *lot* consists of at least the lands delineated by heavy lines on the attached Map 1;
 - (2) the total combined *residential gross floor area* and *non-residential gross floor area* of the building does not exceed 87,680 square metres, provided that:
 - (i) the *residential gross floor area* does not exceed 85,910 square metres;
 - (ii) the *non-residential gross floor area* does not exceed 3,470 square metres;
 - (3) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines shown on the attached Map 2 with the exception of cornices, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellises, balconies, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, bay windows, wheel chair ramps, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on the attached Map 2;

- (4) notwithstanding subsection (3), on that portion of the front wall of the building facing the Yonge Street *lot* line between 162.2 metres Canadian Geodetic Datum and *grade*, only canopies, awnings and lighting fixtures may extend beyond the portions of the heavy lines that are 0.9 metres east of the Yonge Street *lot* line as shown on the attached Map 2;
- (5) 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 shown on the attached Map 2, except for the following:
- (i) spires, ornamental elements, safety railings, parapets, chimneys and a structure on the roof of the building used for outside or open air recreation, safety or wind protection purposes may exceed the *height* limits shown on the attached Map 2 by no more than five metres;
 - (ii) a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of the building or a fence, wall or structure enclosing such elements may exceed the *height* limit on the portion of the building identified as “Area A” shown on the attached Map 2 by no more than five metres, provided:
 - A. the aggregate horizontal area of such elements on “Area A” shown on the attached Map 2 including the area contained within an enclosure, measured at a point above the level of the *height* limit, does not exceed 165 square metres;
 - B. the width of any such elements on “Area A” shown on the attached Map 2, including the width of an enclosure, located within six metres of a *lot* line that is a *street* line, does not exceed 20 per cent of the width of the main wall of that portion of the building within “Area A” shown on the attached Map 2 facing the *lot* line adjacent to Yonge Street, provided the width is to be measured parallel to the *lot* line adjacent to Yonge Street;
- (6) *parking spaces* for the occupants of, and visitors to the building are provided and maintained on the *lot* in accordance with the following:
- (a) a minimum of 0.3 *parking spaces* per *bachelor dwelling unit*;
 - (b) a minimum of 0.7 *parking spaces* per one *bedroom dwelling unit*;
 - (c) a minimum of 1.0 *parking spaces* per two *bedroom dwelling unit*;
 - (d) a minimum of 1.2 *parking spaces* per three *bedroom dwelling unit*; and
 - (e) a minimum of 0.12 *parking spaces* per *dwelling unit* for visitors to the building;

- (7) *parking spaces* for non-residential uses in the *mixed-use building* are provided and maintained on the *lot* at a ratio of not less than 1.0 *parking spaces* for each 80 square metres of *non-residential gross floor area* used for a *retail store* or *service, rental or repair shop* and not less than 1.0 *parking spaces* for each 33 square metres of *non-residential gross floor area* used for a *restaurant* and not less than 1.0 *parking spaces* for each 93 square metres of rentable office space;
- (8) no building shall be erected and used on the *lot* unless *street related retail and service uses* are provided and at least 60 percent of the aggregate length of the portion of the *frontage* of the *lot* abutting Yonge Street is used for such purpose;
- (9) no building or structure shall be erected and used on the *lot* unless a minimum of 460 square metres of *publicly accessible open space* is provided on the *lot*;
- (10) no building or structure shall be erected on the *lot* unless *residential amenity space* is provided in accordance with the following table:

Type of Residential Amenity Space Required	Amount of Residential Amenity Space Required
<i>Residential amenity space</i> in a multi-purpose room(s), at least one of which contains a kitchen and a washroom:	2 square metres of <i>residential amenity space</i> for each <i>dwelling unit</i>
<i>residential amenity space</i> located outdoors:	2 square metres of <i>residential amenity space</i> for each <i>dwelling unit</i> of which a least 40 square metres is to be provided in a location adjoining or directly accessible from indoor residential amenity space, and of which at least 1,000 square metres is to be available for the exclusive use of residents of the building;

- (11) 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 contribution of \$1,000,000.00 towards the provision of affordable rental housing for seniors in the community;
- (ii) the contribution of \$200,000.00 toward the construction or improvement of a below grade pedestrian connection to the Eglinton subway station;
- (iii) the provision of an open space area which will provide public use of the courtyard and public pedestrian access from Yonge Street to the public lane adjacent to the east *lot* line;

- (iv) the building shall be constructed with building materials consisting of limestone for the cladding of the podium of the building facing Yonge Street and the open space area, and a glazed cladding system for the tower elements of the building;
- (v) in the event of the redevelopment of its building at 2239 Yonge Street, the owner of 2239 Yonge Street shall provide the potential for a publicly accessible below grade pedestrian connection, that will, if other connections are made, provide below grade pedestrian access to the Eglinton subway station, as part of the planning approval process for such redevelopment; and
- (vi) the provision of an accessible below grade pedestrian connection on the *lot* to provide the potential for an underground connection to the lands located immediately north of the *lot*, which are municipally known as of the date of this By-law as 2221 and 2225 Yonge Street, that will, if other connections are made, provide below grade pedestrian access to the Eglinton subway station.

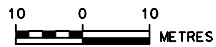
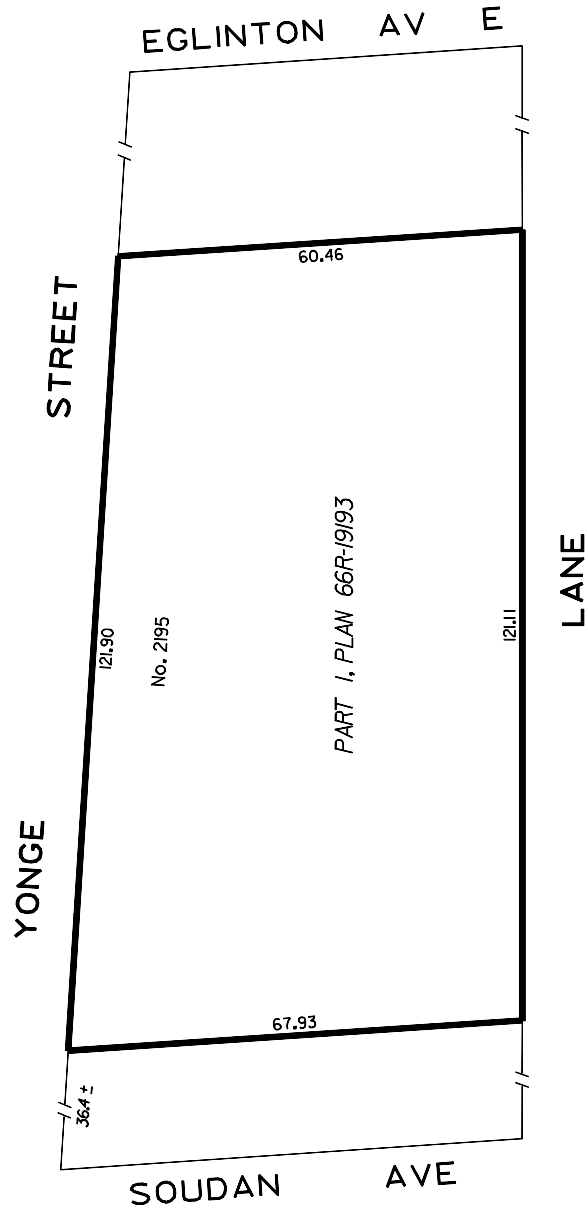
2. For the purposes of this By-law:

- (1) “*height*” shall mean the vertical distance between *grade* and the highest point of the roof except for those elements prescribed in section 1(5)(i) and (ii);
- (2) “*publicly accessible open space*” shall mean a paved, sodded or landscaped exterior area or areas on the *lot* which includes access for pedestrians and which abuts and is directly accessible from Yonge Street and the public lane adjacent to the east *lot* line, and which may contain building elements such as, but not limited to, overhead structures and vents;
- (3) “*residential amenity space*” shall mean a common area or areas within the *lot* which are provided for the exclusive use of residents of the building for recreational and social purposes, except that outdoor areas that are accessible to the public located at the ground level may be included as part of the outdoor *residential amenity space* required by this By-law; and
- (4) all terms appearing in italics shall have the same meaning as those terms have for the purpose of the aforesaid By-law No. 438-86, except as hereinbefore provided.

3. Notwithstanding any severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.

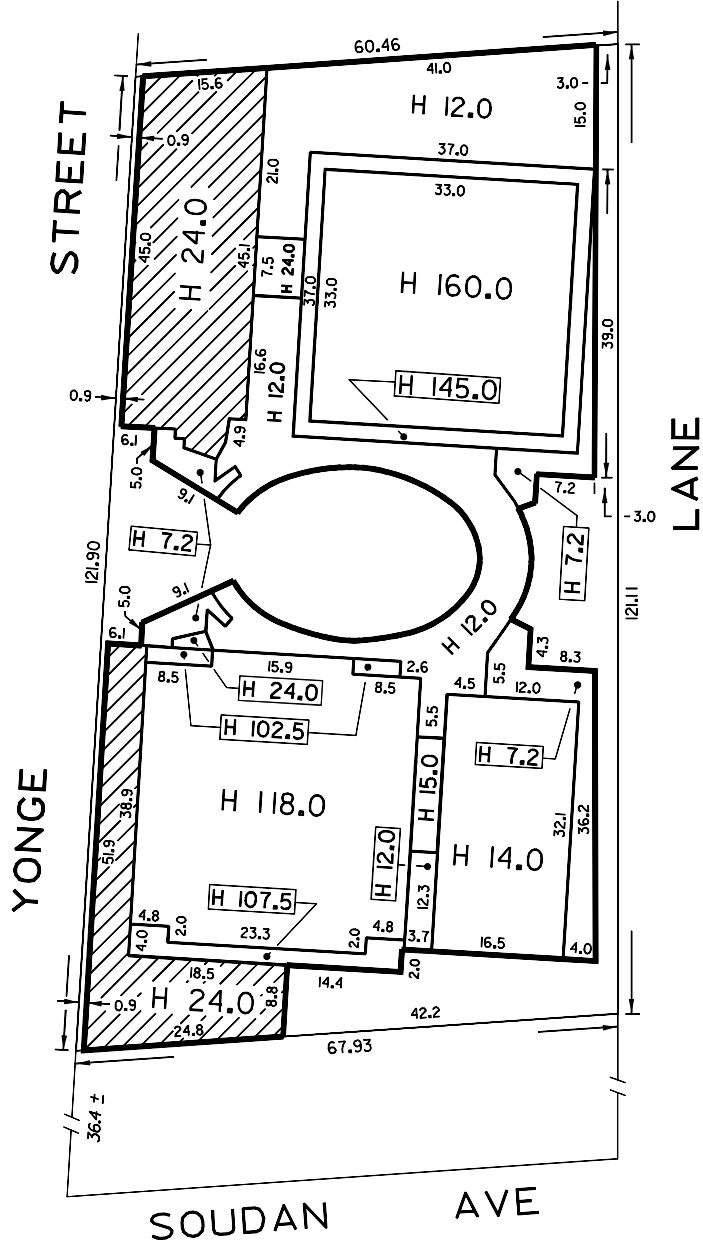
PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JUNE 27, 2003 IN BOARD FILE NO. PL011152.

MAP 1



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO DECEMBER, 2002
BL02/2195Y01.DGN
FILE: Y1-Z181
MAP No. 51K-321 DRAWN: D.R.

MAP 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

AREA A



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO JUNE 11, 2003
 BLO2/2195Y02.DGN
 FILE: Y1-Z181
 MAP No. 51K-321 DRAWN: D.R.