

CITY OF TORONTO

BY-LAW No. 250-2004(OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto, as amended, with respect to lands known municipally as Nos. 116-134 Yorkville Avenue and No. 10 Hazelton Avenue.

WHEREAS the Ontario Municipal Board pursuant to its Order No. 0101, issued on January 15, 2004 upon hearing the appeal of York Rowe Ltd. under Section 34 of the *Planning Act*, R.S.O. c.P. 13, as amended, determined to amend the By-law No. 438-86 for the former City of Toronto;

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

1. None of sections 4(2)(a)(i) and (ii), 4(5), 4(6)(b), 8(3) PART I 1, 8(3) Part I 2 and 8(3) Part II 1(a)(ii) 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*, consisting of *dwelling units*, *street related retail and service uses* and a *hotel*, on the *lot* provided:
 - (1) the *lot* consists of at least the lands shown on the attached Plan 1;
 - (2) such building is located within the heavy lines shown on the attached Plan 2 with the exception of:
 - (i) canopies, light fixtures, cornices and ornamental planters which may extend beyond the heavy lines shown on Plan 2;
 - (ii) open balconies extending to a maximum horizontal projection of 1.5 metres beyond the heavy lines shown on Plan 2;
 - (3) the *height* of such building shall not exceed the height limits specified by the numbers following the symbol H on Plan 2 with the exception of:
 - (i) guard-rails not exceeding a height of 1.2 metres above the height limit shown on Plan 2;
 - (ii) chimney stack, window washing equipment and ornamental planters above the fourth floor;
 - (iii) partitions separating outdoor living areas between *dwelling units* on the east, north and west side of such building and on the south side of such building above the eighth floor, and erected at an angle no greater than 45 degrees from the railing to a maximum height of 1.8 metres at the building wall;

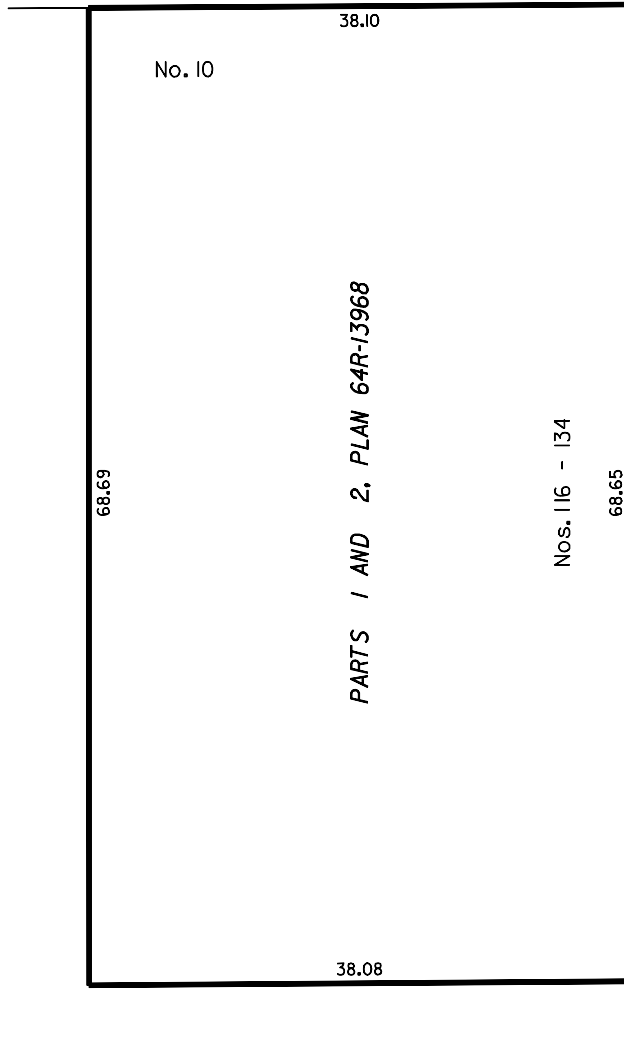
- (iv) a parapet up to a height of 0.2 metres above the fourth, sixth and eighth floor roofs;
- (4) such building above *grade* does not exceed 9 *storeys*;
- (5) the combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 14,561 square metres;
- (6) the *residential gross floor area* of such building does not exceed 6819 square metres;
- (7) such building contains not more than 19 *dwelling units* and not more than 81 *hotel suites*;
- (8) the *non-residential gross floor area* of such building does not exceed 8142 square metres of which:
 - (i) at least 600 square metres is used for no purpose other than *street-related retail and service uses* and consisting of at least three shops and stores of which not more than one shall consist of a *restaurant* or *take-out restaurant*;
- (9) two *loading spaces-type B* and two *loading spaces-type C* shall be provided and maintained on the *lot*;
- (10) *parking spaces* are provided and maintained on the *lot* as follows:
 - (i) at least 45 *parking spaces* shall be provided and maintained for the residential component of the building;
 - (ii) one *parking space* shall be provided and maintained for the visitors to the residential component of the building;
 - (iii) at least 20 and not more than 74 *parking spaces* shall be provided and maintained for the *hotel* component of the building;
 - (iv) not more than 47 *parking spaces* shall be provided and maintained for the retail component of the building;
- (11) the owner of the *lot* enters into an agreement, pursuant to Section 37 of the *Planning Act*, to secure the provision of the following facilities, services and matters:
 - (i) the provision and maintenance of one or more works of art pursuant to a public art program in publicly accessible portions of the *lot* of a value of Three Hundred Thousand \$300,000.00 Dollars and increased annually by an amount equal to the percentage increase in the “Construction Price Statistics” or an equivalent index;

- (ii) the provision and maintenance of building materials of the building to be erected in accordance with the plans filed with the City prepared by Page and Steele, Architects, date stamped as received on October 30, 2003 and redlined on November 28, 2003;
 - (iii) the provision and maintenance of the design of the building to be substantially in accordance with the plans filed with the City prepared by Page & Steele, Architects, date stamped as received on October 30, 2003 and redlined on November 28, 2003;
 - (iv) the provision and maintenance of those services, facilities and matters collateral to those secured by site plan approval pursuant to Section 41 of the *Planning Act*.
2. For the purpose of the By-law, *grade* shall mean 116.11 metres Canadian Geodetic Datum and *height* shall mean the vertical distance between *grade* and the highest point of the buildings or structures.
 3. Except as otherwise provided in this By-law, each word or expression which is italicized herein shall have the same meaning as each word and expression as defined in the aforesaid By-law No. 438-86, as amended.
 4. By-law No. 552-93 being, "A By-law to amend By-law No. 438-86, as amended by By-law No. 425-93, respecting lands known as Nos. 116 to 134 Yorkville Avenue and No. 10 Hazelton Avenue, as amended by By-law No. 1994-0426, is hereby repealed.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JANUARY 15, 2004 IN BOARD CASE NO. PL021193.

PLAN 1

HAZELTON AVENUE



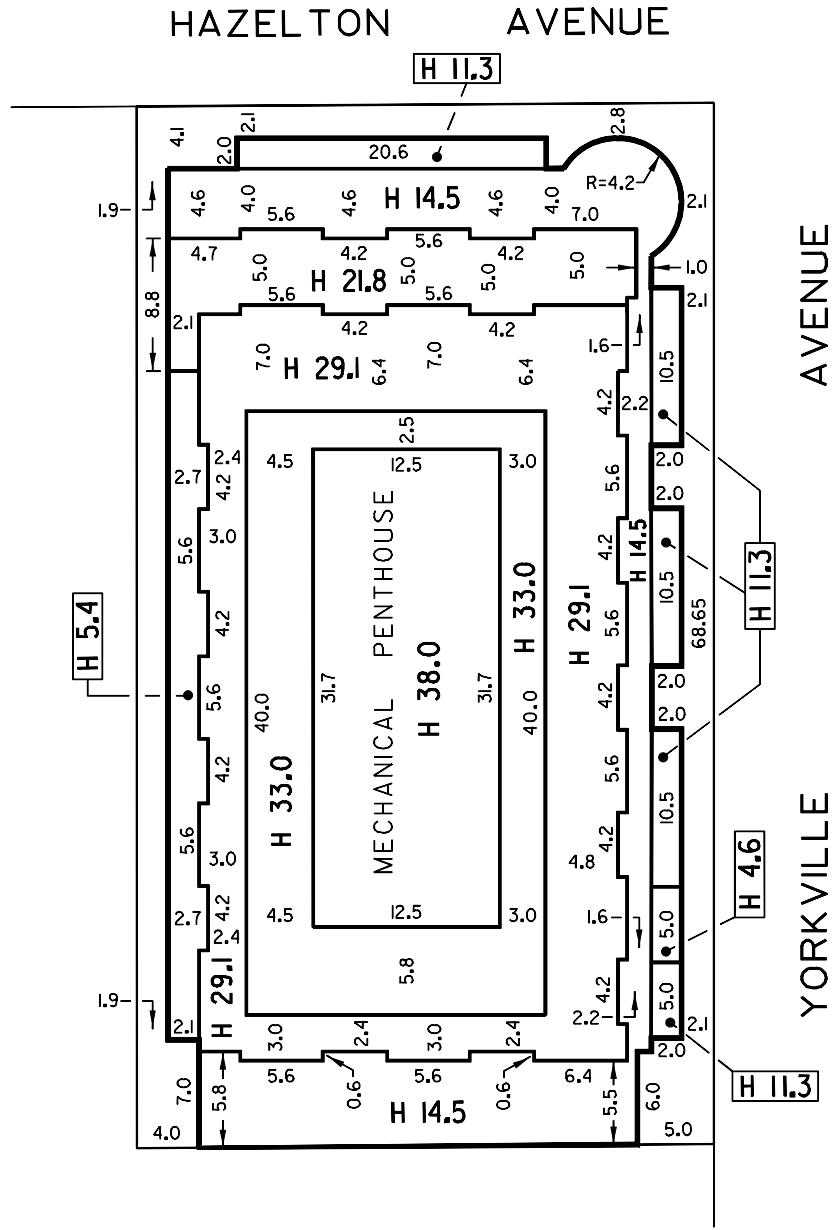
YORKVILLE AVENUE

YORKVILLE



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO NOVEMBER, 2003
BL03/116YORK1.DGN
FILE: Y6-Z1
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 NOVEMBER 21, 2003
BLO3/116YORK2.DGN
FILE: Y6-Z1
MAP No. 50J-313 DRAWN: D.R