

CITY OF TORONTO

BY-LAW No. 2-2010(OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as Nos. 3018 and 3020 Yonge Street.

WHEREAS the Ontario Municipal Board, deems it advisable to amend the former City of Toronto General Zoning By-law No. 438-86, as amended, with respect to certain lands known municipally in the year 2007 as Nos. 3018 and 3020 Yonge Street;

THEREFORE pursuant to an Order of the Ontario Municipal Board issued on July 3, 2008 in Board File No. PL060944, By-law No. 438-86, as amended, of the former City of Toronto, is amended as follows:

Section 12(1) of By-law No. 438-86 is amended by adding a new Section 12(1) 478, as follows:

1. None of the provisions of Section 2(1) with respect to the definitions of *grade*, and *parking space*, and Sections 4(2)(a), 4(4)(b), and 4(6)(c), Section 8(3) Part I 1 and 3, Section 8(3) Part II 1(b), Section 8(3) Part II 4(c) and Section 12(2)(107) 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 use of one or more *residential buildings*, including an *accessory parking garage* and uses *accessory* thereto on the *lot*, provided that:
 - (a) the *lot* consists of the lands delineated by heavy lines on the attached Map 1;
 - (b) no building or structure on the *lot* may be erected and used for any other purpose than a *residential building*;
 - (c) the maximum combined *residential gross floor area* permitted on the *lot* does not exceed 15,807 square metres;
 - (d) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines 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, vents, wheel chair ramps, ramp enclosures, underground garage ramps and their associated structures, retaining walls and landscape features, all of which may extend beyond the heavy lines on the attached Map 2;

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- (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, except for the following:
 - (i) structures on the roof of the building used for outside or open air recreation together with associated access and service facilities and for safety or wind protection purposes may exceed the *height* limit on Map 2 by no more than 6 metres. For the purposes of this By-law, the space used for access and service facilities shall be included in the calculation of the Gross Floor Area of the building; and
 - (ii) a mechanical penthouse, stair tower, elevator shaft and associated equipment, chimney stack or other heating, cooling or ventilating equipment, window washing equipment, cornices, lighting fixtures, awnings, canopies, ornamental elements, ornamental façade, parapets, trellises, balconies, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, and public art features may exceed the maximum *height* limits as shown on the Map 2 by no more than 6 metres.
 - (f) a minimum number of *parking spaces* shall be provided and maintained below *grade* on the *lot* in accordance with the following:
 - (i) 0.50 *parking spaces* for each *bachelor dwelling unit*;
 - (ii) 0.50 *parking spaces* for each *one-bedroom dwelling unit*;
 - (iii) 0.75 *parking spaces* for each *two-bedroom dwelling unit*; and
 - (iv) 0.06 *parking spaces* for every *dwelling unit* for visitors.
 - (g) one *loading space-type G* shall be provided and maintained; and
 - (h) a minimum two square metres of indoor amenity space plus a minimum two squares of outdoor amenity space shall be provided and maintained for each dwelling unit. Indoor and outdoor facilities on the roof of the building may be used for amenity space purposes.

2. **Toronto Transit Commission Requirements:**

(a) **Technical Review**

Prior to starting any demolition or construction, or the issuance of the first or any building permit, the owner shall complete a Toronto Transit Commission (TTC) Technical Review of the proposed development as applicable to the particular permit under application, and obtain the TTC's written acknowledgment that the owner has satisfied all of the conditions arising out of the review. As part of the review process, the owner shall provide the requisite information and pay the associated review fee to the TTC.

(b) Subway Operations Interferences Warning:

The owner shall agree that warning clauses regarding the TTC right-of-way shall be inserted in all offers to purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each residential unit, condominium unit, lot, and or block within the proposed development. Such warning clauses shall advise of the potential for noise, vibration smoke and particulate matter or electromagnetic interferences and stray current impacts on the proposed development, and that TTC accepts no responsibility for such effects.

(c) Below-Grade Setback from TTC Infrastructure

No portion of the building or structure below *grade*, including shoring and foundations, may be located closer than 3 metres from any part of the Toronto Transit Commission Yonge Street subway, Lawrence Station or associated bus ramp.

3. Section 37 Provisions

- (a) Prior to the issuance of an above-grade building permit, the owner of the land shall pay to the City of Toronto the sum of \$75,000 to be used for streetscape and other city capital improvements in the local area of the *lot*, as determined by the City's Chief Planner in consultation with the Ward Councillor.
- (b) The sum referred to in Clause a) herein shall be indexed to the Consumer Price Index from the date of execution of an agreement under Section 37 of the *Planning Act* until the date the owner pays such sum.
- (c) The said agreement shall be registered on title to the lands as a first charge and such agreement and registration shall be to the satisfaction of the City Solicitor.

4. None of the provisions of By-law No. 438-86 shall apply to prevent a *sales office* on the *lot* as of the date of the passing of this By-law.

5. For the purpose of this By-law:

- (i) *grade* shall mean the average elevation of the finished ground floor;
- (ii) *parking space* means an unobstructed area, at least
 - length 5.6 metres
 - width 2.6 metres
 - height 2.0 metresexcept that the minimum required width of a *parking space* shall be increased by 0.3 metres when one or both sides of the *parking space* is obstructed.

For a *parking space* accessed by a one-way or two-way drive aisle having a minimum width of less than 6.0 metres, the minimum dimensions of a *parking space* shall be:

- length 5.6 metres
- width 3.0 metres
- height 2.0 metres

except that the minimum required width of a *parking space* shall be increased by 0.3 metres when one or both sides of the *parking space* is obstructed.

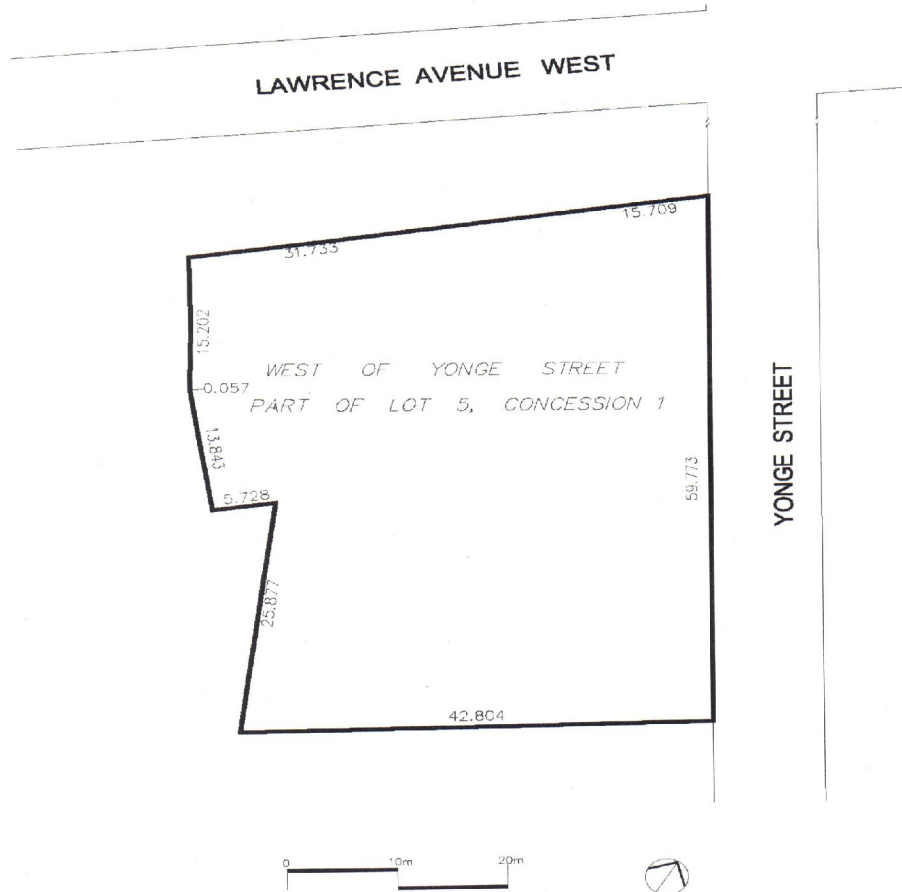
For the purposes of this definition, the side of a *parking space* is obstructed when any part of a fixed object such as, but not limited to, a wall, column, bollard, fence or pipe is situated:

- (i) within 0.3 metres of the side of the *parking space*, measured at right angles;
- (ii) more than 1.0 metres from the front or rear of the *parking space*; and
- (iii) *sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*.

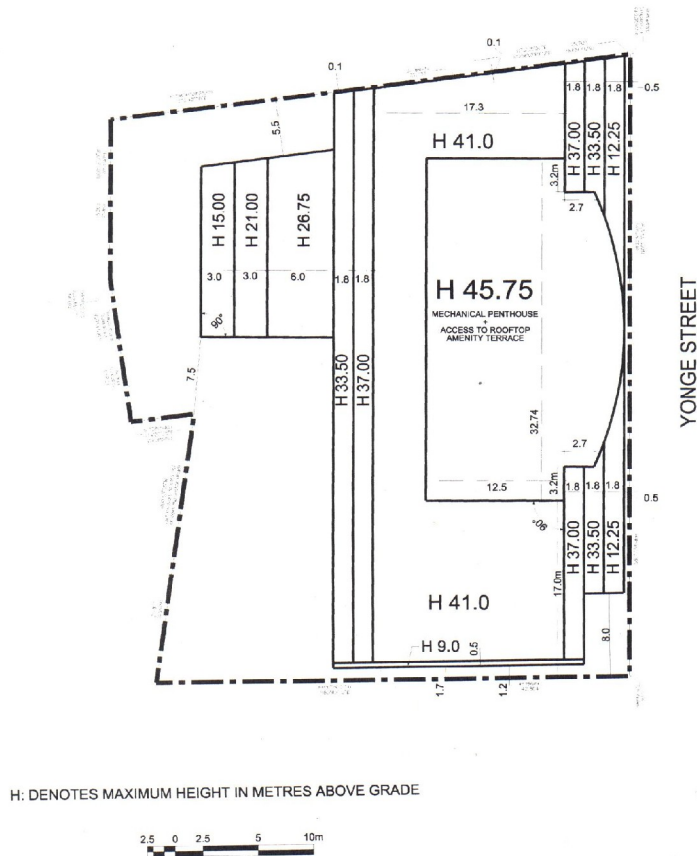
6. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.

PURSUANT TO A DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JULY 3, 2008 UNDER BOARD CASE FILE NO. PL060944.

MAP 1



MAP 2



0253-5127 Oct 16-08 NTS