

## CITY OF TORONTO

### BY-LAW No. 114-2005(OMB)

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 169 John Street.**

WHEREAS the Ontario Municipal Board, by way of Order No. 1985, issued on December 29, 2004 following an appeal pursuant to Section 34(11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended and with the consent of the City of Toronto pursuant to Notice of Motion J(23), as adopted by City Council at its meeting of October 26, 27 and 28, 2004 and as amended by Notice of Motion J(31), as adopted by City Council at its meeting of November 30, December 1 and 2, 2004 determined to amend the former City of Toronto Zoning By-law No. 438-86, as amended, the General Zoning By-law, in respect of lands municipally known as 169 John Street; and

WHEREAS pursuant to Section 37 of the *Planning Act*, a By-law passed under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond that otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

WHEREAS the increase in height and residential density of development permitted under this By-law beyond that otherwise permitted on the lands by By-law No. 438-86, as amended is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the Owner and the City of Toronto;

THEREFORE By-law No. 438-86, the General By-law, of the former City of Toronto, is further amended by the Ontario Municipal Board as follows:

1. None of the provisions of Sections 2(1) with respect to the definition of “height”, 4(2)(a), 4(5)(h), 4(10), 4(12), 4(13)(c), 6(1)(a), and 6(3) Parts I, II and III of the aforesaid 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 related to buildings and structures and to prohibit certain uses on land 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* on the *lot* containing not more than 45 *dwelling units* and which may include a *parking stacker*, subject to the following:
  - (a) the *lot* consists of the lands shown within the heavy lines on the attached Map 1;
  - (b) the total *residential gross floor area* erected and used on the *lot* does not exceed 4,067 square metres;
  - (c) the uses otherwise permitted in Section 6(1) of By-law No. 438-86 continue to be permitted on the *lot* subject to the other applicable provisions of By-law No. 438-86;

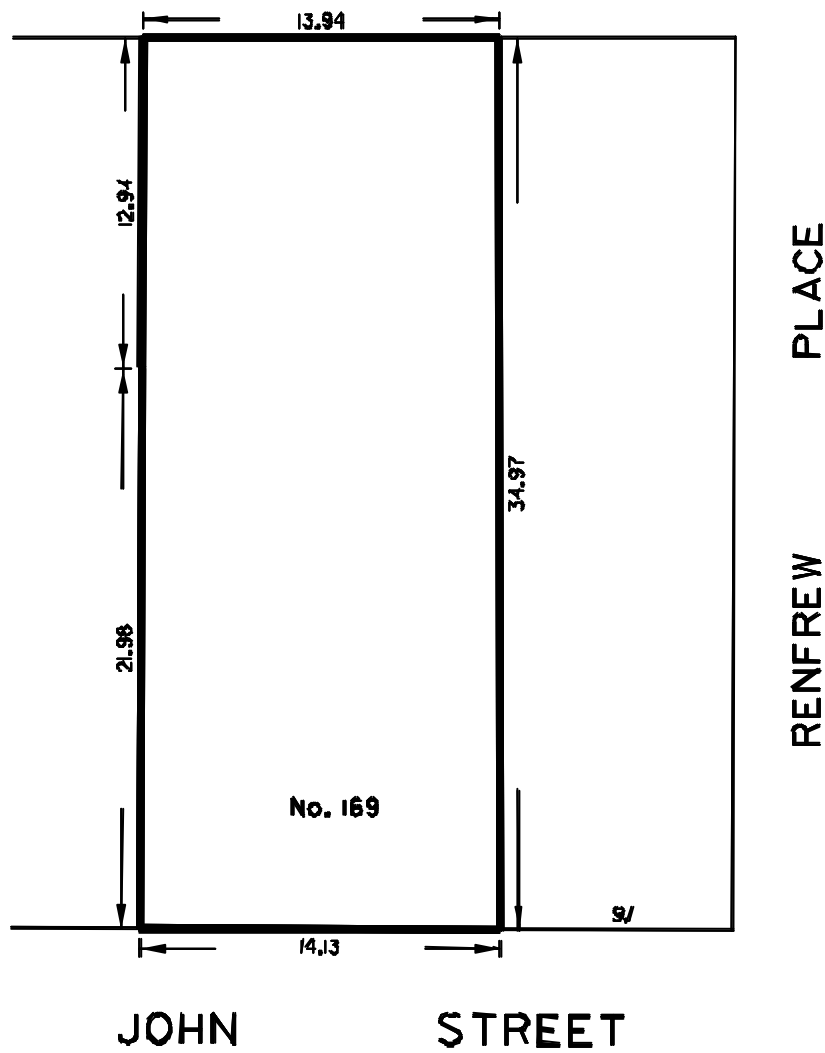
- (d) the *height* of the building and structures within the heavy lines on the attached Map 2 shall not exceed the *height* limits indicated thereon, including any elements permitted in Section 4(2)(a) of the aforesaid By-law No. 438-86, provided that this paragraph does not prevent the erection and use of:
  - (i) a railing or railings located on a roof of the building provided the maximum height of any such railing does not exceed 1.05 metres; and
  - (ii) a parapet at each of the roof levels of the building provided the maximum vertical dimension of any such parapet does not exceed 0.4 metres;
- (e) no part of any building or structure erected on the *lot*, above *grade*, is located otherwise than wholly within the areas delineated by the heavy lines on Map 2 with the exception of permanent fixed landscape planters and seating areas;
- (f) a minimum of 2.3% of the area of the *lot* shown on Map 1 shall be provided as *landscaped open space*; and
- (g) the following maximum standards pertaining to windows on the south side of any building or structure erected on the *lot* are complied with:
  - A. no portion of the building face located between a point measured 13.3 m from the west property line of the *lot* and 15.0 m from the east property line of the *lot*, at each of the fifth floor to the tenth floor of the building inclusive, shall contain greater than 25% transparent window glazing;
  - B. no portion of the building face located between the two points measured 6.8 m and 13.3 m from the west property line of the *lot*, at each of the fifth floor to the tenth floor of the building inclusive, shall contain greater than 50% transparent window glazing;
  - C. no portion of the building face located between the two points measured 8.3 m and 15.0 m from the east property line of the *lot*, at each of the fifth floor to the tenth floor of the building inclusive, shall contain greater than 50% transparent window glazing;
  - D. no portion of the building face located between the two points measured 0.2 m and 6.8 m from the west property line of the *lot*, at each of the fifth floor to the tenth floor of the building inclusive, shall contain greater than 70% transparent window glazing; and
  - E. no portion of the building face located between the two points measured 1.8 m and 8.3 m from the east property line of the *lot*, at each of the fifth floor to the tenth floor of the building inclusive, shall contain greater than 70% transparent window glazing.

2. (1) The height and density of development herein before set out are permitted subject to compliance with the conditions of this By-law and provided the owner of the *lot*, at its expense, in accordance with and subject to the agreement referred to in Section 2(2) herein pays to the City the sum of \$100,000.00 to be used toward improvements to Grange Park and/or streetscape improvements on McCaul Street and/or John Street, such payment to be made in two phases with \$50,000.00 to be paid to the City prior to the issuance of the first building permit other than a demolition permit for the *lot*, and a further \$50,000.00 to be paid upon the earlier of prior to the first occupancy of the development or registration of any condominium plan on any portion of the *lot*; and
- (2) The owner of the *lot* shall enter into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required in Section 2(1) herein, such agreement to be registered on title to the *lot* as a first priority subject only to the fee simple interest in the *lot*.
3. For the purpose of this By-law,
- (1) “*height*” means the vertical distance between *grade* and the highest point of the roof, building or structure, including any mechanical equipment or structure;
- (2) “*grade*” means 90.25 metres above sea level; and
- (3) each word or expression which is italicized herein shall have the same meaning as such word or expression as defined in the aforesaid By-law No. 438-86, as amended, unless otherwise defined herein.

PURSUANT TO ORDER NO. 1985 OF THE ONTARIO MUNICIPAL BOARD ISSUED DECEMBER 29, 2004, IN BOARD CASE NO. PL040133.

## MAP I

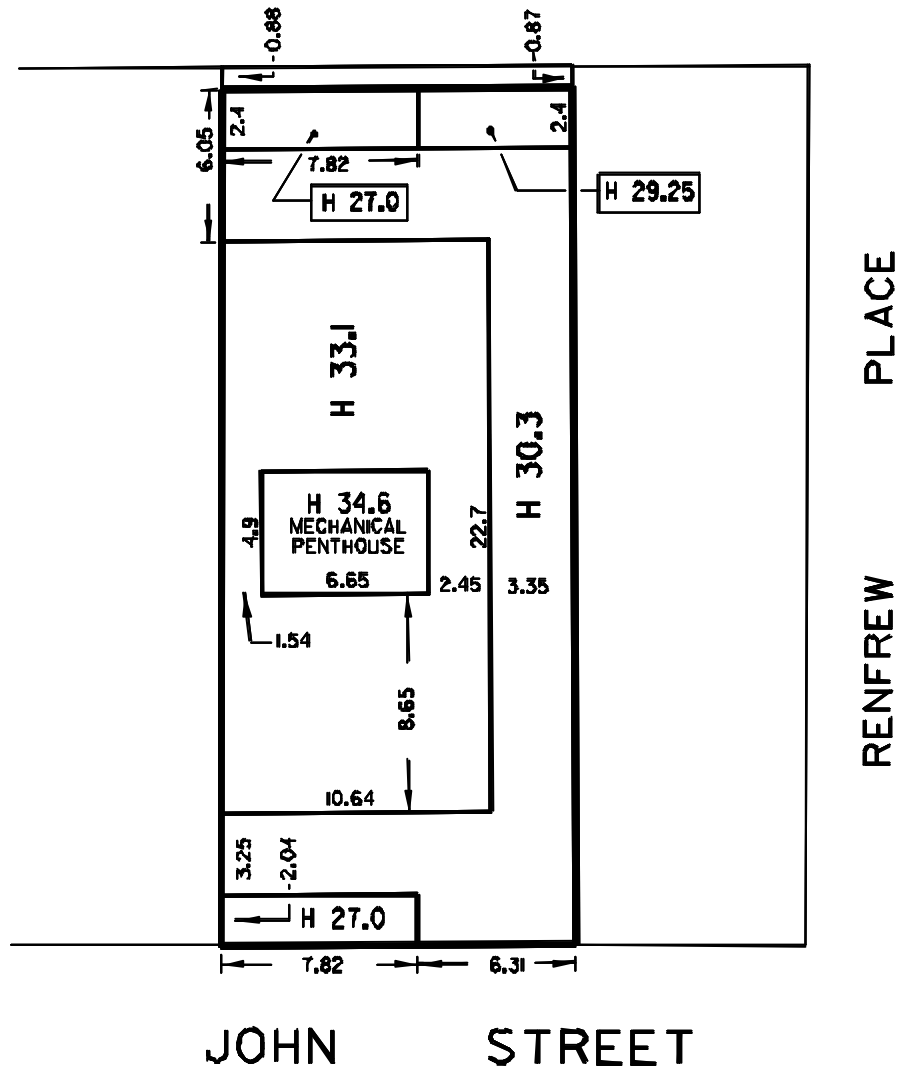
## ST. PATRICKS MARKET



WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO NOVEMBER, 2004  
 BLO4/169JDN1.DGN  
 FILE: JT-Z16  
 MAP No. 504-312 DRAWN: VG

## MAP 2

## ST. PATRICKS MARKET



METRES



WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO DECEMBER, 2004  
 BLO4/168JOHN2.DGN  
 FILE: J7-216  
 MAP No. 50H-312 DRAWN: VG