

CITY OF TORONTO

BY-LAW No. 470-2005(OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally as 330 Spadina Road.

WHEREAS the Ontario Municipal Board pursuant to its Order No. 1221 issued September 11, 2002, upon hearing an appeal under Section 34(11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, deems it advisable to amend By-law No. 438-86 of the former City of Toronto;

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

1. None of the provisions of Section 2(1) with respect to the definitions of *grade*, *height* and Sections 4(2)(a), 4(4)(b), 4(12), 4(13), 6(3)Part I, 6(3)Part II, and 6(3) Part IV2.of Zoning 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 or use of an *apartment building* and *accessory* uses, including a *parking garage*, on the *lot* provided that:
 - (a) the *lot* comprises those lands delineated by heavy lines on Map 1 attached hereto;
 - (b) the *apartment building* may consist of *Tower One* and *Tower Two*;
 - (c) the *residential gross floor area* on the *lot* shall not exceed the *residential gross floor area* contained in *Tower One* as of the date of this by-law, and a maximum of 10,600 square metres of *residential gross floor area* in *Tower Two*;
 - (d) a maximum of 244 *dwelling units* shall be permitted on the *lot*, subject to the following:
 - (i) the maximum number of *dwelling units* permitted in *Tower One* shall be 141; and,
 - (ii) the maximum number of *dwelling units* permitted in *Tower Two* shall be 103;
 - (e) no above *grade* portion of *Tower Two* is located otherwise than wholly within the area delineated by heavy lines shown on Map 3 subject to the following:
 - (i) eaves, cornices, balustrades, mullions, and parapets are permitted to project 0.45 metres beyond the heavy lines shown on Map 3;
 - (ii) railings, vents, fences, wheelchair ramps, exit stairs, retaining walls, a parking garage ramp and associated ramp structures, including but not limited to a ramp enclosure, are permitted outside the heavy lines shown

on Map 3, provided the maximum vertical projection of such elements does not exceed 1.8 metres above finished ground level;

- (f) the *height* of the *apartment building* shall not exceed the *height* limits shown on Map 3, except for:
 - (i) a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of the *apartment building* or a fence, wall or structure enclosing such elements shall be permitted within the area labelled as Mechanical Penthouse on Map 3;
 - (ii) safety railings to a maximum height of 1.5 metres and privacy screens to a maximum height of 1.8 metres above the *height* limits shown on Map 3 on that portion of *Tower Two* identified with a *height* limit of 40.0 metres on Map 3;
 - (iii) parapets to a maximum height of 0.3 metres above the *height* limits shown on Map 3 for *Tower Two*; and
 - (iv) eaves, cornices, balustrades and mullions;
- (g) *parking spaces* shall be provided in accordance with the following:
 - (i) a minimum of 174 *parking spaces* shall be provided for *Tower One* on the *lot*, of which 35 *parking spaces* shall be for the exclusive use of visitors;
 - (ii) *parking spaces* for *Tower Two* shall be provided on the *lot* at the rate of one *parking space* for each 102 square metres of *residential gross floor area* therein, plus one *parking space* for each four *dwelling units*, or fraction thereof, for visitors;
- (h) residential *amenity space* shall be provided as follows:
 - (i) residential *amenity space* shall not be required for *Tower One*, provided that any increase in the number of *dwelling units* beyond 141 shall be subject to the provisions of Section 4(12) of By-law No. 436-86, as amended;
 - (ii) residential *amenity space* for *Tower Two* shall be provided in accordance with Section 4(12) of By-law No. 438-86, as amended, subject to the following:
 - A. required *residential amenity space* located outdoors shall be located adjacent to any portion of *Tower Two*, of which at least 40 square metres shall be provided in a location adjoining or directly accessible from the indoor *residential amenity space*;

- (i) *bicycle parking spaces* be provided as follows:
 - (i) *bicycle parking spaces* shall not be required for *Tower One*, provided that any increase in the number of *dwelling units* beyond 141 shall be subject to the provisions of Section 4(13) of By-law No. 436-86, as amended; and
 - (ii) *bicycle parking spaces* for *Tower Two* shall be provided in accordance with Section 4(13) of By-law No. 438-86, as amended.

2. Definitions:

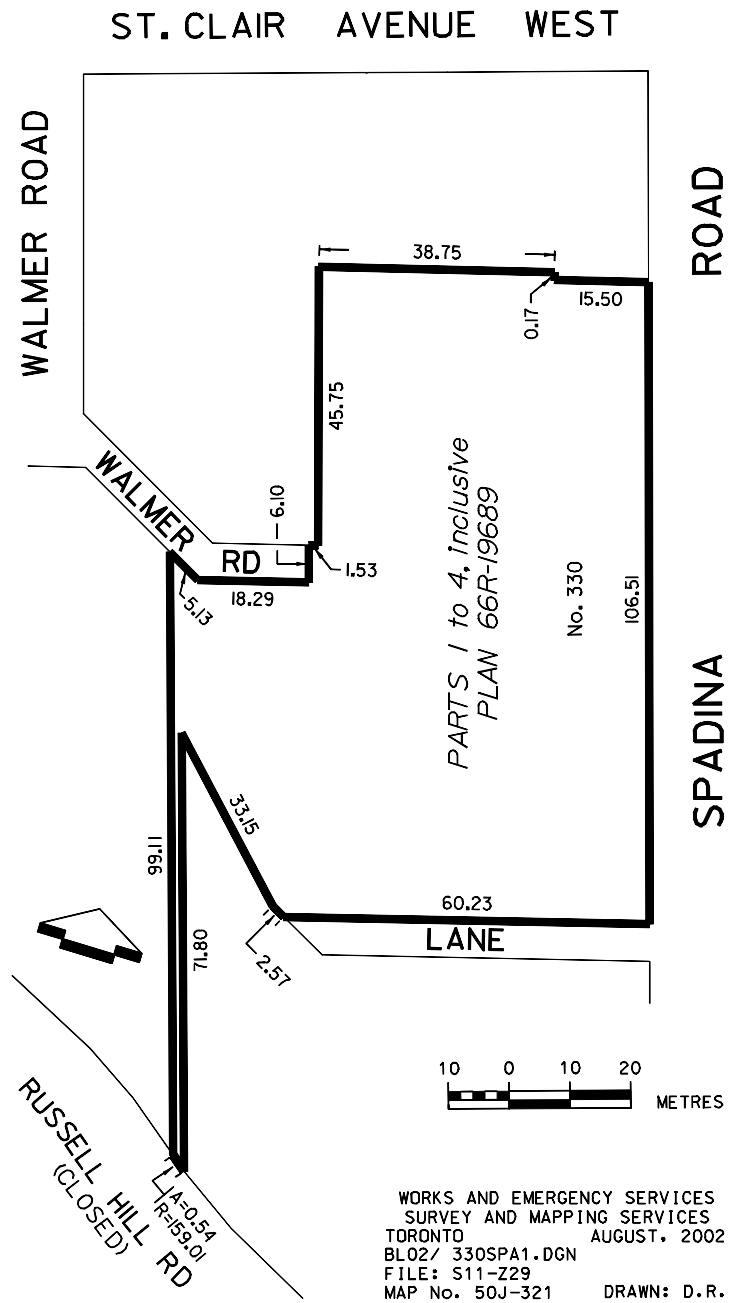
- (i) For the purposes of this By-law, the terms set forth in italics, subject to Section 2.(ii) of this By-law, have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended;
- (ii) the following definitions shall apply:
 - (a) “*grade*” means 153.54 metres Canadian Geodetic Datum;
 - (b) “*height*” means the vertical distance measured between *grade* and highest point of the buildings or structures;
 - (c) “*Tower One*” means the existing *apartment building* and *accessory* structures, including an underground *parking garage*, enclosed garage entry ramp, any outdoor swimming pool and associated amenity structures, subject to internal modifications or alterations which do not result in any additional *residential gross floor area*, located on the *lot* in the year 2001 as shown on Map 2; and
 - (d) “*Tower Two*” means any building or structures within the heavy lines shown on Map 3 above finished ground, as well as buildings or structures below finished ground associated with buildings or structures above finished ground.

3. 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.

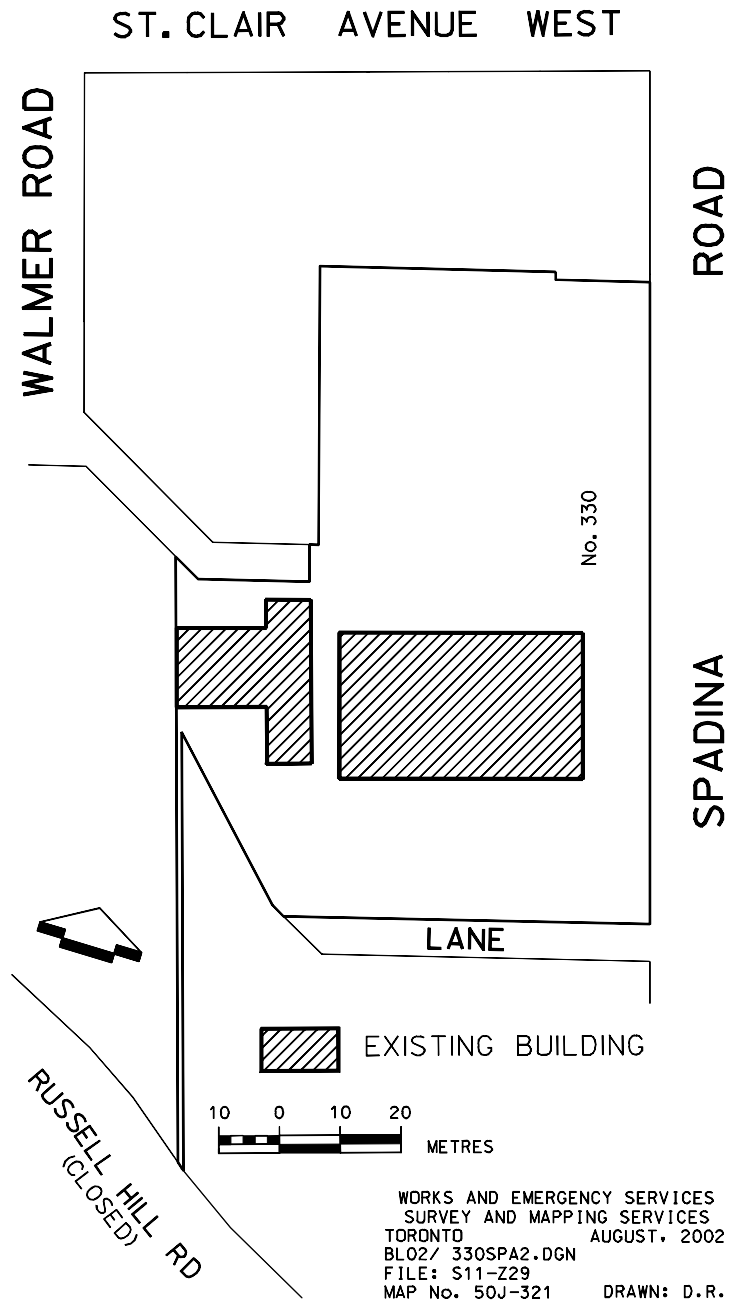
4. By-law No. 22311 is hereby repealed.

PURSUANT TO THE DECISION/ORDER NO. 1221 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON SEPTEMBER 11, 2002 IN BOARD FILE NO. PL000933.

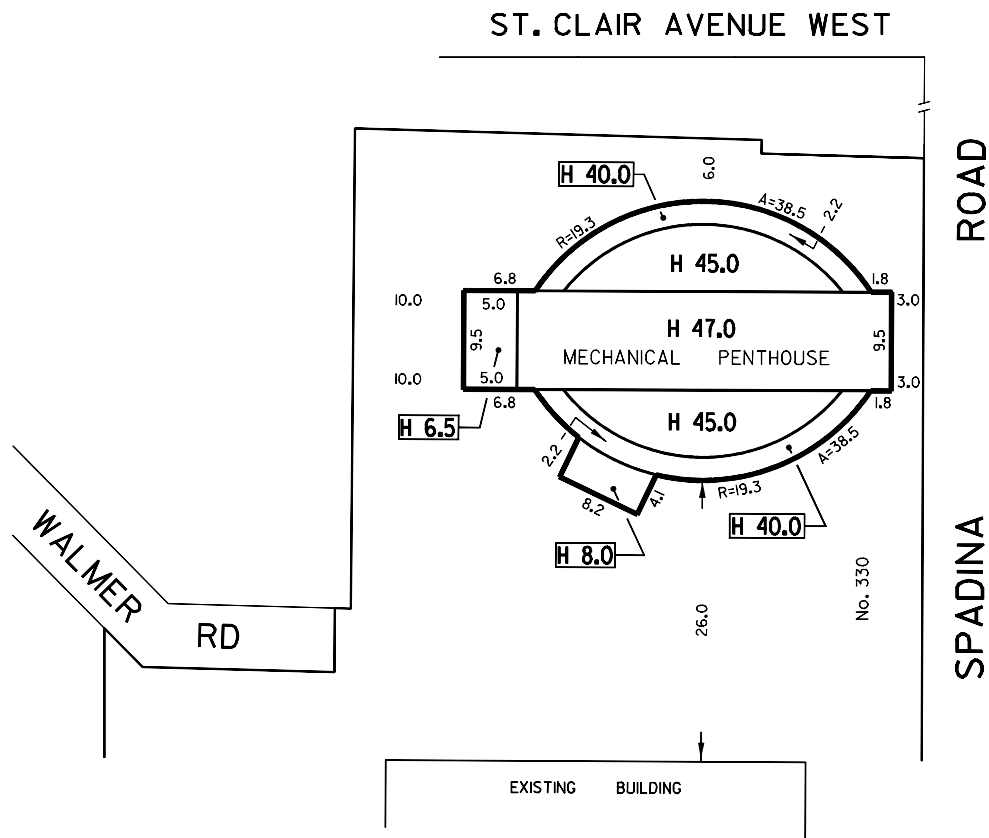
MAP 1



MAP 2



MAP 3



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

10 0 10
METRES



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO, AUGUST, 2002
BL02/ 330SPA3.DGN
FILE: S11-Z29
MAP No. 50J-321 DRAWN: D.R.