

CITY OF TORONTO

BY-LAW No. 1279-2007(OMB)

To amend Zoning By-law Nos. 438-86 and 1996-0340, as amended, of the former City of Toronto as it applies to lands municipally known as 121 Avenue Road.

WHEREAS the Ontario Municipal Board, pursuant to Order Nos. 2890 and 2522 issued on October 16, 2006 and September 14, 2007, upon hearing the appeal of Aldergreen Estates Inc. under Sections 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c.P. 13, determined to amend the By-law Nos. 438-86 and 1996-0340, as amended, for the former City of Toronto;

THEREFORE the Ontario Municipal Board HEREBY ENACTS as follows:

1. None of the provisions of Sections 2(1) definition of *parking space*, 4(2)(a) and 4(5)(b), 4(5)(i)(ii), 8(1)(f) related to the use of “*parking stacker*”, 8(3) Part I, 1-Combined Density, 8(3) Part I 2, 8(3) Part II 1(a)(ii), 8(3) Part III 1(a), 8(3) Part XI 2(2) minimum depth of retail (7.5 m) 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* provided:
 - (1) the *lot* on which the proposed building is to be located comprises the lands outlined by heavy lines on Map 1, attached to and forming part of this By-law;
 - (2) no portion of the building above the finished ground level is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 2, and the permitted height, with the exception of cornices, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellis, balconies, eaves, covered walkways, landscaped decks, patios, terraces, service driveways, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, underground garage ramps and their associated structures and landscape features, all of which may extend beyond the heavy lines shown on Map 2;
 - (3) no portion of the building *height* shall exceed the *height*, in metres above *grade*, following the symbol “H” as shown on Map 2;
 - (4) the combined total *non-residential gross floor area* and *residential gross floor area* shall not exceed 2,509 square metres;
 - (5) the *non-residential gross floor area* shall not exceed 1,807 square metres;
 - (6) the *residential gross floor area* shall not exceed 702 square metres and shall be restricted to the fifth and sixth floors;
 - (7) the driveway shall not be less than 3.0 metres in width at the street line for a depth of up to 5 metres into the site from the property line, and thereafter a driveway of a minimum width of 5.5 metres shall be provided;
 - (8) a “*parking stacker*” is permitted subject to Section 8(2) (15);

- (9) no window of a dwelling unit (other than a window of a kitchen or a bathroom) in the building is closer than 3.0 metres from the east property line and 0 metres from the south property line;
- (10) the portion of the main floor level used for commercial purposes at the south-west corner of the building shall have a depth of not less than 4.4 metres, measured from the main front wall on the building for a length of 9.9 metres on Avenue Road;
- (11) the second portion of the main floor used for commercial purposes at the north end of the lobby of the building shall have a depth of not less than 4.0 metres for a length of 4.85 metres on Avenue Road, while the balance of this commercial unit at the north-west corner of the building, shall have a depth of not less than 7.5 metres for a length of 5.75 metres on Avenue Road;
- (12) Access shall be provided from doors fronting onto Avenue Road to the grade related commercial and/or retail space and there shall be no indirect access from the interior lobby;
- (13) A maximum of 8 “*parking spaces*” shall be provided on site, 4 *parking spaces* are to be secured and maintained off-site within 300 metres of the property to the satisfaction of the Executive Director, Technical Services;
- (14) “*Parking Space*” means an unobstructed area at least 5.6 metres in length and at least 2.7 metres in width or a “*parking stacker*” at least 5.6 metres in length and at least 2.7 metres in width; and
- (15) each other word or expression which is italicized and not defined in this by-law shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended.

PURSUANT TO ORDER/DECISION NOS. 2890 AND 2522 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON OCTOBER 16, 2006 AND SEPTEMBER 14, 2007 IN BOARD CASE NO. PL050775.



