

**CITY OF TORONTO**

**BY-LAW No. 1080-2014(OMB)**

**To amend former City of Toronto By-law No. 438-86, as amended, with respect to lands known municipally as 944 to 952 Queen Street West.**

Whereas the Ontario Municipal Board, pursuant to its Order issued on June 25, 2014, upon hearing the appeal of Urbancorp (Downtown) Developments Inc. under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

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

1. Except as otherwise provided herein, the provisions of former City of Toronto By-law No. 438-86, as amended, shall continue to apply to the *site*.
2. None of the provisions of Section 2 with respect to the definitions of *grade* and *height* or sections 4(2)(a), 4(3)(a), 4(4)(b), 4(6), 4(12), 4(17), 8(3), Part I 1, 2 and 3, 8(3) Part II 4 and 8(3) Part XI (2)(ii) of By-law No. 438-86 of the former City of Toronto, 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" apply to prevent the erection and use of a *mixed use building* on the *site*, provided that:
  - (a) The total combined *residential gross floor area* and *non-residential gross floor area* does not exceed 8,714 square metres, provided:
    - (i) the *residential gross floor area* does not exceed 7,947 square metres;
    - (ii) the *non-residential gross floor area* does not exceed 766 square metres;
    - (iii) no more than 743 square metres of *non-residential gross floor area* may be contained in a single retail or service use.
  - (b) At least 10% of the *residential gross floor area* on the *site* shall be used for *dwelling units* containing three or more bedrooms.
  - (c) A minimum of 171 square metres of outdoor *residential amenity space* shall be provided on the *site*.
  - (d) A minimum of 270 square metres of indoor *residential amenity space* shall be provided on the *site*.
  - (e) In addition to the uses permitted by Section 8(1) of By-law No. 438-86, as amended, the following additional uses shall be permitted on the *site*:

- (i) temporary real estate sales office and model suites related to the development and/or marketing of dwelling units on the *site*.
- (f) No portion of the buildings or structures erected or used above *grade* is located otherwise than within the *lot* and wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following which may extend beyond the areas delineated by such heavy lines:
  - (i) cornices, lighting fixtures, ornamental elements, parapets, piers, columns, trellises, eaves, window sills, planters, balustrades, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, screens, landscape and public art features, railings and awnings;
  - (ii) canopies may extend up to 1.8 metres beyond the heavy lines shown on Map 2; and
  - (iii) balconies facing a public street may extend up to 1.6 metres beyond the heavy lines shown on Map 2.
- (g) The *height* of any building or structures, or portion thereof, does not exceed those *heights* in metres as indicated by numbers following the symbol H on Map 2 excluding the following:
  - (i) parapets shall be no higher than the sum of 0.8 metres and the applicable maximum *height* limit;
  - (ii) railings shall be no higher than the sum of 1.2 metres and the applicable maximum *height* limit;
  - (iii) landscaping and elements of a green roof shall be no higher than the sum of 0.3 metres and the applicable maximum *height* limit.
- (h) Despite the provisions of Section 4(3), *parking spaces* shall be provided and maintained on the *site* in accordance with the following minimum requirements:
  - (i) a minimum of 0.3 *parking spaces* for each *bachelor dwelling unit*;
  - (ii) a minimum of 0.7 *parking spaces* for each one bedroom *dwelling unit*;
  - (iii) a minimum of 1.0 *parking spaces* for each two bedroom *dwelling unit*;
  - (iv) a minimum of 1.2 *parking spaces* for each three or more bedroom *dwelling unit*;
  - (v) a minimum of 0.12 visitor *parking spaces* must be provided for each *dwelling unit*.

- (i) Notwithstanding the preceding subsection (e), the total number of *parking spaces* required to satisfy parking requirements for *dwelling units* may be reduced by four (4) *parking spaces* for each *car-share parking space*, up to a maximum of two (2) *car-share parking spaces*.
- (j) Despite the provisions of section 4(17) of Zoning By-law No. 438-86, a maximum of six (6) *small car parking spaces* may be provided.
- (k) A minimum of one *loading space – Type "G"* shall be provided and maintained on the *site*.
- (l) For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:

*"site"* means those lands outlined by heavy lines on Map 1 attached hereto;

*"small car parking space"* means a parking space that has minimum dimensions of 5.5 m in length by 2.5 m in width;

*"grade"* shall mean an elevation of 90.1 m Canadian Geodetic Datum.

- 3. Despite any future severance, partition or division of the lands as shown on Map 1, the provisions of this exception shall apply as if no severance, partition or division has occurred.

PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JUNE 25, 2014 UNDER BOARD CASE NO. PL140017.



