

# CITY OF TORONTO

## BY-LAW No. 758-2006(OMB)

### To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 700 Huron Street.

WHEREAS the Ontario Municipal Board, by way of an Order No. 0012 issued on the January 20, 2005, determined to amend the former City of Toronto Zoning By-law No. 438-86 in respect of lands known municipally in the year 2004 as 700 Huron Street;

WHEREAS authority is given to the Ontario Municipal Board under Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended;

THEREFORE the Ontario Municipal Board orders as follows:

1. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, 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”, shall continue to apply to the lands outlined by heavy lines on Plan 1.
2. District Map 50J-322 contained in Appendix “A” annexed to and forming part of By-law No. 438-86, as amended, is further amended by redesignating the lands outlined by heavy lines on Plan 1, attached to and forming part of this By-law, from “I1 D3” to “R3 Z2.0”, as shown on Plan 1.
3. None of the provisions of Section 2(1) with respect to the definition of “*grade*”, “*height*” or “*lot*”, Section 4(2)(a), Section 4(2)(d), Section 4(4)(b), Section 4(6)(c), Section 4(16) and Sections 6(3) PART I 1, 6(3) PART II 2, 6(3) PART II 3, 6(3) PART II 4, 6(3) PART II 5, 6(3) PART II 6, 6(3) PART III 1, 6(3) PART III 3, 6(3) PART IV 2 and 6(3) PART IV 4 of By-law No. 438-86, as amended, shall apply to prevent the erection and use of *residential buildings* containing *dwelling units* on the lands municipally known in 2004 as 700 Huron Street, as more particularly identified on Plan 1 of this By-law, provided that:
  - (1) the *lot* is comprised of at least those lands delineated by heavy lines on Plan 1 attached to and forming part of this By-law;
  - (2) no portion of any building or structure above the natural level of the ground, exclusive of stairs, stair enclosures, decks, raised decks at the rear of TH Block B-1 illustrated on the attached Plan 3, front entry porches, fences, arbours, screens, railings, ramps, vents, walls and trellis located at *grade*, is located otherwise than wholly within the areas delineated by heavy lines as shown on the attached Plan 3, subject to the *height* restrictions contained in Section 3(5) of this By-law;
  - (3) the maximum *height*, for any building or structure on the *lot*, shall not exceed the *height* specified by the numbers following the symbol “H” as shown on Plan 3, to a maximum of 6 storeys for Building A illustrated on the attached Plan 3 and to a maximum of 7 storeys for Building B illustrated on the attached Plan 3;

- (4) notwithstanding Section 3(3) of this By-law, the maximum *height* for mechanical roofs, mechanical equipment and other elements described below shall be as follows:
- (i) the maximum *height* of any eaves, cornices and parapets shall be the sum of 1.2 metres and the applicable *height* limit shown on Plan 3;
  - (ii) the maximum *height* for any railings and walls, including but not limited to planter walls, shall be the sum of 1.5 metres and the applicable *height* limit shown on Plan 3;
  - (iii) the maximum *height* for ornamental architectural features, elevator overrun, privacy fencing and screens shall be the sum of 2.0 metres and the applicable *height* limit shown on Plan 3;
  - (iv) the maximum *height* for mechanical equipment screens shall be the sum of 2.2 metres and the applicable *height* limit shown on Plan 3;
  - (v) the maximum *height* for stair pressurization fans and elevator pressurization fans, shall be the sum of 1.8 metres and the applicable *height* limit shown on Plan 3;
  - (vi) the maximum *height* for any turret feature shall be 25.2 metres, provided that such turret features are located wholly within the areas for such turret features as shown on the attached Plan 4;
  - (vii) the maximum *height* for any plumbing stacks shall be the sum of 1.2 metres and the applicable *height* limit shown on Plan 3;
  - (viii) the maximum *height* for any mechanical roof shall be the *height* shown on Plan 4, provided that such mechanical roofs are located wholly within the areas for such mechanical roofs as shown on the attached Plan 4;
  - (ix) the maximum *height* for any mechanical equipment shall be the *height* shown on Plan 4, provided that such mechanical equipment are located wholly within the areas for such mechanical equipment as shown on the attached Plan 4;
  - (x) the maximum *height* for mechanical vents shall be 28.75 metres for any *residential buildings* to be located on *Parcel A*, and 26.35 metres for any *residential buildings* to be located on *Parcel B*, provided that the maximum coverage for these elements does not exceed 1% of the rooftop area;
  - (xi) the maximum *height* for private stairs shall be the *heights* shown on Plan 4, provided that they do not exceed the maximum coverage figures also shown on Plan 4; and

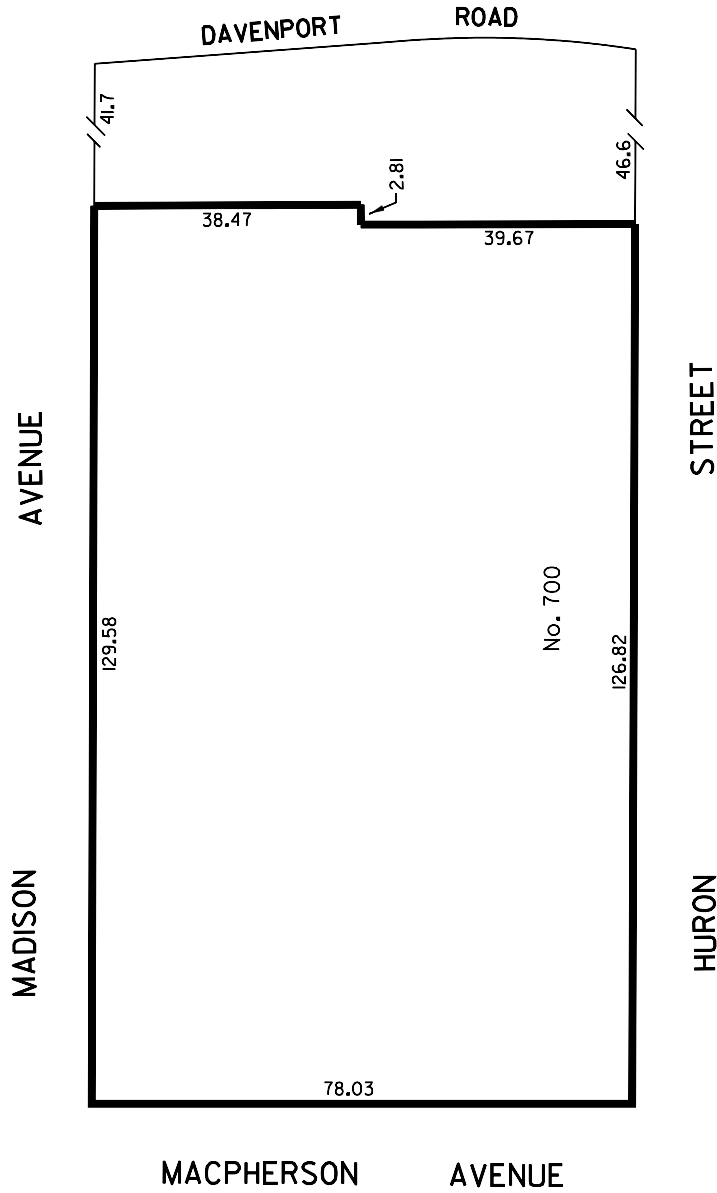
- (xii) the maximum *height* for any exit stair shall be the *height* shown on Plan 4, provided that such exit stairs are located wholly within the areas for such exit stairs as shown on the attached Plan 4.
  
- (5) the maximum *height* for *accessory* uses and structures listed in Section 3(2) of this By-law and located at *grade* and outside of the areas delineated by heavy lines on Plan 3 and not otherwise specified by a number following the symbol “H” as shown on Plan 3 and Plan 4, shall be as follows:
  - (i) 1.2 metres for patios, ramps, decks and vents;
  - (ii) 2.0 metres for fences and walls; and
  - (iii) 5.0 metres for stairs, stair enclosures, screens, railings, raised decks at the rear of TH Block B-1, front entry porches, arbours and trellis.
  
- (6) the total *residential gross floor area* of all the buildings on the *lot* does not exceed 33,460 square metres, provided that:
  - (i) the *residential gross floor area* of the buildings erected on *Parcel A* shall not exceed 20,308 square metres; and
  - (ii) the *residential gross floor area* of the buildings erected on *Parcel B* shall not exceed 13,152 square metres.
  
- (7) a maximum number of 332 *dwelling units* shall be permitted on the *lot*;
  
- (8) one *loading space-type G* shall be provided and maintained on *Parcel A* for both *Parcels A* and *B*;
  
- (9) a minimum number of *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
  - (i) 0.30 *parking spaces* for each *bachelor dwelling unit* in a *residential building*;
  - (ii) 0.70 *parking spaces* for each one-bedroom *dwelling unit* in a *residential building*;
  - (iii) 1.00 *parking spaces* for each two-bedroom *dwelling unit* in a *residential building*;
  - (iv) 1.20 *parking spaces* for each three-bedroom *dwelling unit* in a *residential building*;
  - (v) 0.12 *parking spaces* for visitors for every *dwelling unit* contained in a *residential building*; and

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- (vi) notwithstanding the parking requirements in Sections 3(9)(i), (ii), (iii), (iv) and (v) in this By-law, 1.0 *parking spaces* for each *dwelling unit* in a *residential building* contained in TH BLOCKS A-1, B-1 and B-3 illustrated on the attached Plan 3.
- (10) a minimum of 1,952 square metres of *landscaped open space* shall be provided on the *lot*;
4. The *height* and density of development herein before set out is permitted subject to compliance with the conditions of this By-law and the owner of the *lot* entering into one or more agreements, pursuant to Section 37 of the *Planning Act*, in a form satisfactory to the City Solicitor and registered as a first priority against title to the land, to secure the following facilities, services and matters at the owner's sole expense:
- (1) The owner agrees to construct to City standards to the satisfaction of the Commissioner of Works and Emergency Services, prior to the first occupancy of either of the two *apartment buildings*, the streetscape improvements on the south side of MacPherson Avenue, substantially in accordance with the *Conceptual Streetscape Plan* prepared by NAK Design Group and dated September 29th, 2004.
- The section 37 agreement will also provide for the following collateral matters at the owner's expense:
- (2) The owner agrees to construct and maintain the Development with the building materials, specified colours and design substantially in accordance with the plans on file with the Commissioner of Urban Development Services;
  - (3) The owner agrees to provide a construction management plan, satisfactory to the Commissioner of Works & Emergency Services; and
  - (4) The owner agrees to install streetscaping to City standards on MacPherson Avenue, Madison Avenue & Huron Street abutting the *lot*.
5. Notwithstanding this By-law or the provisions of By-law No. 438-86, as amended, a maximum of two buildings at any one time shall be permitted to be erected and used on the *lot* as temporary sales pavilion(s) for the marketing and sales of the *residential buildings* to be constructed on the *lot*.
6. For the purposes of this By-law:
- (1) “*grade*” shall mean 125.58 metres Canadian Geodetic Datum for *Parcel A* and 126.25 metres Canadian Geodetic Datum for *Parcel B*;
  - (2) “*height*” shall mean the vertical distance between *grade* and the highest point of the roof of the building, structure or element, or where there is no roof, the highest point of the building, structure or element;

- (3) “*lot*” shall mean *Parcel A* and *Parcel B*;
  - (4) “*Parcel A*” and “*Parcel B*” means the area at or above *grade* identified as *Parcel A* and *Parcel B* on Plan 2; and
  - (5) all terms appearing in italics shall have the same meaning as those terms have for the purpose of the aforesaid By-law No. 438-86, except as hereinbefore provided.
7. Notwithstanding any 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 had occurred.

PURSUANT TO THE ORDER/DECISION NO. 0012 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JANUARY 20, 2005 IN BOARD CASE NO. PL030709.

PLAN I

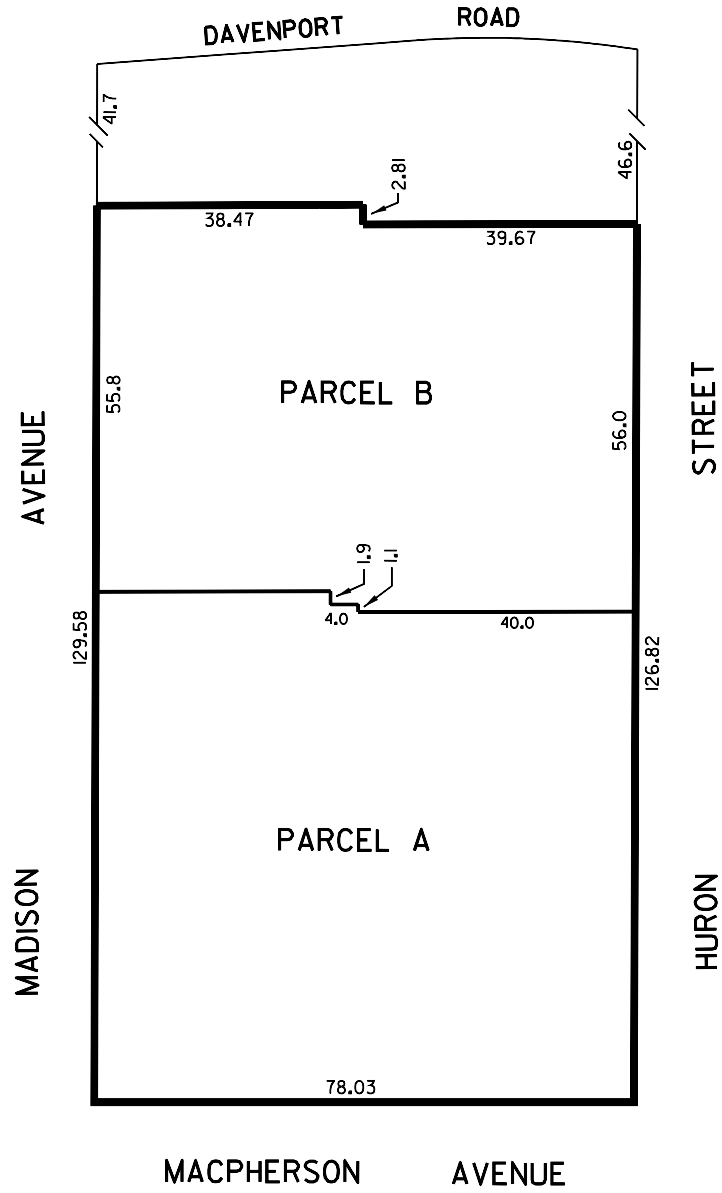


 REDESIGNATED TO "R3 Z2.0"



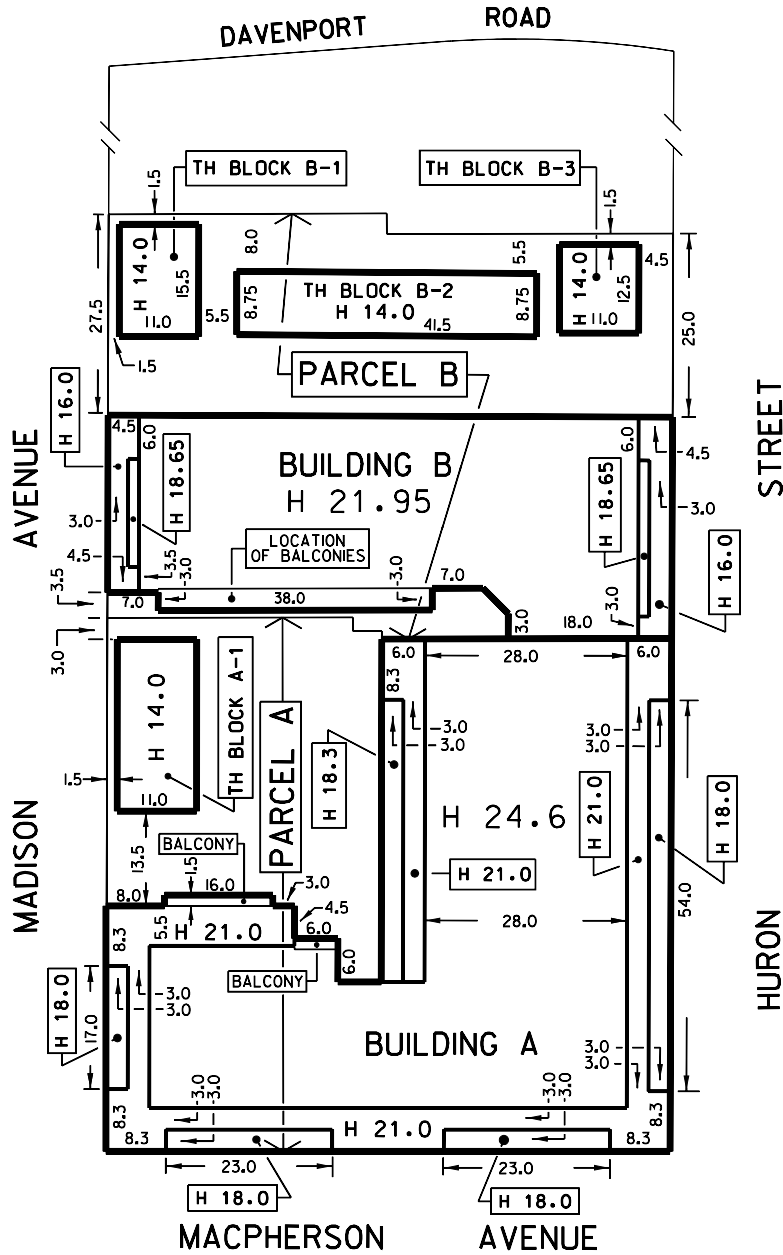
WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO NOVEMBER, 2004  
 BL2/700HURON1.DGN  
 FILE: H6-218\_2402.53-3  
 MAP No. 50J-322 DRAWN: VG

# PLAN 2



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO NOVEMBER, 2004  
BL2/700HURON2.DGN  
FILE: H6-218  
MAP No. 50J-322 DRAWN: VG

# PLAN 3



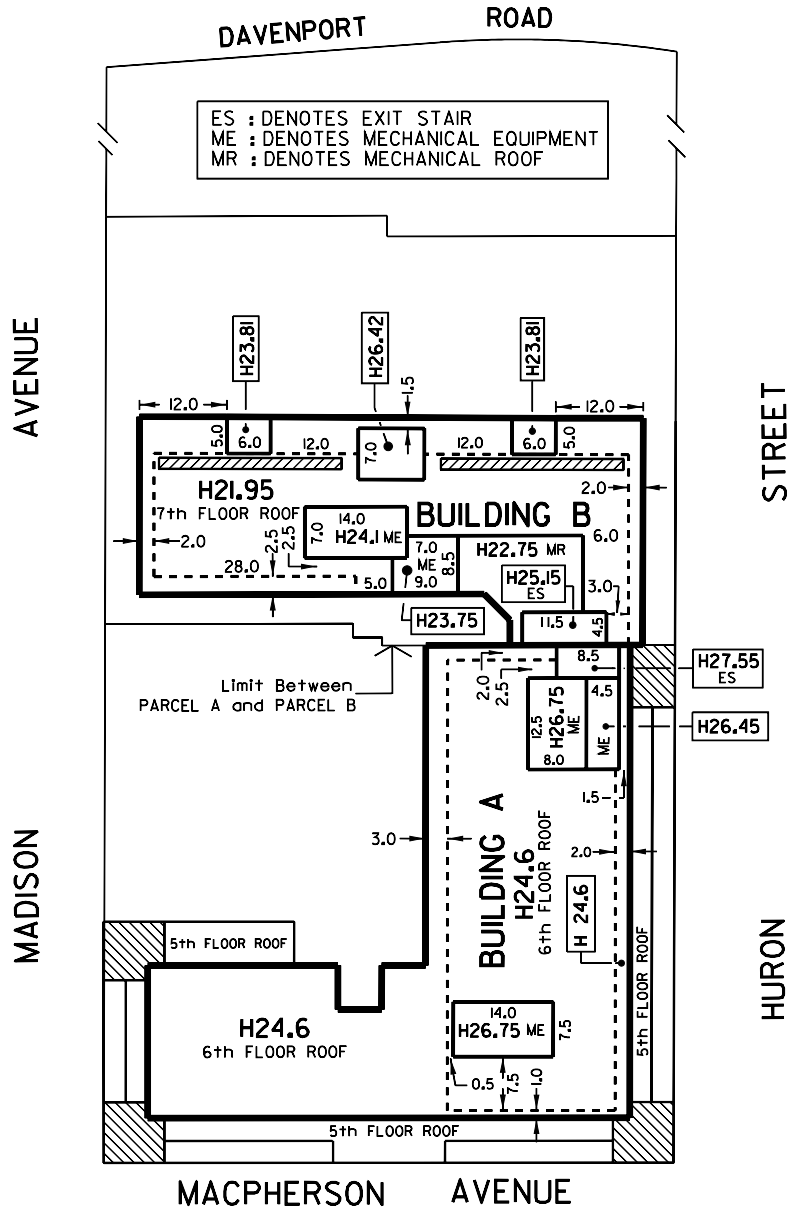
H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO DEPARTMENT OF CITY PLANNING  
 BL2/700HURON3.DGN  
 FILE: H6-Z18  
 MAP No. 50J-322 DRAWN: VG



PLAN 4



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

--- DEFINED AREA FOR PRIVATE TERRACES AND PRIVATE STAIRS  
 MAX COVERAGE FOR PRIVATE STAIRS - 11% for BUILDING A; 12% for BUILDING B  
 MAX HEIGHT FOR PRIVATE STAIRS - 27.55m for BUILDING A; 24.9m for BUILDING B

▨ RAISED PLANTERS (1.5m x 25.0m min.)      ▨ LOCATION OF TURRETS (H 25.2)

10 0 10 20 METRES

WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO DECEMBER 24, 2004  
 BL2/700HURON4.DGN  
 FILE: H6-Z18  
 MAP No. 50J-322 DRAWN: VG