

CITY OF TORONTO

BY-LAW No. 202-2008(OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 90 Stadium Road and 637 Lake Shore Boulevard West.

WHEREAS the Ontario Municipal Board pursuant to its Order issued on November 20, 2007, deems it advisable to amend the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to certain lands known municipally in the year 2007 as 90 Stadium Road and 637 Lake Shore Boulevard West; and

WHEREAS Section 14.25 of the former City of Toronto Official Plan, a site-specific exception pertaining to permitted uses on the lot, permits by-laws to be passed to permit buildings, containing *residential* uses, alone or in combination with *commercial* or *institutional* uses or both; and

WHEREAS Section 14.26 of the former City of Toronto Official Plan, a site-specific exception pertaining to heritage preservation and the permission of additional *gross floor area* on the *lot*, permits by-laws to be passed to exclude the *gross floor area* of the designated building or portion of the designated building on the lot from the calculation of the maximum permissible density of the new development on the lot permitted by Section 14.25 of the former City of Toronto Official Plan;

NOW THEREFORE pursuant to Order of the Ontario Municipal Board issued on November 20, 2007, in Board File No. PL050777, the Ontario Municipal Boards HEREBY ORDERS that By-law No. 438-86, as amended, of the former City of Toronto, is amended as follows:

1. None of the provisions of Section 2(1) with respect to the definitions of *grade*, and *height*, and Sections 4(2)(a) (as it applies to *Block 2* only), 4(4)(b), 4(10)(a), 5(1)(a), 9(1)(f) and 9(3) Part I 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 use of one or more *residential buildings*, including an *accessory parking garage* and uses *accessory* thereto on the *site*, provided that:
 - (a) the *site* consists of the lands delineated by heavy lines on the attached Map 1;
 - (b) no building or structure on *Block 1* and *Block 2* may be erected and used for any purpose other than a *residential building* or *residential buildings*;
 - (c) none of the provisions of Section 4(6)(c) of By-law No. 438-86, as amended, and none of the provisions of Subsection 1(b) of this by-law shall apply to prevent the sharing of pedestrian and vehicular access, vehicular parking, loading and services between the buildings and structures to be erected and used on *Block 1* and *Block 2*;
 - (d) the maximum combined *residential gross floor area* permitted on the *site* does not exceed 54,115 square metres;

- (e) the maximum *residential gross floor* area permitted on *Block 1* shall not exceed 24,763 square metres;
- (f) the maximum *residential gross floor* area permitted on *Block 2* shall not exceed 29,352 square metres;
- (g) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 (the building envelope) with the exception of:
 - (i) cornices, parapets, eaves, window sills and ornamental elements which may project beyond the building envelope by no more than 1.0 metres horizontally and 1.5 metres vertically;
 - (ii) awnings, canopies and balconies, which may project beyond the building envelope by no more than 1.5 metres horizontally;
 - (iii) third to eighth floor balconies attached to the south wall of the building, which may project beyond the building envelope, onto the adjacent property to the south under an encroachment agreement, by no more than 1.5 metres horizontally;
 - (iv) pedestrian and vehicular entrances and exits to the underground garage and their respective enclosures, trellises and landscape features which may be located outside of the building envelope, provided that the height of such elements does not exceed 2.5 metres above *grade*; and
 - (v) lighting fixtures, wind panels, guardrails, balustrades, railings, wheel chair ramps and public art features;
- (h) Despite Section 1 g) of this by-law, no portion of any building or structure shall be permitted within the area bounded by 6.0 metres from the west property line and 7.6 metres from the south property line measured from a height of 1.0 metre below grade to 5.8 metres above grade;
- (i) none of the provisions of Subsection 1(g)(i) to Subsection 1(g)(v) of this by-law shall apply to the area described in Subsection 1(h);
- (j) no person shall erect or use a building or structure on the *site* having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on the attached Map 2, except for the following:
 - (i) a structure on the roof of the building used for outside or open air recreation, safety or wind protection purposes may exceed the *height* limit on Map 2 by no more than 3.0 metres;

- (ii) a stair tower, elevator shaft and associated equipment, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of the building, or a fence, wall or structure enclosing such elements may exceed the maximum *height* limits as shown on the Map 2 by no more than 5.2 metres provided that the cumulative area of such rooftop elements does not exceed 40 percent of the gross floor area of the residential floor immediately below such rooftop elements;

and

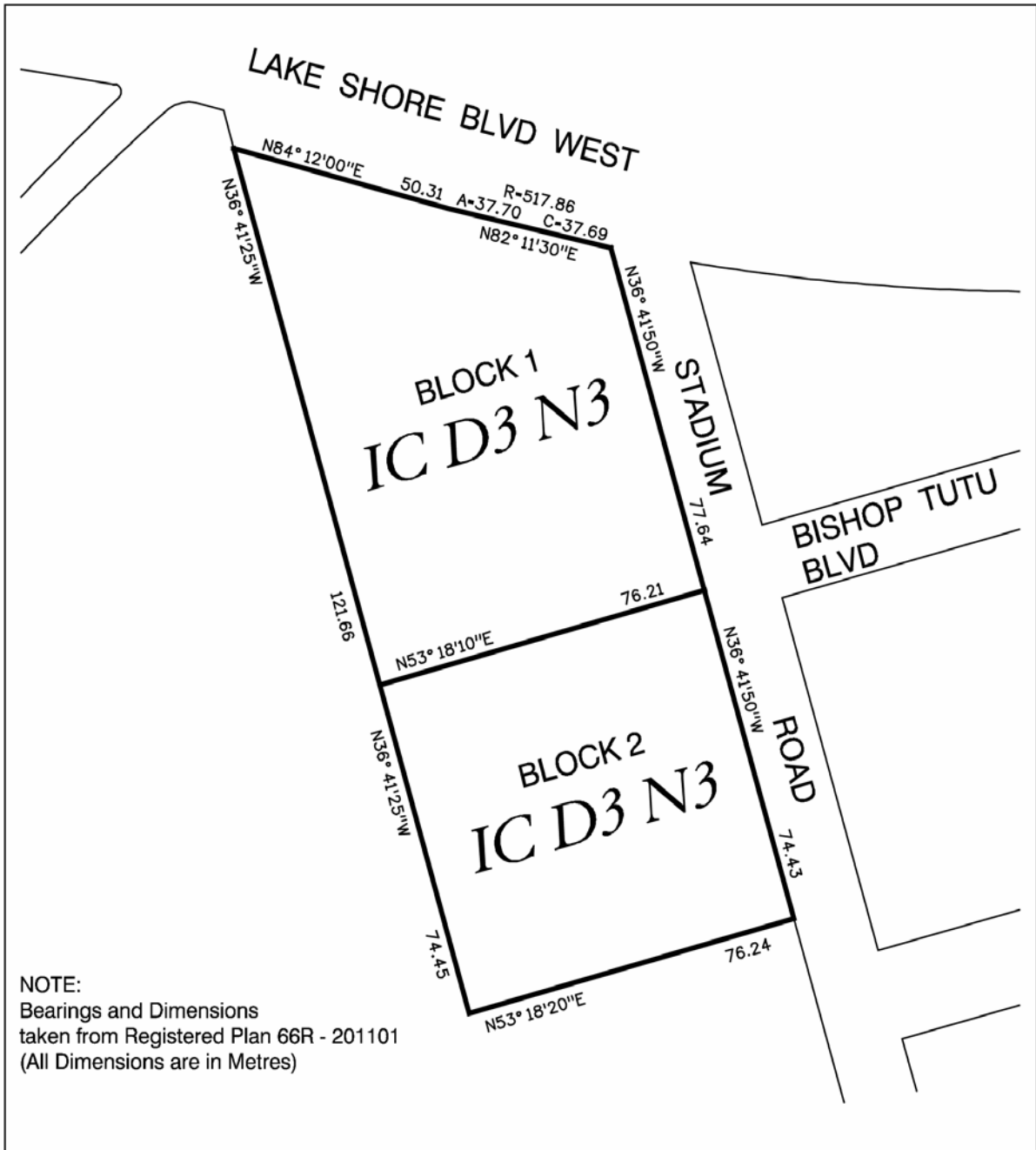
for the purpose of this Section, and despite Section 1 g) of this by-law, one or more canopies attached to a stair tower, elevator shaft or wall or structure enclosing any rooftop heating, cooling or ventilating equipment may project from such rooftop element by no more than 1.5 metres on the east and west sides and by no more than 3.5 metres on the north side and such canopy or canopies will not be included in the calculation of the cumulative area of rooftop elements; and

- (iii) notwithstanding Section 4(1)(a) of By-law No. 438-86, as amended, a roof-top sign on *Block 1* having dimensions of 33 metres in length and 6.1 metres in width; and
- (k) not fewer than 155 *parking spaces* for occupants and 15 *parking spaces* for visitors are provided and maintained below *grade* on the *lot* for the *residential building* on *Block 1*;
- (l) a minimum number of *parking spaces* shall be provided and maintained below *grade* on the *lot* for the *residential building* on *Block 2* in accordance with the following:
 - (i) 0.30 *parking spaces* for each *bachelor dwelling unit*;
 - (ii) 0.50 *parking spaces* for each *one-bedroom dwelling unit*;
 - (iii) 0.70 *parking spaces* for each *two-bedroom dwelling unit*;
 - (iv) 1.20 *parking spaces* for each three or more *bedroom dwelling unit*; and
 - (v) 0.06 *parking spaces* for each *dwelling unit* for visitors;
- (m) notwithstanding Section 4(6)(c) of By-law No. 438-86, as amended, at least one *loading space - type G* is provided on the *site*;

- (n) despite Section 4(12) of By-law No. 438-86, as amended, a minimum amount of *residential amenity space* shall be provided on the *Block 2* in accordance with the following:
 - (i) a minimum of 1.35 square metres of *residential amenity space* for each *dwelling unit* shall be provided indoors in a multi-purpose room or contiguous multi-purpose rooms, at least one of which contains a kitchen and a washroom; and
 - (ii) a minimum of 2 square metres of *residential amenity space* for each *dwelling unit* shall be provided outdoors, of which at least 40 square metres shall be provided in a location adjoining or directly accessible from the indoor *residential amenity space*; and
 - (o) the *owner* of *Block 1* enters into an agreement with the City to secure the retention, maintenance and re-use for residential purposes of the existing industrial building, save and except for the sixth *storey*.
2. None of the provisions of By-law No. 438-86 shall apply to prevent a *sales office* on the *site* as of the date of the passing of this By-law.
3. Notwithstanding Section 1 and 2 of this By-law, the increased heights and density of development permitted on *Block 2* by this By-law are permitted in return for securing the provision by the *owner* of *Block 2* of the following facilities, services and matters to the City of Toronto in an agreement pursuant to section 37 of the *Planning Act*:
- (a) installation and maintenance, in good order of an irrigation system for all street trees in the public right-of-way that includes an automatic timer which is designed as being water efficient and is constructed with a back flow preventer;
 - (b) a cash contribution in the amount of \$805,000.00 towards park improvements in the immediate vicinity of the site in the Bathurst Quay Neighbourhood and improvements to the Martin Goodman Trail prior to the issuance of an above-grade building permit provided that the City shall permit the *owner* to encroach or occupy abutting City-owned lands to the south of *Block 2* for limiting distance, landscape, building and temporary construction purposes;
 - (c) a reasonable public pedestrian connection with a width of 3 metres, through the north end of the *site* between the Martin Goodman Trail and Stadium Road;
 - (d) in addition to the conveyance of a parcel to be located at the southwest corner of *Block 2* being approximately 4.5 metres by 7.6 metres, which parcel constitutes part of the parkland dedication otherwise required pursuant to the *Planning Act*, a further conveyance of that part of an adjoining parcel of approximately 1.5 metres by 7.6 metres up to approximately 5.8 metres in height, as is described via strata plan, both parcels to form part of the Martin Goodman Trail; and

- (e) the registration of the agreement pursuant to section 37 of the *Planning Act* referred to in this By-law against title to *Block 2*.
4. The issuance of any building permit for the proposed development shall be dependant upon satisfaction of all provisions of this By-law and in the section 37 agreement relating to the issuance of such building permit, including the provision of monetary payments and financial securities and the conveyance of any lands or easements as such is provided for in the section 37 agreement.
5. For the purpose of this By-law:
- (a) *Block 1* means the area identified as “Block 1” on Map 1;
- (b) *Block 2* means the area identified as “Block 2” on Map 1;
- (c) *grade* shall mean:
- (i) for *Block 1*, the average elevation of the sidewalk or, where there is no sidewalk, of the roadway in front of the *lot* on which the building stands;
- (ii) for *Block 2*, 78.56 metres Canadian Geodetic Datum;
- (d) *height* means the vertical distance measured between *grade* and the highest point of the roof, save and except for structural, mechanical, architectural and landscaping elements and features listed in Sections 1 (g) and (j) of this by-law;
- (e) *owner* means either the owner of the lands described as *Block 1* or the owner of the lands described as *Block 2*, as referenced within this by-law;
- (f) *site* means those lands delineated by heavy lines on the attached Map 1;
- (g) *sales office* means a building, structure, facility or trailer on the *site* used for the purpose of the sale of *dwelling units* to be erected on the *site*; and
- (h) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended.
6. Despite any existing or future severance, partition or division of the *site*, the provisions of this By-law shall apply to the whole of the *site* as if no severance, partition or division occurred.
7. By-law No. 771-2002 is hereby repealed and reference to such by-law is hereby deleted from Section 15 of By-law No. 438-86.

PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD, ISSUED ON NOVEMBER 20, 2007 UNDER BOARD CASE FILE NO. PL050777.



NOTE:
 Bearings and Dimensions
 taken from Registered Plan 66R - 201101
 (All Dimensions are in Metres)

