

# CITY OF TORONTO

## BY-LAW No. 1167-2009(OMB)

### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands municipally known as 23, 25, 27 and 29 Stafford Street.**

WHEREAS the Ontario Municipal Board, by way of Order issued on October 27, 2009, following an appeal pursuant to section 34(11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, determined to amend the former City of Toronto Zoning By-law No. 438-86, the General Zoning By-law as amended, in respect of lands municipally known as 23, 25, 27 and 29 Stafford Street; and

WHEREAS the owner of the lands municipally known as 23, 25, 27 and 29 Stafford Street in 2008 has made an application to the City of Toronto for a Zoning By-law Amendment; and

WHEREAS subsection 37(2) of the *Planning Act* requires that a by-law under subsection 37(1) may not be enacted unless the Municipality has an Official Plan that contains provisions relating to the authorization of increase in height and density of development; and

WHEREAS the Official Plan for the City of Toronto, contains such provisions relating to the authorization of increases in height and density of development; and

WHEREAS subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the density or height of development, the municipality, or the OMB on appeal, may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

WHEREAS the owners of the lands have elected to provide the facilities, services and matters hereinafter set out; and

WHEREAS the increases in density or height permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such land and the City of Toronto; and

WHEREAS the Ontario Municipal Board has required the owner of the aforesaid lands to enter into one or more agreements with the City of Toronto dealing with certain facilities, services and matters in return for the increase in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. None of the provisions of Sections 4(2)(a), 4(4)(b) and (d), 4(12), 4(13)(a) and (c), 4(16), 4(17)(a), 9(1)(f)(a), 9(3) Part I and 9(3) Part II 1. 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”, as amended, shall apply to prevent the erection and use of an *apartment building* on the *lot*, provided that:

- (1) the *lot* is comprised of at least those lands outlined by heavy lines on Map 1, attached to and forming part of this By-law;
- (2) a maximum of 104 *dwelling units* are permitted on the *lot*;
- (3) a maximum of 7710 square metres of *residential gross floor area* is permitted on the *lot*;
- (4) no part of any building or structure located above *grade* is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 2 attached to and forming part of this By-law, with the following exceptions:
  - (i) entrance canopies, awnings, eaves, architectural features, light fixtures, underground garage ramps and associated ramp structures, door swings, fences, terrace and balcony railings, dividers and screens, landscape features, guard-rails, retaining walls, patios, decks, surface driveways, walkways and wheel chair ramps;
  - (ii) balconies provided they are located within the areas shown on Map 3 attached to and forming part of this By-law; and
  - (iii) glazed terrace dividers located at the rear of the building on the ground floor provided they project no more than 4.32 metres beyond the heavy lines as shown on Map 2.
- (5) no part of any building or structure located above *grade* shall exceed the *height* limits specified by the numbers following the symbol “H” as shown on Map 2, attached to and forming part of this By-law, with the following exceptions:
  - (i) architectural features, light fixtures, fences, terrace and balcony railings, dividers and screens, landscape features, and guard-rails, provided they exceed the permitted height by no more than 2.0 m;
  - (ii) window washing equipment and elements of a green roof;
  - (iii) stairs, stair enclosures and elevator overrun provided they exceed the permitted height by no more than 3.0 m and are not located outside of the hatched area on Map 2;
  - (iv) parapets provided they exceed the permitted height by no more than 0.4 m; and
  - (v) vents and fans, provided they exceed the permitted height by no more than 1.5 m.

- (6) *parking spaces* will be provided and maintained on the *lot*, in accordance with the following minimum standards:
    - (i) 0.3 *parking space* for each bachelor *dwelling unit*;
    - (ii) 0.5 *parking space* for each one bedroom *dwelling unit*;
    - (iii) 0.75 *parking space* for each two bedroom *dwelling unit*;
    - (iv) 1.0 *parking space* for each three bedroom *dwelling unit*; and
    - (v) 7 *parking spaces* be signed for the exclusive use of visitors to the building.
  - (7) a maximum of 2 *parking spaces* which are obstructed on one side in accordance with Section 4(17)(e) of By-law No. 438-86, as amended, shall have minimum dimensions of 5.6 metres in length and 2.6 metres in width;
  - (8) a minimum of 62 square metres of *residential amenity space* located indoors and a minimum of 16 square metres of *residential amenity space* located outdoors shall be provided on the *lot*; and
  - (9) a minimum of 62 *resident bicycle parking spaces* shall be provided on the *lot* for occupants of the *dwelling units*.
2. The density and height of the development permitted by this By-law is subject to the owner of the lands to which this by-law applies entering into, and registering against the title to such lands, one or more agreements with the City of Toronto, pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to ensure the following facilities, services and matters. Although the following matters are not considered to be Section 37 contribution benefits, they will be secured in the Section 37 agreement:
- (1) As part of the Site Plan Approval process, the owner shall provide 1:50 scale drawings for the first and second storey portions of the north elevation and the Stafford Street and Stanley Terrace/Park elevations with building materials labeled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by the pedestrian. The owner shall incorporate, in the construction of the *apartment building*, said exterior materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - (2) The owner shall not object to the closure by the City of the portion of the public lane located to the east of the *lot*, and its conversion to public park use;

- (3) Following construction of the *apartment building* on the *lot*, the owner shall replace the existing treatment of the portion of the Stanley Terrace public lane located to the east of the *lot* with landscaping, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, provided that the owner shall be entitled, without further compensation, to use said portion of the public lane in connection with preconstruction and construction of the *apartment building* on the *lot* for the purposes of staging; and
- (4) That any revisions and/or documentation in support of the revised Functional Servicing and Stormwater Management Report dated April 2009, prepared by Burnside, as may be directed by the Executive Director, Technical Services, be submitted, and that if determined by the City that upgrades to the infrastructure are necessary to support the development, the Owner will be responsible for the cost of same.
3. For the purpose of this By-law, each word or expression that is italicized shall have the same meaning as each such word or expression as defined by By-law No. 438-86, as amended, with the exception of the following:
- (i) “*grade*” shall mean 86.2 metres Canadian Geodetic Vertical Datum.
4. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
5. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

PURSUANT TO DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON OCTOBER 27, 2009 IN BOARD CASE NO. PL090553.





