

**CITY OF TORONTO**

**BY-LAW No. 943-2015(OMB)**

**To amend former City of Toronto General Zoning By-law No. 438-86, as amended, respecting the lands identified on Map 1 including 158, 164, 181 and 200 Sterling Road.**

Whereas the owner of the lands known municipally in the year 2013 as 158, 164, 181 and 200 Sterling Road appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas authority is given to the Ontario Municipal Board under the *Planning Act*, R.S.O. 1990, c. P.13, as amended, upon hearing the appeal of the Owners of the lands, to pass this By-law;

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

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 of this By-law, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site* pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 of this By-law, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the owner has satisfied the said requirement.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. District Map No. 48H-322 contained in Appendix "A" of *By-law No. 438-86*, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of land and other matters relating to buildings and structure 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, is further amended by rezoning the lands as shown on Map 2.
5. Except as otherwise provided herein, the provisions of *Zoning By-law No. 438-86* shall continue to apply to the *Site*.

**PERMISSIVE EXCEPTION**

6. Section 12(1) of *By-law No. 438-86* is amended by adding the following exception:

To prevent the erection of buildings or structures or the use of lands at 158, 164, 181 and 200 Sterling Road, collectively referred to as "the *Site*" delineated by heavy lines on Map 1, in accordance with the following provisions:

**(1) DENSITY**

- (a) the total combined *non-residential gross floor area* shall not exceed 52,420 square metres and the total combined *residential gross floor area* on the *Site* shall not exceed 50,180 square metres, of which the permitted gross floor area for each *Block*, as illustrated on Map 3, is as follows:

<b>Development <i>Block</i></b>	<b>Maximum <i>residential gross floor area</i> (square metres)</b>	<b>Maximum <i>non- residential gross floor area</i> (square metres)</b>	<b>Maximum Total gross floor area</b>
1	5,230	0	5,230
2	5,750	1,250	5,750
3A	0	7,940	7,940
3B	10,865	1,240	12,105
3C (heritage building)	0	10,195	10,195
3D (open space)	0	0	0
4A	0	11,020	11,020
4B	14,085	910	14,995
4C (open space)	0	0	0
5A	0	18,315	18,315
5B	14,250	1,550	15,800
5C (park dedication)	0	0	0
5D (open space)	0	0	0

- (b) the minimum *non-residential gross floor area* on Blocks 3A, 4A and 5A shall be 2.0 times the area of each Block. For the purposes of calculating the minimum *non-residential gross floor area*, above grade parking spaces shall not be included within the calculation of *non-residential gross floor area*; and
- (c) the minimum *non-residential gross floor area* on Blocks 3B, 4B and 5B shall be 90 percent of the maximum *non-residential gross floor area* for each *Block*.

**(2) BUILDING ENVELOPES**

- (a) no part of any building or structure erected or used above finished ground level shall be located outside the heavy *building envelope* lines shown on Map 4;

- (b) except where a heavy line shown on Map 4 is contiguous with the boundary of an adjacent public right of way, the following elements may project beyond the heavy *building envelope* line shown on Map 4, up to the boundary of the public right of way:
  - i. eaves, awnings and building cornices;
  - ii. canopies to a maximum projection of 2.5 metres beyond the heavy lines on Map 4; and
  - iii. light fixtures, ornamental and architectural elements, parapets, railing and fences, chimney breasts, vents, wheelchair ramps, retaining walls, planters, trellises, window sills, stairs, stair landings, covered stairs, solar panels, underground parking garage ramps, landscape and public art features, and elements of an outdoor amenity space and green roof.

### **(3) BUILD-TO LINES**

- (a) no building may be erected or used on *Blocks 3A, 4A or 5A* unless:
  - i. an exterior face of the building is located no more than 3.0 metres inset from the *build-to line* shown on Map 5 for a minimum *height* of 12.0 metres.

### **(4) HEIGHT and SETBACKS**

- (a) the *height* of each portion of a building or structure erected above *grade* within the *site*, in respect of each *building envelope* area, has a maximum *height* in metres as shown following the symbol "H", and a maximum number of storeys as shown following the symbol "ST" on Map 4 for the corresponding *building envelope* area, except for:
  - i. the structural projections permitted in subsection 2(b) of this exception;
  - ii. parapets are permitted with a maximum height of 1.1 metres above the *height* limits shown on Map 4;
  - iii. guard rails, screens, balustrades, terrace and balcony railing and dividers are permitted with a maximum height of 1.5 metres above the *height* limits shown on Map 4;
  - iv. structures on the roof of a building, used for outside or open air recreation, safety or wind protection purposes are permitted with a maximum *height* of 2.0 metres above the *height* limits shown on Map 4 provided such structure does not enclose space so as to constitute a form of penthouse or other room or rooms, and is located 5.0 metres from the building face; and

- v. the building elements and structures identified in Section 4(2)(a)(i) of *By-law No. 438-86*, as amended, shall be permitted on to a *height* of 6.0 metres plus the *height* limit applicable to the *Block* provided that:
  - 1. the aggregate horizontal area of such elements, including the area contained within an enclosure, measured at a point above the level of the *height* limit, does not exceed 30 percent of the area of the roof of the building; and
  - 2. no part of the structure or the enclosure is located closer than 3.0 metres from an adjacent outdoor wall, or a vertical projection of the wall.

### **(5) PERMITTED USE**

- (a) the following uses shall be permitted within a CR district on *Block 1* as shown on Map 2:
  - i. *row houses*.
- (b) the following uses shall be permitted within an R4A district on *Block 2* as shown on Map 2:
  - i. those uses permitted within an R4A district in section 6(1)(f), with the exception of:
    - 1. keeping of roomers or boarders; *converted dwelling and rooming houses; rooming houses*.
  - ii. those uses permitted within a CR district in section 8(1)(f)(b)(iv) provided they are limited to the ground floor with entrances permitted only from the south side of the *Block*; with the exception of:
    - 1. *automotive service and repair shop; brew-on-premises establishment; commercial bath; concert hall; courier services; dry-cleaner's distributing station; dry-cleaning shop; laundry shop; pawnbroker's shop; newspaper plant; undertaker's establishment*.
- (c) the following uses shall be permitted within a CR district on *Blocks 3B, 4B and 5B* as shown on Map 2:
  - i. those uses permitted within a CR district in section 8(1)(f)(a) and (b), except for an *automobile service and repair shop, automobile service station, car washing establishment, motor vehicle repair shop Class A, or commercial parking lot*.
- (d) the following uses shall be permitted within an IC district on *Blocks 3A, 3C, 4A and 5A* as shown on Map 2:

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- i. those uses permitted within an IC district in section 9(1)(f)(b), except for:
    - 1. commercial and municipal baths; *place of assembly*; *place of amusement*; arena, stadium, race track;
    - 2. *community centre*; *place of worship*;
    - 3. a *retail store*, unless it is ancillary to another permitted use or uses and does not exceed 10 percent of the *gross floor area* of the *Block*;
    - 4. *artist live/work studio*;
    - 5. *automobile service and repair shop*, *automobile service station*, *car washing establishment*, *motor vehicle repair shop Class A*, or *commercial parking lot*;
    - 6. *Storage Warehouse Class A*; and
    - 7. *drive-through facility*;
  - ii. arts related exhibition spaces and galleries; and
  - iii. those manufacturing and related uses permitted within an I2 district in section 9(1)(f)(b)(xiii) of former City of Toronto *By-law No. 438-86*.
- (e) any *restaurant* that may be permitted must not exceed 200 square metres, and on lands identified as Block 2 on Map 3, an outdoor patio shall only be permitted on the southerly frontage and the southerly 20 metres of the east frontage; and
- (f) where zoning for a *Block* is followed by an "(h)" holding symbol the following uses will be permitted prior to the removal of the "(h)" and shall not be subject to the requirements of the "(h)":
- i. *commercial parking lot*, provided that such a lot is a temporary use not extending more than 5 years from the date of site plan approval for such use;
  - ii. *open air market*;
  - iii. *market gardening*; and
  - iv. publicly accessible open space.

## **(6) MINIMUM LOT FRONTAGE**

- (a) any *row house* erected within *Block 1* shall have a minimum *lot frontage* of 4 metres.

**(7) VEHICULAR PARKING**

- (a) parking spaces shall be provided in accordance with the following:
- i. at a minimum rate of:
    - 1. 0.6 for each *bachelor dwelling unit* up to 45 square metres and 1.0 for each *bachelor dwelling unit* greater than 45 square metres;
    - 2. 0.7 for each one *bedroom dwelling unit*;
    - 3. 0.9 for each two *bedroom dwelling unit*; and
    - 4. 1.0 for each three or more *bedroom dwelling unit*;
  - ii. at a maximum rate of:
    - 1. 0.9 for each bachelor dwelling unit up to 45 square metres and 1.3 for each bachelor dwelling unit greater than 45 square metres;
    - 2. 1.0 for each one *bedroom dwelling unit*;
    - 3. 1.3 for each two *bedroom dwelling unit*; and
    - 4. 1.5 for each three or more *bedroom dwelling unit*;
  - iii. parking space for visitors must be provided at a minimum rate of 0.1 for each *dwelling unit*;
  - iv. parking spaces for *mixed use buildings* are to be provided at the same rate as a dwelling unit in an *apartment building* (tenant requirement);
  - v. parking spaces must be provided at a minimum rate of 1.0 for each *row house*; and
  - vi. parking spaces for office (excluding *medical/dental office*) a minimum rate of 1.0 for each 100 square metres of gross floor area; and a maximum rate of 2.0 for each 100 square metres of gross floor area.
- (b) notwithstanding the number of parking spaces required by subsection (7)(a) above, the minimum requirement for office uses shall be 1.5 spaces per 100 square metres of office space;
- (c) notwithstanding the number of parking spaces required by subsection (7)(a) above, the minimum resident parking requirement may be reduced by 4.0 parking spaces for each car share parking space provided on the lot to a maximum determined by the following formula:  $4 \times (\text{Total number of units} / 60)$ , rounded down to the nearest whole number;

- (d) parking for *Blocks 4A, 3C, 3A and 5A*, may be provided on *Blocks 4A, 4C, 3D, 3C, 3A and 5A*, provided that any parking on *Block 4C and 3D* is solely located below grade; and
- (e) the required residential visitor parking spaces for any *Block* in the CR zone will be dedicated for use by visitors, and will be provided at no cost to the visitor.

#### **(8) LOADING**

Will be provided in accordance with former City of Toronto *By-law No. 438-86*.

#### **(9) AMENITY SPACE**

Will be provided in accordance with former City of Toronto *By-law No. 438-86* and may not be located below *grade*.

#### **(10) BIKE PARKING**

Will be provided in accordance with former City of Toronto *By-law No. 438-86*, except that:

- (a) required bicycle parking may be located on an adjacent *Block* within the same zone;
- (b) required bicycle parking may be located on either of the adjacent publicly accessible open space *Blocks 3D and 4C*, provided that such spaces do not exceed 10 percent of area of such *Blocks*; and
- (c) required bicycle parking may be located either on P1 or Ground levels or at grade.

#### **(11) UNIT BREAKDOWN**

- (a) 30 percent of all residential *dwelling units* across the *Site* will contain at least 2 or more *bedrooms*; and
- (b) a minimum of 10 percent of all residential *dwelling units* across the *Site* will contain at least 3 or more *bedrooms*.

#### **(12) PHASING**

- (a) the lands shall be developed in accordance with the following phasing plan:
  - i. *Phase 1* shall include *Block 1* and the restoration and adaptive re-use of the heritage structure on *Block 3C*;
  - ii. *Phase 2* shall include *Blocks 3A, 3B and 4B*, the preparation to base park standards and conveyance to the City of the required public parkland or other arrangements regarding the required parkland conveyance to the

satisfaction of the City Solicitor, the required publicly accessible open spaces, the realignment of Perth Avenue and the creation of the private internal street, as shown on Map 3;

- iii. *Phase 3* shall include *Block 5A*;
- iv. *Phase 4* shall include *Block 5B*; and
- v. *Blocks 2* and *4A* may be developed at any time subject to the removal of the (h).

**(13) HOLDING SYMBOL "(h)"**

- (a) lands identified as *Blocks 1, 2, 3A, 3B, 3D, 4B, 4C, 5C* and zoned with the "(h)" symbol shall not be used for any purpose other than as provided for in subsection (5)(f) above until the "(h)" symbol has been removed. An amending by-law to remove the "(h)" symbol in whole or in part shall be enacted when the implementation of the following conditions have been secured:
  - i. confirmation from Metrolinx and/or other applicable operators of the adjacent rail corridors that separation and mitigation issues have been appropriately addressed in the site plan control application for the applicable *Phase* to the satisfaction of the Chief Planner;
  - ii. submission of an application for site plan control with building designs satisfactory to the Chief Planner for the applicable *Phase*; and
  - iii. conveyance of the public park to the satisfaction of the City Solicitor, as outlined in the Section 37 agreement.
- (b) lands identified as *Blocks 4A, 5A, 5B* and zoned with the "(h)" symbol shall not be used for any purpose other than as provided for in subsection (5) (f) above until the "(h)" symbol has been removed. An amending by-law to remove the "(h)" symbol in whole or in part shall be enacted when the implementation of the following conditions have been secured:
  - i. the submission of a Traffic Impact and Parking Supply Study satisfactory to the Executive Director of Engineering and Construction Services, for the applicable *Phase*;
  - ii. confirmation from Metrolinx and/or other applicable operators of the adjacent rail corridors that separation and mitigation issues have been appropriately addressed in the site plan control application for the applicable *Phase* to the satisfaction of the Chief Planner; and
  - iii. submission of an application for site plan control with building designs satisfactory to the Chief Planner for the applicable *Phase*.



- (c) lands identified as *Block 2* on Map 3 shall not be used for any purpose other than open space until the City has accepted the conveyance of *Block 5C* as public parkland.

#### **(14) DEFINITIONS**

- (a) for the purposes of this exception, the following expressions shall have the following meaning:
- i. "Block" means any one of the *Blocks* as defined;
  - ii. "Blocks" means any or all of the *Blocks* defined in subsection 14(a)(iii) below, as the case may be;
  - iii. "Block 1", "Block 2", "Block 3A", "Block 3B", "Block 3C", "Block 3D", "Block 4A", "Block 4B", "Block 4C", "Block 5A", "Block 5B", "Block 5C" and "Block 5D" means those lands respectively delineated and identified as *Block 1*, *Block 2*, *Block 3A*, *Block 3B*, *Block 3C*, *Block 3D*, *Block 4A*, *Block 4B*, *Block 4C*, *Block 5A*, *Block 5B*, *Block 5C* and *Block 5D* on Map 3 attached to and forming part of this by-law;
  - iv. "building envelope" means a building envelope for each *height* area within the *site* as shown by an "H", and as delineated by the lines on Map 4 attached hereto;
  - v. "By-law No. 438-86" means By-law No. 438-86, as amended, of the former City of Toronto being, "A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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";
  - vi. "grade" shall mean 111.9 m above sea level;
  - vii. "height" means the vertical distance between *grade* and:
    - 1. in the case of a pitched roof building, the mean height level between the eaves and the ridge of the roof; and
    - 2. in the case of another kind of roof, the highest point of the roof;
  - viii. "phase" means one or more of the *Blocks* or other elements of the *site* to be developed in an order as set out in subsection (12) of this by-law;
  - ix. "Site" means those lands outlined by heavy lines on Map 1 attached hereto; and

- x. 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 By-law No. 438-86, as amended.

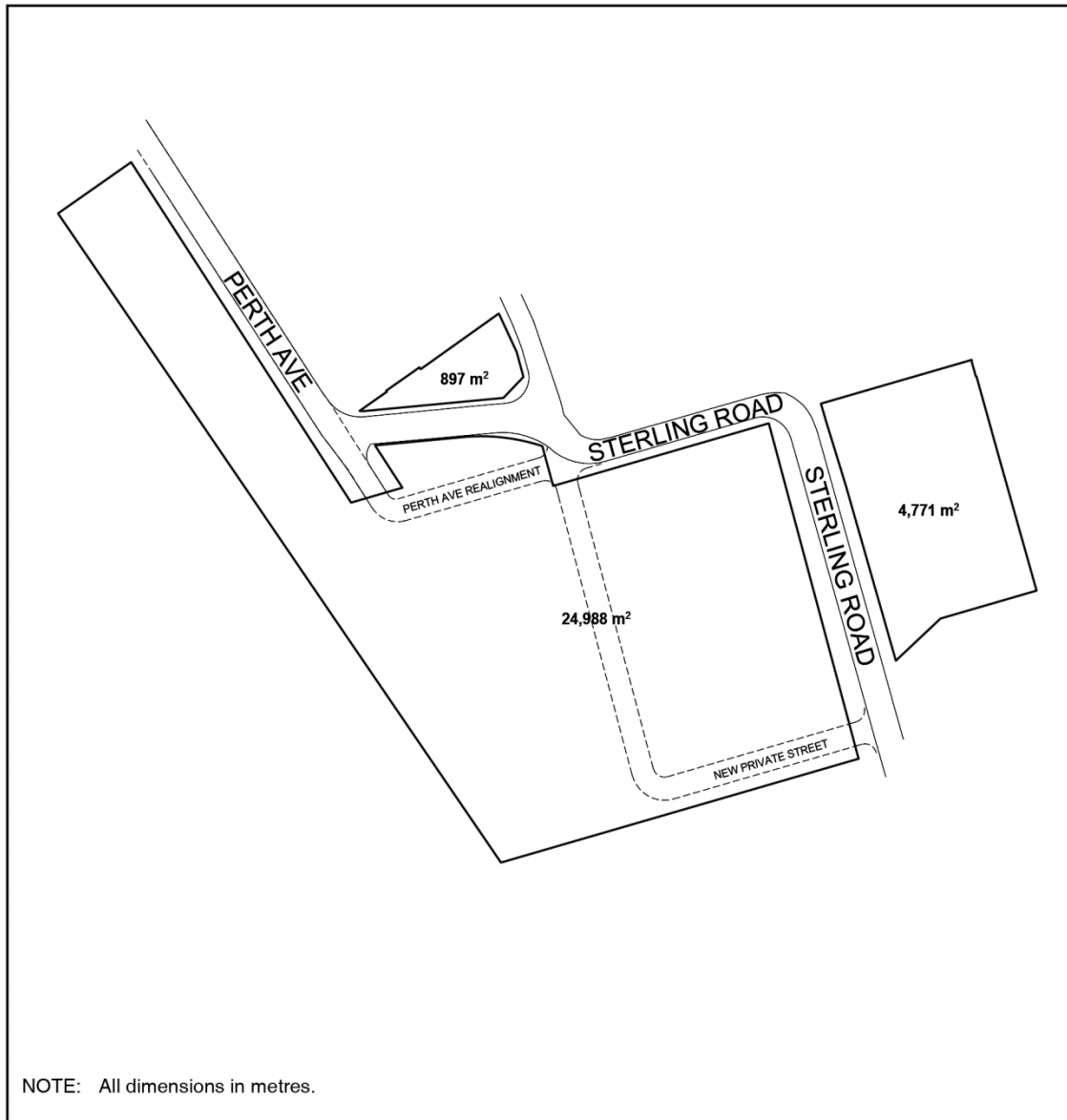
PURSUANT TO THE ORDERS/DECISIONS OF THE ONTARIO MUNICIPAL BOARD  
ISSUED JUNE 6, 2014 AND JULY 23, 2015 IN BOARD FILE NO. PL130380.

**APPENDIX 1**  
**SECTION 37 PROVISIONS**

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the owner to the City in accordance with an agreement or agreements pursuant to Section 37(1) of the *Planning Act*.

1. A 36-space *day nursery* to be built on Block 3B or 4B or a \$1.2 million cash contribution towards the provision of a *day nursery* on the *Site* or in the vicinity of the *Site*, which is to be determined at the discretion of the Chief Planner in consultation with the ward councillor;
2. \$1.7 million in land, units and/or cash or a combination thereof for the provision of affordable housing on-*Site* or in the immediate vicinity of the *Site*, which is to be determined at the discretion of the Chief Planner in consultation with the ward councillor in accordance with the terms of the Section 37 agreement; and
3. \$800,000 for park improvements, on-*Site* affordable housing, and/or a *day nursery*.

All of the above amounts shall be indexed upwardly annually in accordance with the Construction Price Statistics, calculated from the date of the Section 37 agreement until the date of the delivery of the payment.



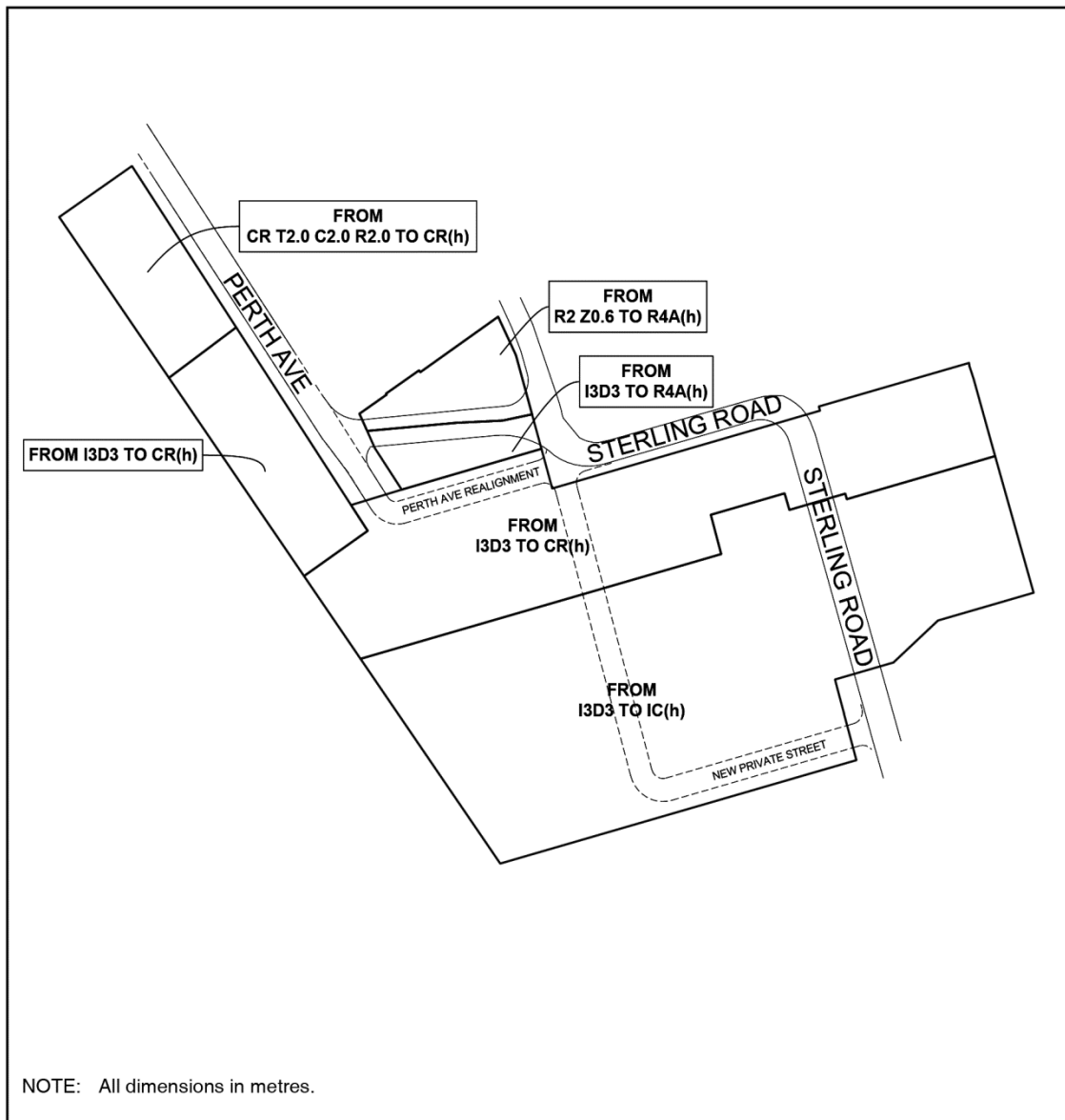
**Toronto** City Planning  
Map 1

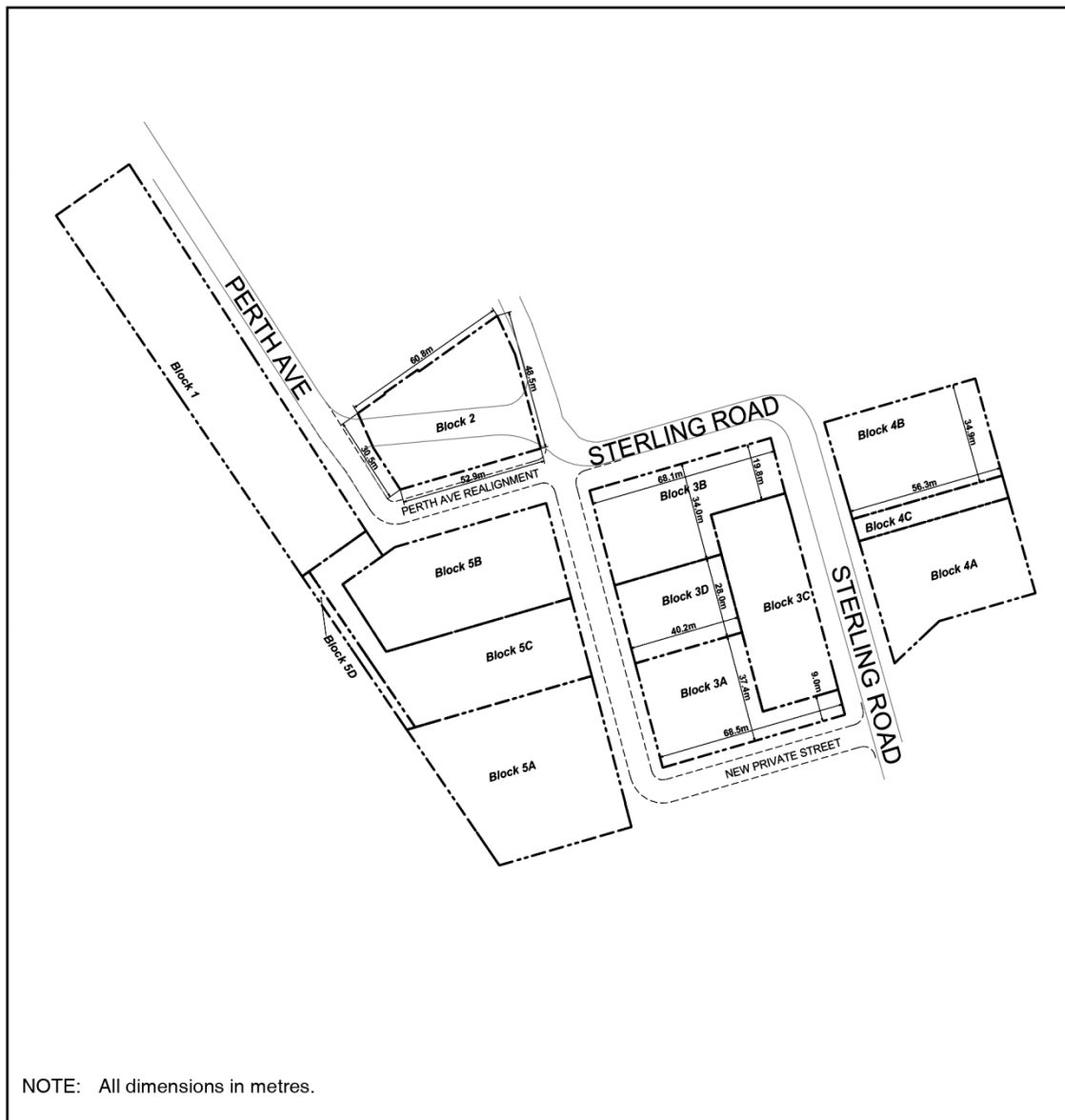
158 Sterling Road

File # 11 \_ 228729 STE 18 0Z

Site

↑  
Not to Scale  
05/30/2014





**Toronto** City Planning  
Map 3

158 Sterling Road

File # 11 \_ 228729 STE 18 0Z

Blocks



Not to Scale  
05/30/2014



 **Toronto** City Planning  
Map 4

158 Sterling Road

File # 11 \_ 228729 STE 18 0Z

## Build Envelopes

Not to Scale  
07/13/2015

