

**23, 25, 27 & 29 Stafford St – Rezoning Application –
Final Report**

Date:	May 22, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	08 172749 STE 19 OZ

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

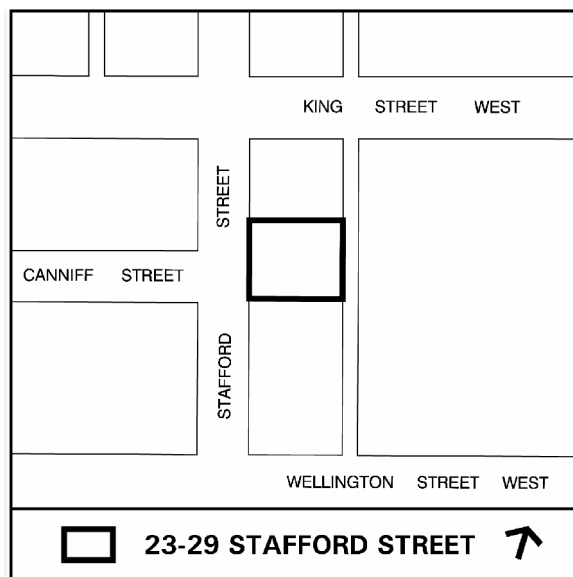
This application proposes to redevelop the properties at 23-29 Stafford Street with a terraced 10 storey condominium containing 104 residential units and three levels of underground parking.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.



3. Before introducing the necessary Bills to City Council for enactment, authorize the appropriate City officials and require the owner to execute one or more agreements pursuant to Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreements be registered on title on the lands in a manner satisfactory to the City Solicitor, to secure the following facilities, services and matters:
 - i. 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.
 - ii. 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.
 - iii. 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.
 - iv. 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.
4. The owner shall comply with any other conditions set forth in the agreement required to ensure the orderly development and phasing of the lands as required by Chief Planner and Executive Director of City Planning, acting reasonably.
5. City Council authorizes City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There are no previous applications or decisions related to the subject property.

ISSUE BACKGROUND

Proposal

Original Proposal:

On July 2, 2008 a proposal for a 13 storey condominium at 23-29 Stafford Street was submitted by the applicant. The building had a height of 42.4 metres with only the thirteenth floor, or penthouse level, being stepped back from Stanley Park. The project proposed a density of 9.2 times the area of the lot and 103 residential units (90 one bedroom units and 13 two bedroom units). A total of 55 parking spaces were to be provided for residents with no visitor parking spaces being proposed. Pedestrian and vehicle access were off Stafford Street.

Revised Proposal:

The applicant submitted a revised proposal on March 16, 2009 in response to concerns presented by the neighbourhood, Ward Councillor and City staff. The revised submission proposes a 10 storey condominium at 32.5 metres in height (including the mechanical penthouse) having step backs commencing at the ninth and tenth storeys on the building elevation facing Stanley Park. The ground floor contains two storey townhouse style units with verandas that are oriented to have direct pedestrian access from Stafford Street or Stanley Park. The main residential lobby has access from both Stafford Street and Stanley Park.

A total of 104 residential units are proposed with a breakdown being 49 (47%) bachelor units, 48 (46%) one bedroom units and 7 (7%) two bedroom units. The total gross floor area for the project is 7,705.6m², which represents a density of 6.9 times the area of the lot.

Vehicular access to the three storey underground garage is located at the southwest corner of the building off Stafford Street. A total of 57 parking spaces are to be provided, 7 of which are visitor spaces. Site servicing, garbage pick-up and loading would occur off Stafford Street at the north west corner off the building.

As part of the construction process, the applicant has also agreed to landscape a portion of the rear laneway, referred to as Stanley Terrace, which is to be closed and converted for public park use. The City has already closed and landscaped the portion of Stanley Terrace in front of the 15 Stafford Street development to the south. The portion of the park adjacent to the subject site will be landscaped in a similar manner.

For further statistical information, refer to the Application Data Sheet found at Attachment 7 of this report.

Site and Surrounding Area

The development site, which is comprised of properties municipally referred to as 23, 25, 27 and 29 Stafford Street, is located on the east side of Stafford Street just south of King Street West. The rectangular shaped site has an area of 1,115 square metres with 30.5 metres of frontage on Stafford Street and a depth of 36.6 metres.

The subject lands currently contain three small industrial/commercial buildings ranging from 1 to 2 storeys in height. All will be demolished.

Land uses surrounding the site are as follows:

North: 2 storey townhouse building fronting King Street West

South: a 10 storey condominium building

East: Stanley Park

West: an 11 storey condominium building and 8 store office building across Stafford Street

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City of Toronto Official Plan designates the property as *Mixed Use Areas*, which provides for a broad range of commercial, residential and institutional uses subject to a number of development criteria.

In addition, the Garrison Common North Secondary Plan applies to the site, however, the lands are not located within any of the site specific policy areas identified within the Plan and are therefore subject to the general policies outlining the objectives and direction for the area.

The Toronto Official Plan is available on the City's website at:
www.toronto.ca/planning/official_plan/introduction.htm

Zoning

Under Former City of Toronto Zoning By-law 438-86 the subject site is zoned I1 D3 (Attachment 6). The I3 zoning classification permits a wide range of industrial and commercial uses up to a total density of 3.0 times the area of the lot. The maximum permitted height for the site is 18.0 metres.

Site Plan Control

An application for Site Plan Approval was submitted concurrently with the rezoning application and is currently under review.

Reasons for Application

The I3 zoning classification does not permit residential uses and the proposed building exceeds the 18.0 metre maximum height limit as well as the 3.0 x total density as set out in Zoning By-law 438-86.

The proposed height of 32.5 metres and proposed density of 6.9 times the area of the lot do not comply with the zoning by-law.

Community Consultation

A Community Consultation Meeting was held on September 17, 2008 at the Niagara Community Centre. Approximately 30-40 people attended. Following presentations from the local Councillor, City staff and the applicant a number of issues were discussed, including:

- Lack of both resident and visitor parking being provided as on street parking is already a concern
- The proposed height of the building is out of character with the neighbourhood and casts an unacceptable shadow on Stanley Park. The building should be similar to or shorter than the condo at 15 Stafford Street (to the south) in height and terracing of the upper floors
- The building footprint should be set back further from Stanley Park and Stafford Street
- The treatment of the ground floor townhouse units along Stanley Park is inadequate
- The lack of setback from the 15 Stafford Street condominium will restrict the views from the balconies of the existing units along the north face of that building
- Pedestrian access to the building should be provided off Stanley Park
- Lack of indoor and outdoor amenity space

Letters and e-mails were also submitted by area residents which echoed similar concerns.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The proposed residential use is appropriate for this site given the context of the neighbourhood and the existing condominium buildings on Stafford Street. The subject lands' designation as *Mixed Use Areas* in the Official Plan also allows for residential uses as do the policies of the Garrison Common North Secondary Plan.

Density, Height, Massing

The revised proposal represents a reduction in density from 9.2 to 6.9 times the area of the lot. The revised density is more compatible with the other buildings in the neighbourhood, including the residential building on the adjacent lot to the south, referred to as 15 Stafford (5.4 x area of the lot), and directly across Stafford Street to the West, referred to as 18 Stafford (6.4 x area of the lot).

The building is to be 10 storeys tall at a maximum of 32.5 metres in height, inclusive of the mechanical penthouse, with terraced setbacks at the rear of the condominium. The massing of the 32.5m maximum height is closer to the Stafford Street frontage as step backs at the rear of the building occur at the ninth storey (25.7m) and tenth storey (28.8m), resembling the terracing of 15 Stafford to the south. The revised proposal represents a reduction in height of 10.0m from the original submission, which is comparable to the 15 Stafford building to the south (29.0m exclusive of a portion of the mechanical penthouse) and the 18 Stafford building across the street (38.0m including the mechanical penthouse).

Sun, Shadow, Wind

Given the subject property's adjacency to Stanley Park, ensuring that the building provided an appropriate transition and relationship to the park was of priority. Official Plan policies dictate that any new buildings adjacent to a park create minimal shadow impacts and maintain sunlight for pedestrians. The applicant's original submission of a 13 storey building cast an unacceptably large shadow on Stanley Park. City staff worked with the applicant to determine a built form envelope that ensured minimal incremental shadow beyond what an as-of-right condition would cast.

During the development review process for the residential building on the adjacent lot to the south, 15 Stafford Street, shadow studies were prepared to establish the shadow impacts for a building with an as-of-right height of 18.0m. It was determined that a building with step backs at the upper floors, as was ultimately approved for 15 Stafford, would result in a built form envelope that would cast a shadow very similar to the as-of-right permissions, with any incremental shadow impact being negligible.

To address the shadow concerns on the park the applicant revised the building to mimic the conditions established by the 15 Stafford condominium. As a result of reducing the height of the building by 3 storeys (10.0m) and providing terraced step backs at the ninth and tenth storey the revised proposal will cast a shadow on Stanley Park that is similar to that of the 15 Stafford project.

Traffic Impact, Access, Parking

Works and Emergency Services (WES) staff have reviewed the revised application and have no concerns with the traffic impacts of the proposal in terms of the surrounding street network.

The original submission provided a total of 55 parking spaces for residents; no visitor spaces were contemplated. To address concerns by the neighbourhood regarding the lack of visitor parking, the revised proposal has increased the total number of parking spaces by two to 57, of which 7 will be dedicated to visitor parking for building guests. Works and Emergency Services staff have also indicated that they have no concerns with respect to the provision of parking.

Servicing

Site servicing, garbage pick-up and loading will occur off Stafford Street at the north west corner off the building. The size of the lot does not allow for a garbage truck to enter and exit the site in a forward motion so private garbage collection will be provided.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.80 to 1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 104 residential units on a site of 0.115 hectares (1,115m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.137 hectares (1,373m²). However, a cap of 10% applies and hence the parkland dedication would be 0.0111 hectares (111.5m²)

The applicant proposes to satisfy this parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 0.111 hectares (111.5m²) would not be of a useable size.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

A report will be brought through Community Council recommending the closure of a portion of Stanley Terrace, which will be converted for park use as an expansion to

Stanley Park. The applicant has agreed to landscape the portion of the laneway adjacent to their site to a similar condition to the portion that has already been closed.

Streetscape

The original submission proposed a zero front yard setback, which would have resulted in a building that was set closer to the street than the adjacent building to the south. The revised proposal provides a front yard setback of 1.8 metres, aligning the face of the building with the building to the south.

At grade, two-storey townhouse units face both Stafford Street and Stanley Park. Each townhouse unit has a small veranda with individual entrances that let out onto either Stafford Street or the park, each protected by ornamental hedges. Entrances to the lobby of the condominium are provided on both sides of the building off Stafford Street and Stanley Park. The proposal has incorporated a high level of design to the ground floor plane that should create a pleasant streetscape along the Stafford Street and Stanley Park elevations.

The materials and design of the lower floor elevations will be secured through 1:50 scale drawings in a Section 37 agreement.

Toronto Green Standard

The Green Development Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto. The Standard has 63 possible green development targets. Based on the applicant's submission of the Toronto Green Development Standard Checklist, the proposed development is intended to achieve 22 targets. Some of the targets proposed to be met include:

- zero use of CFC based refrigerants and Halons in fire suppression;
- a substantial portion of the roof to be a green or white roof;
- 5% of materials, including adhesives, sealants, paints, coatings, composite wood and agrifiber products are low emitting;
- drought resistant plant material used;
- all water features meet efficiency standards;
- storage facilities for recycling and organic waste; and
- no lighting directed towards the sky.

Staff will continue to work with the applicants through the Site Plan application review to identify further performance targets for the project to promote better environmental sustainability.

Amenity Space

The indoor amenity space is located on the ground floor. The proposed space is 62.7m² and contains both kitchen space and a washroom. It is located adjacent to the residential

lobby with access also available from the exterior, off Stanley Park, where a common veranda has also been provided for outdoor amenity space (16m²). While the applicant is providing minimal space towards common outdoor amenity area, the space is directly adjacent to Stanley Park and each residential unit within the building has its own private balcony or veranda.

Section 37

The application is not subject to Section 37 contributions as the development does not exceed 10,000 square metres of gross floor area. However, the materials and design of the lower floor elevations will be secured in 1:50 scale drawings through a Section 37 Agreement, as will the landscaping of the portion of Stanley Terrace adjacent to the subject site.

Development Charges

It is estimated that the development charges for this project will be \$539,692.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

The applicant has submitted a revised proposal that satisfies the revisions requested by Planning staff and has addressed a majority of the residents concerns. The 10 storey residential building provides an appropriate relationship and transition to Stanley Park and will represent a significant improvement to the Stafford streetscape. This report recommends approval of this application.

CONTACT

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E-mail: jmarkow@toronto.ca

SIGNATURE

Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: East Elevation

Attachment 3: West Elevation

Attachment 4: North Elevation

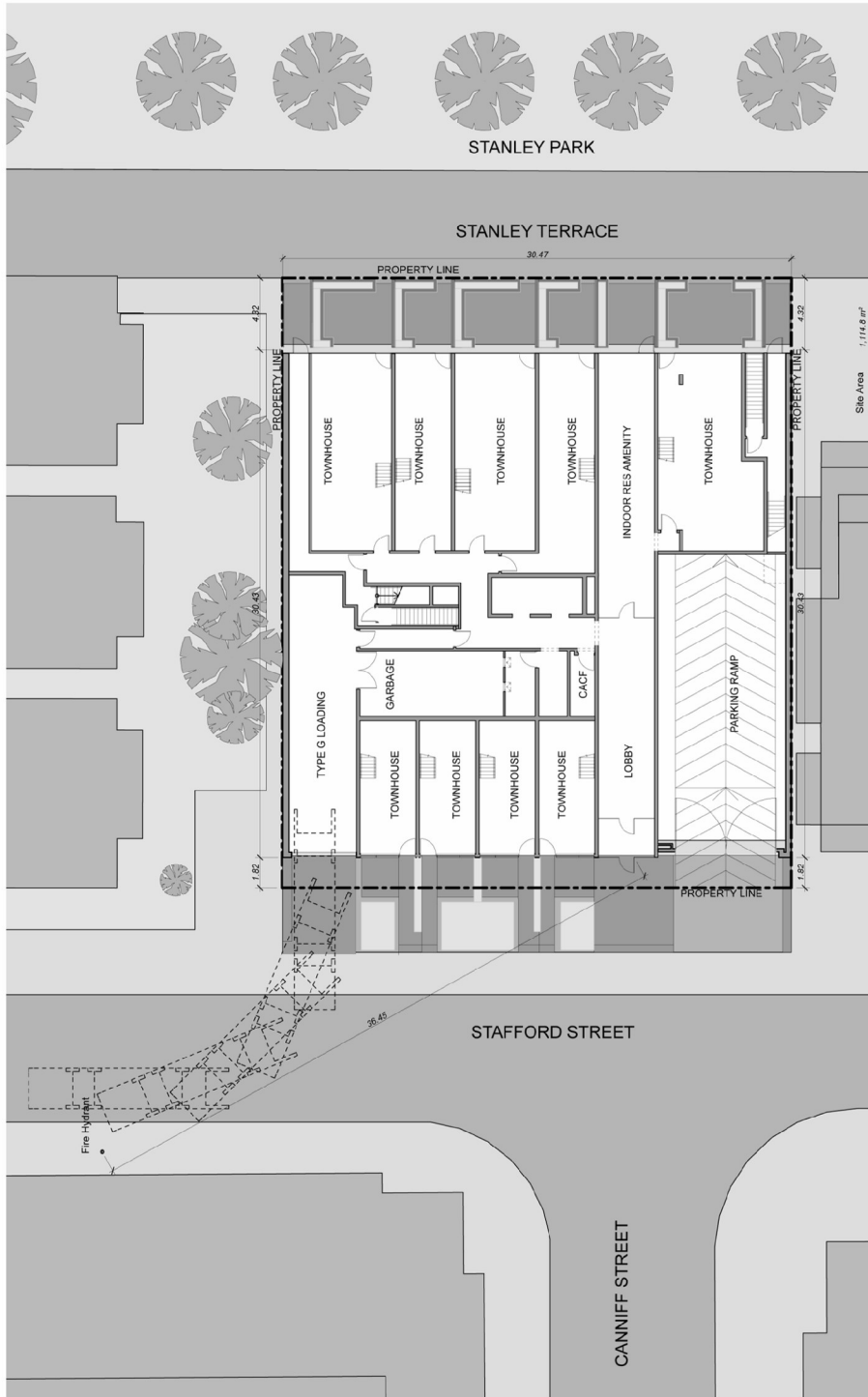
Attachment 5: South Elevation

Attachment 6: Zoning

Attachment 7: Application Data Sheet

Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Site Plan



23 - 29 Stafford Street

File # 08_172749

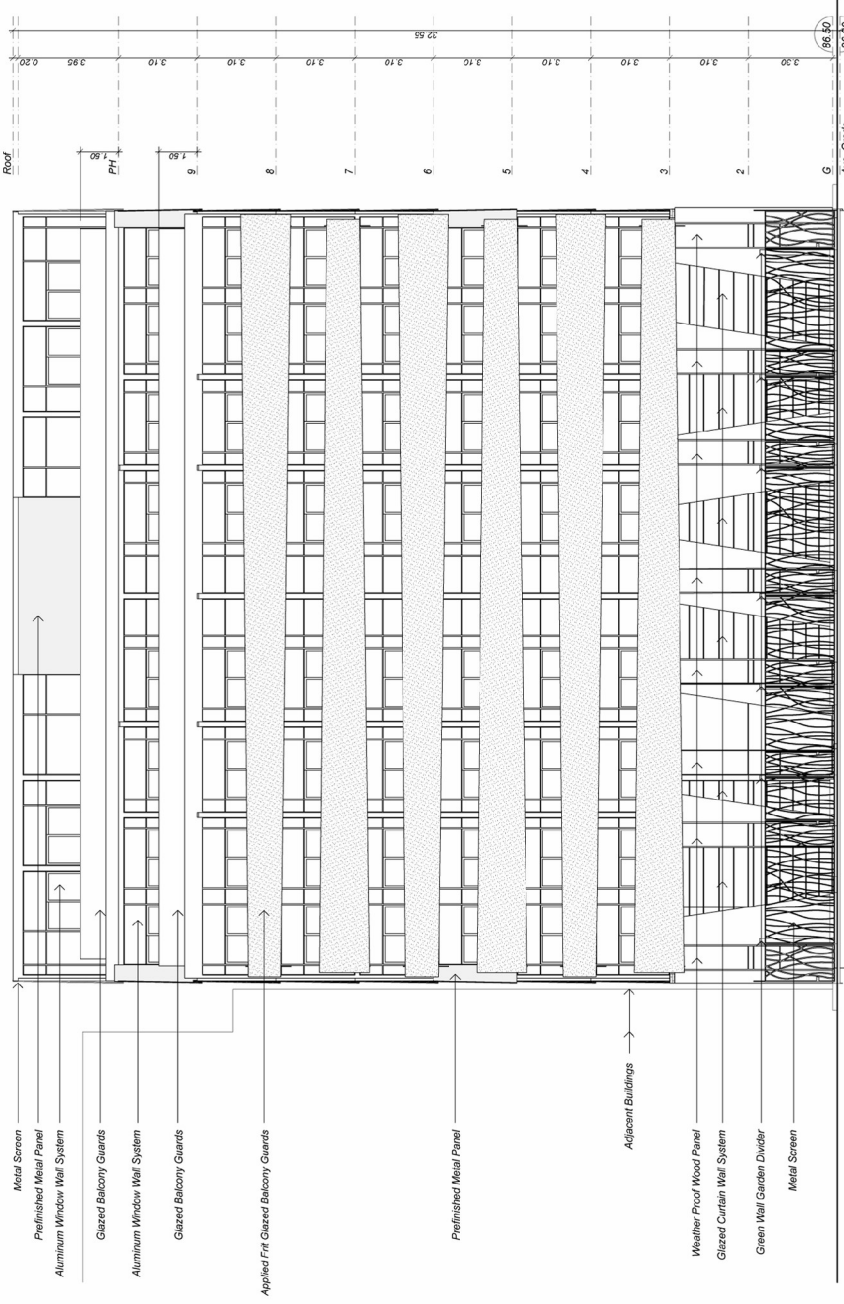
Site Plan

Applicant's Submitted Drawing

Not to Scale
05/20/2009



Attachment 2: East Elevation



East Elevation

Elevation

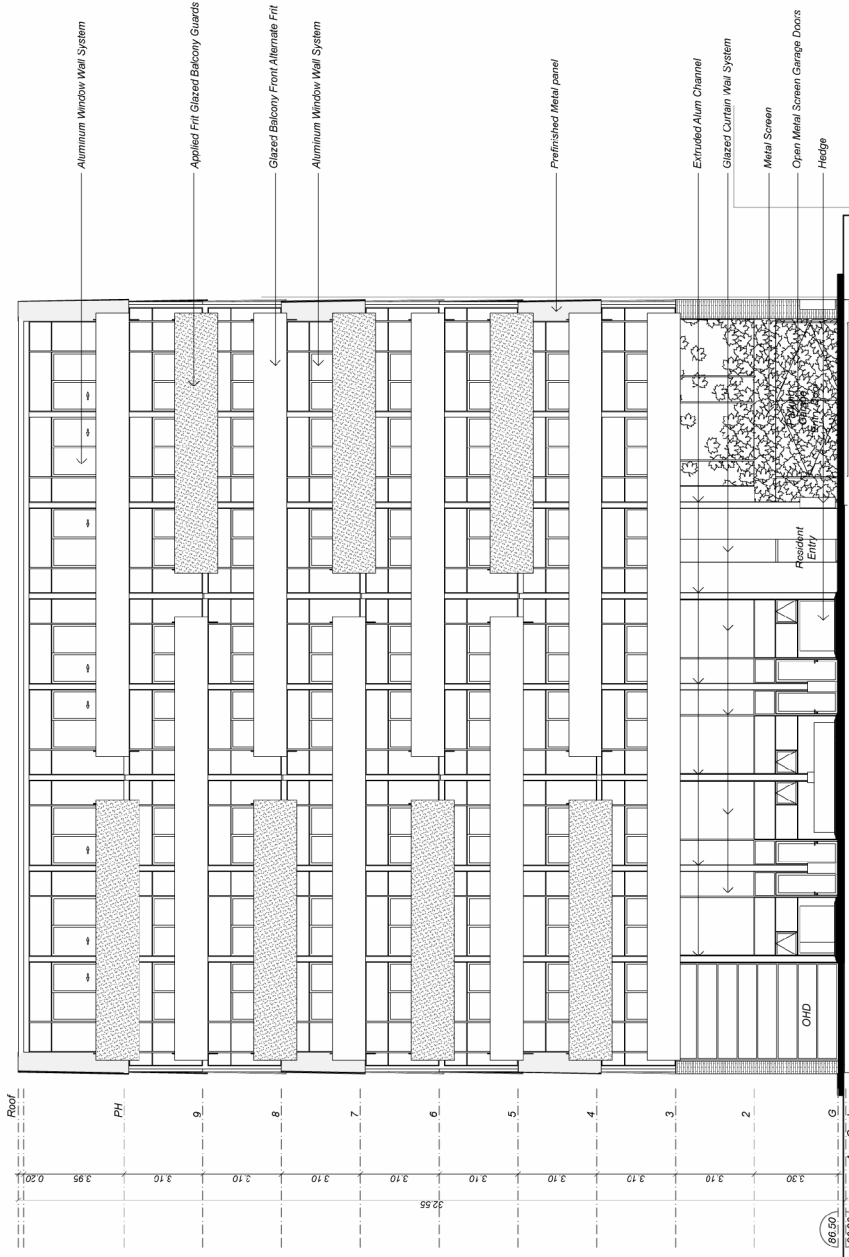
Applicant's Submitted Drawing

Not to Scale
06/20/2009

23 - 29 Stafford Street

File # 08_172749

Attachment 3: West Elevation



West Elevation

23 - 29 Stafford Street

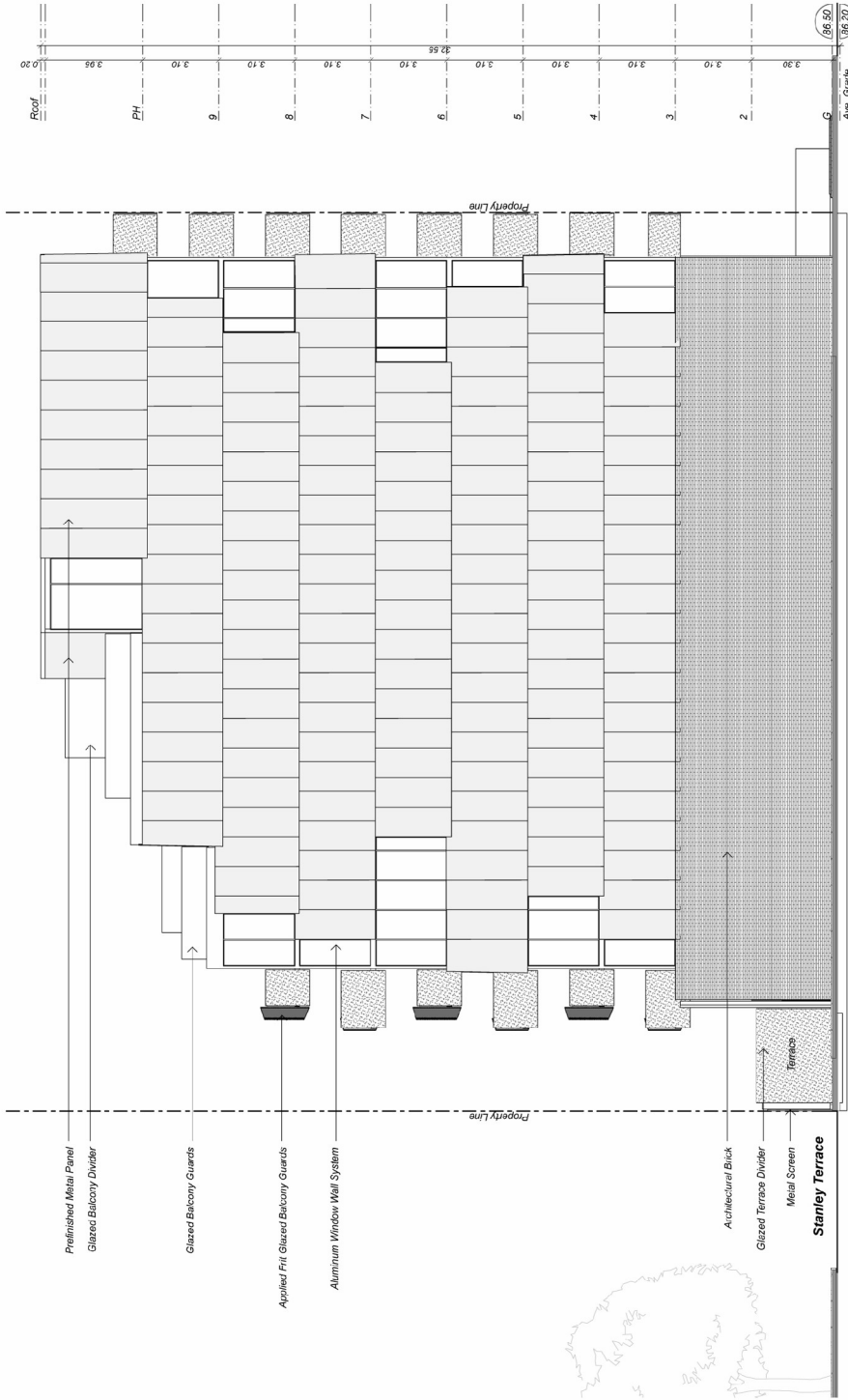
Elevation

Applicant's Submitted Drawing

Not to Scale
05/20/2009

File # 08_172749

Attachment 4: North Elevation



North Elevation

Elevation

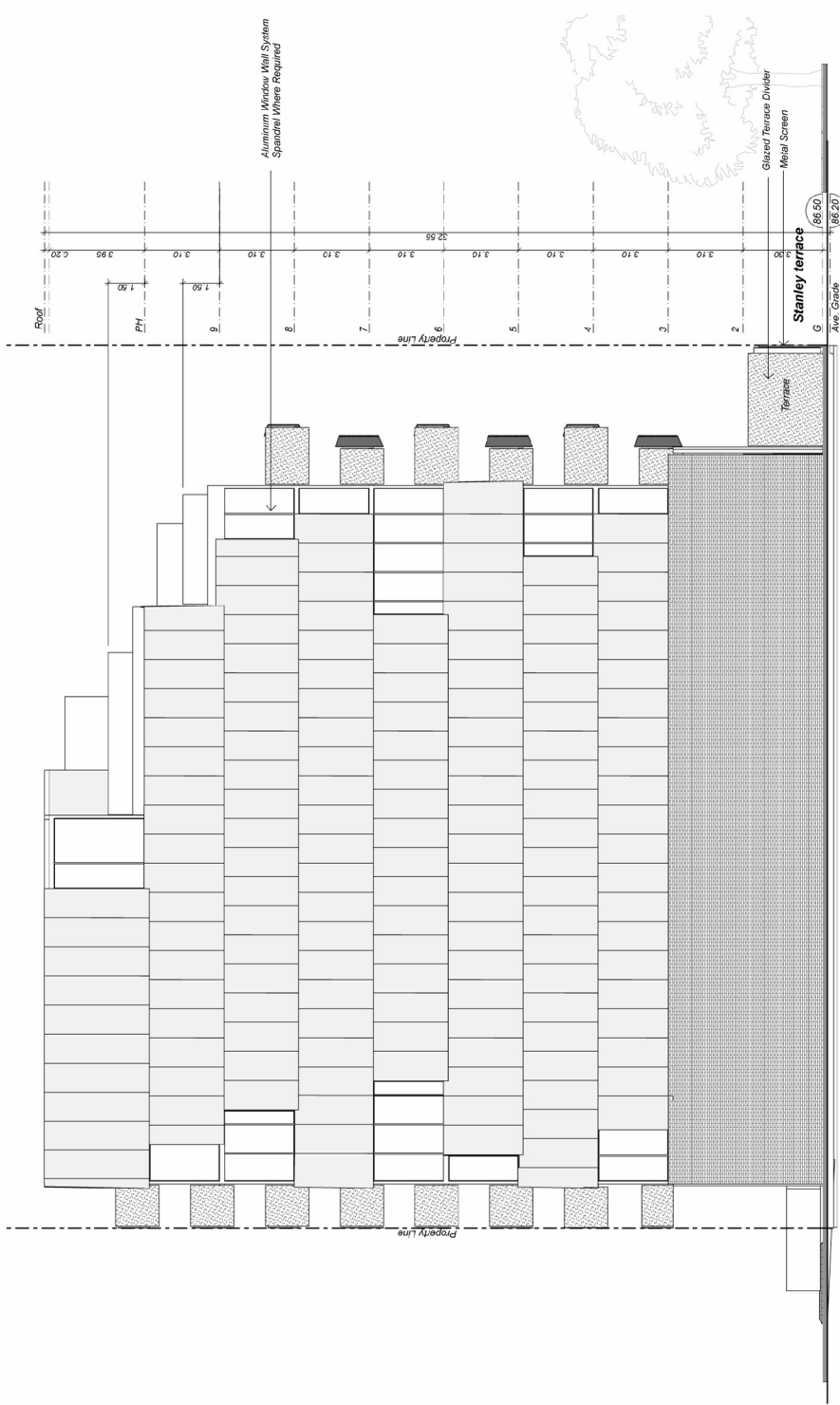
23 - 29 Stafford Street

Applicant's Submitted Drawing

Not to Scale
05/20/2009

File # 08 172749

Attachment 5: South Elevation



South Elevation

23 - 29 Stafford Street

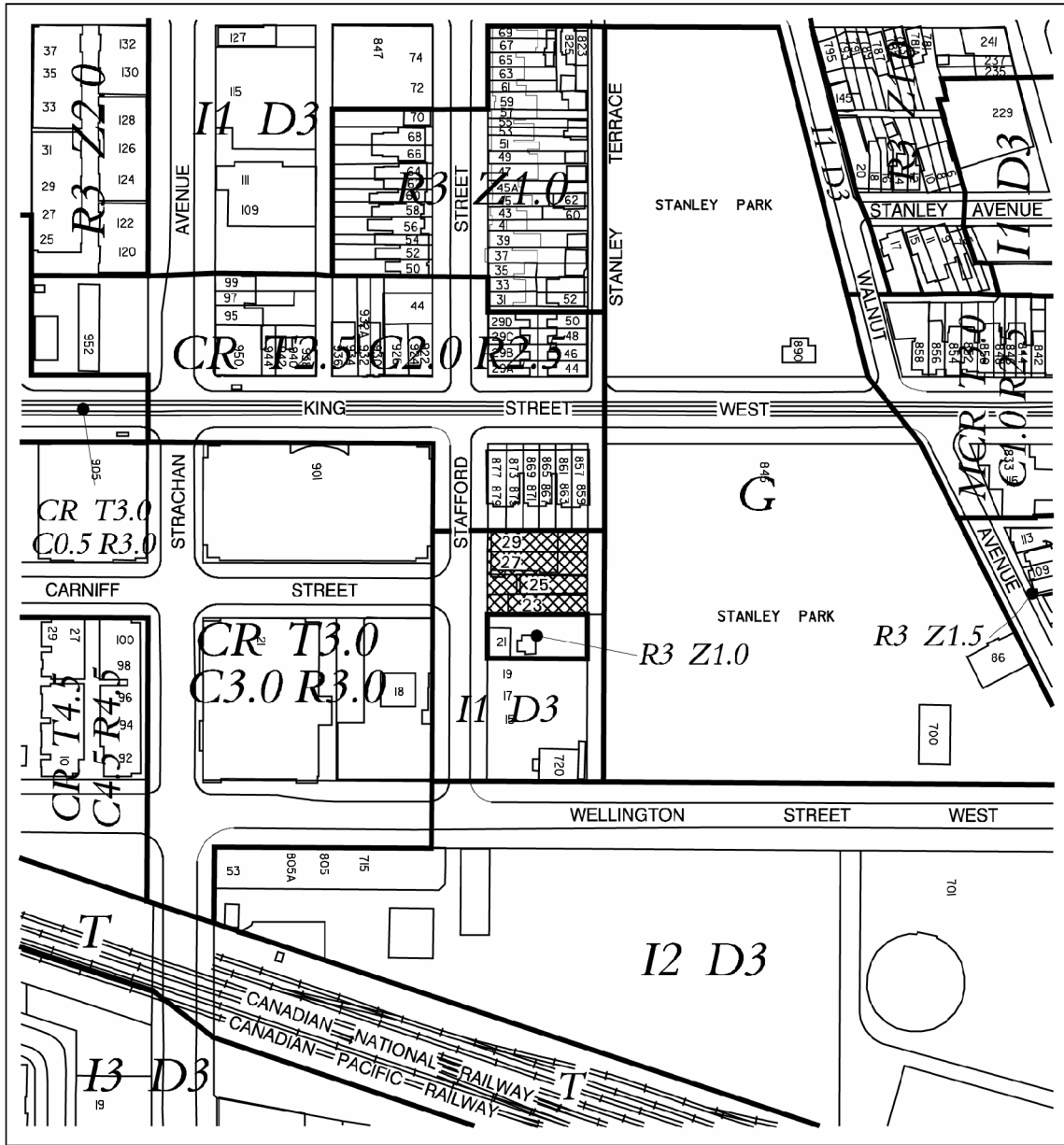
Elevation

Applicant's Submitted Drawing

Not to Scale
08/20/2009

File # 08_172749

Attachment 6: Zoning



23 - 29 Stafford Street

File # 08_172749

R3 Residential District	I2 Industrial District
CR Mixed-Use District	I3 Industrial District
MCR Mixed-Use District	T Industrial District
G Parks District	
I1 Industrial District	



Not to Scale
Zoning By-law 438-86 as amended
Extracted 07/23/08 - TA

Attachment 7: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	08 172749 STE 19 OZ
Details	Rezoning, Standard	Application Date:	June 19, 2008

Municipal Address: 25 STAFFORD ST
 Location Description: ORD RESERVE PT LT28 **GRID S1909
 Project Description: Proposed 12 storey +1 Penthouse residential tower with 103 Units. 3 levels of underground parking

Applicant:	Agent:	Architect:	Owner:
AIRD & BERLIS KIM KOVAR		Peter Clewes	25 STAFFORD INC.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	I1 D3	Historical Status:	N
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1115	Height:	Storeys:	10
Frontage (m):	30.47		Metres:	32.55
Depth (m):	36.57			
Total Ground Floor Area (sq. m):	667.30			Total
Total Residential GFA (sq. m):	7705.57		Parking Spaces:	57
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	7705.57			
Lot Coverage Ratio (%):	52.9			
Floor Space Index:	6.91			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	49
1 Bedroom:	48
2 Bedroom:	7
3 + Bedroom:	0
Total Units:	104

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	7646.57	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Jeff Markowiak, Planner
TELEPHONE: (416) 397-4647

Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2009

**To amend Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as,
23, 25, 27 & 29 Stafford Street**

WHEREAS authority is given to Council by Section of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS 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. 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.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

