

# CITY OF TORONTO

## BY-LAW No. 358 -1998 (OMB)

### **To amend the General Zoning By-law No. 438-86 respecting certain lands known as 354, 370 and 480 St. Clair Avenue West.**

WHEREAS the Council of The Corporation of the City of Toronto considered this matter and adopted Clause 22 of Report No. 10 of the Land Use Committee as amended at its meeting held on the 10th and 11th days of August, 1992 and adopted Clause 3 of Report No. 16 of the Land Use Committee as amended at its meeting held on the 18th day of November, 1996; and

WHEREAS the Ontario Municipal Board has, pursuant to its Order No. 1271, dated May 27, 1998, upon hearing an appeal under Section 34(11) of the *Planning Act* deemed it advisable to amend By-law No. 438-86, as amended, of the former City of Toronto as it applies to 354, 370 and 480 St. Clair Avenue West;

THEREFORE pursuant to Section 34(11) of the Planning Act, the Ontario Municipal Board determines as follows:

1. None of the provisions of sections 8(3) PART I 1 or 8(3) PART I 3(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 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, in respect of the *lot* as defined below, and none of the provisions of sections 4(2)(a), 4(4)(b), 8(3) PART II 4(c)(ii) or 12(2)222 of the aforesaid By-law No. 438-86 in respect of that portion of the *lot* shown as Area A on Map 1, attached to and forming part of this By-law, and none of the provisions of section 12(2)270(a)(i) and (ii) of the aforesaid By-law No. 438-86 in respect of that portion of the *lot* shown as Area B on Map 1, attached to and forming part of this By-law, shall apply to prevent the erection and use on the *lot* of part of one *mixed-use building* containing a total of not more than 21,000 square metres of *residential gross floor area* and *non-residential gross floor area*, provided:

- (1) the *lot* consists of at least those lands shown outlined by heavy lines on Map 1 and within the boundaries of the former City of Toronto;
- (2) Area A shown on Map 1 contains a total of not more than 18,000 square metres of *residential gross floor area* and *non-residential gross floor area*;
- (3) Area A contains not more than 17,000 square metres of *residential gross floor area*;
- (4) Area A contains not more than 2,500 square metres of *non-residential gross floor area*;
- (5) Area B contains not more than 3,000 square metres of *non-residential gross floor area*;

- (6) no part of the portion of the *mixed-use building* on the *lot* above the finished surface of the ground extends beyond the areas outlined by heavy lines on Map 2, attached to and forming part of this by-law;
- (7) the *height* of the portion of the *mixed-use building* on the *lot* does not exceed those *heights* shown on Map 2;
- (8) the number of *dwelling units* does not exceed 127;
- (9) the front wall of any portion of the non-residential component of the *mixed-use building* erected or used on Area A is located not more than 5 metres from St. Clair Avenue West and not more than 1.5 metres from Bathurst Street;
- (10) no part of the residential portion of the *mixed-use building* is located within Area B;
- (11) at least that number of *parking spaces* calculated at the following standard are provided exclusively for the use of the residents of the portion of the *mixed-use building* within Area A, together with 0.2 *parking spaces* for each *dwelling unit* exclusively for the use of visitors of the residents:
  - (a) for each *bachelor dwelling unit*: 0.3 *parking spaces*,
  - (b) for each *dwelling unit* containing one bedroom: 0.7 *parking spaces*,
  - (c) for each *dwelling unit* containing two bedrooms: 1.0 *parking spaces*,
  - (d) for each *dwelling unit* containing three or more bedrooms: 1.2 *parking spaces*,

provided that if any *dwelling unit* is located partially within Area A and partially within lands immediately adjacent to and to the north of Area A, the number of *parking spaces* required under this section shall be reduced by the number of *parking spaces* required for such *dwelling unit* by any zoning by-law applicable to such adjacent lands;

- (12) at least that number of *parking spaces* calculated at the following standard are provided exclusively for the non-residential portion of the part of the *mixed-use building* located within Area A:
  - (a) for office uses: one *parking space* for each 93 square metres of rentable office space,
  - (b) for *restaurants* or *take-out restaurants*: one *parking space* for each 33 square metres of *non-residential gross floor area*, and

- (c) for any other permitted non-residential use, other than those uses in (a) and (b) above: one *parking space* for each 80 square metres of *non-residential gross floor area*;
- (13) each *parking space* required pursuant to section 1(11) or 1(12) of this by-law shall be located either:
  - (a) in the part of the underground *parking garage* located within the portion of the *mixed-use building* within Area A, or
  - (b) in the part of the underground *parking garage* located within a portion of the *mixed-use building* on lands immediately adjacent to and to the north of Area A if in excess of the parking requirements of any zoning by-law applicable to such adjacent lands;
- (14) the portion of the *mixed-use building* located within Area B is used only for a *supermarket* or a part thereof, and a *parking garage accessory* to the *supermarket*;
- (15) the portion of the *mixed-use building* at the level of the finished ground in the area shown as "Retail/Service Area" on Map 2 is used only for retail or service space within the *supermarket*, including mechanical devices to move people and goods between levels of the *supermarket*;
- (16) at least 260 *parking spaces* are provided and maintained on the *lot*, or on lands immediately adjacent to and to the north of the *lot*, to be used exclusively to service the portion of the *supermarket* within Area B but which may be also used to service any portion of the *supermarket* located on lands immediately adjacent to and to the north of Area B;
- (17) not more than 320 *parking spaces* are provided and maintained on the *lot*, or on lands immediately adjacent to and to the north of the *lot*, to service the portion of the *supermarket* within Area B and any portion of the *supermarket* located on lands immediately adjacent to and to the north of Area B;
- (18) the non-residential uses in the portion of the *mixed-use building* within Area A do not require and are not provided with more than 40 *parking spaces*;
- (19) not more than 360 *parking spaces* are provided for non-residential uses on the *lot* or on the lands to the north of and immediately adjacent to the *lot* containing any other portion of the *mixed-use building*; and
- (20) at least 8.5 square metres of *residential amenity space* is provided for each *dwelling unit* within Area A, either:
  - (a) within Area A, or

- (b) on lands immediately adjacent to and to the north of Area A if in excess of the amenity space requirements of any zoning by-law applicable to such adjacent lands,

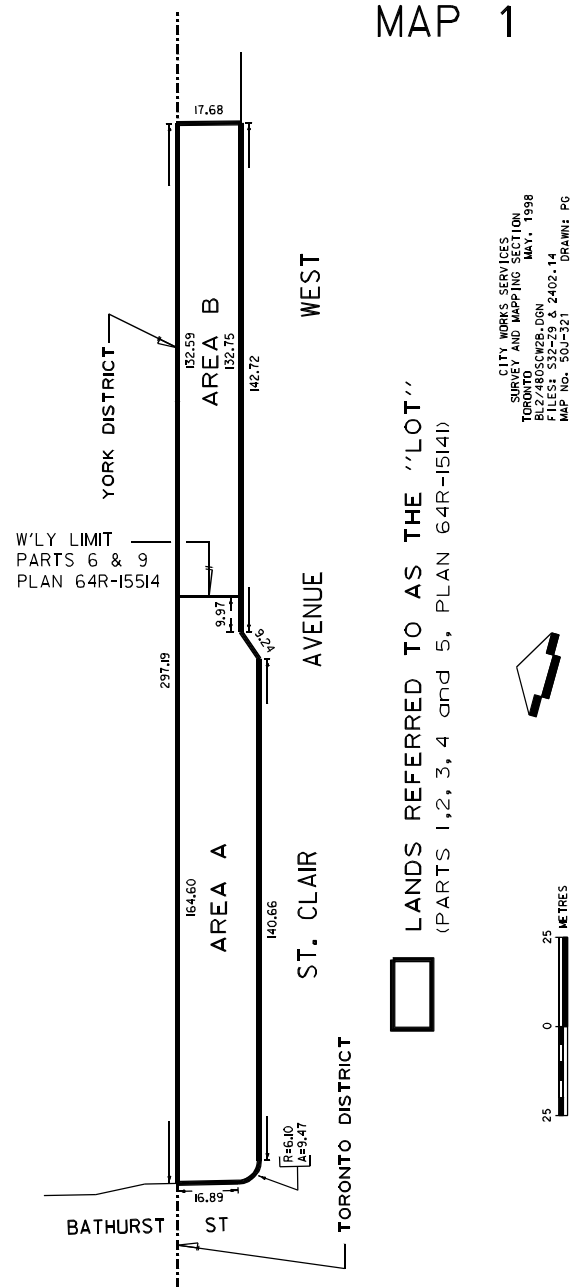
provided that if any *dwelling unit* is located partially within Area A and partially within lands immediately adjacent to and to the north of Area A, the *residential amenity space* required under this section shall be reduced by the *residential amenity space* required for such *dwelling unit* by any zoning by-law applicable to such adjacent lands.

**2.** Nothing in this by-law shall be interpreted so as to prevent:

- (1) the erection of the portion of the *mixed-use building* permitted by this by-law in phases;
- (2) during such phasing, the continued use of Area A for a service station with accessory parking to the extent that such use existed on December 31, 1997;
- (3) during such phasing, the use of Area A as an uncovered surface parking facility to provide parking spaces in accordance with the provisions of this by-law to service the portion of the *supermarket* within Area B; or
- (4) the erection and use on Area A of a portion of the *mixed-use building* which complies with all provisions of the aforesaid By-law No. 438-86 except section 12(2)222 provided there is also compliance with sections 1(1), 1(4), 1(6), 1(8), 1(9), 1(12) and 1(18) of this by-law.

**3.** For the purposes of this by-law and the Zoning By-law as it applies to the *lot*:

- (1) “*supermarket*” means a building or portion of a building used only for the following:
  - (a) primarily the retail sale of groceries and household goods; and
  - (b) in addition to the use set out in clause (a), the uses listed in Section 8(1)(f)(b)(iv) of the aforesaid By-law No. 438-86, *post offices* and automated tellers;
- (2) “*grade*” means 155.1 metres Canadian Geodetic Datum; and
- (3) each word or expression not defined herein which is italicized shall have the same meaning as each such word or expression as defined in the aforesaid By-law No. 438-86, as amended.



## MAP 2

