

Authority: Toronto East York Community Council Report No. 1, Clause No. 5,
adopted as amended, by City of Toronto Council on February 13, 14 and 15, 2002
Enacted by Council: February 15, 2002

CITY OF TORONTO

BY-LAW No. 151-2002

**To amend Zoning By-law No. 438-86 of the former City of Toronto with respect to lands
known as No. 96 St. Patrick Street.**

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in height or density of development beyond those otherwise permitted by the By-law in return for the provision of such facilities, services or matters as are set out in the By-law; and

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

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in density or height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, are to be permitted in return for the provision of 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 lands and the City of Toronto (the "City"); and

WHEREAS the Council of the City has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted in this By-law;

NOW THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. Subject to Section 2, none of the provisions of Section 4(2); Section 4(12); Section 8(3) PART I 3(a); Section 8(3) PART II 1 (a) (ii); Section 4(5)(b) of By-law No. 438-86, the Zoning By-law for the former City of Toronto, shall prevent the erection or use of a *mixed-use building* on the *lot* provided:

- (a) the *mixed-use building* contains only *dwelling units* and no more than four self-contained units that may be used for no purpose other than
- (i) *live-work units* or
 - (ii) the following purposes: office, workshop, studio, *personal grooming establishment* or *tailoring shop*, but only if such a unit is occupied by the owner or owners of that unit,
- provided that access to and from all units described in clauses 1. (a) (i) and (ii) is only at *grade*.
- (b) no part of the *mixed-use building* is constructed above *grade* except within the area delineated by a heavy line as shown on Plan 1 attached hereto (the "*lot*");
- (c) the *height* of the *mixed-use building* does not exceed those shown on Plan 2;
- (d) the total *residential gross floor area* and *non-residential gross floor area* of the *mixed-use building* does not exceed 17800 square metres;
- (e) not less than 147 *parking spaces* are provided on the *lot*, including not less than 137 *parking spaces* for the exclusive use of residents, and not less than 10 *parking spaces* for residential visitors;
- (f) not less than 1 *loading space-type G* is provided and maintained on the *lot*;
- (g) not less than 450 square metres of *residential amenity space* is provided in the *mixed-use building*, of which not less than 200 square metres is provided in a multi-purpose room containing a kitchen and a washroom and not less than 601 square metres of outdoor *residential amenity space* is provided on the *lot*; and
- (h) no window of a *dwelling unit* or unit permitted under subsection 1. (a) (other than a window of a kitchen or bathroom) on the southerly wall of the *mixed-use building*, as shown on Maps 1 and 2, shall be closer than 4.4 metres from the southerly limit of the *lot* and all other windows of the *mixed-use building* shall comply with Section 8(3) PART II 1(a) of By-law No. 438-86.

2. The density and height of development permitted by Section 1 are permitted subject to compliance with the conditions set out in Section 1 and in return for the provision by the *owner* of the following services, facilities and matters to the City of Toronto, namely:
- (1) funds in the amount of \$150,000.00 to be delivered to the City upon or before the earliest to occur of:
 - (a) the date that is eighteen months after the date of passing of this By-law and the By-law to adopt the authorizing Official Plan Amendment if there is no appeal of either amendment;
 - (b) the date that is eighteen months from the date of an Ontario Municipal Board decision upholding this By-law and the By-law adopting the authorizing Official Plan Amendment, if there is an appeal of either By-law; or
 - (c) the date upon which a building permit is issued for any above *grade* structure on the *lot*,

such funds to be used to implement housing for artists.

3. All italicized words and expressions in this By-law have the same meanings as defined in By-law No. 438-86.

ENACTED AND PASSED this 15th day of February, A.D. 2002.

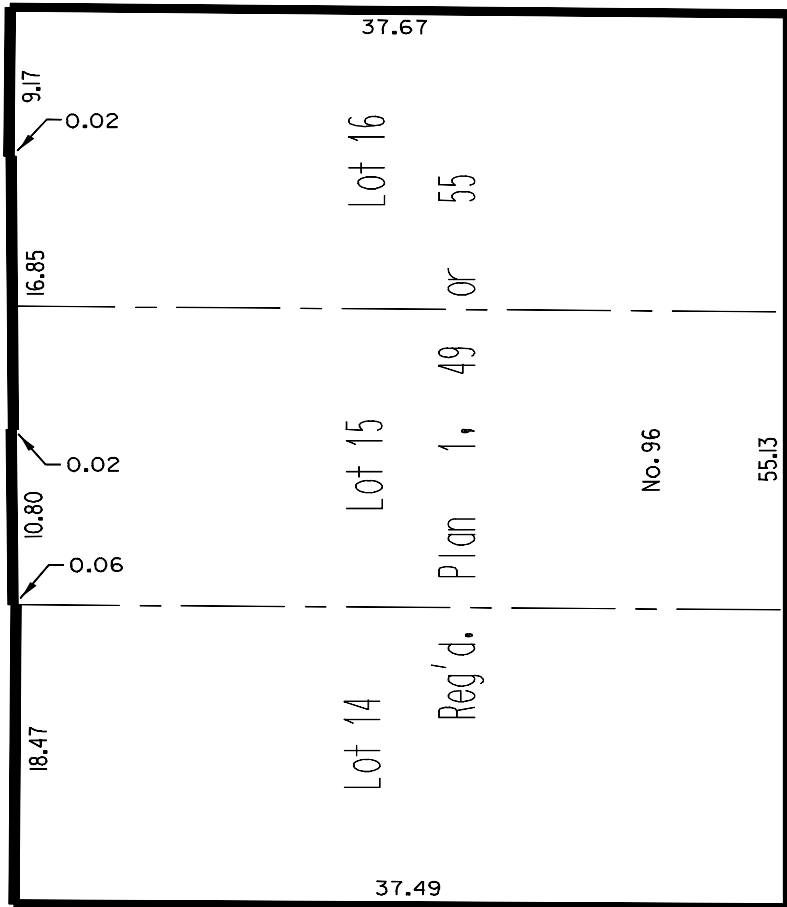
CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

PLAN 1

DUNDAS ST W



ST. PATRICK STREET



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO FEBRUARY, 2002
 BLO2/96PAT1.DGN
 FILE: S73-ZT
 MAP No. 50H-312 DRAWN: PG

