

Authority: Toronto and East York Community Council Report No. 7, Clause No. 8,
as adopted by City of Toronto Council on September 28, 29, 30 and
October 1, 2004
Enacted by Council: October 28, 2004

CITY OF TORONTO

BY-LAW No. 984-2004

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto with
respect to lands municipally known as 510, 518 and 522 St. Clair Avenue West.**

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*, R.S.O. 1990, c.P. 13, as amended, authorize increases in height and 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 the 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 or matters as hereinafter set forth; and

WHEREAS the increases in density and 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 or 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 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 or matters in return for the increases in height and density permitted in 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), 4(4)(b), 4(12), 8(3) PART I 1, 8(3) PART I 3(a), 8(3) PART II 4(c)(ii), and 12(2)222 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, shall apply to prevent the erection and use of a *mixed-use building* on the *lot*, provided,
 - (a) the *lot* comprises those lands delineated by heavy lines on Map 1 attached hereto and forming part of this By-law;

- (b) the combined *non-residential gross floor area* and *residential gross floor area* of the *mixed-use building* on the *lot* shall not exceed 15,800 square metres;
- (c) the *residential gross floor area* of the *mixed-use building* on the *lot* shall not exceed 15,150 square metres;
- (d) no portion of the building above grade is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 2;
- (e) the height of the *mixed-use building* shall not exceed 22 storeys;
- (f) the height of the *mixed-use building* shall not exceed those heights, in metres above grade, following the symbol “H” shown on Map 2, but this paragraph does not prevent the erection or use of:
 - (i) mechanical penthouses, a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment, or a wall or structure enclosing such elements, which are permitted to extend a maximum of 7.0 metres above that portion of the building on Map 2 with a height limit of 72 metres;
 - (ii) decorative building elements no higher than the sum of 9.5 metres and the applicable height limit shown on Map 2 on that portion of the building on Map 2 with a height limit of 72 metres;
 - (iii) parapets, guards and railings, decorative fencing, heating, cooling or ventilating equipment, or wall or structure enclosing such elements, which are permitted to a maximum height of 1.8 metres; and
 - (iv) structures used for safety or wind protection purposes.
- (g) for the purpose of this By-law, grade shall mean 158.20 metres Canadian Geodetic Datum;
- (h) a minimum of 1.75 square metres per *dwelling unit* of outdoor *residential amenity space* of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*, and a minimum of 2 square metres per *dwelling unit* of indoor *residential amenity space* shall be provided on the *lot*;

- (i) a minimum parking supply shall be provided and maintained on the *lot* in accordance with the following ratios:

Bachelor Units	0.3 spaces per unit
1-Bedroom Units	0.7 spaces per unit
2-Bedroom Units	1.0 spaces per unit
3-Bedroom Units	1.2 spaces per unit
Visitors	0.1 spaces per unit
Commercial Units	1 space per 93 square metres of <i>non-residential gross floor area</i>

- (j) the Owner of the *lot* enters into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, registered against the *lot* as a first charge, to secure the following facilities, services and matters:

- (i) the contribution of funds to the City of Toronto in the amount of \$1,000,000.00 to be directed towards the Wychwood Car Barns Redevelopment to the satisfaction of the Commissioner of Economic Development, Culture, and Tourism, such funds to be provided to the City of Toronto in two instalments of \$500,000.00. The first instalment will be provided to the City of Toronto not later than 15 days after the zoning by-law becomes final and binding and the second instalment will be provided to the City of Toronto on September 1st, 2005 or six months after the zoning by-law becomes final and binding which ever is the later date and, in all instances, prior to the issuance of a building permit.

2. For the purposes of this By-law each word or expression which is italicized has the same meaning as each such word or expression contained in By-law No. 438-86, as amended.

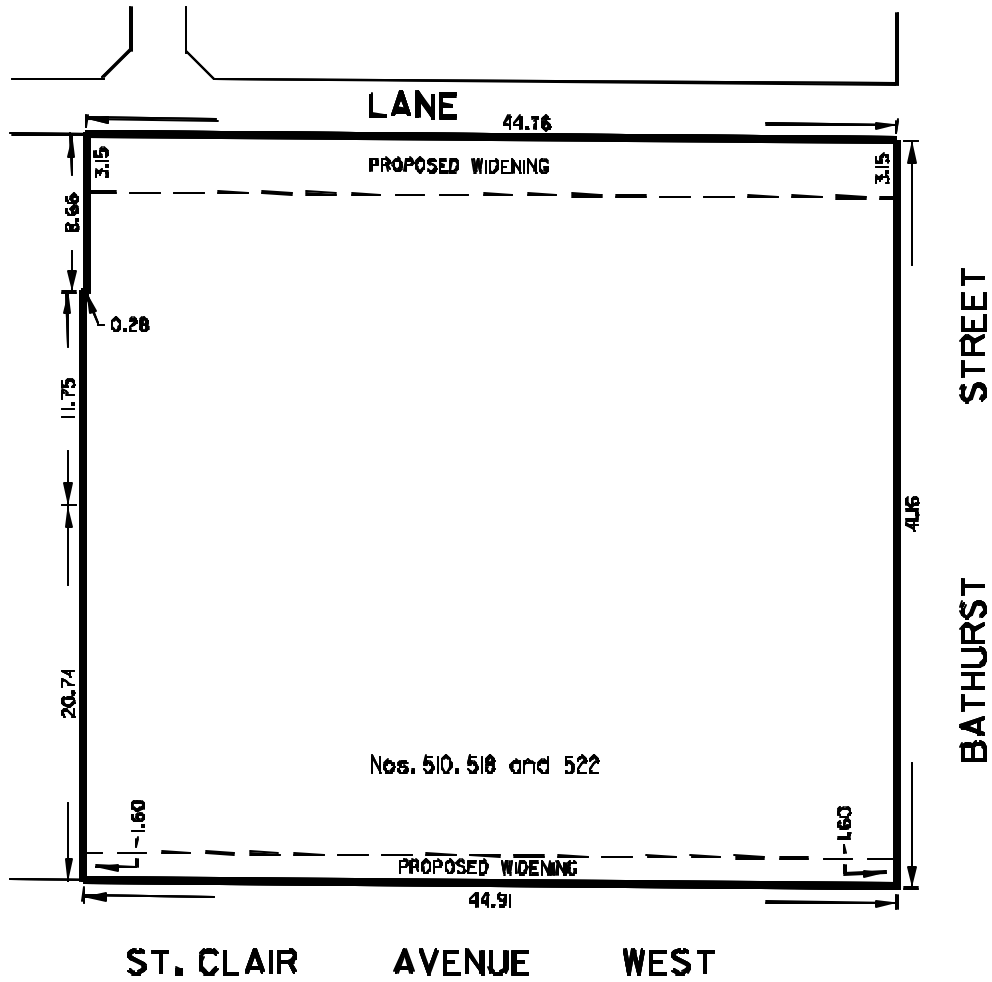
ENACTED AND PASSED this 28th day of October, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

MAP 1



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO SEPTEMBER, 2004
BL04/3105TCLW1.DGN
FILE# 532-252
MAP No. 45J-323 DRAWN: D.R

