

CITY OF TORONTO

BY-LAW No. 885-2010(OMB)

To amend the General Zoning By-law No. 438-86, as amended by By-law No. 1103-2009 of the former City of Toronto with respect to lands municipally known as 743 St. Clair Avenue West.

WHEREAS the Ontario Municipal Board, pursuant to its Decision/Order issued July 12, 2010 has determined to amend Zoning By-laws No. 438-86 and 1103-2009 of the former City of Toronto;

The Ontario Municipal Board Orders as follows:

1. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the lands as delineated by heavy lines on the attached Map 1.
2. None of the provisions of Section 2(1) with respect to the definition of "grade" and "height", Sections 4(2), 4(3), 4(12) with respect to outdoor amenity space, 4(16), 8(3) PART I (1), (2), (3), PART II 1 (b)(ii), 4(c)(i), 12(1)479 (4)(a), (c) and (e), (5)(a) and (c), (6), (8), (10), (11) and 12(2)(270) 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 a *mixed-use building* on the *lot*, provided:
 - (1) the residential use of the *mixed-use building* shall be restricted to *rental dwelling units* or *social housing units*, of which, not more than 46 *rental dwelling units* or 61 *social housing units* shall be erected and used on the *lot*;
 - (2) the *lot* consists of at least the lands delineated by heavy lines on the attached Map 1;
 - (3) the combined *non-residential gross floor area* and *residential gross floor area* erected on the *lot* shall not exceed 2,960 square metres of which not more than 2,860 square metres shall comprise *residential gross floor area*;
 - (4) no person shall erect or use a building or structure above *grade* on the *lot* which is located otherwise than wholly within the areas delineated by heavy lines on Map 2, except for architectural features as shown in the shaded area on Map 2 at a maximum *height* of 7.8 metres and 16.5 metres, which are permitted to extend a maximum of 1.4 metres from the building wall;
 - (5) no person shall erect or use a building or structure above *grade* on the *lot* which is located otherwise than wholly within the areas delineated by heavy lines on Map 2, except for terraces, canopies, projected slabs, stair enclosures, rooftop mechanical equipment, decorative and privacy screens, wing walls, curbs, guards, pilasters, parapets, cornices and bands which are permitted to extend a maximum of 1.4 metres from the building wall;

- (6) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *heights* in metres specified by the numbers following the symbol H on the attached Map 2, except for the following:
- (a) any mechanical penthouse, stair tower, elevator shaft, dynamic damper, chimney stack or other heating, cooling or ventilating equipment or window washing equipment located on the roof of a building or any fence, wall or structure enclosing such elements, provided that the maximum *height* of the top of such element or enclosure is no higher than the sum of 6.0 metres plus the *height* limit otherwise applicable as shown on Map 2;
 - (b) any curbs, parapets, guard rails, railings and decorative fencing and privacy screens, including those located on the roof of the building, provided that the maximum *height* of the top of such element is no higher than the sum of 1.8 metres plus the *height* limit otherwise applicable as shown on Map 2;
 - (c) any structure, located on the roof of such building, used for outside or open air recreation, safety or wind protection purposes, provided that:
 - A. the maximum *height* of the top of such structure is no higher than the sum of 5.0 metres plus the *height* limit otherwise applicable as shown on Map 2;
 - B. such structure may be located adjacent to an outside wall or any vertical projection of such wall; and
 - C. such structure does not enclose space so as to constitute any form of penthouse or other room or rooms.
- (7) the height in *storeys* of the *mixed-use building* shall not exceed the specified number of *storeys* as shown on Map 2;
- (8) setbacks and building step-backs shall be in accordance with Map 2;
- (9) *parking spaces* shall be provided and maintained in accordance with the following:
- (a) a minimum of 6 *parking spaces* either wholly or partially on the *lot* for the use of the residents of the *lot*;
 - (b) a minimum of 4 additional *parking spaces*, to be located on the property known municipally in 2010 as 747 St. Clair Avenue West, for the exclusive use of any residents of any *rental dwelling units* on the *lot*, provided that if the *lot* is used for *social housing units* then the said 4 additional parking spaces may be shared between the residents of the *lot*

and the residents of the property known municipally in 2010 as 747 St. Clair Avenue West; and

- (c) 2 *car-share parking spaces*, dedicated to *car-sharing*, located on the property known municipally in 2010 as 747 St. Clair Avenue West, each *car-share parking space*, to a maximum of 2 *car-share parking spaces*, being considered for the purpose of this by-law to be equivalent to 5 *parking spaces*.
- (10) *residential amenity space* shall be provided and maintained on the *lot* in accordance with the following:
- (a) a minimum of 2 square metres of indoor *residential amenity space* for each *dwelling unit* or *social housing unit*, located in a multi-purpose room or rooms which need not be contiguous, at least one of which contains a kitchen and a washroom; and
 - (b) a minimum of 74 square metres 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*.

3. Definitions:

- (1) For the purposes of this By-law, the terms set forth in italics, subject to Section 2(2) of this By-law, have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended;
- (2) The following definitions shall apply:
 - (a) *Car-sharing* shall mean the practice of multiple people sharing the use of one or more cars that are owned by a profit or non-profit car-sharing organization and to use a car-sharing vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of membership fees that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven;
 - (b) *Car-share parking space* shall mean a *parking space* exclusively for a car used only for a *car-sharing* purposes and such vehicle is accessible to *car-sharing* members at all times;
 - (c) "*grade*" means 155.28 metres Canadian Geodetic Datum;
 - (d) "*height*" means the height above *grade* as shown on Map 2;

- (e) "*rental dwelling unit*" means a *dwelling unit* used as a rented residential premises provided that it shall not include any unit which forms part of a condominium corporation or any *social housing unit*; and
 - (f) "*social housing unit*" means a non-market rental housing unit which is owned by a non-profit housing corporation, including housing provided by non-profit housing co-operatives to their members, and which is produced or funded under government programs providing comprehensive funding or financing arrangements, whether or not in partnership with municipal government.
- 4. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall continue to apply to the whole of the *lot* as if no severance, partition, or division occurred.
- 5. Schedule 2, Map D of By-law No. 1103-2009 is amended by redesignating the lands delineated by heavy lines on the attached Map 1 to "MCR T5.5 C2.0 R5.2".
- 6. Schedule 3, Map D of By-law No. 1103-2009 is amended by redesignating the lands delineated by heavy lines on the attached Map 1 as having a maximum permitted *height* of 28.6 metres.

PURSUANT TO THE DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD
ISSUED ON JULY 12, 2010 IN CASE NO. PL091129.



