

Authority: Ontario Municipal Board Decision issued on July 27, 2017 and Order issued January 18, 2018 in Board File PL150015/PL150444

## CITY OF TORONTO

### BY-LAW 1323-2018(OMB)

#### **To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2015 as 200 St. Clair Avenue West.**

Whereas the Ontario Municipal Board, by its decision issued on July 27, 2017 and Order issued on January 18, 2018, in Board File PL150015/PL150444 approved amendments to the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in the height or density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act* may authorize increases in height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provisions 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 and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond the otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in the By-law which is secured by one or more agreements between the owner and the land and the City of Toronto;

Pursuant to the Order of the Ontario Municipal Board, By-law 569-2013 is further amended as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Article 900.2.10(826) Exception R 826 is deleted and replaced with the following:

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

## Site Specific Provisions:

- (A) On 200 St. Clair Avenue West, if the requirements in Section 4 and Schedule A of By-law 1323-2018(OMB) are complied with, none of the provisions of regulations 10.10.40.10(1) and 10.10.40.40(1) apply to prevent the erection or use of a **building/structure**, addition, or enlargement, permitted in compliance with (B) to (W) below;
- (B) A maximum of 110 **dwelling units** are permitted;
- (C) Despite regulation 5.10.40.70(1) and Clause 10.10.40.70, **building** setbacks are as shown on Diagram 2 of By-law 1323-2018(OMB);
- (D) Despite regulation 5.10.40.70(2), **building setback** requirements only apply to all parts of a **building** or **structure** above ground;
- (E) Despite regulation 10.5.40.10(1), the height of a **building** is the distance between the Canadian Geodetic Datum elevation of 150.6 metres and the elevation of the highest point of the **building**;
- (F) Despite regulation 10.10.40.10(1), no portion of any **building** may exceed the height in metres specified by the numbers following the symbol HT on Diagram 2 of By-law 1323-2018(OMB);
- (G) Despite regulation 10.10.40.40(1) the maximum permitted **gross floor area** is 11,500 square metres;
- (H) Despite regulation 10.10.20.10(1) an office, a medical office for physicians and dentists and a temporary sales office are also permitted uses;
- (I) An office and a medical office for physicians and dentists permitted by (G) above may only be located in the first floor and second floor of units directly abutting St. Clair Avenue West;
- (J) Despite (C) and (F) above, and regulation 10.5.40.60(2)(B), a canopy covering the **building** entrance may encroach a maximum of 3.0 metres into the required minimum **building setback** along Forest Hill Road;
- (K) Despite (C) and (F) above, and regulation 10.5.40.60(3)(A)(iii), exterior stairs may encroach into the required minimum **building setback** to a distance of 0.0 metres from the north **lot line**;
- (L) Despite (C) and (F) above, regulation 10.5.40.60(5)(A) and, a pilaster, decorative column, cornice, sill, belt course or other similar architectural feature may encroach into the required minimum **building setback** to a distance of 0.0 metres from the south **lot line**;
- (M) Despite (F) above, and regulation 10.5.40.10(2):

- (i) parapets for a **green roof** may exceed the permitted **height** by 5.0 metres;
  - (ii) the following additional **structures** on the roof of the **building** may exceed the permitted height by 1.5 metres: architectural features, art and landscape features, balustrades, fences, guardrails, lightning rods, ornamental elements, parapets, pillars, planters, railings and dividers, and screens; and
  - (iii) the following additional structures on the roof of the **building** may exceed the permitted height by 3.0 metres: awnings, canopies, and trellises;
- (N) Despite (F) above, and regulation 10.5.40.10(3), enclosed stairwells and elevator shafts used for residents to access private terraces on the roof of the **building** may also exceed the permitted maximum height of the building by 5.0 metres;
- (O) Despite (F) above, and regulation 10.5.40.10(4), for equipment, **structures** or parts of the **building** that exceed the permitted maximum height for the building as permitted by regulation 10.5.40.10(3) and regulation (M) above:
- (i) their total area may cover no more than 50 percent of the area of the roof, measured horizontally; and
  - (ii) their total horizontal dimension, measured parallel to St. Clair Avenue West, may not exceed 50 percent of the width of the **main walls** of the **building** facing that **street**;
- (P) Despite (C) above, a minimum stepback of 1.5 metres will be provided between the top of the sixth floor and the bottom of the ninth floor along the entire length of both the northerly and southerly facades of the seventh and eighth floors save and except the bottom of slab for the ninth floor, architectural columns, pilasters, soffits, safety railings and parapets shall be permitted in this stepback area;
- (Q) Despite regulation 10.5.40.60(1), balconies will not be permitted to project beyond the north **main wall** of the **building** above a height of 13.35 metres, and any point on the west **main wall** of the **building**;
- (R) Despite clause 200.5.10.1 the minimum number of required **parking spaces** is based on the following:
- (i) 0.7 **parking spaces** for each one bedroom **dwelling unit**;
  - (ii) 0.9 **parking spaces** for each two bedroom **dwelling unit**;
  - (iii) 0.9 **parking spaces** for each townhouse **dwelling unit**;
  - (iv) 0.1 **parking spaces** for visitors for each **dwelling unit**; and

- (v) 1 **parking space** for each 100 square metres of **gross floor area** used for an office or medical office;
- (S) Despite regulation 10.5.50.10(4) a minimum of 15 percent of the area of the **lot** must be for **landscaping**;
- (T) Regulations 10.5.40.50(1), 10.5.50.10(4), 10.5.50.10(5), 10.5.100.1(5), 10.5.100.1(7) and 10.10.40.30(1) do not apply;
- (U) Despite regulation 220.5.10.1(5) a minimum of one Type G **loading space** is required;
- (V) Despite regulation 10.5.100.1(4) a **driveway** may have a maximum total width of 6.6 metres; and
- (W) Despite regulation 10.10.80.40(2), vehicular access to the **parking spaces** within the **building** must be obtained from Forest Hill Road.

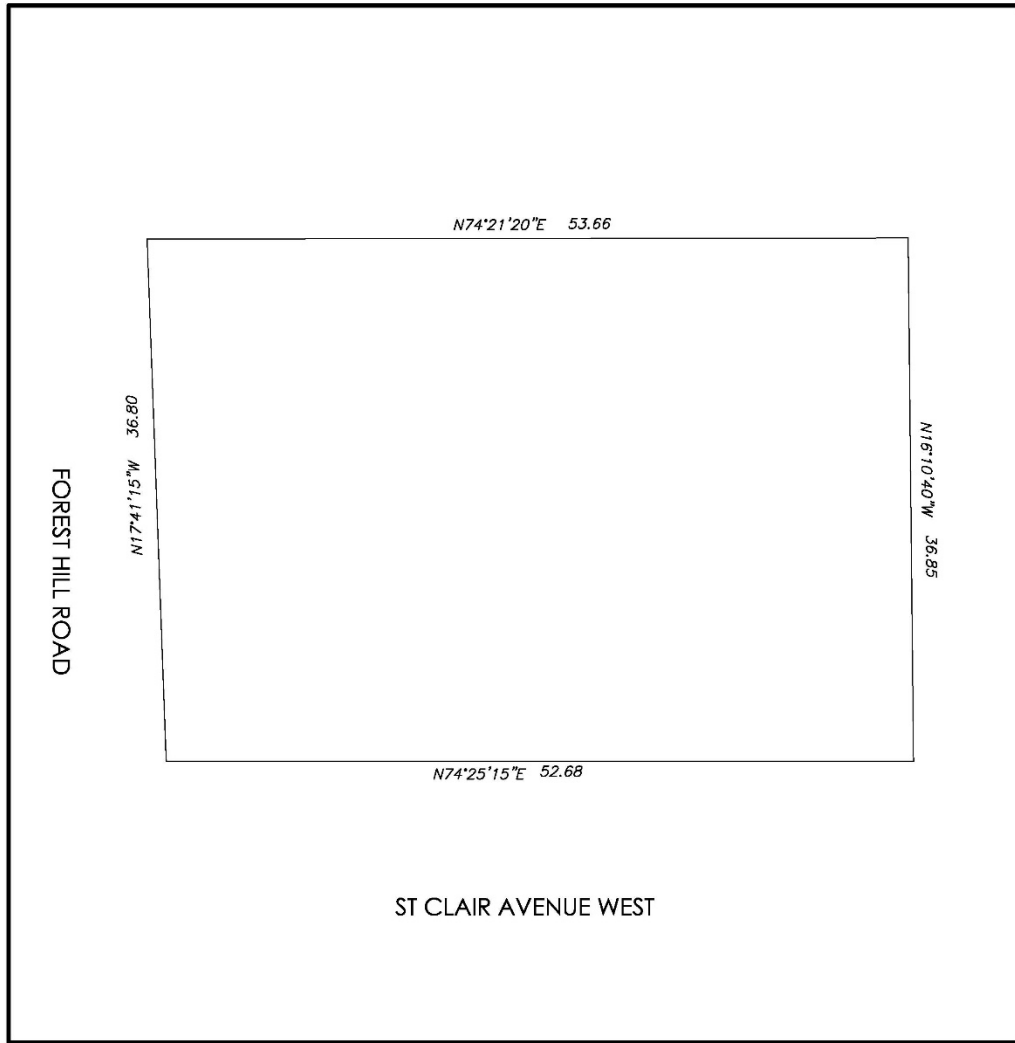
Prevailing By-laws and Prevailing Sections: (None Apply)

#### 4. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Pursuant to the Decision/Order issued on July 27, 2017 and January 18, 2018 in Board File PL150015/PL150444

City of Toronto By-law No. \_\_\_\_\_



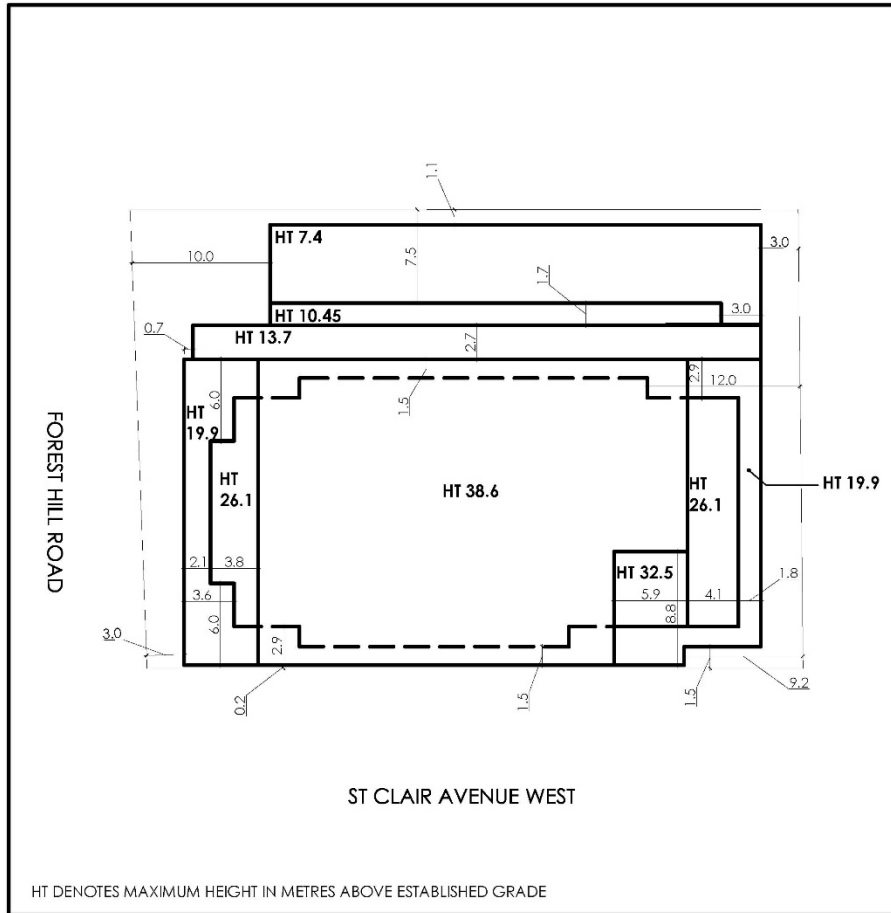
200 ST CLAIR AVENUE WEST  
TORONTO

DIAGRAM 1

File # \_\_\_\_\_

↑  
Not to Scale

City of Toronto By-law No. \_\_\_\_\_



200 ST CLAIR AVENUE WEST  
TORONTO

DIAGRAM 2

File # \_\_\_\_\_

↑  
Not to Scale

**Schedule A**

## Section 37 Provisions

1. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the increase in height and density of development permitted by this By-law on the lot is permitted in return for the provision by the owner of the following facilities, services and matters to the City at the *owner's* sole expense:
  - (1) The owner shall enter into an Agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
    - (i) A payment of \$250,000.00, prior to the issuance of the first above-grade building permit for the 12-storey building, such monies to be used for parkland improvements to Glenn Gould Park, at the discretion of Parks, Forestry and Recreation, in consultation with the Owner.