

Authority: Toronto and East York Community Council Item 13.2,  
adopted as amended, by City of Toronto Council on April 10 and 11, 2012  
Enacted by Council: April 11, 2012

## CITY OF TORONTO

### BY-LAW No. 536-2012

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally as part of 111 St. Clair Avenue West.**

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2012 as part of 111 St. Clair Avenue West; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

WHEREAS the Council of the City of Toronto has determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirement.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the *site*.
5. None of the provisions of Section 2 with respect to *grade, height, parking garage, and residential amenity space* and Sections 4(2)(a), 4(4)(b), 4(6), 4(12), 4(16), 6(1)(e), 6(3) Part I 1, 6(3) Part II, 6(3) Part III 1, 6(3) Part IV 2, 8(3) Part I 1, 2 and 3, 8(3) Part II, 8(3) Part IV 1, 12(2) 262(g) and 12(2) 267 of *By-law No. 438-86*, shall apply to prevent within the *site* the erection or use of an *apartment building* and uses *accessory* thereto, a *parking garage*, and a *commercial parking garage* in addition to the uses permitted by

Sections 6(1)(f) and 8(1)(f) of *By-law No. 438-86*, provided that all of the provisions of this By-law are complied with.

6. The *lot* on which the uses are located shall comprise at least the *site*.
7. The total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *site* shall not exceed 27,700 square metres.
8. The total *residential gross floor area* erected or used on the *site* shall not exceed 25,500 square metres.
9. The total *non-residential gross floor area* erected or used on the *site* shall not exceed 2,200 square metres.
10. The gross floor area of each storey located, or any portion of which is located, higher than 21.5 metres above *grade* shall not exceed 790 square metres.
11. No part of any building or structure erected within the *site* shall be located above *grade* otherwise than wholly within a *building envelope*, except for the following:
  - (a) cornices, lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, planters, balustrades, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, screens, landscape and site servicing features, public art features, railings, awnings and canopies;
  - (b) within the area identified as "balcony projection zone" on Map 2, balconies may project a maximum of 2.0 metres beyond the *building envelope*; and
  - (c) terraces may extend as a platform beyond the *building envelope* of townhouses located within the area identified as Townhouses on Map 2 provided the *height* of such terraces do not exceed a Canadian Geodetic elevation of:
    - (i) 149.75 metres for the first to fourth *dwelling units* beginning at the western most point of the *site*;
    - (ii) 150.35 metres for the fifth and sixth *dwelling units* beginning at the western most point of *site*; and
    - (iii) 150.65 metres for the seventh to tenth *dwelling units* beginning at the western most point of the *site*.
12. The *height* of each portion of a building or structure erected above *grade* within the *site*, shall in respect of each *building envelope* area, have a maximum *height* in metres as shown following the symbol H on the attached Map 2 for the corresponding *building envelope* area and, in addition thereto, the maximum number of residential storeys for each building or structure above *grade* within the *site* shall be 26 storeys.

- 13.** The preceding section of this By-law does not apply to prevent the erection or use above the said *height* limits of:
- (a) the structural projections permitted in Section 11 of this By-law;
  - (b) cornices, window washing equipment, lighting fixtures, ornamental elements, trellises, planters, partitions dividing outdoor recreation areas, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, screens, architectural features, roofing materials, elements of a green roof, lightning rods, and exhaust flues;
  - (c) railings and parapets provided they do not exceed 1.2 metres above the *height* limit shown on Map 2;
  - (d) stair towers provided they do not exceed 3.0 metres above the *height* limit shown on Map 2;
  - (e) an architectural feature within the area demarcated as "architecture feature" on Map 2 provided it has a maximum *height* of 3.0 metres;
  - (f) stair enclosures and associated enclosed space up to a maximum of 25 square metres for each *dwelling unit* within any building, structure, or portion thereof identified with a *height* limit of 10.0 metres, as shown on Map 2, provided a minimum 4.0 metre setback from the front wall of each *dwelling unit* within any building, structure or portion thereof is provided.
- 14.** A minimum of 40% of the area of the *site* shall be maintained as *landscaped open space*.
- 15.** A minimum of 2.0 square metres of indoor *residential amenity space* shall be provided on the *site* for each *dwelling unit* provided that:
- (a) a minimum of 150 square metres of indoor *residential amenity space* shall be provided on the *site* and may be contained in non-contiguous rooms; and
  - (b) the remaining indoor *residential amenity space*, or any portion thereof, may be located on the lands delineated on the attached Map 3.
- 16.** A minimum of 2.0 square metres of outdoor *residential amenity space* shall be provided on the *site* for each *dwelling unit* and will not be provided in a location adjoining or directly accessible from the indoor *residential amenity space*.
- 17.** A minimum of 1 *loading space – type G* and a minimum of 2 *loading spaces – type B* shall be provided within the lands delineated on the attached Map 3, and may be provided in a shared facility.

- 18.** *Parking spaces* shall be provided and maintained on the *site* in a *parking garage* accordance with the following minimum and maximum requirements:
- (a) *bachelor dwelling units* – a minimum of 0.6 *parking spaces* and a maximum of 0.9 *parking spaces* for each *bachelor dwelling unit*;
  - (b) *one-bedroom dwelling units* – a minimum of 0.7 *parking spaces* and a maximum of 0.8 *parking spaces* for each *one-bedroom dwelling unit*;
  - (c) *two-bedroom dwelling units* – a minimum of 0.9 *parking spaces* and a maximum of 1.3 *parking spaces* for each *two-bedroom dwelling unit*;
  - (d) *three and more bedroom dwelling units* – a minimum of 1.0 *parking spaces* and a maximum of 1.5 *parking spaces* for each *dwelling unit* containing three or more bedrooms;
  - (e) a minimum of 0.1 *parking spaces* for visitors for each *dwelling unit*, with *visitor parking* permitted to be located within a *commercial parking garage* located within the *site* or within a *commercial parking garage* located within the the lands delineated on the attached Map 3;
  - (f) a maximum of 1.0 tandem parking space may also be provided in addition to the above note *parking spaces*.
- 19.** In addition to the above parking requirements, *parking spaces* on the *site* may serve the uses located within the building located on the lands delineated on the attached Map 3.
- 20.** None of the provisions of this By-law shall apply to prevent a temporary *sales office* on the *site* provided it does not exceed 1000 square metres of *non-residential gross floor area* and is not located within 10 metres of Foxbar Road.
- 21.** Notwithstanding any existing or future severances, partition, or division of the *site*, the provisions of this By-law shall apply to the whole of the *site* as if no severance, partition or division had occurred.
- 22.** The *owner* shall ensure that all water mains, sanitary and storm sewers and appropriate appurtenances required for the development of this *site* have been built or secured via a letter of credit acceptable to the Director of Technical Services prior to the issuance of a below grade permit, which for clarity shall not include any permit for demolition, excavation or shoring.
- 23.** For the purpose of this By-law, the following expressions shall have the following meaning:
- (a) "*building envelope*" means a building envelope for each height area as shown by an "H", and as delineated by the heavy lines on Map 2 attached hereto;

- (b) "*By-law No. 438-86*" means By-law No. 438-86, as amended, of the former City of Toronto being, "A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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;"
- (c) "*City*" means the City of Toronto;
- (d) "*grade*" means the Canadian Geodetic elevation of 150.55 metres;
- (e) "*height*" means the vertical distance between *grade* and the highest point of the building or structure;
- (f) "*owner*" means the fee simple owner(s) of the *site*;
- (g) "*parking garage*" means a building or portion of a building, other than a *private garage*, that is used for the temporary parking of motor vehicles;
- (h) "*residential amenity space*" means the common area or areas within the *site* or located within lands delineated by the heavy line on the attached Map 3 which are provided for the use of residents of a building for recreational or social purposes;
- (i) "*sales office*" means an office used exclusively for the initial sale and/or initial leasing of *dwelling units* to be erected on the *site*;
- (j) "*site*" means those lands outlined by heavy lines on Map 1 attached hereto; and
- (k) each other word or expression, which is italicized in this by-law shall have the same meaning as each such word or expression as defined in *By-law No. 438-86*.

ENACTED AND PASSED this 11th day of April, A.D. 2012.

FRANCES NUNZIATA,  
Speaker

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

Appendix 1  
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *site* at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexing escalation of all financial contributions, no credit for development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement whereby the *owner* shall agree as follows:

1. The *owner* shall provide to the *City* a payment of 1,025,000.00 prior to the issuance of the first above grade building permit, which may be used by the *City* for local parkland and streetscape improvements as determined by the Chief Planner in consultation with the Ward Councillor.
2. The *owner* shall provide a public art contribution of \$675,000 towards the Public Art Program.
3. The *owner* shall provide an easement over the *site*, to the satisfaction of the City Solicitor, in order to provide publicly accessible open space to the satisfaction of the Chief Planner, in association with the public art installation.
4. Prior to the issuance of the first Building Permit, the *owner* shall provide at its expense to the satisfaction of the Chief Planner, a Construction Mitigation Plan that, *inter alia*, will address the following:
  - (a) the *owner* shall endeavour to limit access to the Site south of the driveway of 54 Foxbar Road (Bradgate Arms) for construction vehicles for the purpose of delivery of supplies and materials to the Site;
  - (b) the *owner* shall ensure that no trucks associated with the construction of the Site park on Foxbar Road;
  - (c) the *owner* and the General Contractor will appoint a community liaison to work with the Foxbar Neighbourhood Association (and residents of 110, 112, 150 St. Clair Avenue West and 1, 2, 4, 6, 8, 10 and 12 Oriole Road) to mitigate construction related impacts and measures to prevent and mitigate them.
5. The *owner* agrees, under normal operating practices of the garage, to provide the current residents of Foxbar Road, for the life of the proposed commercial parking lot, with access to ten (10) parking spaces via parking passes in the commercial parking lot to be located within the Site for use between 5:00 p.m. and 8:00 a.m. Monday through Thursday and from Friday at 5:00 p.m. through Monday at 8:00 a.m.







