

Authority: Toronto and East York Community Council Item 13.3,  
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. 538-2012**

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally as 129 St. Clair Avenue West and 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 129 St. Clair Avenue West and 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 Sections 2 with respect to *grade*, *height*, *lot*, *residential amenity space* and *bicycle parking space - visitor* and Sections 4(2)(a), 4(4)(b), 4(6), 4(11), 4(12), 4(13), 6(1)(f)(b), 6(3)PART I 1, 6(3)PART II, 6(3)PART III, 12(2)262(g), 12(2)263(i), and 12(2)263(v) of *By-law No. 438-86*, shall apply to prevent the erection or

use of a building or buildings containing residential and or non-residential uses including uses *accessory* thereto within the *site*, provided that all of the provisions of this By-law are complied with.

6. The total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *site* shall not exceed 21,650 square metres, excluding the area occupied by *accessory* uses in the *Heritage Building*.
7. The total *residential gross floor area* erected or used on the *site* shall not exceed 21,200 square metres.
8. Within *Building A*, the *residential gross floor area* within each storey at and above the 4th storey, as erected above finished ground level, shall not exceed 750 square metres.
9. The *non-residential gross floor area* erected or used on the *site* shall not exceed 500 square metres, excluding accessory uses, and shall be located only within the *Heritage Building*.
10. No person shall use the *site* or erect any building or structure within the *site* for an *adult entertainment parlour*, an *entertainment facility* and any of those uses listed in Subsections 9(1)(f)(b)(ix), (x), and (xiii) of *By-law No. 438-86*.
11. No part of any building or structure erected within the *site* shall be located above *grade* otherwise than wholly within the *building envelopes*, except for the following:
  - (a) for the *Heritage Building*, only the following features attached to the *Heritage Building* may project beyond its *building envelope*: light fixtures, eaves, parapets, roof and wall vents, guardrails, stairs and landings, terraces, wheelchair ramps, fences and gates, retaining and landscape walls, planters, landscape elements and public art features;
  - (b) for *Building A*, attached balconies may project a maximum of 2.0 metres beyond its *building envelope* provided that no balconies attached to the south wall of *Building A* shall project beyond its *building envelope*;
  - (c) for *Building B*, terraces on the southerly wall of *Building B* are only permitted to project beyond its *building envelope* in the locations shown on Map 2 provided the height of such terraces do not exceed a Canadian Geodetic elevation of 149.75 metres; and
  - (d) subject to (a) and (c) above, anywhere within the *site*, the following are permitted to be located within or outside of the *building envelopes*: cornices, awnings, lighting fixtures, ornamental elements, finials, trellises, eaves, parapets, window sills, guardrails, balustrades, railings, stairs, stair enclosures, stair landings, terraces, terrace guards and dividers, platforms, canopies, wheelchair ramps, enclosed loading spaces and associated loading areas, enclosed garbage storage areas, vents, stacks, underground ramps, fences, retaining walls, screens, planters,

window washing equipment, architectural features, landscaping elements, landscape and public art features.

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 for clarity the maximum *height* outside of a *building envelope* is 0 metres as shown on Map 2.
13. The preceding section of this By-law does not apply to prevent the erection or use above the said *height* limits of the structural projections permitted in Section 11 of this By-law, provided that:
  - (a) any such parapets, terrace guards and dividers, finials, screens and architectural features shall not exceed 1.2 metres above the *height* limits shown on Map 2; and
  - (b) any such stacks and vents shall not exceed 1.5 metres above the *height* limits shown on Map 2.
14. Subject to the projections permitted to its *building envelope* under Subsection 11(a) of this By-law, no part of the *Heritage Building*, as it may be modified from time to time, shall exceed its height as it exists on the date of the passing of this By-law.
15. A minimum of 30% of the area of the *site* shall be maintained as *landscaped open space*.
16. A minimum of 2.0 square metres of indoor *residential amenity space* and 2 square metres of outdoor *residential amenity space* shall be provided on the *site* for each *dwelling unit*.
17. A minimum of 1 *loading space – type G* shall be provided on the *site*, which may be accessed by way of a shared or exclusive use driveway located on the lands municipally known as 111 St Clair Avenue West in the year 2011.
18. *Parking spaces* shall be provided and maintained on the *site* in 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; and

- (e) a minimum of 0.1 *parking spaces* for visitors for each *dwelling unit*.
- 19.** *Bicycle parking spaces* shall be provided and maintained on the *site* in accordance with the following requirements:
- (a) a minimum of 0.6 *bicycle parking spaces – occupant* for each *dwelling unit*; and
  - (b) a minimum of 0.15 *bicycle parking space – visitor* for each *dwelling unit* shall be provided and maintained on the *site*, of which a minimum of 18 *bicycle parking spaces – visitors* shall be provided and maintained at finished ground level on the *site*.
- 20.** None of the provisions of this By-law shall apply to prevent a temporary *sales office* on the *site* as provided it does not exceed 1000 square metres of *non-residential gross floor area*.
- 21.** Notwithstanding any exiting 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) "*bicycle parking space – visitor*" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles which may be located outdoors or indoors, including within a secured room or enclosure; and
    - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres; and
    - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
  - (b) "*Building A*" means the areas identified as A on Map 2 and for clarity includes the areas subject to *height* limits of 82.5 and 87.5 metres;
  - (c) "*Building B*" means the area identified as B on Map 2 and for clarity includes the areas subject to a *height* limit of 11 metres;

- (d) "*building envelope*" means a building envelope for each of *Building A*, *Building B* and the *Heritage Building* as delineated, respectively for each of area A, area B and HERITAGE BUILDING by the heavy lines on Map 2 attached hereto;
- (e) "*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";
- (f) "*City*" means the City of Toronto;
- (g) "*grade*" means the Canadian Geodetic elevation of 148.00 metres;
- (h) "*height*" means the vertical distance between *grade* and the highest point of the building or structure;
- (i) "*Heritage Building*" means the building existing on the *site* in 2011 within the area identified as HERITAGE BUILDING on Map 2;
- (j) "*owner*" means the fee simple owner(s) of the *site*;
- (k) "*residential amenity space*" means the common area or areas within the *site* which are provided for the use of residents of a building for recreational or social purposes, provided that such area or areas located outdoors at finished ground level may also be accessible to members of the public;
- (l) "*sales office*" means an office used exclusively for the initial sale and/or initial leasing of *dwelling units* to be erected on the *site*;
- (m) "*site*" means those lands outlined by heavy lines on Map 1 attached hereto; and
- (n) 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)

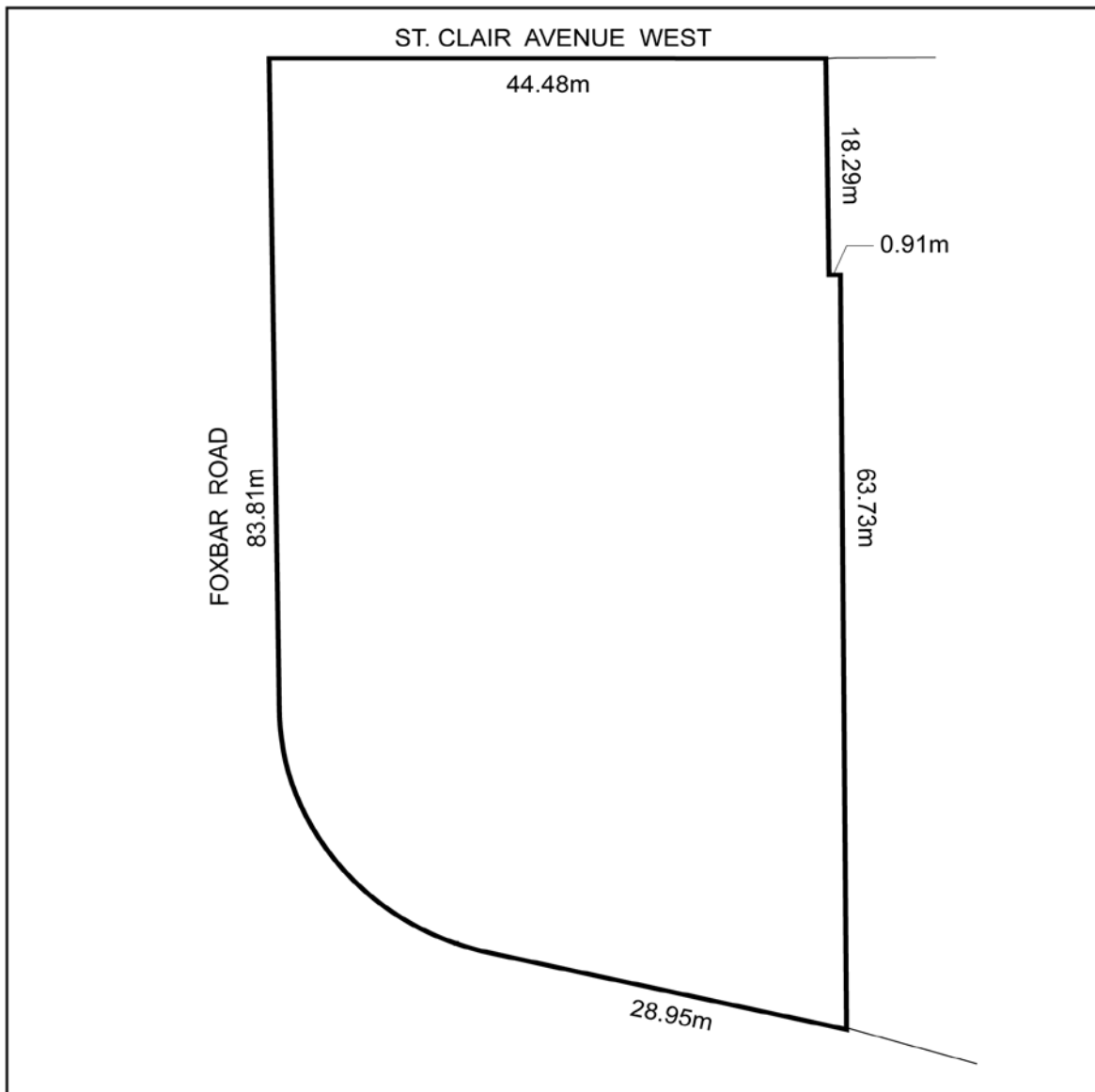
Appendix 1

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 1,225,000.00 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 final site plan approval, the owner shall enter into a Heritage Easement Agreement (HEA) for 129 St. Clair Avenue West to the satisfaction of the Manager, Heritage Preservation Services and the City Solicitor, with the agreement to be registered on title to the lands in a manner satisfactory to the City Solicitor.
5. 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.
6. Prior to final site plan approval, the owner shall provide to the satisfaction of the Manager of Heritage Preservation Services:
  - (a) an as-found record of the existing building including photographs keyed to the plans and elevations of all the visible exteriors and interiors;
  - (b) a Conservation Plan for the conservation work described in the November 16, 2011 Heritage Impact Assessment and the February 7, 2012 addendum, both prepared by E.R.A. Architects, subject to changes satisfactory to the Manager, Heritage Preservation Services, to be prepared by a qualified heritage consultant, detailing recommended interventions, exterior restoration, estimated costs and a schedule of short and long term maintenance requirements;
  - (c) an interpretation plan;
  - (d) a heritage lighting plan;
  - (e) site plan drawings generally in accordance with the Heritage Impact Assessment; and

- (f) a final landscape plan that supports the heritage character of the heritage building.



 **TORONTO** City Planning  
Map 1

129 St. Clair Avenue West and  
Partial 111 St. Clair Avenue West  
File # 10 314966 0Z



Not to Scale  
01/25/2012



