

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 1322-2018(OMB)

To amend former City of Toronto Zoning By-law 438-86, 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 PL155015/PL150444 approved amendments to the former City of Toronto Zoning By-law 438-86, 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 438-86, 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 438-86, the General Zoning By-law of the former City of Toronto, as amended, is further amended as follows:

1. None of the provisions of Section 2(1) with respect to the definition of "*height*", "*grade*" and "*lot*" and Sections 4(2)(a), 4(4)(b), 4(6)(b), 4(13), 4(16), 6(2) 20, 6(3) PART I 1, 6(3) PART II, 6(3) PART III (1), 6(3) PART IV 2, 12(1) 2, 12(1) 26, 12(1) 45 and 12(2) 10 of Zoning By-law 438-86, as amended, 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", shall apply to prevent the erection and use on the lands shown delineated by heavy lines on Diagram 1 attached of an *apartment building* on the *lot* provided:
 - (a) the *lot* shall consist of the lands delineated by heavy lines on Diagram 1 attached to and forming part of this By-law;

- (b) in addition to those uses permitted on the *lot* by Section 6(1)(a) of By-law 438-86, as amended, *home occupation* uses, an office, a *medical/dental office* and a *temporary sales office* are permitted uses on the *lot*;
- (c) notwithstanding Section 6(1)(a) of By-law 438-86, as amended, and Section 1(b) of this By-law, an office and a *medical/dental office* are only permitted subject to the following provisions:
 - (i) the ground floor of those units directly abutting St. Clair Avenue West shall only be used for an office or a *medical/dental office*; and
 - (ii) the second floor of those units directly abutting St. Clair Avenue West may be used for an office or a *medical/dental office*;
- (d) no portion of any building or structure erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines as shown on Diagram 2 attached to and forming part of this By-law;
- (e) no portion of any building or structure erected or used above *grade* shall exceed the *height* limits above *grade* in metres specified by the numbers following the letter "H" as shown on Diagram 2 attached to and forming part of this By-law;
- (f) Nothing in Sections 1(d) and 1(e) of this By-law shall prevent the following elements from projecting beyond the heavy lines and above the heights shown on Diagram 2 provided they are wholly within the *lot*:
 - (i) access roof hatch, antennae, architectural features, art and landscape features, awnings and canopies, balconies, balustrades, cornices, eaves, elevator overruns, fences, flag poles, green roof elements, guardrails, landscaping, light fixtures, lightning rods, mechanical equipment and any associated enclosure structures, ornamental elements, parapets, patios, pillars, planters, railings and dividers, retaining walls, roof ballast terraces, roof drainage, satellite dishes, screens, stair enclosures, stairs, terraces, thermal insulation, trees, trellises, underground garage ramps and associated structures, ventilation shafts, weather vanes, wheelchair ramps and window sills;
- (g) notwithstanding Sections 1(d) and 1(e) of this By-law, a 1.5 metre stepback shall 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 slab for the ninth floor, architectural columns, pilasters, soffits, safety railings and parapets shall be permitted in this stepback area;
- (h) notwithstanding Section 1(f)(i) of this By-law, balconies will not be permitted to project beyond the north *building* face above a *height* of 13.35 metres above *grade* and any point along the entire west building face;

- (i) the total *gross floor area* of any *building* or structure erected on the *lot* shall not exceed 11,500 square metres;
 - (j) *parking spaces* for any *building* or structure erected on the *lot* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) a minimum of 0.7 *parking spaces* per one bedroom *dwelling unit*;
 - (ii) a minimum of 0.9 *parking spaces* per two bedroom *dwelling unit*;
 - (iii) a minimum of 0.9 *parking spaces* per townhouse *dwelling unit*;
 - (iv) a minimum of 0.1 *parking spaces* per *dwelling unit* for visitors to the building; and
 - (v) a minimum of 1 *parking space* for every 100 square metres of *gross floor area* used for an office or *medical/dental office*;
 - (k) *bicycle parking spaces* for any *building* or structure erected on the *lot* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) a minimum of 0.9 *bicycle parking spaces – occupant per dwelling unit*; and
 - (ii) a minimum of 0.1 *bicycle parking spaces – visitor per dwelling unit*; and
 - (l) a minimum of 15 percent of the area of the *lot* shall be provided as *landscaped open space*.
2. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *lot* contemplated herein is permitted in return for the provision by the *owner*, at the *owner's* expense, of the facilities, services and matters set out in Schedule 1 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 *lot*, to the satisfaction of the City Solicitor.
3. Where Schedule 1 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.
4. For the purpose of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as such word or expression as defined in By-law 438-86, as amended, with the exception of the following:

"grade" means 150.6 metres Canadian Geodetic Datum;

"gross floor area" means the sum of the total area of each floor level of a *building* above and below grade measured from the exterior of the main wall of each floor level and reduced by the area in the *building* used for: *parking, loading and bicycle parking spaces* below *grade*; required *loading spaces* and required *bicycle parking spaces* at or above *grade*; storage rooms, washrooms, electrical, utility, mechanical, ventilation rooms and elevator lobbies in the basement; indoor *amenity space* required by this By-law; elevator shafts; garbage shafts; mechanical penthouse; and exit stairwells in the *building*;

"height" means the highest point of the roof above *grade*, except for those elements prescribed by this By-law;

"home occupation" means a business use within a *dwelling unit*, where the *dwelling unit* is the principal residence of the business operator;

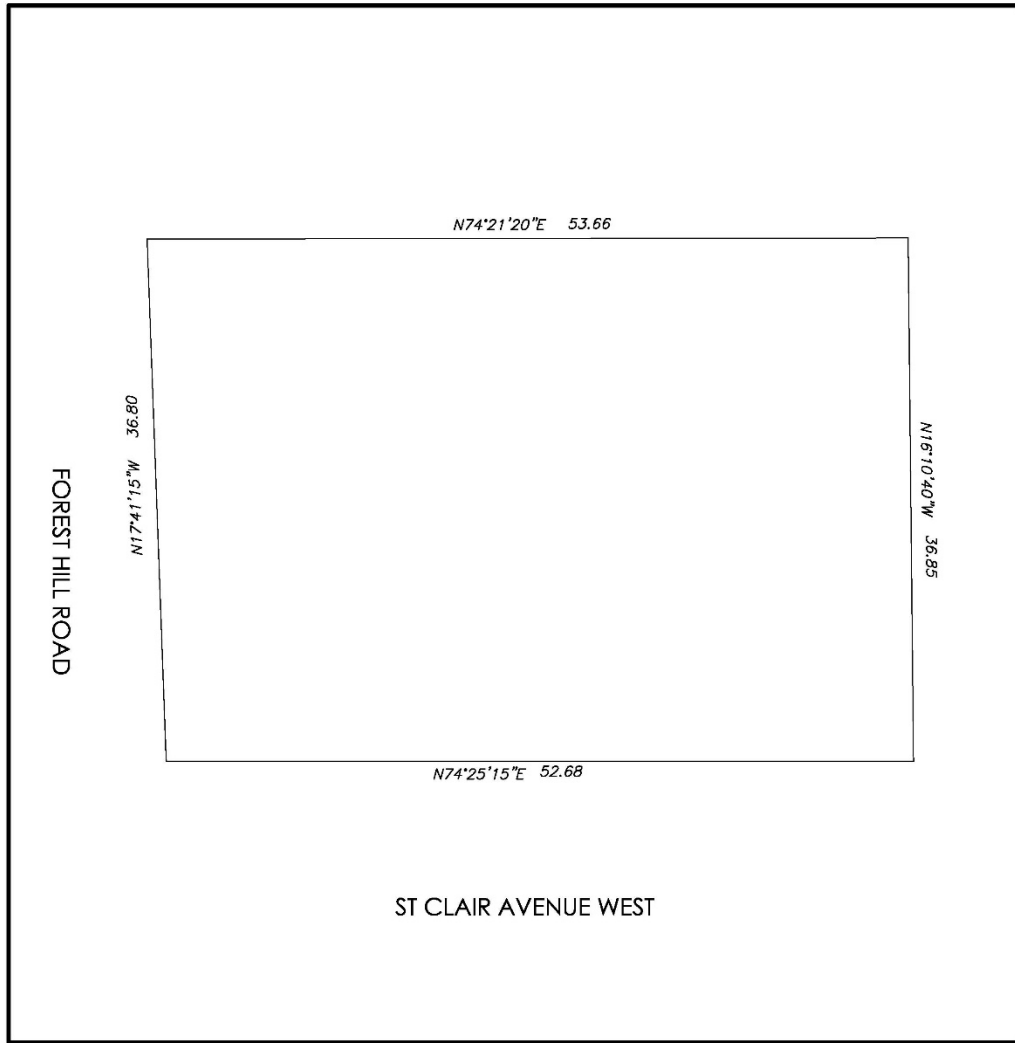
"lot" means those lands identified on Diagram 1 attached to this Bylaw; and

"temporary sales office" means a temporary building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*.

5. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
6. Within the lands delineated by heavy lines on Diagram 1 attached, no persons shall use any land or erect or use any building or structure on the *lot* unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

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. _____



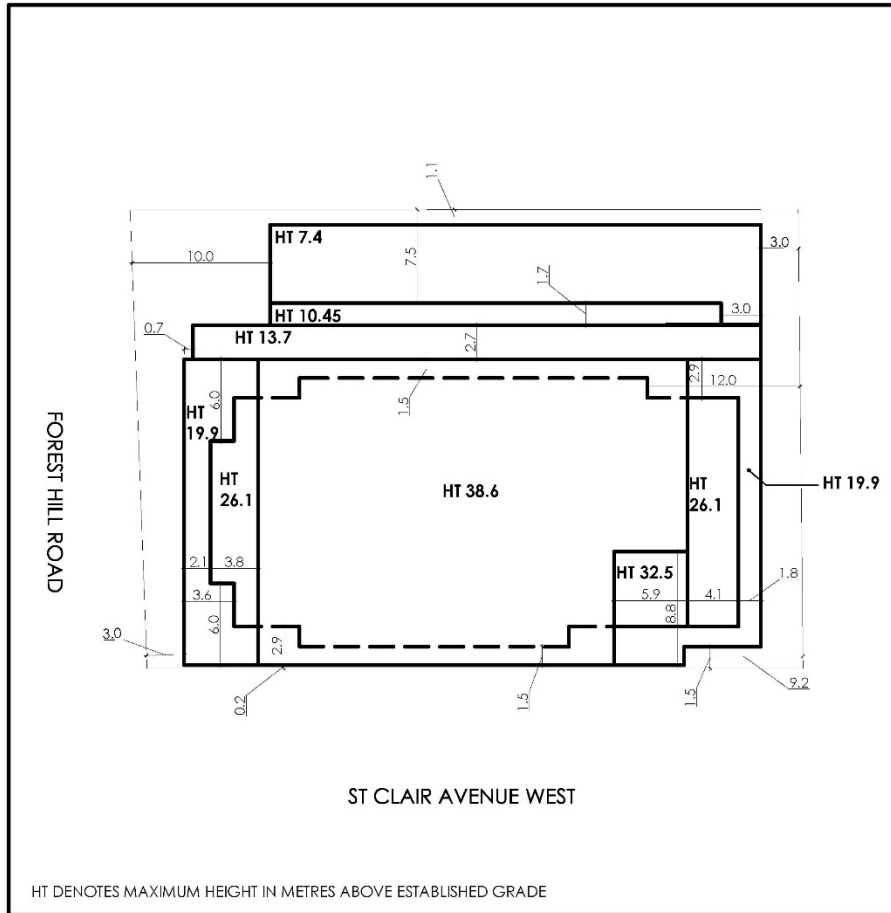
200 ST CLAIR AVENUE WEST
TORONTO

DIAGRAM 1

File # _____

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Not to Scale

City of Toronto By-law No. _____



200 ST CLAIR AVENUE WEST
TORONTO

DIAGRAM 2

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Schedule 1
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 Bylaw 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.