

Authority: Toronto and East York Community Council
Item TE14.7, as adopted by City of Toronto Council on
May 28, 2020

CITY OF TORONTO

BY-LAW 658-2020

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as, 202-208 St. Clair Avenue West and 2-6 Forest Hill Road.

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and 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 the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision 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, the 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/or density permitted beyond that 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 this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto; and

Whereas pursuant to Section 39 of the Planning Act, the council of a Municipality may, in a By-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the By-law;

The Council of the City of Toronto enacts:

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. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to R (d2.0) (x85), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 85 so that it reads:

Exception R 85

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 202-208 St. Clair Avenue West and 2-6 Forest Hill Road, if the requirements of Section 7 and Schedule A of By-law 658-2020 are complied with, a **building** or **structure** may be erected or constructed in compliance with (B) to (O) below;
- (B) Despite Regulation 10.5.40.70(1) and Clause 10.10.40.70, required minimum **building setbacks** are as shown on Diagram 3 of By-law 658-2020;
- (C) For purposes of this Exception, **established grade** is the Canadian Geodetic Datum elevation of 152.4 metres;
- (D) Despite Regulations 10.10.40.10(1) and (2), the permitted maximum height is shown, in metres, specified by the numbers following the symbol HT and in **storeys** before the letters ST, as shown on Diagram 3 of By-law 658-2020;
- (E) Despite (D) above, and Regulations 10.5.40.10(2), (3), (4), and 10.10.40.10(8) and (9):
 - (i) Parapets and elements of a **green roof**, roof drainage materials, thermal insulation, roof assemblies including decking and pavers or roof ballast, terraces, patios, balustrades, bollards, skylights, roof access hatches, and accessory structures, may project above the height limits by no more than 2.0 metres;
 - (ii) The following **structures** on the roof and terraces of the building may exceed the permitted maximum height by 5.0 metres: ornamental or architectural features, chimneys, privacy screens, terrace dividers, cabanas, pergolas, public art features, lighting fixtures, ramps, mechanical lift, noise mitigation, heating and cooling units, stacks and associated components, towers, elevator shafts, make-up air units, emergency generator, window washing equipment, lightning rods, balustrades, cornices, elevator overrun, guardrails, landscape elements, mechanical equipment, parapets, railings, stair enclosures, stairs, trellis, vents and wind mitigation features and generally, in the area labelled MPH as shown on Diagram 3 of By-law 658-2020, **structures** or parts of the **building**

used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities and **structures** that enclose, screen or cover the above listed elements; and

- (iii) The following **structures** on the roof and terraces of the building may exceed the permitted maximum height by 3.0 metres: Pool, hot tub, guardrail for pool, pool mechanical equipment, raised pool deck and associated structures; public art features, lighting fixtures, ramps, balustrades, cornices, guardrails, parapets, built-in barbeques and railings;

(F) Despite (B), above, and Clause 10.5.40.60:

- (i) The following structures may encroach into the required minimum building setbacks by 1.0 metres: privacy screens, landscape elements, built-in barbeques, chimney breasts, mechanical equipment, mechanical penthouses, porches, pergola, balconies, balustrades, cornices, eaves, guardrails, lighting fixtures, ornamental elements, public art features, railings, stair enclosures, stairs, trellis, underground garage ramps, vents, wheelchair ramps, terraces, wind mitigation features and window sills, and, awnings;

- (ii) Despite provision (F)(i) above, no balcony or terrace shall be permitted closer than 4.5 metres from the west **side lot line** except for those balconies or terraces located on the 6th floor of the south elevation which extend to the west **side lot line**; and

- (iii) a canopy covering the building entrance may encroach into the required minimum building setback along Forest Hill Road as shown on Diagram 3 of By-law 658-2020;

(G) An **apartment building** shall be setback a minimum of 4.8 metres from the curb of St. Clair Avenue West as it exists in 2019, and 6.4 metres from the curb of Forest Hill Road as it exists in 2019, immediately adjacent to the property;

(H) Despite Regulation 10.10.40.40(1), the permitted maximum residential **gross floor area** is 13,750 square metres;

(I) Despite Clause 200.5.10.1, the following minimum **parking space** rates shall apply in a **dwelling unit** in an **apartment building**:

- (i) 0.6 for each bachelor **dwelling unit** up to 45 square metres and 1.0 for each bachelor **dwelling unit** greater than 45 square metres;
- (ii) 0.7 for each one bedroom **dwelling unit**;
- (iii) 0.9 for each two bedroom **dwelling unit**;

- (iv) 1.0 for each three or more bedroom **dwelling unit**, and,
- (v) 0.1 visitor **parking space** for each **dwelling unit**;
- (J) A maximum of 5 **parking spaces** that are not visitor **parking spaces** may be used for car-share purposes;
- (K) **Parking spaces** for residents of **dwelling units** may be provided in the form of **stacked parking spaces**;
- (L) Despite Regulation 200.15.10 (1), a minimum of 4 **parking spaces** plus 1 **parking space** for every 50 **parking spaces** or part thereof in excess of 100 **parking spaces**, must comply with the minimum dimension required in (M), below, for an accessible **parking space**;
- (M) Despite Clause 200.15.1, the minimum dimensions and provisions for an accessible parking space are:
 - (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres;
 - (iv) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle; and
 - (v) accessible **parking spaces** must be the **parking spaces** closest to a barrier free (A) entrance to a **building**; (B) passenger elevator that provides access to the first **storey** of the **building**; and is the shortest route from the required entrances in (A) and (B);
- (N) Despite Clause 220.5.10.1, a minimum of one Type G **loading space** is required;
- (O) Regulation 10.5.100.1(5), 10.5.50.10(4), 10.5.50.10(5) and 10.10.40.30(1) do not apply.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(1) 2 of former City of Toronto By-law 438-86;
- (B) Section 12(1) 26 of former City of Toronto By-law 438-86; and
- (C) Section 12(1) 45 of former City of Toronto By-law 438-86.

5. Car-share means the practice where a number of people, who are residents of the building, share the use of one or more motor vehicles. Such car-share motor vehicles shall be made available for short term rental, including hourly rental.
6. None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office on the **lot** for a period of not more than 3 years from the date this by-law comes into full force and effect, exclusively for the purposes of marketing and sales of the **dwelling units** on these lands.
7. 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/or 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 of this By-law 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/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July 29, 2020.

Frances Nunziata,
Speaker

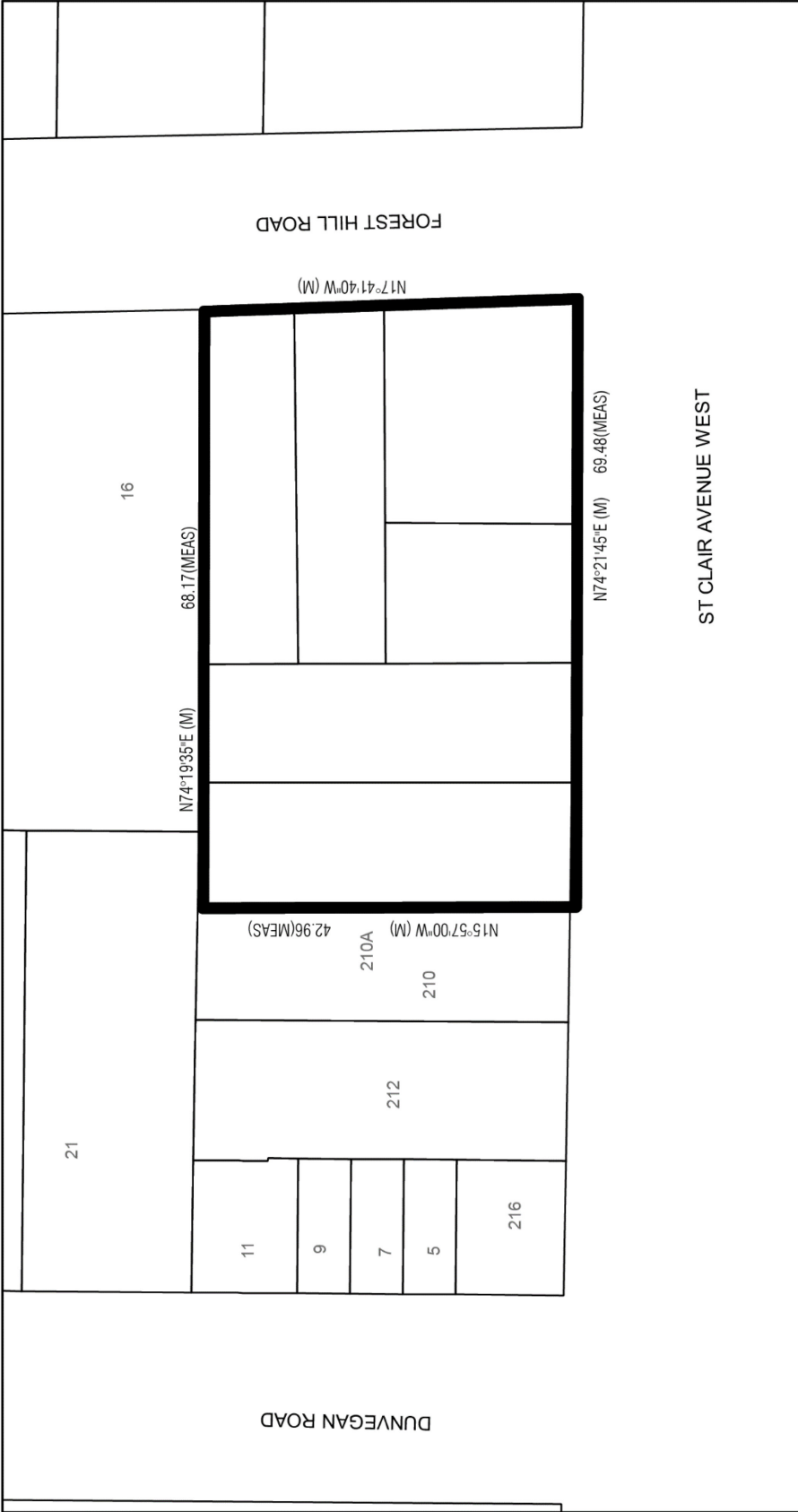
Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and/or density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

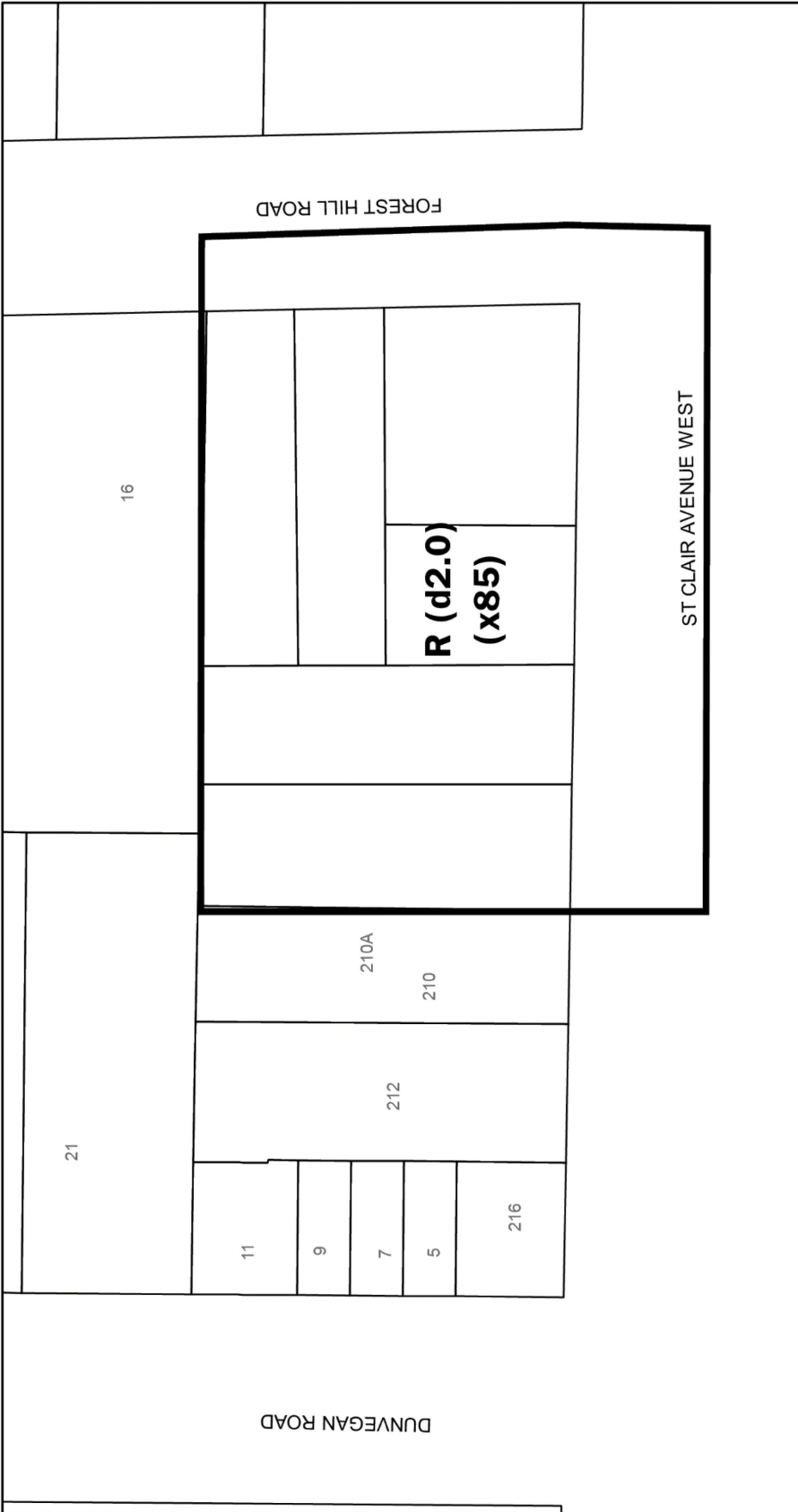
- (1) Prior to the issuance of the first above-grade building permit, the owner shall pay a cash contribution of TWO MILLION DOLLARS (\$2,000,000.000 CAN) (the "Cash Contribution") to the City to be allocated towards capital community services and facilities in the vicinity of the lands to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
- (2) The Cash Contribution set out in Subsection 1 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the Cash Contribution by the owner to the City.
- (3) In the event the Cash Contribution in Subsection 1 has not been used for the intended purpose within three (3) years of the by-law coming into full force and effect, the Cash Contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the Property.
- (4) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - (a) The owner shall provide tenant relocation and assistance to all Eligible Tenants of the existing rental dwelling units to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - (b) The owner construct and maintain the development of the Site in accordance with Tier 1 performance measures of the Toronto Green Standard and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate.



**202-208 St Clair Avenue West
and 2-6 Forest Hill Road**
File # 19 113008 STE 12 OZ



City of Toronto By-law 569-2013
Not to Scale
01/30/2020



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