

Authority: Scarborough Community Council Item SC6.10,
as adopted by City of Toronto Council on July 19 and 20,
2023
City Council voted in favour of this by-law on July 20,
2023
Written approval of this by-law was given by Mayoral
Decision 8-2023 dated July 20, 2023

CITY OF TORONTO

BY-LAW 766-2023

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 3431 to 3449 St. Clair Avenue East and 67 Elfreda Boulevard.

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

Whereas pursuant to Section 39 of the Planning Act, Council of the City of Toronto 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; 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;

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 adding a zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 0.4 (c0.4; r0.0) SS3 (x884), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 884, so that it reads:

(884) Exception CR 884

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

- (A) On 3431 to 3449 St. Clair Avenue East and 67 Elfreda Boulevard, if the requirements of By-law 766-2023 are complied with, then a **building, structure**, addition or enlargement may be constructed in compliance with (B) to (Q) below;

- (B) For the purposes of this Exception, **lot** refers to the lands collectively outlined by heavy black lines on Diagram 2 attached to By-law 766-2023;
- (C) Despite Regulation 40.10.20.40(1), **dwelling units** are permitted in a **mixed use building**;
- (D) Despite Regulation 40.10.40.40(1), the maximum **gross floor area** is 26,500 square metres, of which:
 - i. The maximum residential **gross floor area** is 26,100 square metres; and
 - ii. The maximum non-residential **gross floor area** is 1,000 square metres;
- (E) The maximum number of **dwelling units** is 429, of which:
 - i. a minimum of 15 percent must have two bedrooms; and
 - ii. a minimum of 10 percent must have three bedrooms;
- (F) Despite Regulation 40.10.30.40(1), the maximum permitted **lot** coverage is 70 percent of the **lot area**;
- (G) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 144.61 metres and the elevation of the highest point of the **building** or **structure**;
- (H) Despite Regulation 40.10.40.10(3), no part of a **building** may exceed the maximum **building** height in metres, indicated by the number following the letters "HT" on Diagram 3 attached to By-law 766-2023;
- (I) Despite Regulation 40.10.40.10(7), no part of a **building** may exceed the maximum **building** height in storeys, indicated by the number following the letters "ST" on Diagram 3 attached to By-law 766-2023;
- (J) Despite (H) above and Regulations 40.5.40.10(3) to (8), only the following **building** elements and **structures** are permitted to project above the height limits shown following the symbol "HT" on Diagram 3 attached to By-law 766-2023:
 - i. awnings, balustrades, canopies, cornices, railings, trellises, eaves, fixtures, ornamental elements, guardrails, window-washing equipment, lighting fixtures, vents, flues, chimney stacks, **green roofs**, structural columns and shear walls, screens, parapets, stairs, elevators, window sills, and planters, are permitted to project no more than 5 metres above the height limits shown on Diagram 3 and mechanical penthouses are permitted to project no more than 2.0 metres above the height limits shown on Diagram 3;
- (K) Despite Regulation 40.10.40.70(3), the minimum required **building setbacks** are as shown on Diagram 3 attached to By-law 766-2023;

- (L) Despite subsection (K) above and clauses 40.10.40.60, the following elements of a **building** may encroach into the required **building setbacks**:
- i. awnings, balustrades, canopies, cornices, columns, balconies, eaves, fixtures, ornamental elements, lighting fixtures, mechanical equipment, parapets, railings, trellises, vents, window sills, stairs, elevators, planters, and other architectural projections are permitted to encroach into the minimum required **building setbacks** no more than 2.7 metres;
- (M) Despite Regulations 200.25.15(1) and 200.25.15.2(1) and (2), **parking spaces** must be provided in compliance with Regulation 200.5.10.1(1) and Table 200.5.10.1;
- (N) A minimum of 20 percent of all **parking spaces** must be equipped with an **energized outlet** capable of providing **Level 2** charging or higher;
- (O) Despite Regulation 230.40.1.20(2), a short-term **bicycle parking space** may be located no more than 60 metres from a pedestrian entrance to the **building** on the **lot** as well as below **grade**;
- (P) Regulations 40.10.50.10(1)(B) and 40.10.50.10(3) with respect to minimum **landscaping** requirements do not apply; and
- (Q) Despite Regulation 40.10.90.10(1)(C), a **loading space** may be located in a **rear yard** abutting a **lot** in the Residential Zone or Residential Apartment Zone categories.

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

5. None of the provisions of Zoning By-law 569-2013, as amended, or this By-law apply to prevent the erection and use of a temporary sales office on the lands to which this By-law applies for a period of 3 years from the date this By-law comes into full force and effect, after which this temporary use permission expires.
6. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

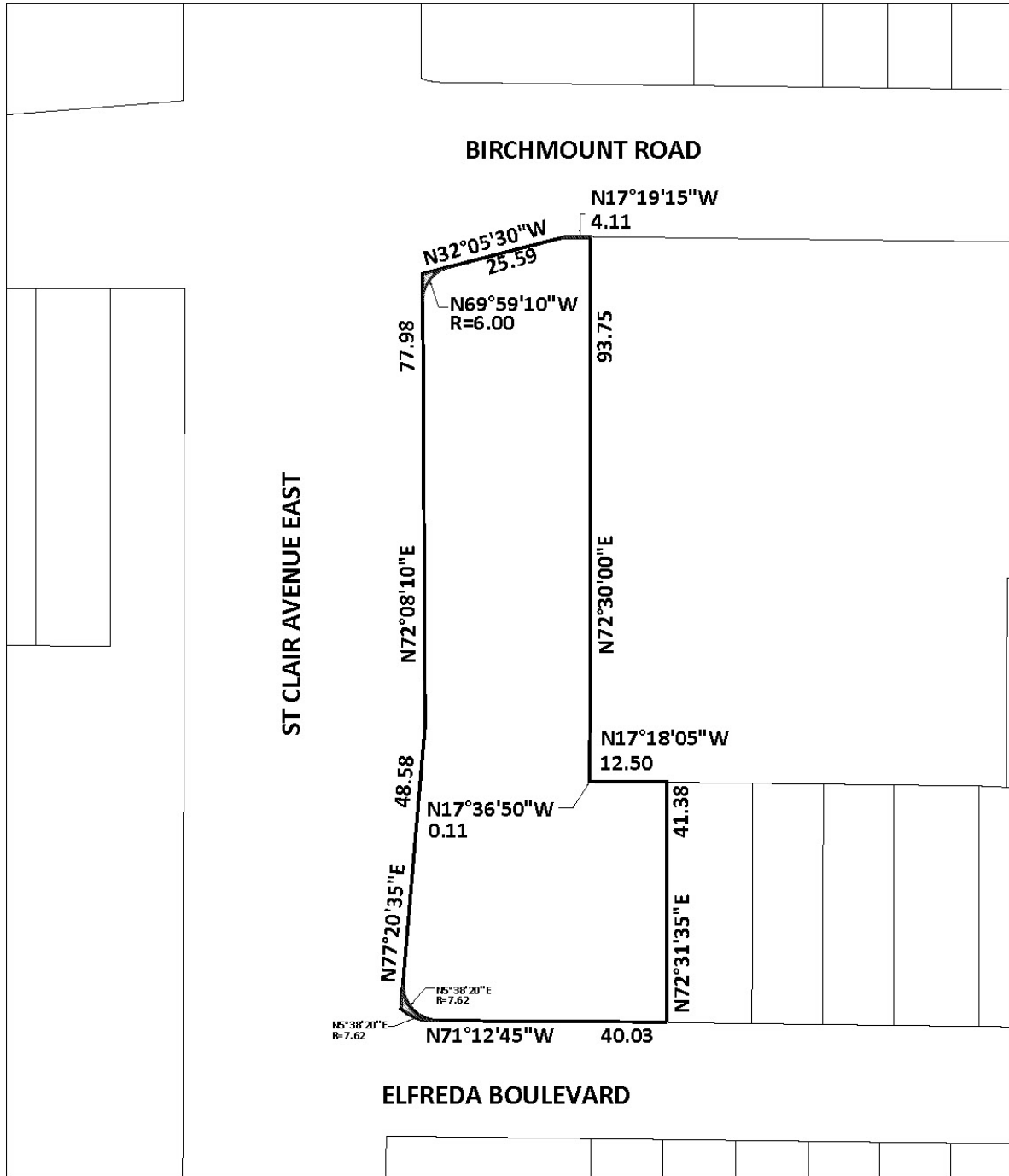
Enacted and passed on July 20, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1



**3431-3449 ST. CLAIR AVENUE EAST &
67 ELFREDA BOULEVARD**



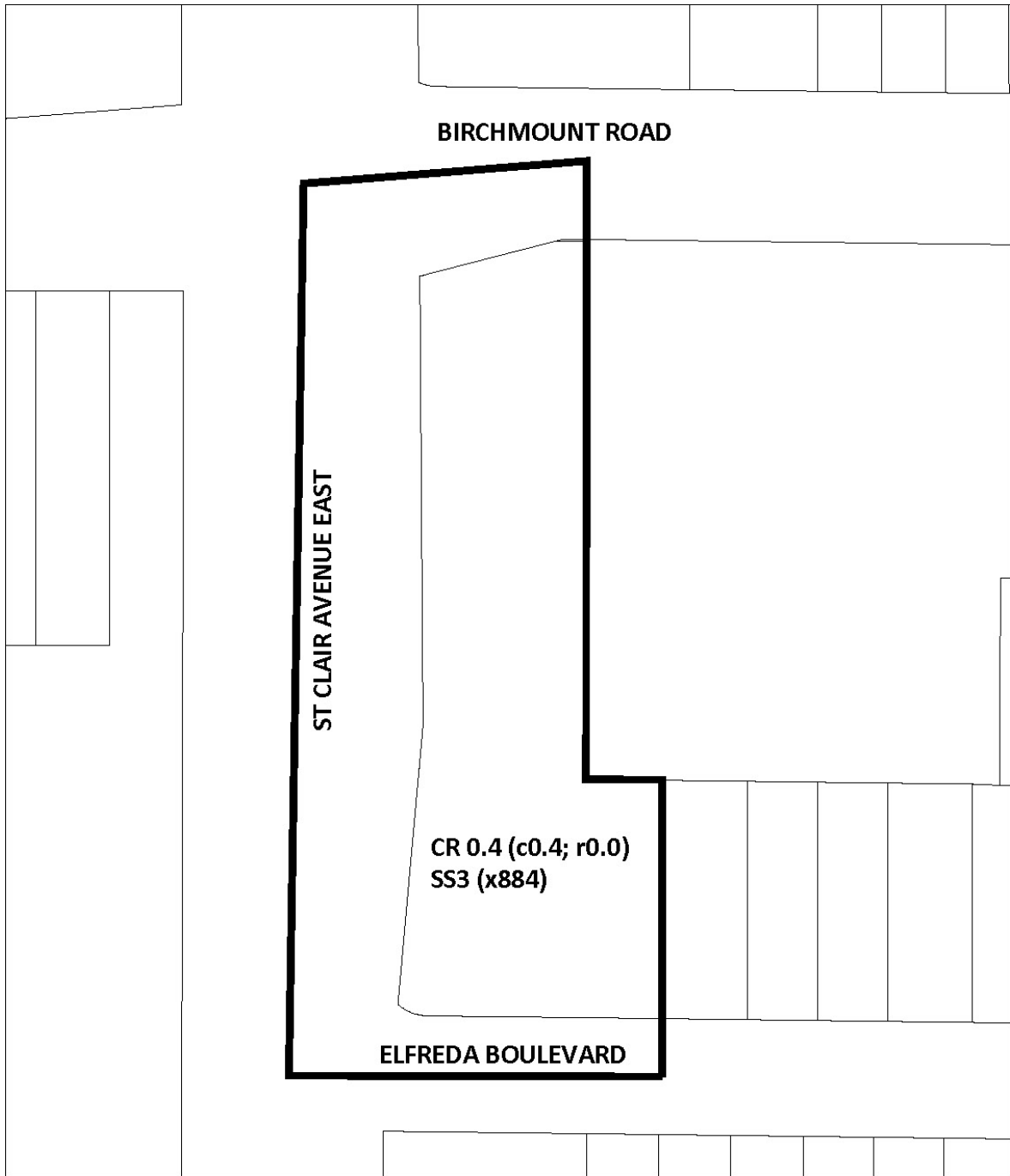
-  Area affected by this by-law
-  Area of road widening



Diagram 2

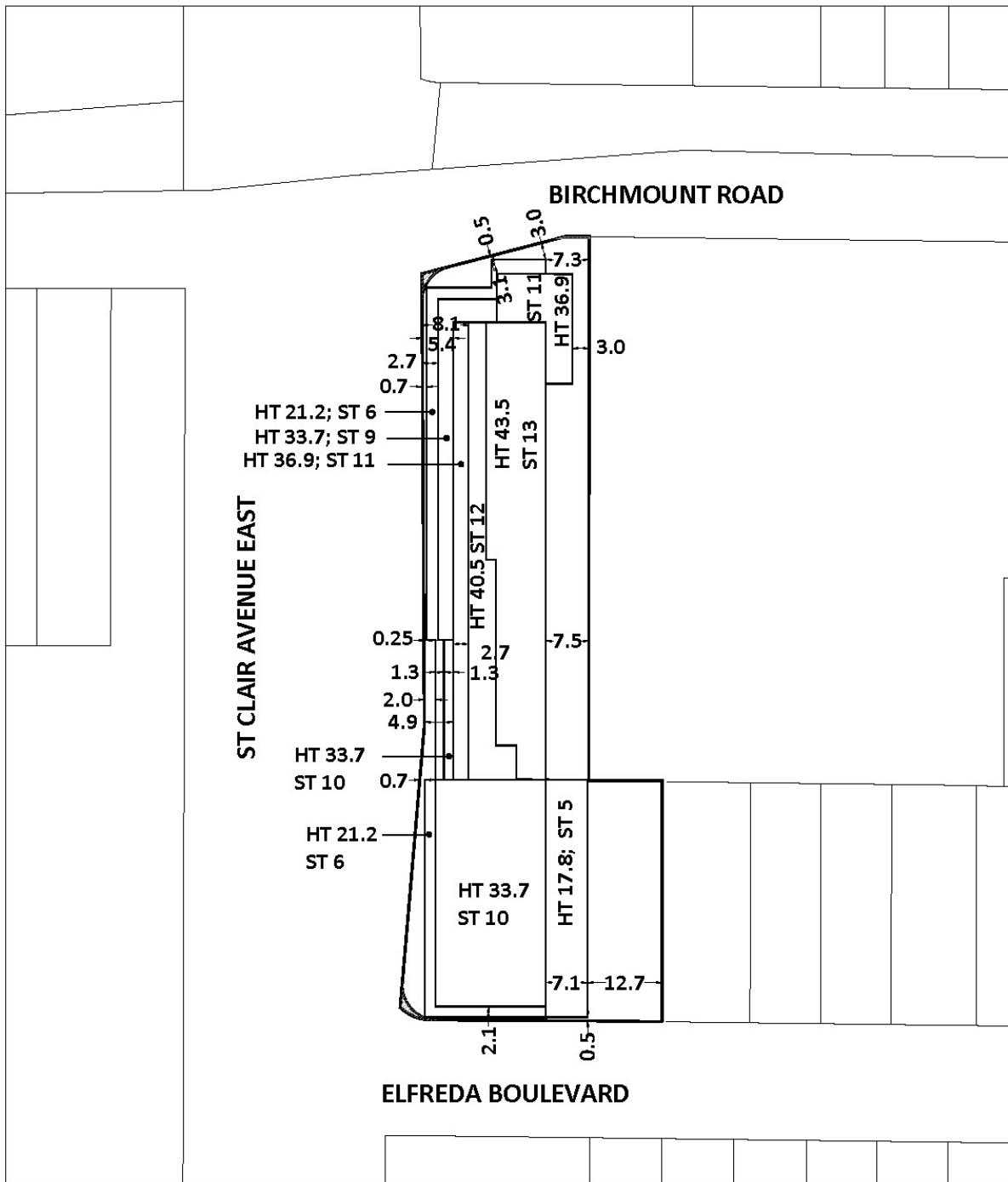


3431-3449 ST. CLAIR AVENUE EAST &
67 ELFREDA BOULEVARD

 Area affected by this by-law





Diagram 3



 **Toronto**
Diagram 3

**3431-3449 ST. CLAIR AVENUE EAST &
67 ELFREDA BOULEVARD**

-  Area affected by this by-law
-  Area of road widening

