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**File No. 117201.000011**

December 12, 2024

**DELIVERED BY EMAIL** (councilmeeting@toronto.ca)

Mayor Olivia Chow and Members of Council  
City of Toronto  
100 Queen Street West  
Toronto, ON M5H 2N2

Attention: Sylwia Przewdziecki, Legislative Coordinator

Dear Mayor Chow and Members of the Council:

**Re: Item TE18.5 – 45 St. Clair Avenue West – OPA and ZBA Applications**

**Access to the Badminton and Racquet Club of Toronto, 25 St. Clair Ave. W.**

We are counsel for the Badminton and Racquet Club of Toronto (“BRCT”), the registered owner of the lands located at 25 St. Clair Avenue West, and long-time operators of the BRCT at this location. The BRCT site shares its westerly and northerly property boundaries with 45 St. Clair Avenue West (the “Subject Site”). The owners of the Subject Site have before Council applications for official plan and zoning by-law amendments to permit a 51 storey mixed-use building (“proposed development”).

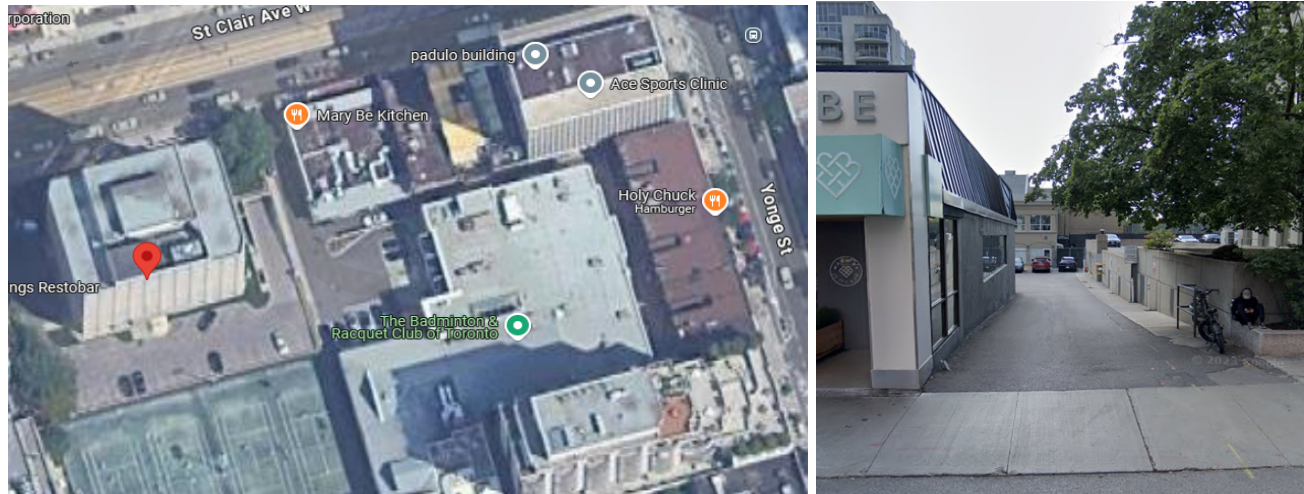
BRCT has reviewed the draft zoning by-law amendment for the proposed development, included as Attachment 8 to the November 15, 2024 Report for Action to Toronto and East York Community Council (TEYCC), and **requests that building setback requirements be revised to ensure functional and safe access to the BRCT site and other properties reliant on this single point of access.** The specific revisions to the by-law sought by BRCT are set out below.

## **Background**

BRCT, through its planning consultant NBLC, submitted comments on the proposed development to staff by letters dated September 26, 2023 and October 21, 2024. Those letters are attached for reference.

Among the concerns with the proposed development identified in the NBLC letters is the need to widen the current access drive from St. Clair Ave. W. along the east side of the existing building at 45 St. Clair Ave. W. As shown below, this single 5.65 m wide driveway (owned by BRCT) serves as the only access point for the BRCT, for vehicles and pedestrians. This entrance also provides access to a narrow lane (3.7 m wide) across the northern edge of the BRCT site, which lane provides pedestrian

and vehicular access to the rear of a number of properties facing both St. Clair Ave. W. and Yonge Street to the east.



The current access point is insufficient for the functions it now serves, including fire protection, vehicular traffic to a number of properties, garbage collection, and pedestrian traffic to the BRCT and other properties, and beyond. The current situation is clearly not ideal from a pedestrian or fire safety perspective.

With significant intensification of the uses on the Subject Site in a 51 storey mixed-use development, BRCT anticipates even heavier use of the driveway, by pedestrians, visitors, and delivery vehicles.

Through discussions with the applicant for the proposed development, BRCT understands that the applicant has committed to ensuring that the new building setback on the east side, and the associated site plan drawings, would **provide sufficient space for a 6.0 wide driveway, plus a proper 2.1 m wide sidewalk, for a total entrance width of 8.1 m**. The proposed sidewalk width is consistent with the minimum 2.1 width specified in the City's Accessibility Design Guidelines. Widening the entrance connection is also consistent with the Council-adopted Yonge-St. Clair Planning Framework, which calls for an even wider entrance point in this location as one of the "big moves" in this quadrant (identified as the Racquet Club Connection) as part of comprehensive planning for high density redevelopment.

To achieve the 8.1 m wide entrance, **the setback on the east side of the Subject Site would have to be 2.5 m**. Unfortunately, the draft zoning by-law amendment included as Attachment 8 to the report to TEYCC does not reflect this commitment. The draft zoning by-law shows on Diagram 3 a 2.1 m setback on the east side of the building.

Further, the draft zoning by-law in section 4(H) permits a wide variety of building elements to encroach into the minimum building setbacks, including exterior stairs, balconies, building systems equipment, and the like. Such projections would negate the access function provided by the entrance, particularly for pedestrians since the new sidewalk would abut the proposed development. Above a

certain height, such projections into the setback would not impair access; BRCT suggests using the applicable datum for the Subject Site, 151.61 m, as cited in the draft by-law. The zoning by-law should not permit such projections into the setback on the east side of the building, below grade, or above grade below an elevation of 151.61 m.

Finally, BRCT needs to ensure that there are no encroachments below grade into the setback area on the east side, as the ground elevation drops by approximately 1.5 m from St. Clair Ave. W. as one moves south along the Subject Site. BRCT understands that the applicant agrees that building elements below established grade (e.g. underground parking, garbage and service areas) will not encroach into the setback; the building foundation will satisfy the setback. BRCT believes that the zoning by-law amendment should be express that no building or structure shall encroach into the setback on the east side of the building.

### **Request**

BRCT requests that if Council approves the zoning by-law amendment, it does so with the direction that:

- (a) the setback on the east side of the building be shown as 2.5 m in Diagram 3, not 2.1 m as now shown.
- (b) section 4(H) be revised to prohibit encroachments into the setback on the east side of the building, both below grade and above grade below an elevation of 151.61 m; and
- (c) the zoning by-law amendment should be express that no building or structure shall encroach into the setback on the east side of the building.

BRCT requests that when the Bills are later returned for enactment, the zoning by-law reflect these changes. We attach a blacklined version of the draft zoning by-law reflecting the above requests for the City's consideration.

On behalf of BRCT, we request to be provided with notice of any future meetings of Committees or Council, and any decisions of Council, pertaining to this matter.

BRCT thanks City Council for its careful consideration of this matter.

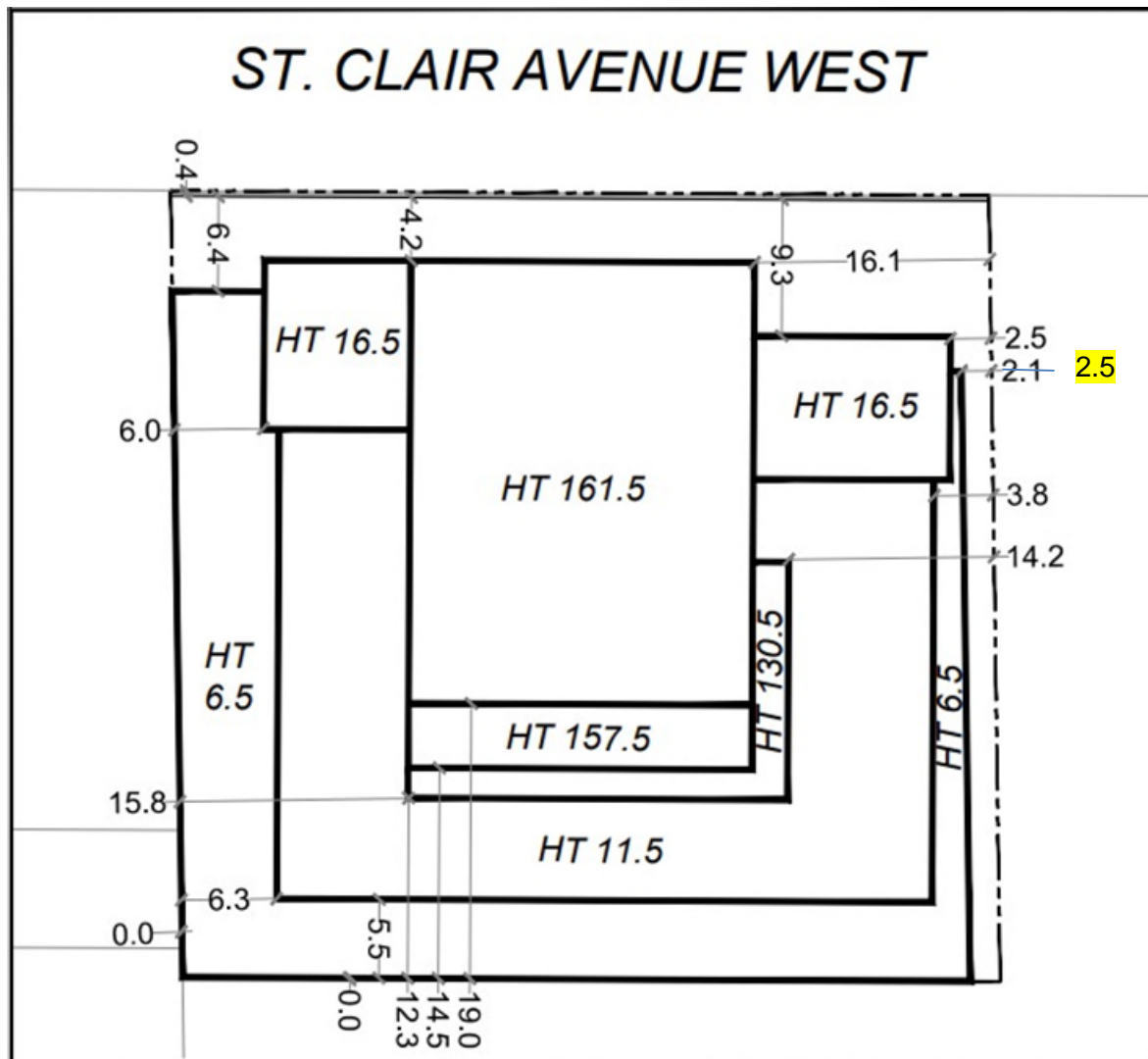
Yours very truly,  
**BORDEN LADNER GERVAIS LLP**



J. Pitman Patterson  
JPP/sa

cc: The Badminton and Racquet Club  
Scott Walker, NBLC  
Councillor Matlow (incl. Sebastien Gibson, Shadia Mursal)  
Great Gulf (Adidharma Purnomo, Luckshanan Balakrishnan)  
Manulife (Bryan Siekierko, Scott Gordon)

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45 St. Clair Avenue West

Diagram 3

File #22 200453 STE 12 OZ

0.4 metre road widening



Not to Scale

1. Authority: Toronto and East York Community Council, Item TEY 2024.TE18.5, as adopted by City of Toronto Council on ~, 2024.

## **CITY OF TORONTO**

### **BY-LAW [Clerks to insert By-law number]**

#### **To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 45 St. Clair Avenue West**

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 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, as amended; and

Whereas pursuant to Section 39 of the Planning Act, as amended, 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 in 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, as amended, 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 990.1 respecting the lands outlined by heavy black lines from a zone label of CR 4.25 (c2.0; r3.0) SS2 (x2258) to a zone label of CR 4.25 (c2.0; r3.0) SS2 (x1059) 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 (1059) so that it reads:

(1059) Exception 1059

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 lands municipally known as 45 St. Clair Avenue West, if the requirements of By-law [Clerks to insert By-law number] are complied

with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (Q) below;

- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 151.61 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law [Clerks to insert By-law number];
- (i) For the purpose of this exception, a mezzanine and a mechanical penthouse does not constitute a **storey**;
- (ii) No building or structure shall encroach into the required easterly setback above or below grade.
- (D) Despite Regulations 40.5.40.10(4) to (8), and (C) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law [Clerks to insert By-law number]:
- (i) equipment for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 8.0 metres;
- (ii) **structures** that enclose, screen, or cover the equipment, structures and parts of a **building** listed in (i) above, including a mechanical penthouse, by a maximum of 8.0 metres;
- (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 2.0 metres;
- (iv) planters and guard rails, by a maximum of 2.0 metres;
- (v) **landscaping** features, and divider screens on a balcony and/or terrace, by a maximum of 2.5 metres;
- (vi) **building** maintenance units and window washing equipment may further project above the adjacent parapet, by a maximum of 4.5 metres;
- (vii) trellises and pergolas, by a maximum of 2.5 metres;
- (viii) unenclosed **structures** for open air recreation and maintenance or providing safety, wind protection or noise mitigation to rooftop **amenity space**, by a maximum of 3.0 metres; and
- (E) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 43,800 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 42,000 square metres;
- (ii) the required minimum **gross floor area** for non-residential uses is

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1,800 square metres;

- (F) Despite regulation 40.10.40.50(1), **amenity space** must be provided as follows:
- (i) at least 2.0 square metres of indoor **amenity space** for each **dwelling unit**;
  - (ii) at least 2.0 square metres of outdoor **amenity space** for each **dwelling unit** of which 108 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**; and
- (G) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law number];
- (H) Despite Clause 40.10.40.60, regulation 40.10.40.80(2), and (G) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows, **and in the east setback of 2.5 metres such elements may encroach only above the Canadian Geodetic Datum of 151.61 metres**:
- (i) decks, porches, and balconies, by a maximum of 2.4 metres;
  - (ii) canopies and awnings, by a maximum of 6.0 metres;
  - (iii) exterior stairs, stair enclosures access ramps and elevating devices, by a maximum of 2.0 metres;
  - (iv) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 2.0 metres
  - (v) window projections, including box windows, by a maximum of 2.0 metres;
  - (vi) eaves, by a maximum of 2.0 metres; and
  - (vii) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 2.0 metres;
- (I) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of 5% of the **parking spaces** may be obstructed as described in Regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;
- (J) Despite Regulations 200.5.1.10(10) and 200.10.1(2), required residential visitor **parking spaces** may be provided on a non-exclusive basis, for the shared use of residential visitors and non-residential uses;
- (K) A minimum of one (1) "car-share parking space" must be provided;

For the purpose of this by-law:

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- (i) “car-sharing” means the practice where a number of people share the use of one or more **vehicles** that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of **vehicles** be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable; and
  - (ii) “car-share parking space” means a **parking space** that is exclusively reserved and actively used for “car-sharing”;
  - (L) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
    - (i) length of 5.6 metres;
    - (ii) width of 3.4 metres;
    - (iii) vertical clearance of 2.1 metres; and
    - (iv) be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
  - (M) Despite Regulation 230.5.1.10(7), no shower and change facilities for **bicycle parking spaces** are required;
  - (N) Despite Regulation 230.5.1.10(10), “short-term” **bicycle parking spaces** may also be located in a **stacked bicycle parking space**;
  - (O) Despite Regulation 230.40.1.20(2), “short-term” **bicycle parking spaces** may be located more than 30 metres from a pedestrian entrance to the **building** on the **lot**, provided that they are located:
    - (i) on the first or second **storey** of the **building** in a publicly-accessible room, area or enclosure;
    - (ii) on the levels of the **building** below-ground in a publicly-accessible room, area or enclosure; or
    - (iii) outside the **building**, on the **lot**.
  - (P) Despite Clauses 40.10.90.1 and 220.5.10.1, **loading spaces** must be provided as follows:
    - (i) a minimum of one Type “G” **loading space**,
    - (ii) a minimum of one Type “B” **loading space**; and
    - (iii) a minimum of one Type “C” **loading space**;
  - (Q) The provision of **dwelling units** is subject to the following:
    - (i) A minimum of 15 percent of the total number of **dwelling units** must have

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two or more bedrooms;

- (ii) A minimum of 10 percent of the total number of dwelling units must have three or more bedrooms;
- (iii) Any dwelling units with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;
- (iv) If the calculation of the number of required dwelling units with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number.

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

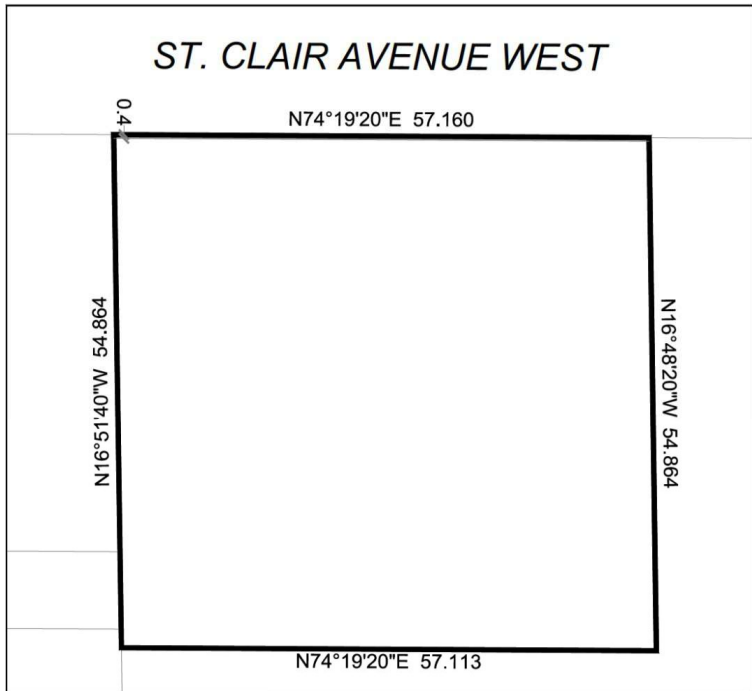
- 5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
- 6. Temporary Use(s):
  - (A) None of the provisions of Zoning By-law 569-2013, as amended, or this By-law apply to prevent the erection and use of a temporary sales office, a maximum of 3-storeys in height, for the purposes of marketing, rental, leasing and sale of **dwelling units** 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.

Enacted and passed on [Clerks to insert date].

[full name],  
Speaker

[full name],  
City Clerk

(Seal of the City)

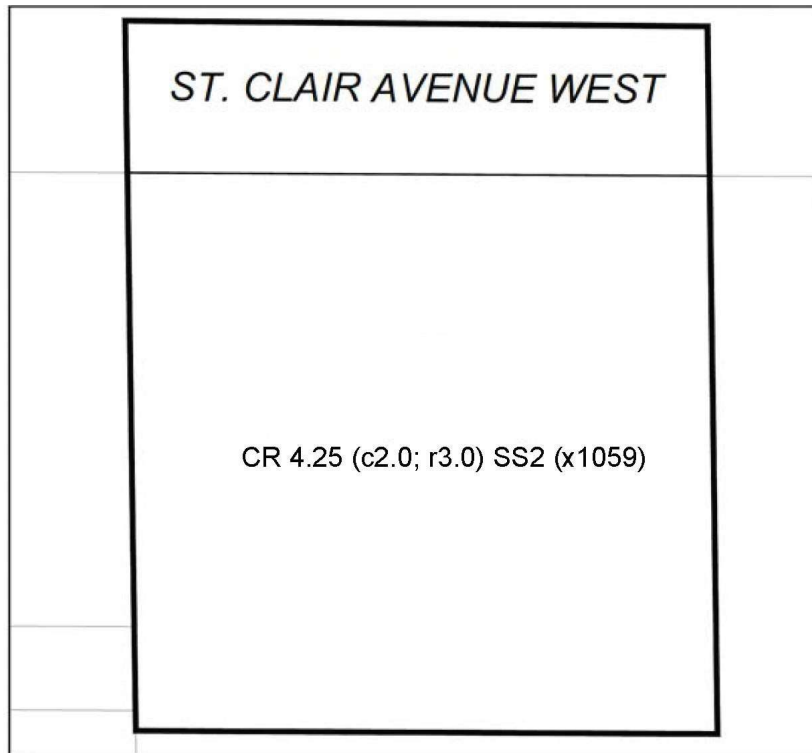
**Diagram 1****45 St. Clair Avenue West**

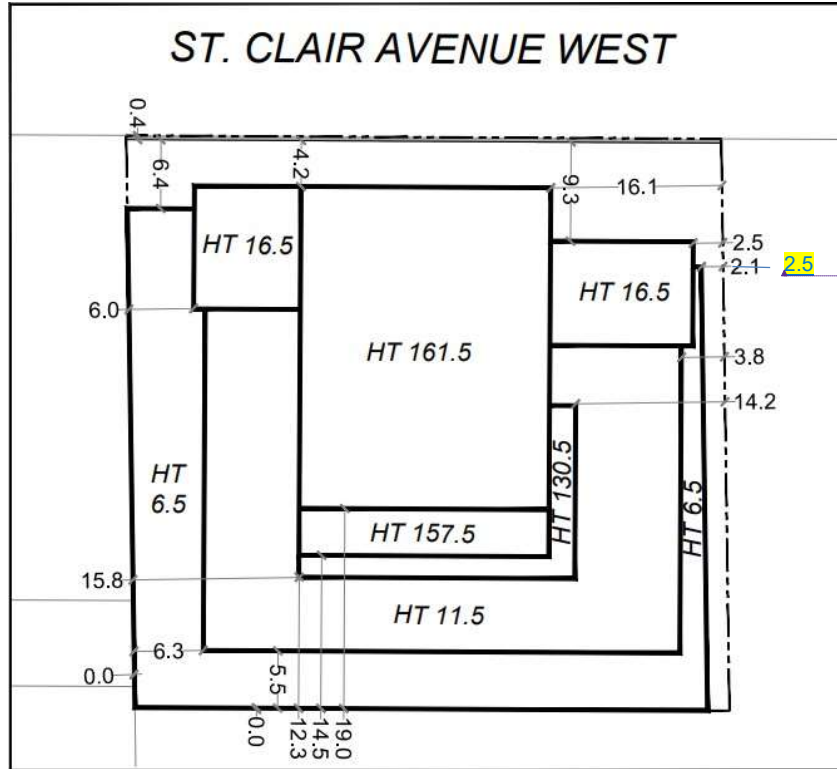
File #22 200453 STE 12 OZ

0.4 metre road widening



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Diagram 3

45 St. Clair Avenue West

File #22 200453 STE 12 OZ

0.4 metre road widening



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