

Attachment 5: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

BY-LAW No. XXX-202X

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2023 as 536 and 538 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 No. 569-2013, as amended, Chapter 800 Definitions.
3. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying no height label to these lands, as shown on Diagram 3 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting lands outlined by heavy black lines to CR 3.0 (c2.0; r2.0) SS2, as shown on Diagram 2 attached to this By-law;
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying the following Policy Area label to these lands: 3, as shown on Diagram 4 attached to this By-law; and
6. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 1051 so it reads:

(1051) Exception CR 1051

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 536 and 538 St. Clair Avenue West, if the requirements of By-law [Clerks to supply by-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with (B) to (AA) below;
- (B) In addition to the permitted uses listed in Clauses 40.10.20.10 and 40.10.20.20, car-share parking spaces are permitted as a non-residential use;
- (C) Despite regulation 40.10.40.1(1), in a **mixed use building**, all residential use portions of the **building** must be located above non-residential use portions of the **building**, excluding areas used for residential lockers, residential bike parking, and residential garbage;
- (D) Despite regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 157.54 metres and the elevation of the highest point of the **building** or **structure**;
- (E) 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 5 of By-law [Clerks to supply by-law ##];
- (F) Despite regulations 40.5.40.10 (3) to (8), the following elements of a **building** or **structures** may project beyond the permitted maximum height as shown on Diagram 5 of By-law [Clerks to supply by-law ##]:
 - (i) equipment used for the functional operation of the **building**, including elevator overrun, electrical, utility, mechanical and ventilation equipment, as well as 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) planters, **landscaping** features, guard rails, terrace dividers, parapets, and elements of a **green roof**, by a maximum of 5.0 metres;
 - (iv) privacy and wind screens, by a maximum of 3.0 metres;
 - (v) trellises and pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.5 metres;
 - (vi) antennas, flagpoles, and satellite dishes, by a maximum of 6.0 metres;
 - (vii) window washing equipment and **building** maintenance units, by a maximum of 7.5 metres.

- (G) In addition to areas of the **building** included in regulation 40.5.40.40(3), the **gross floor area** of a **building** may be reduced by the area in the **building** used for:
- (i) rooms containing **bicycle parking spaces**, and associated stairs and corridors to access **bicycle parking spaces** at or above-ground;
 - (ii) required **loading spaces** and associated corridors/areas;
 - (iii) storage rooms, first and second **storey** washrooms, electrical rooms/spaces, utility rooms/spaces, mechanical rooms/spaces, ventilation rooms/spaces, air shafts, and pipe shafts/spaces at or above-ground;
 - (iv) service rooms, including janitorial, mail, parcel and garbage and elevator vestibules at, above, or below-ground;
 - (v) all indoor **amenity space**;
 - (vi) exit corridors and stairwells at, above, or below-ground in the building.
- (H) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 19,900 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 19,700 square metres; and
 - (ii) the required minimum **gross floor area** for non-residential uses is 200 square metres;
- (I) The provision of **dwelling units** is subject to the following:
- (i) a minimum of 15 percent of the total number of **dwelling units** must contain at least two bedrooms;
 - (ii) a minimum of 7 percent of the total number of **dwelling units** must contain three bedrooms or more;
 - (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) In addition to (i) and (ii) above, 3 percent of the total number of **dwelling units** must have two or more bedrooms, or must be able to be converted to into two or more bedroom **dwelling units** through the use of accessible or adaptable design measures such as knock-out panels; and
 - (v) 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;
- (J) Despite regulations 40.10.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** on the **lot** in accordance with the following:

- (i) at the minimum rate of at least 2.3 square metres of **amenity space** per **dwelling unit**, of which a minimum of 1.3 square metres per **dwelling unit** must be provided as indoor **amenity space**;
 - (ii) at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iii) no more than 25% of the outdoor component may be a **green roof**;
- (K) Despite regulation 40.10.40.70(2), the required minimum **building setbacks** are shown on Diagram 5 of By-law [Clerks to supply by-law ##];
- (L) Despite (J) above, the required minimum **building setbacks** for the 5th **storey** are:
 - (i) 4.4 metres to the north property line;
 - (ii) 1.9 metres to the east property line;
 - (iii) 2.7 metres to the south property line; and
 - (iv) 5.5 metres to the west property line;
- (M) Despite (J) above, the required minimum **building setbacks** for the 13th **storey** are:
 - (i) 8.2 metres to the north property line;
 - (ii) 1.9 metres to the east property line;
 - (iii) 2.7 metres to the south property line; and
 - (iv) 5.5 metres to the west property line;
- (N) For the purposes of (K) and (L) above, a floor level of a **building** between the **first floor** and any **storey** containing **amenity space** or **dwelling units** is not to be considered a **storey**;
- (O) Despite regulation 40.5.40.60(1) and Clause 40.10.40.60, the following **building** elements and **structures** are permitted to encroach into the required minimum **building setbacks** shown on Diagram 5 of By-law [Clerks to supply by-law ##]:
 - (i) decks and balconies, by a maximum of 1.8 metres;
 - (ii) architectural features, such as pilasters, decorative columns, cornices, sills, or belt courses, by a maximum of 1.2 metres;
 - (iii) railings, planters, stairs, stair enclosures, bollards, trellises, retaining walls, wheelchair ramps, landscape features, roof access hatches, by a maximum of 2.0 metres;

- (iv) art installations, by a maximum of 5.0 metres;
 - (v) terrace dividers, and privacy screens, by a maximum of 4.0 metres; and
 - (vi) canopies and awnings, by a maximum of 2.5 metres.
- (P) Despite regulation 40.10.100.10 (1)(c), one access to the underground **parking garage** and one access to the **loading space** is permitted;
- (Q) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of 0.0 **parking spaces** for each **dwelling unit** for residential occupants;
 - (ii) a maximum of 0.3 **parking spaces** for each bachelor **dwelling unit** up to 45 square metres and 1.0 for each bachelor **dwelling unit** greater than 45 square metres, 0.5 **parking spaces** for each one bedroom **dwelling unit**, 0.8 **parking spaces** for each two bedroom **dwelling unit**, and 1.0 **parking space** for each three or more bedroom **dwelling unit** for residential occupants;
 - (iii) a minimum of 2.0 **parking spaces** plus 0.01 **parking spaces** for each **dwelling unit** for residential visitors; and
 - (iv) a maximum of 1.0 **parking space** per **dwelling unit** for the first five **dwelling units**, and a maximum rate of 0.1 **parking space** per **dwelling unit** for the sixth and subsequent **dwelling units** for residential visitors;
- (R) Despite Clause 200.15.10.10, a minimum of 7 accessible parking spaces must be provided;
- (S) In addition to the parking requirements set out in Chapter 200, a minimum of 1 "car-share parking space" must be provided and maintained on the **lot**, subject to the following:
- (i) car-share parking spaces are not permitted to replace a **parking space** that is a required occupant, visitor, or accessible **parking space**;
- (T) For the purpose of this exception,
- (i) "car-share" or "car sharing" means the practice whereby a number of people share the use of one of more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
 - (ii) "car-share parking space" means a **parking space** exclusively reserved and actively signed for a **vehicle** used only for "car-share" purposes;

- (U) Despite regulation 200.5.1.10(2)(A), a maximum of 15 percent of the total number of **parking spaces** may have the following minimum dimensions if obstructed on one or two sides in accordance with regulation 200.5.1.10(2)(D):
 - (i) length of 5.6 metres;
 - (ii) width of 2.6 metres; and
 - (iii) vertical clearance of 2.0 metres;
- (V) 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; and
 - (iii) vertical clearance of 2.1 metres;
- (W) Despite regulation 200.15.1(3), the entire length of an accessible **parking space** must be adjacent to a 1.5-metre wide accessible barrier free aisle or path;
- (X) Accessible **parking spaces** must be the **parking spaces** closest to a barrier free:
 - (i) entrance to a **building** or a passenger elevator that provides access to the first **storey** of the **building**; and
 - (ii) the shortest route to such entrance that is no greater than 18.0 metres;
- (Y) Despite Clause 220.5.10.1, a minimum of 1 Type “G” **loading space** is required;
- (Z) Despite regulation 230.5.1.10.(4)(A)(ii), the minimum width of a **stacked bicycle parking space** is 0.45 metres.
- (AA) In addition to regulation 230.5.1.10(10) a “short-term” **bicycle parking space** may be a **stacked bicycle parking space** and may be located inside a **building**.

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

- 6. Despite any severance, partition or division, or conveyance of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred;
- 7. Temporary use(s):
 - (i) None of the provisions of 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 the By-law applies for a period of not more than 3 years from the date this By-law comes into full force and effect, after which this temporary use permission expires. A temporary sales office may be provided subject to the following:

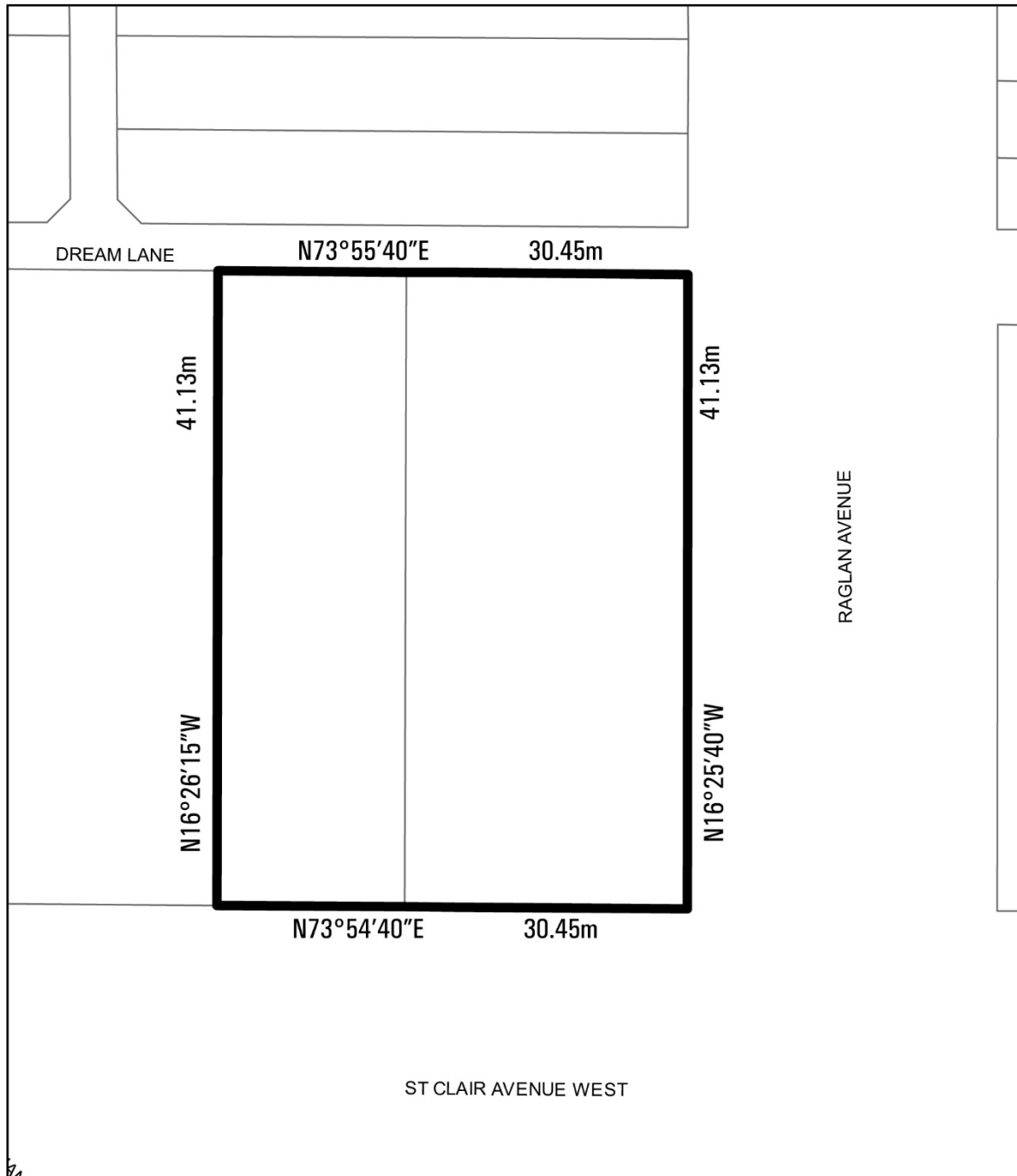
- a. The permitted maximum height does not exceed 10.0 metres; and
- b. The number of **storeys** does not exceed 2.

Enacted and passed this ____ day of _____, 202X.

Frances Nunziata,
Speaker

JOHN D. ELVIDGE
City Clerk

(Seal of the City)

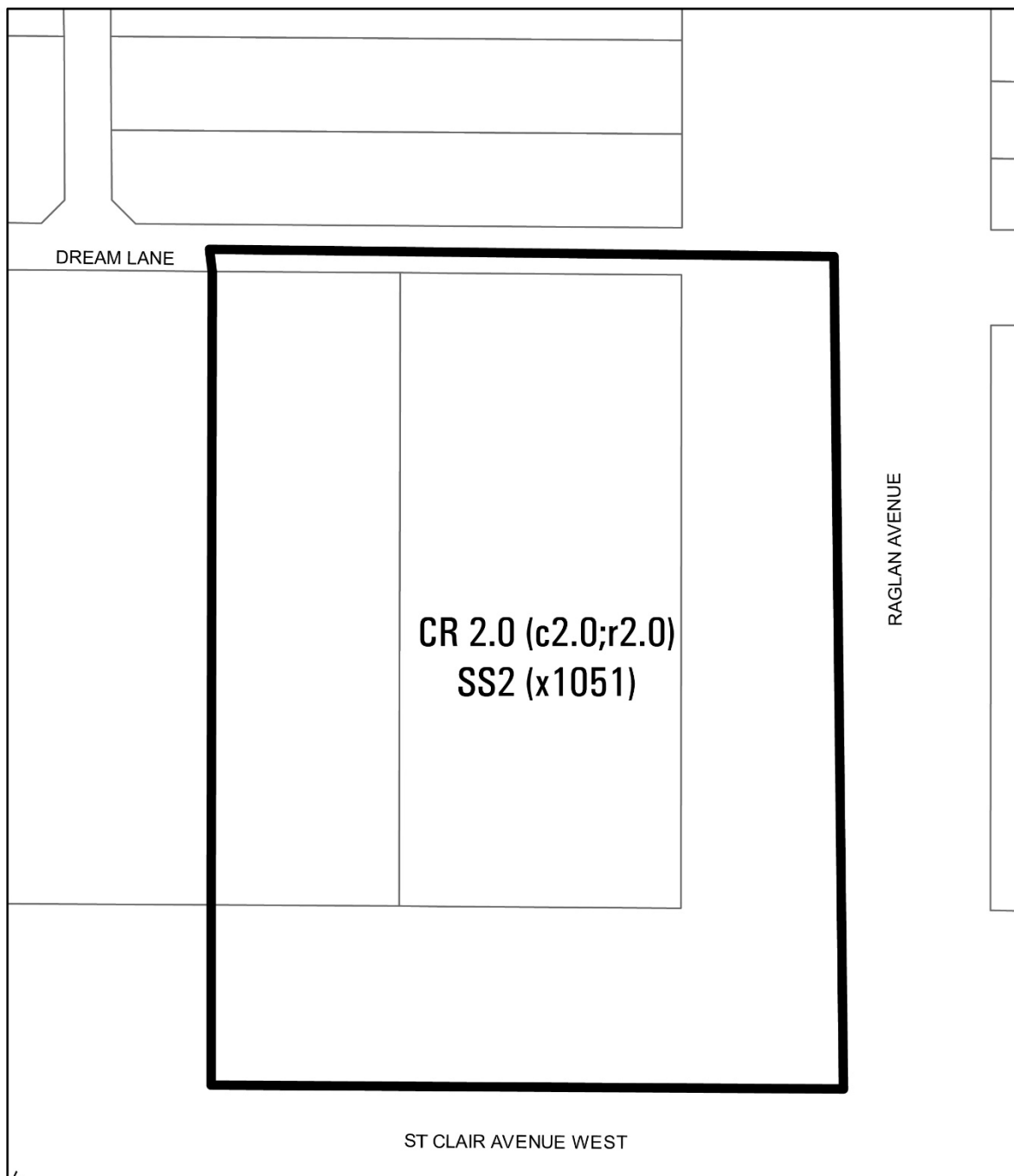


Toronto
Diagram 1

536-538 St. Clair Avenue West

File # 22 194896 STE 12 OZ


City of Toronto By-law 569-2013
Not to Scale
11/07/2024

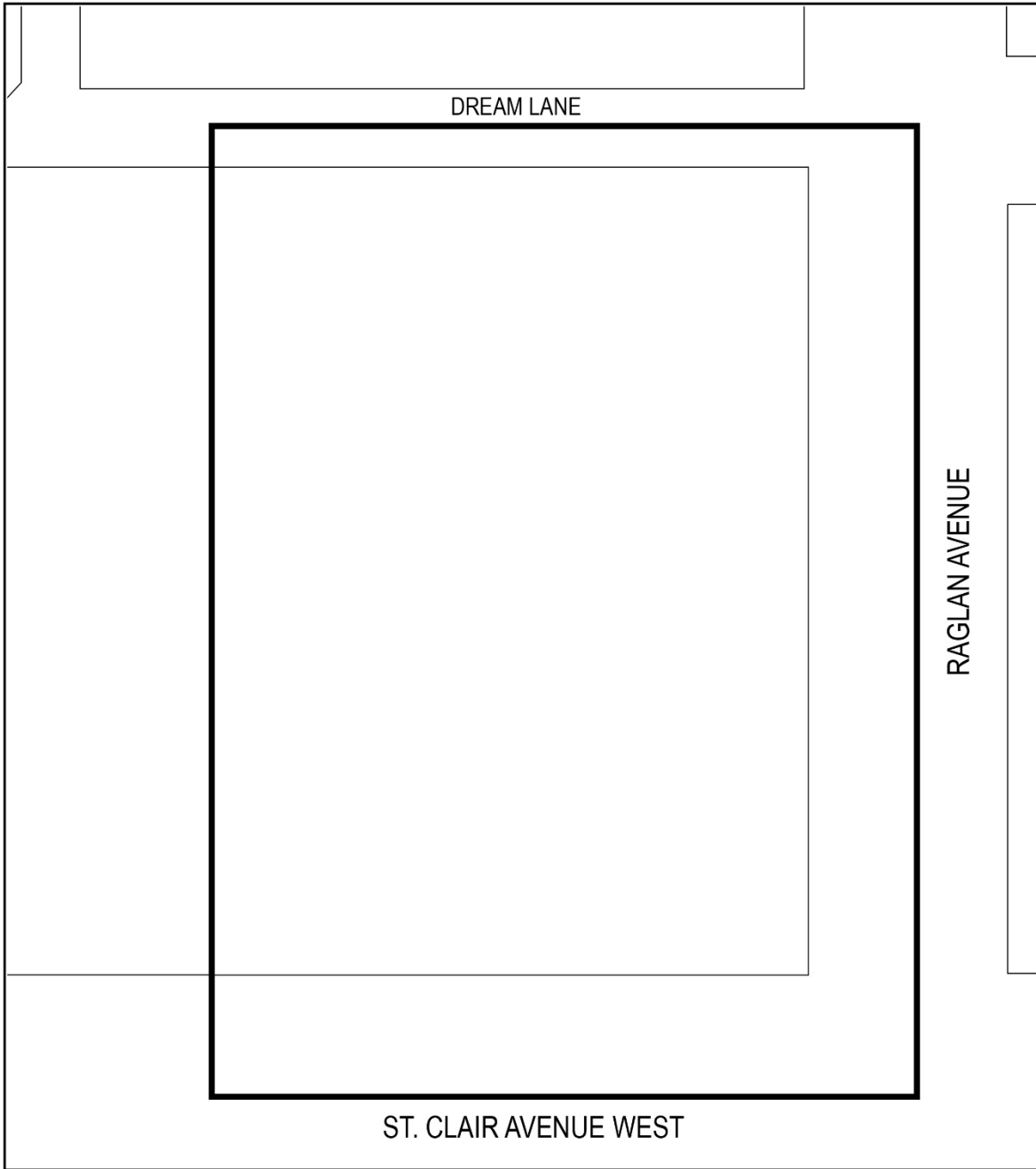


 **TORONTO**
Diagram 2

536-538 St. Clair Avenue West

File # 22 194896 STE 12 OZ


City of Toronto By-law 569-2013
Not to Scale
12/02/2024

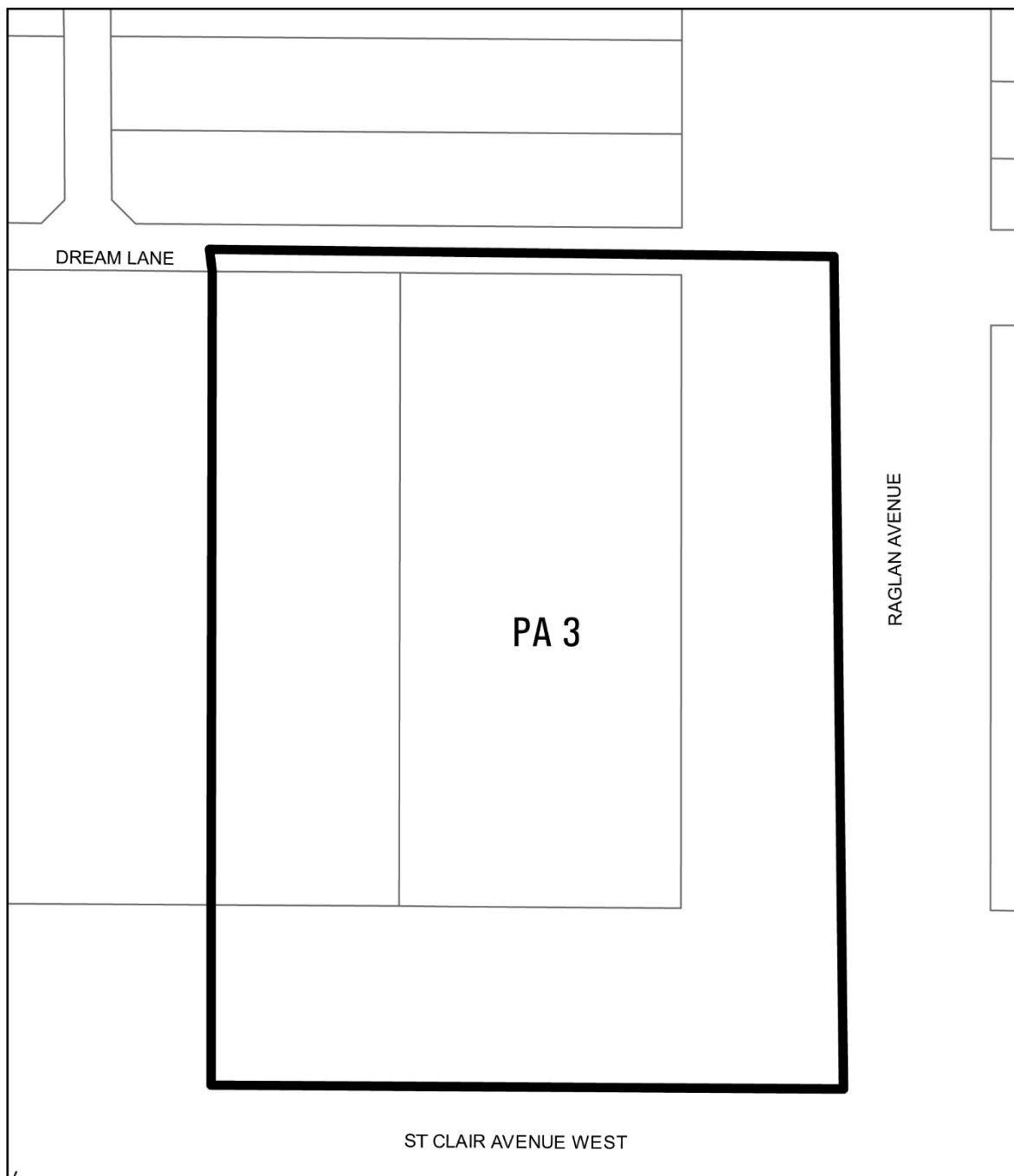


 **TORONTO**
Diagram 3

536 -538 St. Clair Ave W

File # 22 194896 STE 12 OZ


City of Toronto By-law 569-2013
Not to Scale
11/07/2024

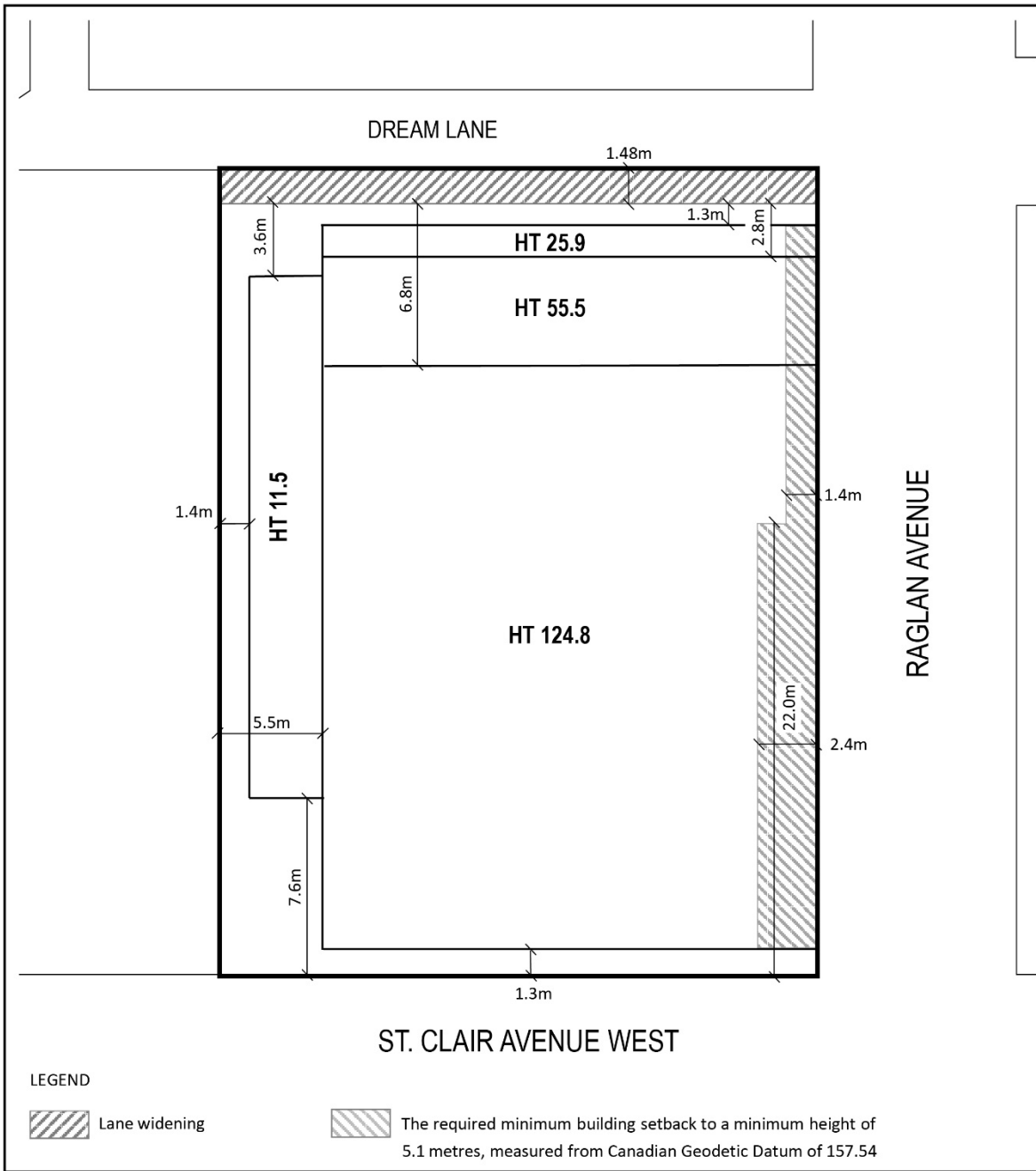


 **Toronto**
Diagram 4

536-538 St. Clair Avenue West

File # 22 194896 STE 12 OZ


 City of Toronto By-law 569-2013
 Not to Scale
 11/28/2024



Toronto
Diagram 5

536 -538 St. Clair Ave W

File # 22 194896 STE 12 OZ

City of Toronto By-law 569-2013
Not to Scale
12/02/2024