

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

## **CITY OF TORONTO**

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

**To amend Zoning By-law 569-2013, as amended, and to repeal By-law 246-2004(OMB) with respect to the lands municipally known in the year 2024 as 135 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 pursuant to Section 39 of the Planning Act, as amended, a by-law passed under Section 34 of the Planning Act, may authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in 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, as amended; and

Whereas it is appropriate that Council of the City of Toronto to repeal By-law 246-2004(OMB), as it apply to the lands subject of this By-law; and

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 replacing existing Article 900.11.10 Exception Number 2259, in its entirety, so that it reads:

(2259) Exception CR 2259

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 135 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 (HH) 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 148.63 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 2 of By-law [Clerks to insert By-law number];
- (D) For the purposes of this exception, a "mezzanine" located between the first **storey** and second **storey** that is partly open to the floor below, does not constitute a **storey**, provided that the **gross floor area** of the mezzanine level does not exceed 75% of the **gross floor area** of the first **storey** of the **building**;
- (E) Despite Regulations 40.5.40.10(3) to (8) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 2 of By-law [Clerks to insert By-law number]:
  - (i) equipment used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, as well as enclosed stairwells, roof access, maintenance equipment storage, chimneys, and vents, by a maximum of 7.5 metres;
  - (ii) architectural features, parapets, and elements and structures associated with a green roof, above the **structures** and parts of a **building** listed in (i) above, by a maximum of 4.0 metres;
  - (iii) elevator shafts, overruns and associated equipment, by a maximum of 9.0 metres;
  - (iv) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, by a maximum of 7.5 metres;
  - (v) **building** maintenance units and window washing equipment, by a maximum of 9.0 metres;
  - (vi) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 4.5 metres;
  - (vii) antennae, flagpoles and satellite dishes, by a maximum of 3.0 metres; and

- (viii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres; and
  - (ix) public art and art installations.
- (F) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 49,500 square metres, of which:
  - (i) the permitted maximum **gross floor area** for residential uses is 48,500 square metres; and
  - (ii) the required minimum **gross floor area** for non-residential uses is 600 square metres;
- (G) Despite Regulations 40.5.40.40(3) (A)(C) and (E) and 970.30.15.40(2), the **gross floor area** of a **building** on the **lot** is reduced by the area in the **building** used for:
  - (i) **parking spaces, loading spaces** and **bicycle parking spaces** below-ground or above-ground;
  - (ii) storage rooms, electrical, utility, mechanical and ventilation rooms, and transformer rooms below-ground or above-ground;
  - (iii) **amenity space** provided by this By-law;
- (H) Despite Regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of 4.0 square metres for each **dwelling unit**, as follows:
  - (i) at least 2.5 square metres of indoor **amenity space** for each **dwelling unit**;
  - (ii) at least 1.0 square metres of outdoor **amenity space** for each **dwelling unit**, of which 40 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**; and
  - (iii) no more than 25 percent of the outdoor component may be a **green roof**.
- (I) Despite Regulation 40.10.40.70(2) and 40.10.40.80 (2), the required minimum **building setbacks** the required minimum **building setbacks** and minimum separation of **main walls** must be provided as shown, in metres, on Diagram 2 of By-law [Clerks to insert By-law number];

- (J) Despite Clauses 40.10.40.60 and (I) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) planters and associated **landscaping** features, by a maximum of 1.0 metres;
  - (ii) balconies, by a maximum of 2.0 metres;
  - (iii) canopies and awnings, by a maximum of 3.0 metres;
  - (iv) exterior stairs, access ramps and elevating devices, by a maximum of 2.0 metres;
  - (v) architectural features, such as a pilaster, eaves, dormers, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.5 metres;
  - (vi) air conditioners, antennae, vents, and pipes, by a maximum of 0.5 metres;
  - (vii) structures and elements used for open air recreation and amenity space, and utility meters by a maximum of 1.5 metres; and
  - (viii) planters, **landscaping**, landscape features, public art and art installations;
- (K) In addition to (L) above, for the shaded portion at-grade on Diagram 2 of By-law [Clerks to insert By-law number] the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) Columns and associated structures, elements required for structural support, art and landscape features, and structures that enclose or screen, which may include privacy walls or architectural features, by a maximum of 8.0 metres;
- (L) Despite Regulation 40.10.50.10(2), a fence is not required along the portion of the **lot** line abutting a **lot** in the Residential Zone category;
- (M) Despite Regulation 40.10.50.10(3), a minimum 1.5 metre wide strip of land used for **landscaping** must be provided along the part of the **lot** line abutting a **lot** in the Residential Zone category;
- (N) Despite Sections 150.45 and 150.48, and Regulations 40.10.20.100(27) and 40.10.20.100(28):

- (i) a **day nursery** or a **private school** are permitted uses on the first **storey** and above the first **storey**; and
  - (ii) the **interior floor area** used by a **day nursery** may be no greater than 40% of the **gross floor area** of the first **storey** of the **building**;
- (O) Regulation 40.10.40.1(6) does not apply;
- (P) Despite Regulation 200.5.10.1(1), Clause 970.10.15.5 and Tables 200.5.10.1 and 970.10.15.5, **parking spaces** must be provided in accordance with the following:
  - (i) no visitor **parking spaces** for residential uses are required;
  - (ii) no **parking spaces** for non-residential uses are required; and
  - (iii) “car share” parking spaces are permitted.
- (Q) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of 10 percent of **parking spaces**, except for accessible **parking spaces**, may be obstructed on one side in accordance with regulation 200.5.1.10(2)(D), without a requirement to increase the width by 0.3 metres;
- (R) Despite Regulations 200.5.1.10(2)(A)(i),(ii) and (iii), a maximum of 10 percent of **parking spaces**, except for accessible **parking spaces**, may have the following minimum dimensions:
  - (i) length of 5.0 metres;
  - (ii) width of 2.5 metres; and
  - (iii) vertical clearance of 1.8 metres;
- (S) Despite Regulations 200.5.1.10(2)(A) and (D), equipment for electric **vehicle** charging does not constitute an obstruction to a **parking space**;
- (T) Despite Clause 200.15.10.5, 200.15.10.10 and 970.10.15.5 and Table 200.15.10.5, where **parking spaces** are provided, a minimum of 18 accessible **parking spaces** are required;
- (U) 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;
- (V) 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;
- (W) Despite Regulation 200.15.1(4), accessible **parking spaces** must be located within 25 metres of a passenger elevator that provides access to the first **storey** of the **building**;
- (X) Despite Clause 220.5.10.1, **loading spaces** must be provided in accordance with the following:
  - (i) one Type 'G' **loading space**; and
  - (ii) one Type "C" **loading space**;
- (Y) Despite Regulations 230.5.10.1(1), (3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
  - (i) 0.9 "long-term" **bicycle parking spaces** for each **dwelling unit**; and
  - (ii) 0.2 "short-term **bicycle parking spaces** for each **dwelling unit**;
- (Z) Despite Regulation 230.5.1.10(4)(A) and (C), the required minimum dimensions of a **stacked bicycle parking space** are:
  - (i) length of 1.8 metres;
  - (ii) width of 0.4 metres; and
  - (iii) vertical clearance for each **bicycle parking space** of 1.2 metres;
- (AA) In addition to Regulation 230.5.1.10.(9)(B), "long-term" and "short-term" **bicycle parking spaces** may be located on the mezzanine level.
- (BB) Despite Regulations 230.5.1.10(10) and (15), "short-term" and "long-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**;

- (CC) Despite Regulation 230.5.1.10(13), no **oversized bicycle parking spaces** are required;
- (DD) Despite Regulation 230.5.1.10(14), a minimum aisle width within areas used for bicycle parking in a **building** or **structure** must be a minimum of 1.5 metres;
- (EE) Regulation 230.5.1.10(16)(A) does not apply
- (FF) Despite Regulation 230.30.1.20(2) a “short-term” **bicycle parking space** may be located more than 30 metres from a pedestrian entrance to the **building** and may be located at-grade, in a mezzanine above the **first floor**, and within any level below ground;
- (GG) 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 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; and
  - (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.
- (HH) For the purpose of this exception, each word or expression that is in bold font will have the same meaning as such word or expression as defined in Chapter 800 of Zoning By-law 569-2013, as amended, except for the following:
- (i) "car-share" means the practice whereby a number of people share the use of one or 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.

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

4. Despite any future severance, partition or division of the lands as shown on Diagram 1 attached to this By-law, the provisions of this By-law shall apply as if no severance, partition or division occurred.
5. By-law 246-2004(OMB), being a by-law to amend General Zoning By-law No. 438-86 for the former City of Toronto, as amended, and consolidated into City-wide Zoning By-law 569-2013, respecting the lands known as 135 St. Clair Avenue West in 2004, is hereby repealed in its entirety on the coming into force of this By-law [Clerks to insert By-law number].
6. Temporary Use(s):
  - (A) Pursuant to Section 39(1) of the Planning Act, none of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a **retail store** on the lands in **building, structure** or trailer for the purpose of selling, renting or leasing of **dwelling units** and non-residential uses in a on the lands in the CR Zone to which this By-law applies, provided that any such building or structure does not exceed a maximum height of 7.5 metres. Section 6 of this By-law shall expire on [Clerks to insert date three years from enactment date].

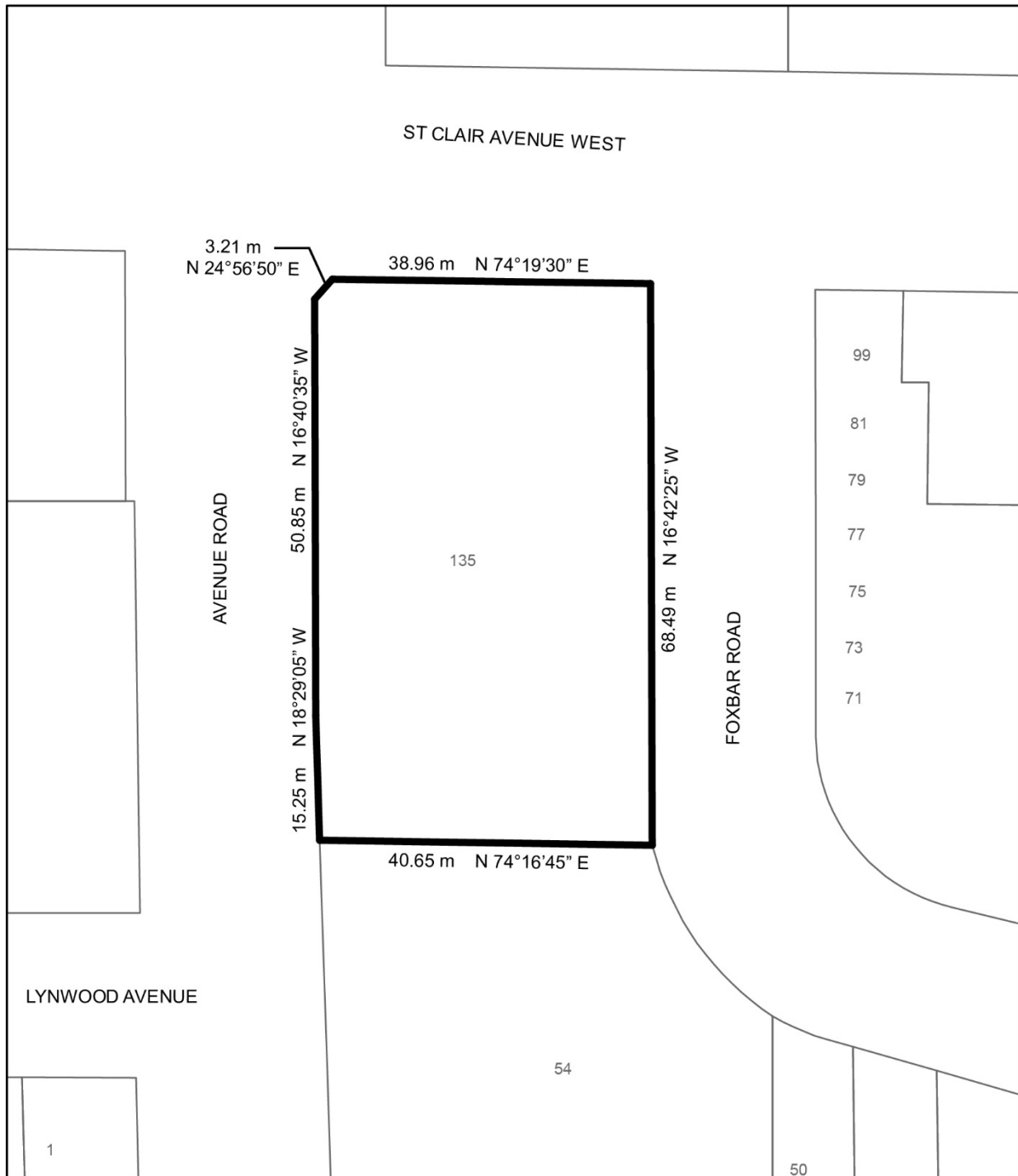
Enacted and passed on [Clerks to insert date].

[full name],  
Speaker

[full name],  
City Clerk

(Seal of the City)





**Toronto**  
Diagram 1

135 St. Clair Avenue West

File # 24 240637 STE 12 OZ





135 St.Clair Avenue West

File # 24 240637 STE 12 OZ

