

November 21, 2019

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

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~20~

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2019 as 1467 Bathurst Street and 490 St Clair Avenue West

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law with respect to the lands known municipally in the year 2019 as 1467 Bathurst Street and 490 St Clair Avenue West; 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 HEREBY ENACTS as follows:

1. The lands shown by hatching on Map 1 are repealed from By-law 1-83.
2. The “District Map 50K-311 (Appendix A)” and the “Height and Minimum Lot Frontage Map 50K-311 (Appendix B)” of *By-law No. 438-86*, as amended, is amended by adding the lands shown by hatching on Map 1.
3. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the *lot*.
4. None of the provisions of Sections 2(1) with respect to the definitions of *grade and lot*, 4(2)(A), 4(3), 4(4)(B), 4(6)(B), 4(10)(A), 4(13)(A),(C),&(D), 8(3) Part I 1, 8(3) Part I 3(A), 8(3) Part II 4(C)(I), 8(3) Part II 4(C)(III), 8(3) Part IV 2, and 8(3) Part XI 1 of *By-law No. 438-86*, shall apply to prevent the erection and use of a mixed-use building containing residential and non-residential uses on the lands shown on Map 2 attached hereto, including uses *accessory* thereto, provided:
 - (a) no part of any building or structure erected or used on the *lot* shall exceed the *heights* in metres as specified by the numbers following the symbol "H" shown on the attached Map 3, with the exception of the following:
 - i. Canopies, lightning rods, window washing equipment, satellite dishes, eaves, screens, landscape and ornamental features, trellises, cabanas, lighting rods, window washing equipment, light fixtures, antennae, flag poles, associated mechanical equipment overrun, elevator/stair overrun and garbage chute overruns may extend to a maximum of 4.0 metres beyond the height stipulated on Map 3;
 - ii. Wind mitigation, vents, roof access, solar panels, mechanical exhausts, flues, fans, chimneys, and parapets around the mechanical elements on the

- rooftop may extend to a maximum of 2.0 metres beyond the height stipulated on Map 3
- iii. Terrace and balcony dividers/privacy screens may extend to a maximum of 2.5 metres beyond the height stipulated on Map 3;
 - iv. Guardrails, railings, retaining walls, wheelchair ramps, roofing assembly and drainage, elements of green roof, parapets, cornices, balustrades, bollards, landscape and ornamental features may extend to a maximum of 1.5 metres beyond the height stipulated on Map 3;
- (b) no portion of any building or structure erected or used on the *lot*, above *grade* or above finished ground on the *lot*, shall be located other than wholly within the areas delineated by the building envelope on Map 3, with the exception of the following:
- i. lightning rods, window washing equipment, satellite dishes, eaves, screens, landscape and ornamental features, trellises, cabanas, lighting rods, window washing equipment, light fixtures, antennae, and flag poles may extend to a maximum of 0.60 metres beyond the lines depicting building setbacks/stepbacks shown on Map 3;
 - ii. Cornices, lighting features, trellises, eaves, window sills, guardrails, balustrades, railings, vents, and balconies may extend a maximum horizontal projection of 2.0 metres beyond the line depicting building setbacks/stepbacks shown on Map 3;
 - iii. canopies, awnings, screens, and landscape and ornamental elements may extend a maximum horizontal projection of 4 metres beyond the line depicting building setbacks/stepbacks shown on Map 3;
- (c) *Parking Spaces* shall be provided and maintained on the *lot* in the following manner on the site:
- i. A minimum of 0.5 *parking spaces* per *dwelling unit* shall be provided for residents and the required amount must be rounded down when the calculation results in a fraction;
 - ii. A minimum of 0.10 *parking spaces* per *dwelling unit* shall be provided for residential visitors and the required amount must be rounded down when the calculation results in a fraction;
 - iii. A minimum of 2 *car-share parking spaces* for the purposes of *car-share*;
 - iv. A minimum of 2 *parking spaces* for the daycare use;
 - vii. A minimum of 110 *parking spaces* for St. Michael's College;
 - viii. the *parking spaces* required by 4(c)(ii) to 4(c)(vii) may be provided in a *commercial parking garage*;
- (d) *Bicycle parking spaces* may be parked in any combination of horizontal, vertical or stacked positions and shall be provided and maintained on the *lot* in the

following manner on the site:

- i. A minimum of 0.9 *bicycle parking spaces – occupant* shall be provided for each *dwelling unit*, and the spaces may be provided and maintained below *grade* on the *lot*;
 - v. A minimum of 0.1 *bicycle parking spaces – visitor* shall be provided for each *dwelling unit* and shall be provided and maintained on the *lot*;
 - vi. A minimum of 12 *bicycle parking spaces* for the *non-residential gross floor area*;
 - (e) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 83,500 square metres, of which:
 - i. The total *residential gross floor area* erected or used on the *lot* shall not exceed 82,000 square metres; and,
 - ii. The total *non-residential gross floor area* erected or used on the *lot* shall not exceed 2,000 square metres;
 - (f) Despite Section 4(12) of By-law No. 438-86, a minimum of 1.89 square metres of *residential amenity space* for each *dwelling unit* shall be provided outdoors and the *residential amenity space* does not need to be contiguous;
 - (g) one (1) type "G" loading space and one (1) type "B" loading spaces shall be provided and maintained for the use of buildings and structures erected on the *lot*;
 - (h) A *commercial parking garage* is permitted below grade;
 - (i) Despite Section 2(1) of By-law No. 438-86, "*non-residential gross floor area*" has the same meaning as provided in By-law 438-86 as amended, with the exception that the floor area occupied by a *commercial parking garage*, ramps, and uses accessory thereto shall be excluded from the calculation of *non-residential gross floor area* provided that the *commercial parking garage* is below grade.
5. None of the provisions of this By-law shall apply to prevent a *temporary sales office* on the *lot*;
6. Within the *lot*, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
7. Despite any existing or future severance, partition or division of the *lot*, the provisions of

this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred;

8. Notwithstanding the definitions provided in Section 2(1) of *By-law No. 438-86*, as amended, for the purposes of this By-law the following definitions will apply to the *lot* unless indicated otherwise in this By-law. Where italicized terms referred to in this By-law are not defined in this By-law, the definitions provided in Section 2(1) of *By-law No. 438-86*, will apply:
- i. "*grade*" means 157.34 metres Canadian Geodetic Datum;
 - ii. "*lot*" means the lands delineated by heavy lines on Map 2 attached to and forming part of this By-law; and,
 - iii. "*temporary sales office*" means a *building* or *structure* used for the purpose of the sale of the first *dwelling units* to be erected on the *lot*.
 - iv. "*car-share*" shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit *car-sharing* organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the *car-sharing* organization, handling the payment of a membership fee that may or may not be non-refundable;
 - v. "*car-share motor vehicle*" shall mean a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of the building erected on the lot; and
 - vi. "*car-share parking space*" shall mean a *parking space* that is reserved and actively used for *car-sharing*, including non-residents.

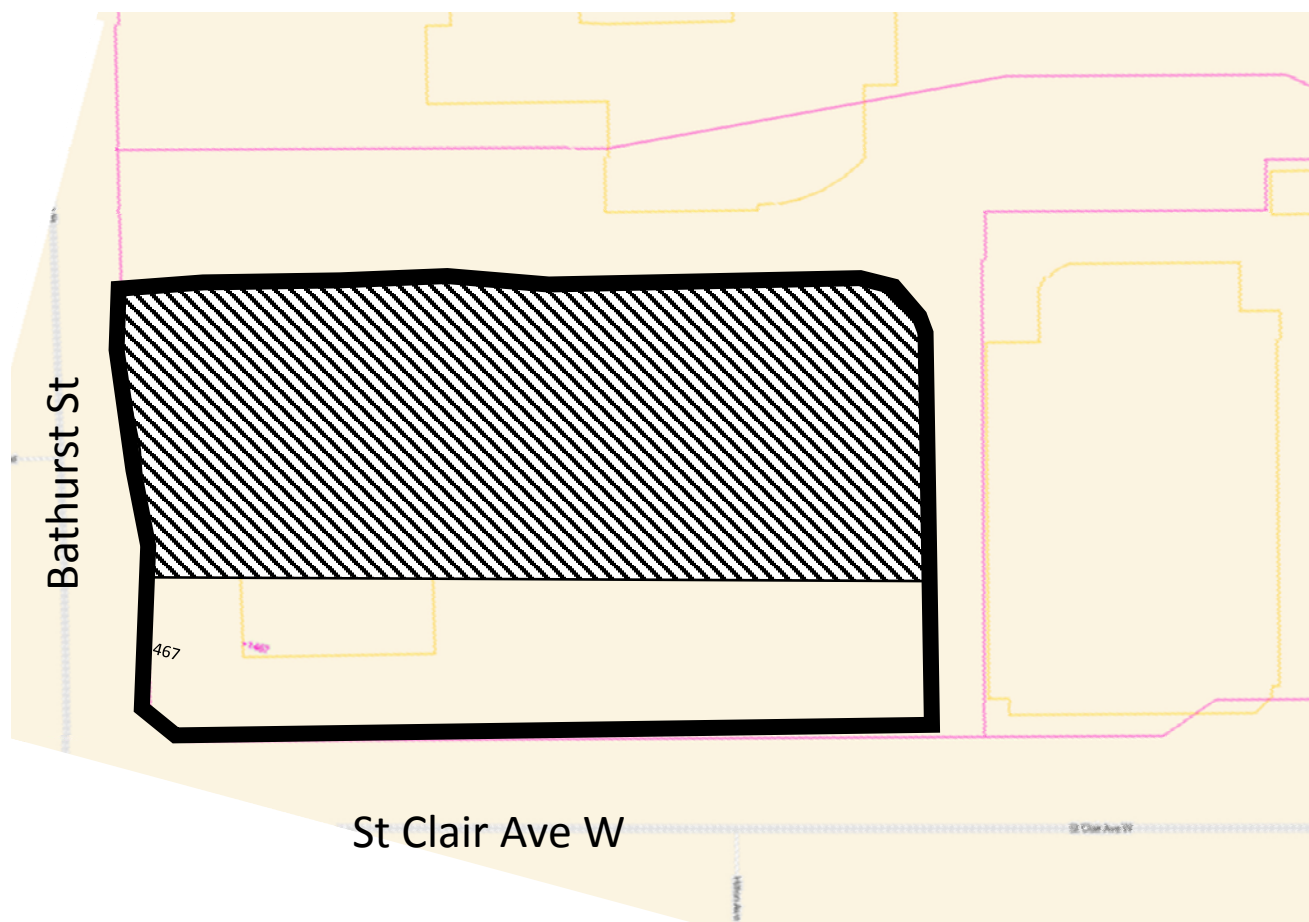
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

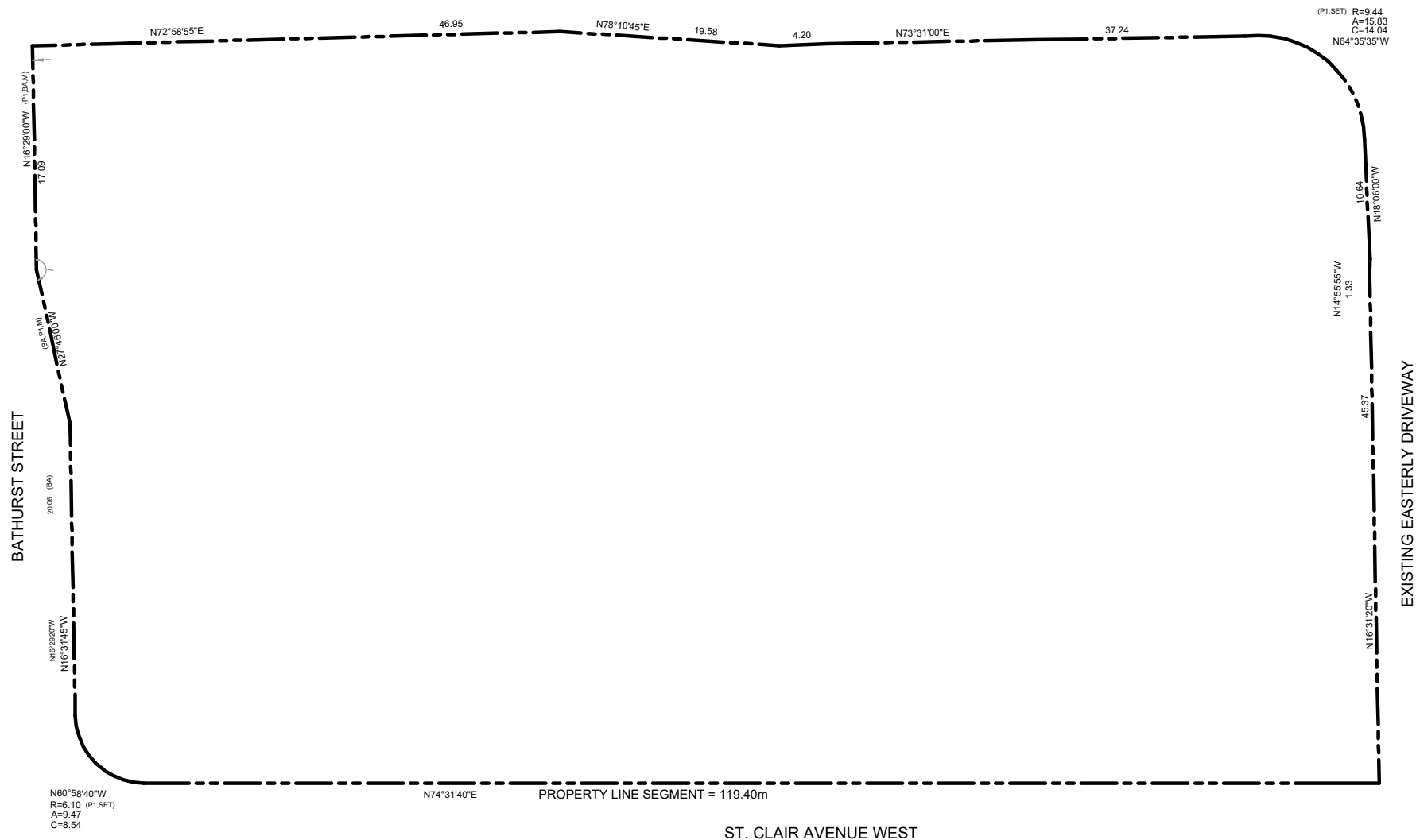
(Corporate Seal)

Map 1



Lands to be repealed from By-law 1-83 and added to By-law 438-86

Map 2



Map 3

