

Authority: North York Community Council Item NY24.4, as adopted by City of Toronto Council on October 2, 3 and 4, 2017

CITY OF TORONTO

Bill 513

BY-LAW -2018

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2017 as 2525 Bathurst Street.

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; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines on Diagram 2 to R (d2.0) (39).
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number (39), so that it reads:

Exception R (39)

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 2525 Bathurst Street, if the requirements in Section 5 and Schedule A of by-law [XX] are complied with, none of the provisions of 10.5.40.10(1) and 10.5.40.40(1) apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in compliance with (B) to (L) below;
- (B) Despite regulation 10.5.40.10(1), the height of the **building** is the distance between the Canadian Geodetic Datum elevation of 178.75 metres and the elevation of the highest point of the building;
- (C) Despite regulation 10.10.40.10(1), the permitted maximum height of a **building** or **structure** is the numerical value in metres following the letter "HT" and, where indicated, the numerical number of **storeys** following the letters "ST" within the areas delineated on Diagram 3 of By-law [XX];
- (D) Despite regulation 10.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 11,400 square metres;
- (E) Despite Clause 10.10.40.70, the required minimum **building setbacks** are those shown on Diagram 3 of By-law [XX];
- (F) Despite Clause 10.5.40.60, the following **building** elements and **structures** are permitted to encroach into the required **building setback** areas beyond the heavy lines and building envelopes, specified in Diagram 3 of By-law [XX]:
 - (i) eaves, cornices, lighting fixtures, fences and safety railings, trellises, balustrades, chimneys, vents, wheelchair ramps, retaining walls, landscape features, privacy screens, ornamental structures, frames, underground garage ramps, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, stair landings, decks, planters, public art features, cladding, and architectural features;
 - (ii) platforms such as balconies may project a maximum of 1.8 metres beyond the heavy lines and **building** envelopes specified on Diagram 3;
 - (iii) canopies which may encroach a maximum of 3 metres beyond the heavy lines and **building** envelopes specified on Diagram 3;
- (G) Despite Clause 10.5.40.10, the following **building** elements and **structures** are permitted to project vertically above the height limits specified in Diagram 3 of By-law [XX]:

- (i) parapets, guardrails, railings, balustrades, stairs, stair enclosures, privacy screens, flues, vents and air intakes, trellises, eaves, frames, ornamental or architectural elements, insulation and roof surface materials, landscape elements, lighting fixtures, solar panels and solar hot water heaters, communications equipment, lightning rods, window washing equipment, and elements or structures on the roof of the building used for green roof, drainage, safety or wind protection by a maximum of 2.0 metres above the height specified by the numbers following the "H" as shown on attached Diagram 3.
- (H) Despite regulation 10.5.50.10(4) a minimum of 24 percent of the **lot** area must be used for **landscaping** of which 10 percent must be **soft landscaping**;
- (I) Despite regulation 200.5.1.10.1(1), **parking spaces** must be provided and maintained in accordance with the following minimum standards:
 - (i) Minimum of 0.61 **parking spaces** per **dwelling unit** for residents, of which a minimum of 2 **parking spaces** must be for car share purposes; and
 - (ii) Minimum 0.10 **parking spaces** per **dwelling unit** for visitors;
- (J) Despite regulation 200.15.10(1), a minimum of 5 accessible **parking spaces** are required;
- (K) Despite regulation 220.5.10.1, a minimum of 1 Type "G" **loading space** must be provided; and
- (L) The following regulations do not apply:
 - (i) 5.10.40.70 (2) Setbacks, Parts of a Building or Structure to which a Required Building Setback Applies; and
 - (ii) 10.10.40.30(1)(B) Building Depth.

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

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

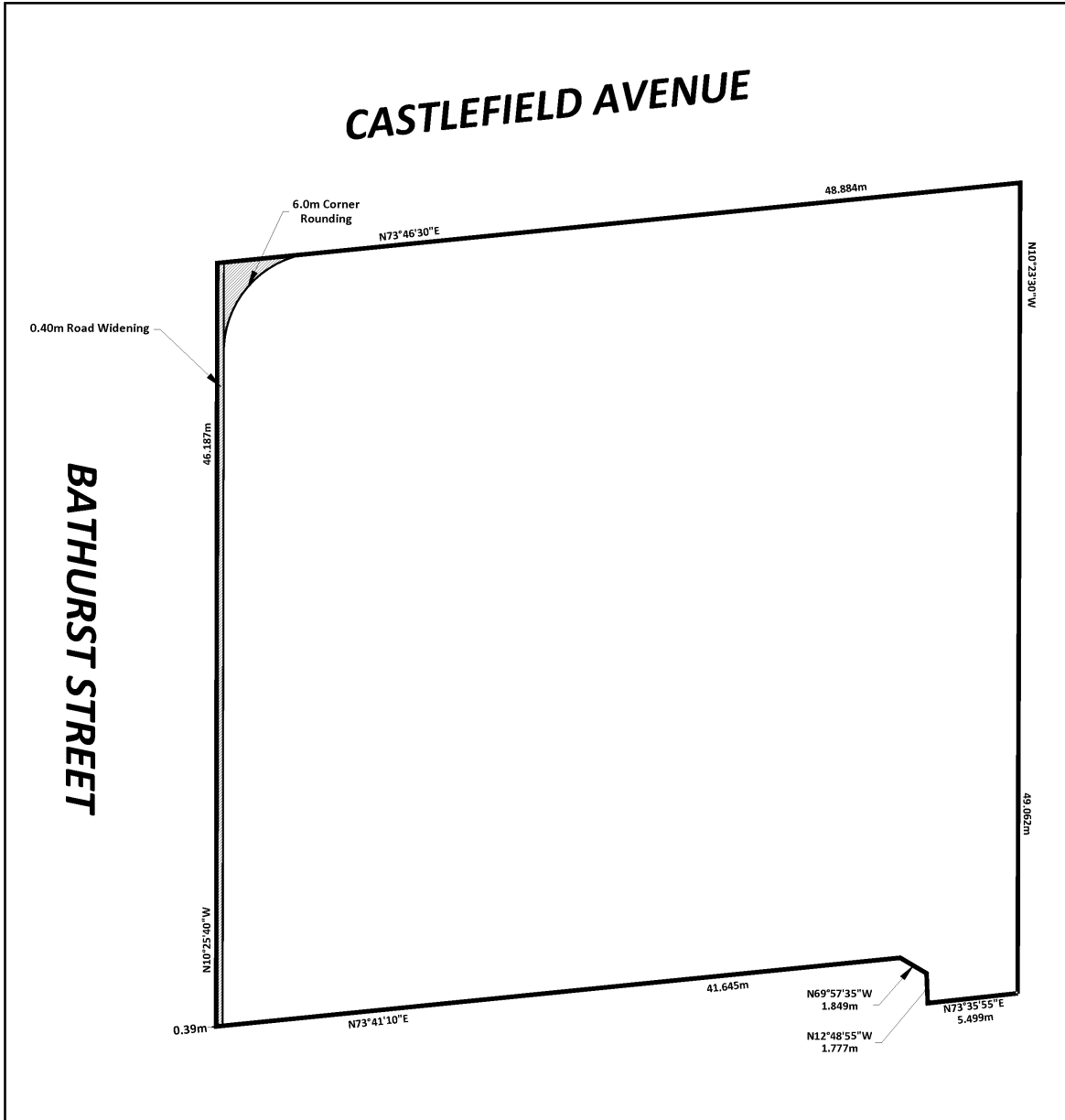
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a **building** or **structure** erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on April , 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk


(Seal of the City)

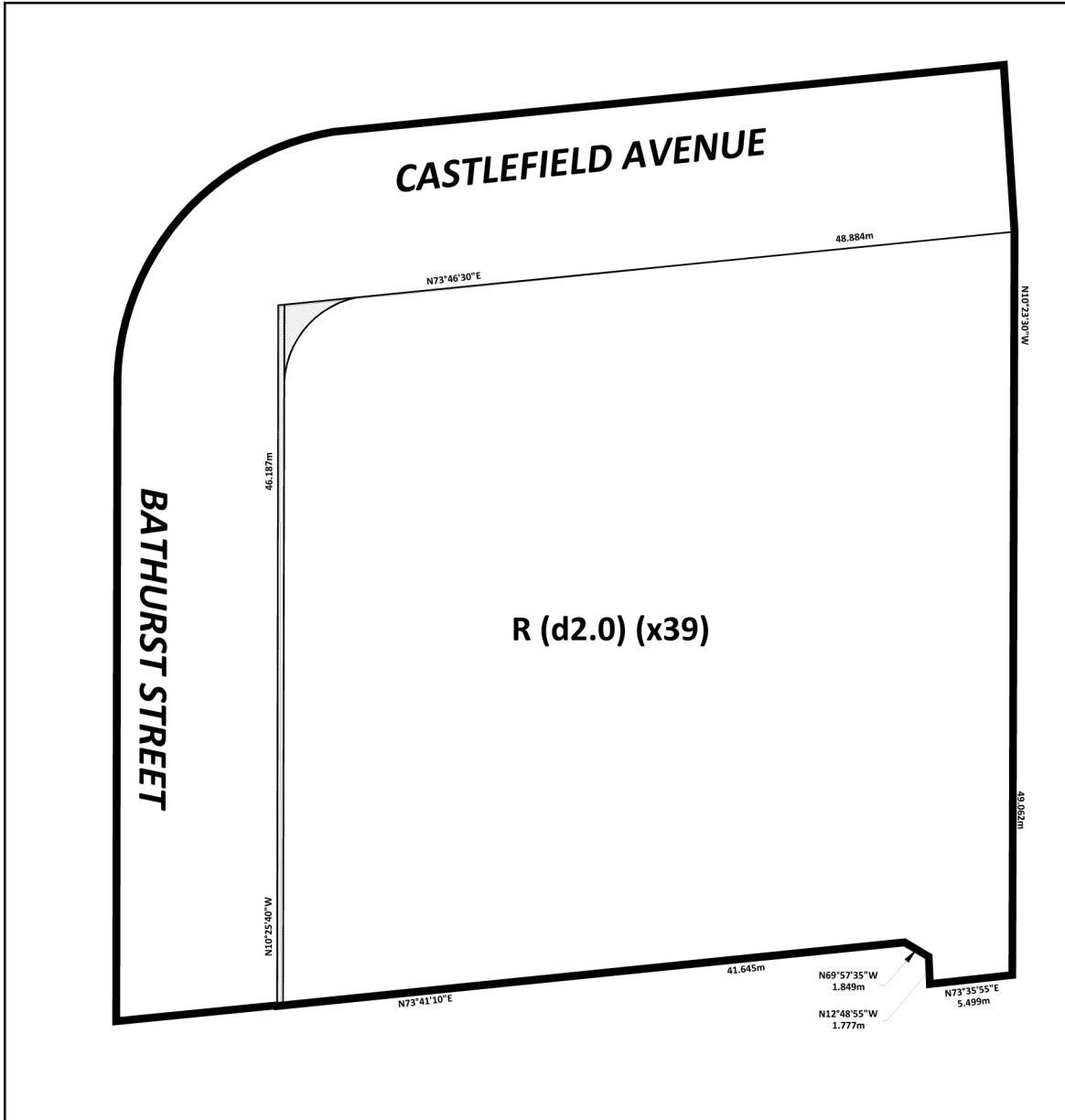


 **TORONTO**
Diagram 1

2525 Bathurst Street

File # 16 152027 NNY 16 0Z


City of Toronto By-Law 569-2013
Not to Scale
08/10/2017

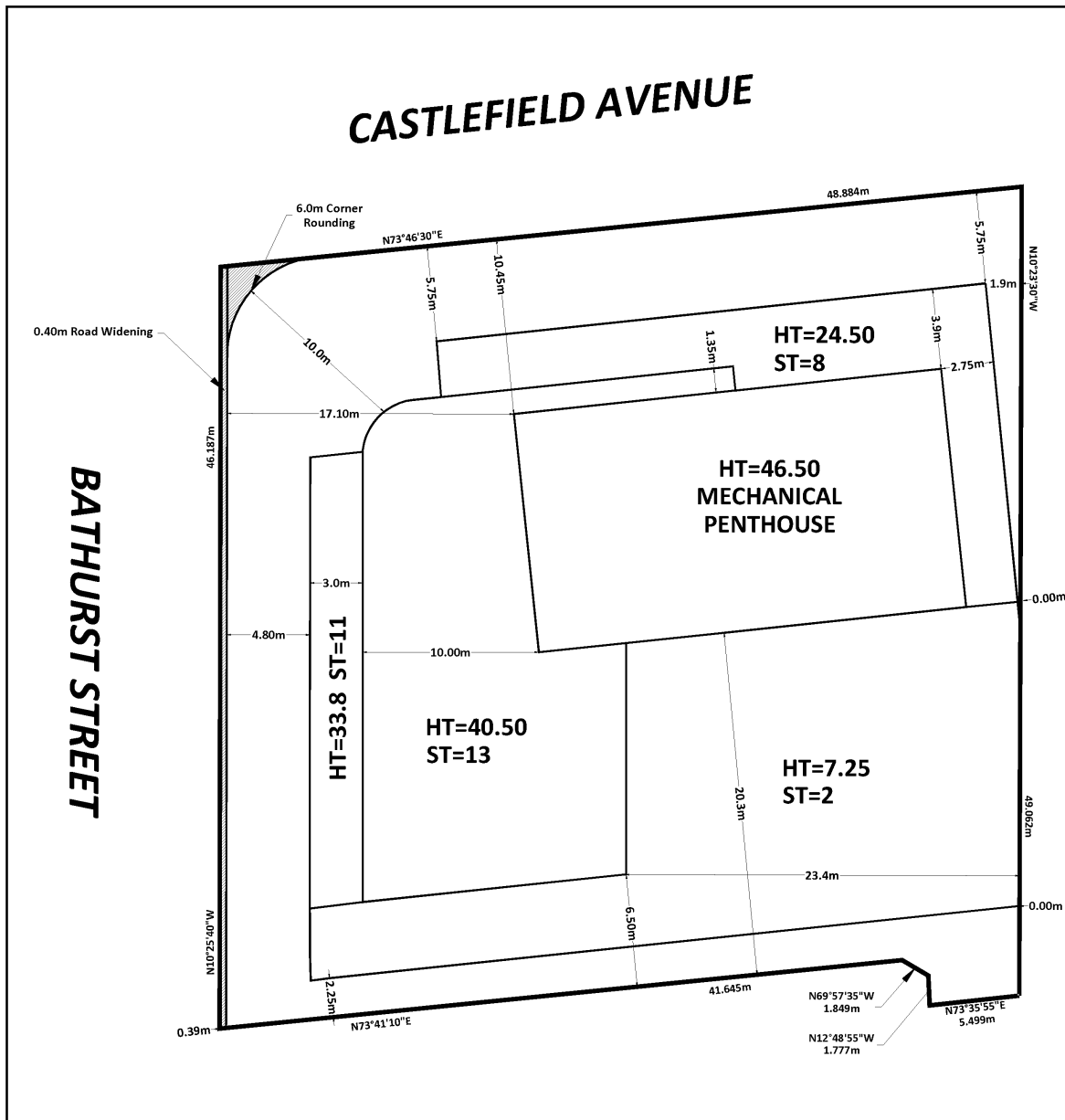


 **TORONTO**
Diagram 2

2525 Bathurst Street

File # 16 152027 NNY 16 0Z


City of Toronto By-Law 569-2013
Not to Scale
08/17/2017



TORONTO
Diagram 3

2525 Bathurst Street

File # 16 152027 NNY 16 0Z

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (1) Upon final approval of this By-law, being the first day upon which all of the provisions of the By-law have come into force and in effect, with all applicable appeal periods having lapsed, the Owner shall pay to the City a cash contribution of \$80,000 to be used for the Kay Gardiner Beltline crossing of Bathurst Street.
- (2) Prior to the issuance of an above grade building permit, the Owner shall pay to the City a cash contribution of \$470,000.00 to be used for Kay Gardiner Beltline pathway and street crossings as well as general park and streetscape improvements within the area.
- (3) The amount of the cash contributions required to be paid above shall be increased by upwards indexing in accordance with the Non-Residential Construction Price Index, calculated from the date of the Section 37 Agreement to the date the payment is made.
- (4) The Owner agrees that in the event all or any portion of the cash contributions described in Sections 1 and 2 above have not been used for the intended purpose within three (3) years of this By-law coming into force and effect, such cash contributions may be directed to another purpose, at the discretion of the Chief Planner, in consultation with the Ward Councilor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- (3) The owner shall provide the following to support the development of the lands;
 - a. The owner shall provide and maintain not less than 33 replacement rental dwelling units, comprised of 17 one-bedroom units and 16 two-bedroom units, at 2525 Bathurst Street for a period of at least 20 years, as generally shown on the plans submitted to the City Planning Division dated June 9, 2017 (general floor plans) and July 18, 2017 (unit layout plans). Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - b. The owner shall provide at least 5 one-bedroom and 1 two-bedroom replacement rental dwelling units at affordable rents, at least 12 one-bedroom and 14 two-bedroom replacement rental dwelling units at mid-range rents for a period of at least 10 years;
 - c. The owner shall provide ensuite laundry in all replacement rental dwelling units;
 - d. The owner shall provide storage lockers to all tenants of the replacement rental dwelling units;

- e. The owner shall provide tenants of the replacement rental dwelling units access to all the same amenity spaces indoors and outdoors on the same terms and conditions as the occupants of the remainder of the building;
- f. The owner shall provide tenants of the replacement rental dwelling units with access to at least 20 vehicle parking spaces with returning tenants who were using one of the existing 20 resident parking spaces receiving first priority, and bicycle parking spaces generated on the same basis as the occupants of the remainder of the building;
- g. The Owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental building, including an extended notice period, financial compensation beyond the minimum requirements set out in the Residential Tenancies Act, and the right to return to a replacement rental dwelling unit for all of the tenants (the "Tenant Relocation and Assistance Plan"), and the Tenant Relocation and Assistance Plan shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- h. The Owner shall enter into, and register on title, one or more Agreement(s) to secure the conditions outlined in a. to g. above and as detailed in the Draft Zoning By-law Amendments (Attachment Nos. 7 and 8) to the report from the Director, Community Planning, North York District dated August 18, 2017, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division;
- i. If required by the City Solicitor, the Owner shall enter into and register on title, a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the 33 replacement rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate, to assist with the securing the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement;
- j. The revised parking supply of 114 parking spaces and proposed parking rate of 0.61 per unit for residents and 0.10 spaces for visitors would be acceptable based on the following Transportation Demand Management revision requirements, to the satisfaction of City Planning, Transportation Planning:
 - i. The provision of two car-share spaces that are publicly accessible;
 - ii. The provision of one bike repair station that is publicly accessible;
 - iii. Additional bicycle parking spaces for cyclists, transit users, and area users;
 - iv. The provision of rough in conduits for electrical vehicle charging facility;
and

- v. One digital display facility in a publicly accessible or visible location to provide real-time area transportation service, status, alert, location, distance and access information shown in the display.
 - k. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee; and
 - l. The owner shall submit and implement a Construction Mitigation Strategy to the satisfaction of the Director, Transportation Services North District, prior to the issuance of any demolition permit.
- (4) In the event the cash contribution referred to in Section (1) *has* not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the **lot**.