

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 514

### BY-LAW -2018

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 2525 Bathurst Street.**

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; 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 is permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86 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. None of the provisions of Sections 2 with respect to "grade", "height", "lot" and Sections 4(2), 4(4), 4(13), 4(16), 4(17), 6(3) Part I 1, 6(3) Part II, 6(3) Part III, 12(1)320, and 12(2)274 of By-law 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of an apartment building on the lot provided that:
  - (a) The *lot* comprises the lands delineated by heavy lines on Map 1 to and forming part of this By-law; and

- (b) No portion of any *apartment building* above *grade*, is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 3.

**Floor Space Index**

- (c) The maximum floor space index permitted is 5.0 times the area of the lot.

**Gross Floor Area**

- (d) The maximum gross floor area permitted is 11,290 square metres.

**Number of Units**

- (e) The maximum number of *dwelling units* permitted on the *lot* shall be 162.
- (f) A total of 33 rental *replacement dwelling units* shall be provided on the site pursuant to the conditions in Appendix 1.

**Height**

- (g) The height of any building or structure shall not exceed the height in metres specified by the numbers following the symbol "H" on Map 2, and the number of storeys specified by the number following the symbol "ST" on Map 2, attached to and forming part of this By-law.
- (h) The area delineated as a mechanical penthouse on Map 2 shall not be considered a storey.

**Setbacks**

- (i) The minimum yard setbacks for all buildings and structures in metres and the minimum separation distances in metres shall be as set out on Map 3, attached to and forming part of this By-law.

**Amenity Space**

- (j) *Residential amenity space* is provided as follows:
- a. A minimum of 2.1 square metres per *dwelling unit* of indoor *residential amenity space*.
  - b. A minimum of 2.1 square metres per *dwelling unit* of outdoor *residential amenity space*.

**Landscaping**

- (k) A minimum of 24 percent of the *lot* must be provided as *landscaped open space*.

### **Vehicle Parking**

- (l) Vehicular access to the site and the underground parking garage may be provided from a driveway or ramp from Castlefield Avenue.
- (m) *Parking spaces* on the *lot* must be provided and maintained in accordance with the following minimum standards:
  - a. Minimum 0.61 *parking spaces* per *dwelling unit* for residents, of which a minimum of 2 *parking spaces* shall be *car share parking spaces*.
  - b. Minimum 0.10 *parking spaces* per *dwelling unit* for visitors.
- (n) In accordance with the minimum *parking spaces* standards required in (m), a minimum of 5 of those *parking spaces* are required to be accessible *parking spaces*.

### **Loading**

- (o) Provide a minimum of *one loading* space on the *lot* that is a minimum of 4 metres in width, a minimum of 13 metres in length and has a minimum vertical clearance of 6.1 metres.

### **Projections**

- (p) Notwithstanding section 1(i) of this By-law, the following building elements and structures are permitted to extend beyond the heavy lines and building envelopes specified on Map 3.
  - a. guardrails, railings, stairs, wheelchair ramps, porches, patios, rooftop terraces, privacy screens, trellises, planters, lighting fixtures, underground garage ramps, bicycle parking infrastructure, landscape elements, cornices, eaves, gutters, pilasters, sills, awnings, vents, ornamental or architectural elements, and bay windows; and
  - b. balconies which may project a maximum of 1.8 metres; canopies which, may project a maximum of 3 metres.
- (q) Notwithstanding section 1(g) of this By-law, the following building elements and structures are permitted to extend beyond the heights specified on Map 2:
  - a. 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 outside or open air recreation, green roof, drainage, safety or wind protection

purposes;

- b. parapets which may project a maximum of 1.0 metres except where used to screen equipment described in (c) below; and
- c. equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment, and structures that enclose or screen the equipment which may project a maximum of 5.0 metres.

### **Definitions**

2. For the purposes of this By-law, the following terms shall have the following meaning:
  - (a) "*grade*" means 178.75 metres Canadian Geodetic Datum;
  - (b) "*height*" means the vertical distance between grade and the highest point of the building or structure;
  - (c) "*lot*" means those lands identified as "2525 Bathurst Street" on Map 1 attached hereto;
  - (d) "*Car-share*" means 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 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;
  - (e) "*Car-share parking space*" means a parking space that is exclusively reserved and actively used for car-sharing; and
  - (f) Every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid By-law 438-86, as amended.
3. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.
4. Within the lands shown on Map 1 attached to this By-law, 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.

**Section 37 Provisions**

5. 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 Map 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 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.

Where Appendix 1 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.

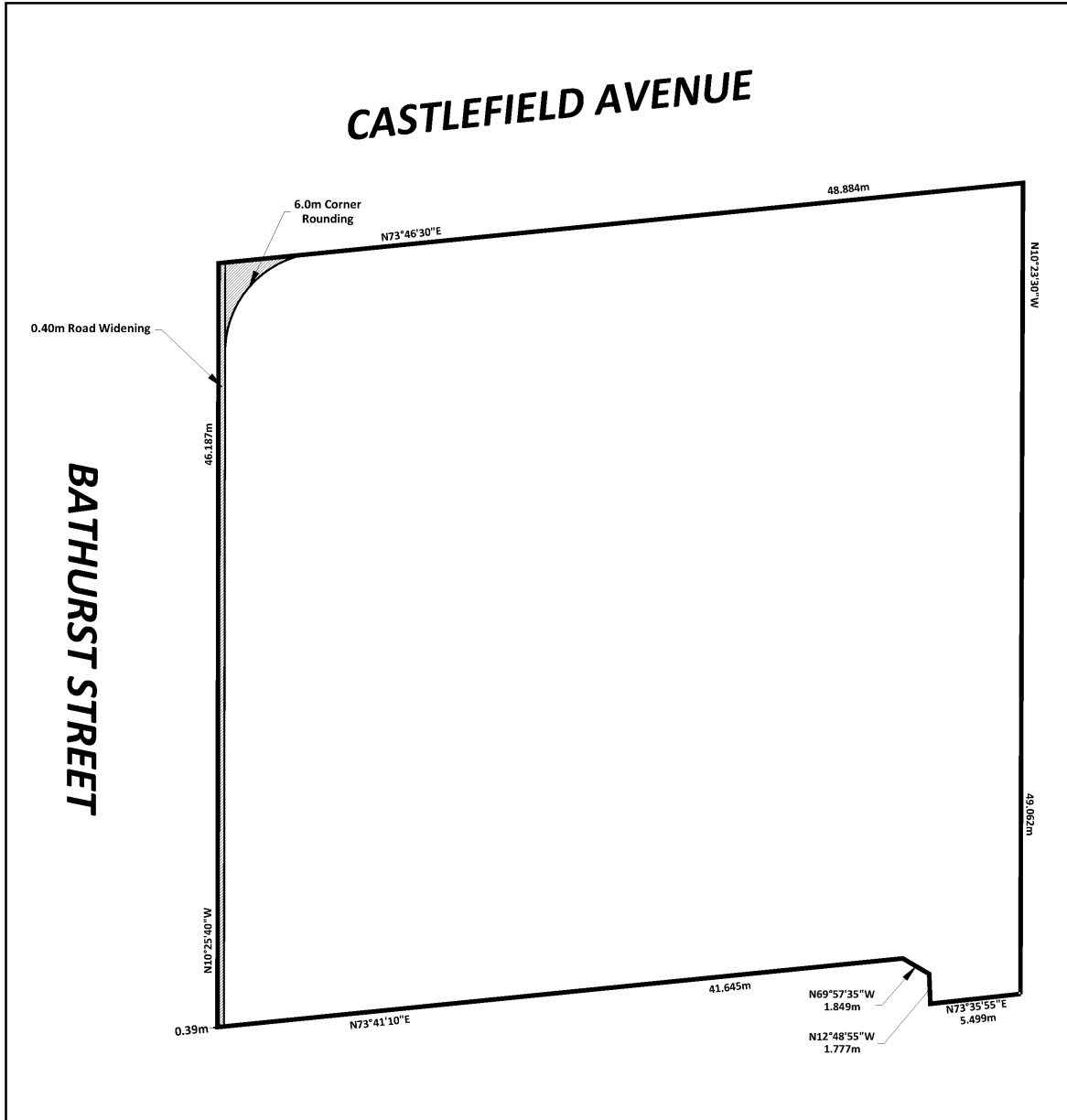
The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Appendix 1 are satisfied.

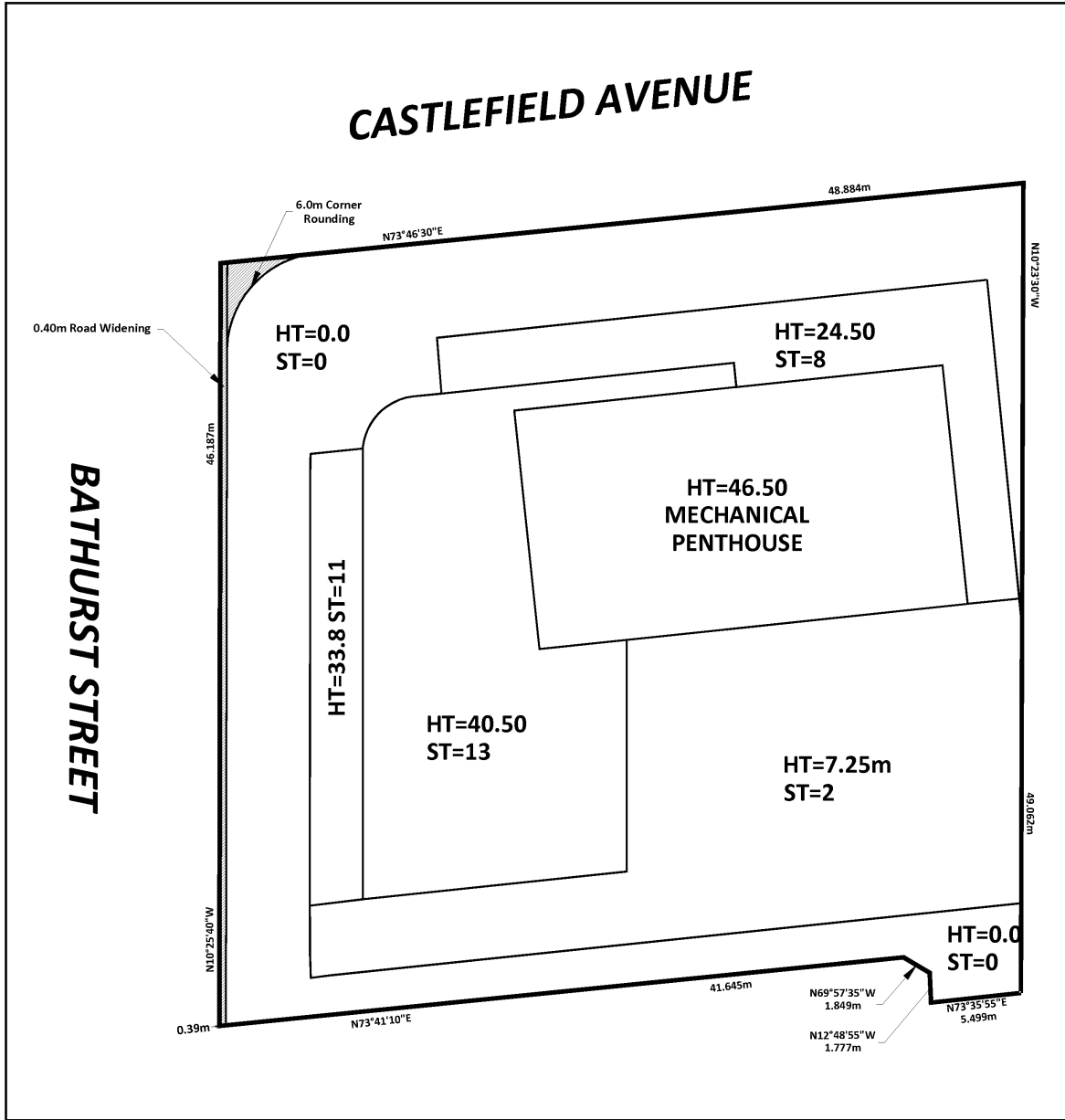
Enacted and passed on April , 2018.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

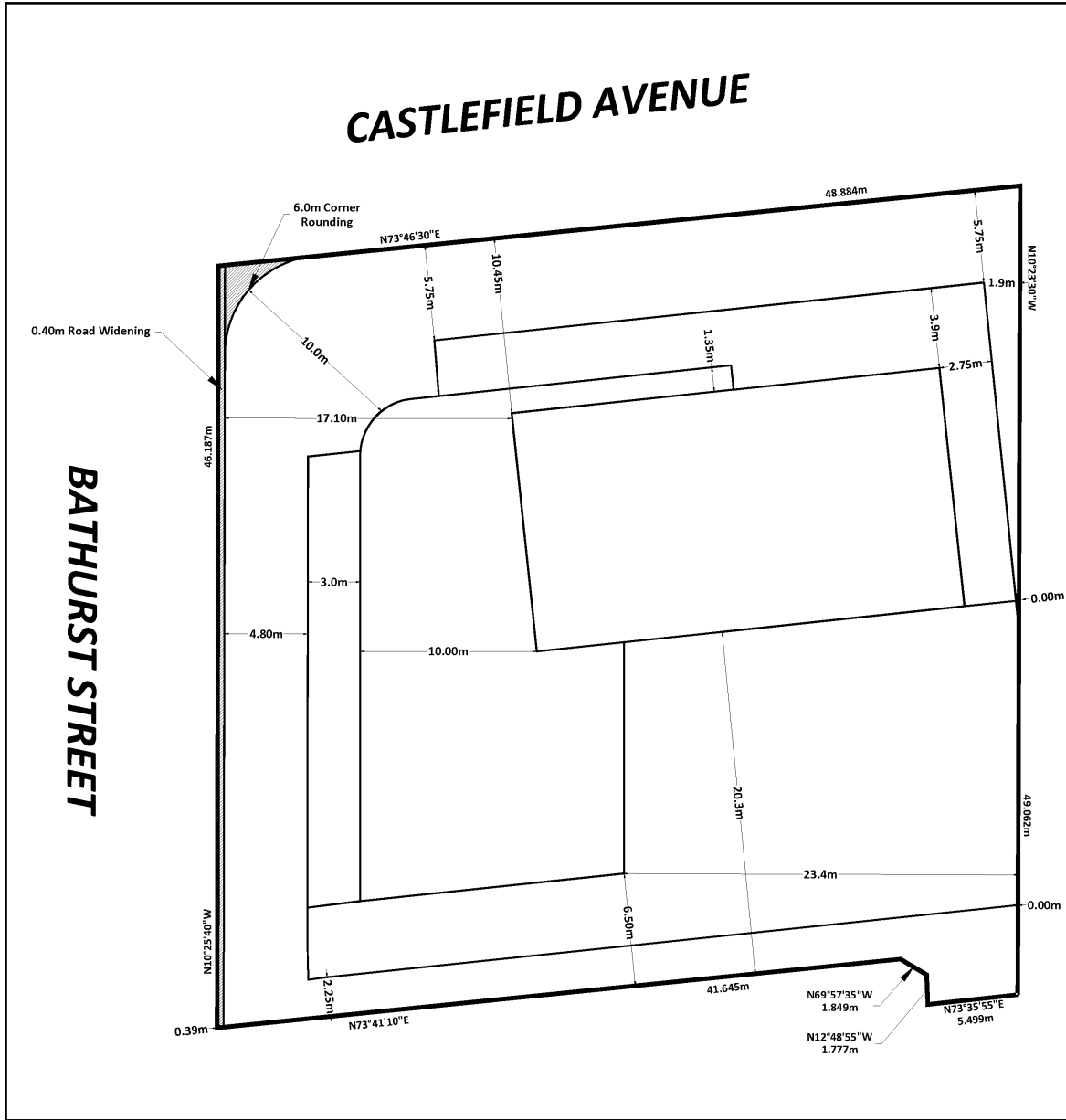
(Seal of the City)






2525 Bathurst Street

File # 16 152027 NNY 16 0Z



2525 Bathurst Street

File # 16 152027 NNY 16 0Z

  
 City of Toronto By-Law 438-86  
 Not to Scale  
 08/17/2017



**Appendix 1**  
**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 Map 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:

- a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
  - i. 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.
  - ii. 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.
  - iii. 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.
  - iv. The Owner agrees that in the event all or any portion of the cash contributions described in (i) and (ii) 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.
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - i. 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;
  - ii. 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;
- iii. The owner shall provide ensuite laundry in all replacement rental dwelling units;
  - iv. The owner shall provide storage lockers to all tenants of the replacement rental dwelling units;
  - v. 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;
  - vi. 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;
  - vii. 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;
  - viii. The Owner shall enter into, and register on title, one or more Agreement(s) to secure the conditions outlined in i. to vii. above and as detailed in the Draft Zoning By-law Amendments (Attachment 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;
  - ix. 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;
  - x. 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:
    - a. The provision of two car-share spaces that are publicly accessible;

- b. The provision of one bike repair station that is publicly accessible;
  - c. Additional bicycle parking spaces for cyclists, transit users, and area users;
  - d. The provision of rough in conduits for electrical vehicle charging facility;  
and
  - e. 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.
- xi. 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
- xii. 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.