

Authority: North York Community Council Item NY34.1,
adopted by City of Toronto Council on July 19 and 20,
2022

CITY OF TORONTO

Bill 951

BY-LAW -2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 5950 Bathurst Street.

Whereas Council of the City of Toronto has the authority to 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 pursuant to Section 37 of the Planning Act, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020., c. 18 ("COVID-19 Economic Recovery Act, 2020") came into force, 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, 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 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 subject to this By-law from a zone label of RAC (f30.0; a1375; d1.5) to a zone label of RAC (f30.0; a1375; d1.5) (x186) and OR as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.8.10 Exception Number 186 so that it reads:

[186] Exception RAC 186

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 5950 Bathurst Street, if the requirements of By-law [Clerks to insert By-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (Y) below;
- (B) The **buildings** and **structures** permitted on the **lot** include the "Existing Building" and "New Building" as shown on Diagram 3 of By-law [Clerks to supply By-law ##];
 - (i) For the purposes of this exception, "Existing Building" means the existing **apartment building** located on the lands municipally known as 5950 Bathurst Street in the year 2021 as shown on Diagram 3 of By-law [clerks to provide by-law number], subject to alterations, additions and internal modifications that do not result in any additional **gross floor area**;
 - (ii) For the purposes of this exception, "New Buildings" means the proposed **apartment building** and **townhouses** on the lands as shown on Diagram 3 of By-law [clerks to provide by-law number];
- (C) Despite Regulation 15.20.20.40(1), **dwelling units** are permitted within an **apartment building** or **townhouse**;
- (D) Despite Regulation 15.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 186.70 metres and elevation of the highest point of the **building** or **structure**;
- (E) Despite Regulation 15.20.30.40 (1)(A), the permitted maximum **lot coverage**, as a percentage of the **lot area**, is 45 percent;

- (F) Despite Regulation 15.20.40.40(1), the "New Buildings" must not exceed a total floor space index of 2.49;
- (G) Despite Regulation 15.5.40.40(1), the total **gross floor area** located within the "Existing Building" must not exceed the **gross floor area** existing therein as of September 1, 2019;
- (H) A maximum of 260 **dwelling units** are permitted in the "New Buildings" of which:
- (i) a minimum of 25 percent must be two-bedroom **dwelling units**;
 - (ii) a minimum of 10 percent must be three-bedroom **dwelling units**; and
 - (iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;
- (I) A maximum of 129 **dwelling units** are permitted in the "Existing Building";
- (J) Despite Regulation 15.20.40.10(1), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 3 of By-law **[Clerks to supply By-law ##]**;
- (K) Despite Regulations 15.5.40.10 (3) to (6) and (I) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**;
- (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents to a maximum of 6.0 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, to a maximum of 6.0 metres;
 - (iii) architectural features, parapets, elements and **structures** associated with a **green roof**, planters, bollards, fences, retaining walls, vents, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace by a maximum of 2.5 metres;
 - (iv) building maintenance units and window washing equipment, by a maximum of 5.5 metres;
 - (v) trellises, pergolas, lighting fixtures and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.5 metres; and

- (vi) additional equipment and structures not identified in (i) to (v) above that existed above the height of the "Existing Building" as shown on Diagram 3 as of September 1, 2019;
- (L) Despite Regulation 15.20.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** at the following rate:
- (i) At least 2.0 square metres for each **dwelling unit** in the New Buildings as indoor **amenity space**;
 - (ii) At least 2.0 square metres of outdoor **amenity space** for each **dwelling unit** in the "New Buildings" of which 40.0 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**;
 - (iii) The 3.0 metre wide strip of lands shown as "Trail Connection" on Diagram 3 of By-law [Clerks to supply By-law ##] cannot be counted towards the achievement of the required outdoor **amenity space** in (ii);
 - (iv) The **amenity space** provided in accordance with Regulations (i) and (ii) above must be available and accessible to the residents of the "Existing Building";
- (M) Despite Clause 15.20.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to supply By-law ##];
- (N) Despite Clause 15.20.40.80, the required separation of **main walls** are as shown in metres on Diagram 3 of By-law [Clerks to supply By-law ##];
- (O) Despite Clauses 15.5.40.60 and (M) and (N) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) decks, porches, terraces, exterior stairs and stair enclosures, access ramps, elevating devices, lighting fixtures, and bicycle racks, by a maximum of 6.25 metres at the first floor;
 - (ii) canopies, awnings and screens by a maximum of 3.0 metres;
 - (iii) balconies and guardrails, by a maximum of 2.0 metres;
 - (iv) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast and cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 1.5 metres;
 - (v) eaves, dormers, cornices, chimneys, vents, pipes, windowsills, stacks, by a maximum of 1.0 metres; and

- (vi) fences, planters, and retaining walls;
- (P) Regulations 15.5.50.10(1) and (3), with respect to minimum **landscaping** requirements does not apply;
- (Q) Despite Regulation 15.5.100.1(1) a **driveway** within 4.5 metres of a **lot line** abutting a **street** must have:
 - (i) A minimum width of 3.0 metres for each lane; and
 - (ii) A maximum width of 6.0 metres;
- (R) Regulation 15.5.100.1(2), with respect to **driveway** access to **apartment buildings**, does not apply;
- (S) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
 - (i) a minimum of 0.61 residential occupant **parking spaces** for each **dwelling unit**;
 - (ii) a minimum of 0.09 residential visitor **parking spaces** for each **dwelling unit**; and
 - (iii) a minimum of 3 **parking spaces** for the **Day Nursery** use;
- (T) Despite (S) above, "car-share parking spaces" may replace **parking spaces** required for residential occupants, subject to the following:
 - (i) a reduction of four (4) resident occupant **parking spaces** will be permitted for each "car-share parking space" provided and that the maximum reduction permitted be capped by the application of the following formula:
 - (a) four (4) multiplied by (total number of **dwelling units** divided by 60), rounded down to the nearest whole number;
 - (ii) for the purpose of this exception, "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
 - (iii) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- (U) Despite Regulation 200.5.1(1), within the "Existing Building" a minimum **drive aisle** width of 5.0 metres is permitted;

- (V) Despite Regulation 200.5.1.10(2), within the "Existing Building" a maximum of 20 **parking spaces** may have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 2.2 metres; and
 - (iii) vertical clearance of 2.0 metres.
- (W) Despite Regulations 200.15.1(1) and (3), an accessible **parking space** must have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) a 1.5 metre wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**, and such aisle or path may be shared by 2 accessible **parking spaces**.
- (X) Despite Regulation 230.5.1.10(4)(B)(i), the required minimum length or vertical clearance of a **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device is 1.2 metres;
- (Y) Despite Regulation 230.5.1.10(4)(C), if a **stacked bicycle parking space** is provided, the minimum width for each **bicycle parking space** is 0.4 metres and the minimum vertical clearance for each **bicycle parking space** is 1.0 metres;

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

5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
6. 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 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;

- (B) Where Schedule 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;
- (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 1 are satisfied.

Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE 1
Section 37 Provisions

Prior to the issuance of any Building Permit, the owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits above.

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. Prior to issuance of the first above-grade permit, the owner shall convey a three metre (3.0 metre) wide strip of land along the southern property boundary having an area of 276 square metres to the satisfaction of the General Manager of Transportation Services and the Chief Planner and Executive Director, City Planning.
2. Prior to issuance of the first above-grade permit, the owner shall pay to the City a cash contribution of Eight Hundred Thousand Dollars (\$800,000.00) (the "Cash Contribution") to the City to be allocated towards the construction of a Multi-Use Trail on the lands to be conveyed in Subsection 1, and capital community services and facilities in the vicinity of the lands to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
3. The financial contribution pursuant to Subsection 2. above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date City Council adopts the zoning by-law amendment(s) to the date of payment.
4. In the event the Cash Contribution in Subsection 2 has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the Cash Contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the Property.
5. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support development:
 - (A) the Owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard (Version 3) and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the first submission of a Site Plan Control application;

- (B) The owner shall continue to provide and maintain the one hundred and twenty-nine (129) existing rental dwelling units on the lands at 5950 Bathurst Street as rental housing, together with the new and retained associated facilities and amenities of the existing residential rental property, for a period of at least twenty (20) years commencing from the date that the Zoning By-law Amendments come into force and effect, with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- (C) The owner shall provide tenants of the 129 existing rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed development, including a provision of a new indoor pool, at no extra charge, and on the same terms and conditions as any other resident of the development, without the need to pre-book or pay a fee unless specifically required as a customary practice for private bookings;
- (D) The owner shall provide an acceptable tenant relocation and assistance plan for all Eligible Tenants of the fourteen (14) existing rental dwelling units proposed to be reconfigured at 5950 Bathurst Street, addressing the right to return to occupy one of the reconfigured rental dwelling units at similar rents and other assistance to mitigate hardship. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning Division;
- (E) The owner shall provide, at its expense and at no cost to tenants, improvements to the existing rental housing, taking into account tenant feedback obtained through a tenant survey, to the satisfaction of, the Chief Planner and Executive Director, City Planning Division, as follows:
- (i) Prior to the issuance of Notice of Approval Conditions for site plan approval:
 - (a) Submit a Construction Mitigation Strategy and Tenant Communication Plan to mitigate the impacts of construction on existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (ii) Prior to the first above-grade building permit for any part of the development:
 - (a) Undertake accessibility improvements within the existing rental building at 5950 Bathurst Street, including push button automatic door openers for all common doors and a clothes folding table which is universally accessible within the laundry room;
 - (b) Provide upgrades to the laundry room in the existing rental building at 5950 Bathurst Street;

- (iii) Prior to first occupancy of any new residential units in the development:
 - (a) Provide a consolidated waste management facilities in the new residential building, including indoor storage of garbage, recycling and composting;
 - (b) Provide tenant bicycle parking within the proposed development;
- (F) The costs associated with the provision and maintenance of the rental housing improvements and Construction Mitigation and Tenant Communication Plan required in Recommendations 6.a through c. shall not be passed on to tenants of the existing building in any form. For clarity, the owner agrees it shall not apply to the Landlord and Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for an above-guideline increase in rent to recover expenses incurred in completing the rental housing improvements;
- (G) The owner shall provide a minimum of ten-percent of all new units in the proposed 16-storey building as three-bedroom units; and
- (H) The owner shall provide a minimum of twenty-five-percent of all new units in the proposed 16-storey building as two-bedroom units.





