

Authority: Toronto and East York Community Council
Item TE18.3, as adopted by City of Toronto Council on
September 30, October 1 and 2, 2020

CITY OF TORONTO

BY-LAW 53-2021

To amend Zoning By-law 569-2013, as amended, of the City of Toronto with respect to the lands municipally known in the year 2021 as 64-86 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, a 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 provisions of the facilities, services and matters set out in this By-law that are 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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the zone label CR 3.0 (c1.0;r2.5) SS2 (x 273) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Area Overlay Map in Section 995.10.1, and applying the following Policy Area label to these land: PA-4, as shown on Diagram 3, attached to this By-law.
5. Zoning by-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height label to these lands: HT 36.0 as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, with no label, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying the following label to these lands: B3 as shown on Diagram 6 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number CR273 so that it reads:

Exception CR 273

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 in the year 2021 as 64-86 Bathurst Street, if the requirements of Section 10 and Schedule A of By-law 53-2021 are complied with, a **building or structure** may be erected and used in compliance with (B) to (AA) below;
- (B) The **lot** comprises the lands delineated by heavy lines on Diagram 1 of By-law 53-2021;
- (C) Despite Regulations 40.10.20.20(1), and 40.10.20.100(7), (8), (9), and (10), **public parking** is a permitted use;
- (D) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 30,000 square metres, of which:
 - i. A minimum of 2,500 square metres must be for office uses;
 - ii. A maximum of 8,000 square metres is permitted for all non-residential uses;

- iii. Despite Regulation (D)(ii) above, and in addition to Regulation 40.5.40.40(3), the area of the **buildings** and **structures** occupied by **public parking** are excluded from the calculation of **gross floor area**; and
 - iv. **Gross floor area** for non-residential uses will be limited to the ground, second and third floors, with the exception of such space provided for in Regulation (N) below;
- (E) The permitted maximum number of **dwelling units** is 320;
- (F) Of the total number of **dwelling units** provided:
- i. A minimum of 20 percent must be two-bedroom **dwelling units**; and
 - ii. A minimum of 10 percent must be three-bedroom **dwelling units** or larger.
- (G) Despite Clauses 40.10.40.70 and 40.10.40.80, the required minimum **building setbacks** and the required minimum separation distances between **main walls** of **buildings** or **structures** above ground level is shown on Diagram 7 of By-law 53-2021;
- (H) Despite Clauses 40.5.40.60, 40.10.40.60, and Regulation (G) above, the following elements of a **building** or **structure** may encroach into a required minimum **building setback** and a required minimum **main wall** separation distance as follows:
- (i) Lighting fixtures, cornices, sills, eaves, parapets, balustrades, ornamental and architectural features, bay windows, gas and hydro meters, and window washing equipment attached to a **building** or **structure** may project a maximum distance of 3.0 metres beyond the heavy lines shown on Diagram 7;
 - (ii) Lighting fixtures, railings, privacy screens, balustrades, bollards, stairs and related enclosures, underground garage ramps and associated structures, and safety railings, wind mitigation elements, trellises, guards, guardrails, wheelchair ramps, air intakes and vents, ventilating equipment, bike share facilities, outdoor **amenity** space elements, ornamental or architectural features, including planters, green energy and renewable energy elements, gas and hydro meters, and art installations may be located at ground level beyond the heavy lines shown on Diagram 7, in accordance with the height limits set out in Section (I) below of this exception;
 - (iii) Canopies and awnings attached to a **building** or **structure** may project horizontally a maximum of 5.0 metres beyond the heavy lines shown on Diagram 7;

- (iv) Balcony dividers, privacy screens and/or partitions and balconies attached to a **building** or **structure** may project horizontally a maximum of 2.0 metres beyond the heavy lines shown on Diagram 7; and
- (v) Structures, elements or enclosures permitted by subsection (I) below;
- (I) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 86.50 metres and the highest point of the **building** or **structure**;
- (J) Despite Regulation 40.10.40.10(2), the permitted maximum height of each portion of a **building** or **structure** on the **lot** is the height in metres as specified by the numbers following the symbol HT as shown on Diagram 7 attached to By-law 53-2021;
- (K) Despite Regulations 40.5.40.10(3), (4), (5), (6), (7) and (8) and Regulation (J) above, the following elements may exceed the permitted maximum height:
 - (i) **Structures**, elements or enclosures listed in Regulation (H) above;
 - (ii) Parapets to a maximum height of 1.5 metres;
 - (iii) Pool lip or surround to a maximum height of 1.0 metre;
 - (iv) Canopy or trellis, including supporting structure, on a roof provided that the maximum height of such structure is no higher than 3.0 metres above such roof;
 - (v) Window washing equipment to a maximum height of 7.0 metres;
 - (vi) **Structures** on any roof used for mechanical equipment, chimneys, vents, stacks, mechanical fans, cooling towers, elevators and related structural elements, roof assemblies, and structures and elements associated with green energy and renewable energy facilities located on any roof, which may have a maximum vertical projection above the permitted height limits specified of Diagram 7 of 1.5 metres;
 - (vii) **Structures** on any roof used for maintenance, safety, wind or **green roof** purposes, outdoor **amenity space** or open air recreation, including architectural screens, and vestibules providing access to outdoor **amenity space**, and lightning rods, provided that the maximum height of such elements is no higher than 3.0 metres above the height limits specified on Diagram 7;
 - (viii) **Structures** at ground level, including bollards, guards, guardrails, wheel chair ramps, gas and hydro meters, green energy and renewable energy facilities, air intakes and vents, and ventilating equipment provided that

the maximum height of such elements is no higher than 1.2 metres above ground level;

- (ix) **Structures** at ground level, including underground garage ramps and associated structures, walls and safety railings, privacy screens, retaining walls, balustrades, stairs and related enclosures, fences, bike share facilities, outdoor **amenity space** elements, and safety railings, provided that the maximum height of such elements is no higher than 2.0 metres above ground level; and
 - (x) **Structures** at ground level, including lighting fixtures, ornamental, architectural or landscape features, including planters, wind mitigation elements, trellises, and art installations provided that the maximum height of such elements is no higher than 4.0 metres above ground level.
- (L) Above the height of 61.5 metres, that portion of the **building** subject to a height limit of 68.5 metres and labelled MPH on Diagram 7 of By-law 53-2021 may only be used for a mechanical penthouse, elements for the functional operation of the **building**, including a fence, wall or structure enclosing such elements, or **amenity space**;
- (M) Above the height of 61.5 metres, that portion of the **building** subject to a height limit of 64.5 metres and labelled HT=64.5M on Diagram 7 of By-law 53-2021 may only be used for stairs and related enclosures;
- (N) Above the height of 61.5 metres, that portion of the **building** subject to a height limit of 66.5 metres and labelled HT=66.5M on Diagram 7 of By-law 53-2021 may only be used as an enclosed structure for mechanical equipment and operations associated with the outdoor pool, storage associated with **amenity space** equipment, such as, but not limited to, patio furniture, and may be designed to permit tiered-style seating, including associated structural supports and safety railings;
- (O) Despite Clause 40.10.40.50, a minimum of 4.0 square metres per **dwelling unit** of **amenity space** must be provided on the **lot** as follows:
- i. A minimum of 2.0 square metres per **dwelling unit** must be provided as indoor **amenity space**;
 - ii. A minimum of 40 square metres of outdoor **amenity space** must be provided in a location that adjoins or is directly accessible from indoor **amenity space**; and
 - iii. The change and shower facilities provided as part of the indoor **amenity space** may be accessible to the non-residential users of the **building**.

- (P) Despite Regulation 40.5.40.40(3)(E), indoor **amenity space** up to a maximum of 4.0 square metres/dwelling unit is exempt from the calculation of **gross floor area**;
- (Q) Despite Regulations 200.5.10.1(1), (5), and (6), and Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** in accordance with the following requirements:
- i. A minimum of 0.19 **parking spaces** per **dwelling unit** for residents; and
 - ii. A minimum of 20 **parking spaces** must be provided on a shared non-exclusive basis for residential visitors and non-residential uses.
- (R) Despite Section 200.15, 3 **parking spaces** must be provided on the **lot** as accessible **parking spaces** as follows:
- i. Each accessible **parking space** must have the following minimum dimensions:
 - a) Length of 5.6 metres;
 - b) Width of 3.4 metres;
 - c) Vertical clearance of 2.1 metres; and
 - d) 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**;
- (S) Despite Regulations 220.5.1 (2), 220.5.1.10(5), and 220.5.10.1(1), (2), (3), and (5), loading spaces must be provided as follows:
- i. A minimum of 1 Type "G" **loading space**;
 - ii. A minimum of 1 Type "B" **loading space**; and
 - iii. A minimum of 2 Type "C" **loading space**.
- (T) Regulation 40.10.40.1(1) with respect to the location of residential lobby access functions in a **mixed-use building** does not apply;
- (U) Regulation 40.10.40.1(6) with respect to the location of entrances when abutting residential zones does not apply;
- (V) Regulations 40.10.50.10(3) with respect to **landscaping** abutting a residential zone do not apply;

- (W) Regulations 40.10.20.100(1) with respect to cumulative size of **eating establishments** does not apply;
- (X) Regulation 40.10.20.100(21)(D) with respect to the location of an **outdoor patio** does not apply;
- (Y) The change and shower facilities provided in accordance with Regulation (O)iii. above may be used to satisfy the requirements of Regulation 230.5.1.10(7)(B);
- (Z) Regulation 230.5.1.10(9) with respect to the location of "long-term" **bicycle parking spaces** within a building does not apply; and
- (AA) Regulation 230.5.10.1(1) and Table 230.5.10.1(1) with respect to the provision of "short-term" bicycle parking spaces for retail and office uses do not apply.

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

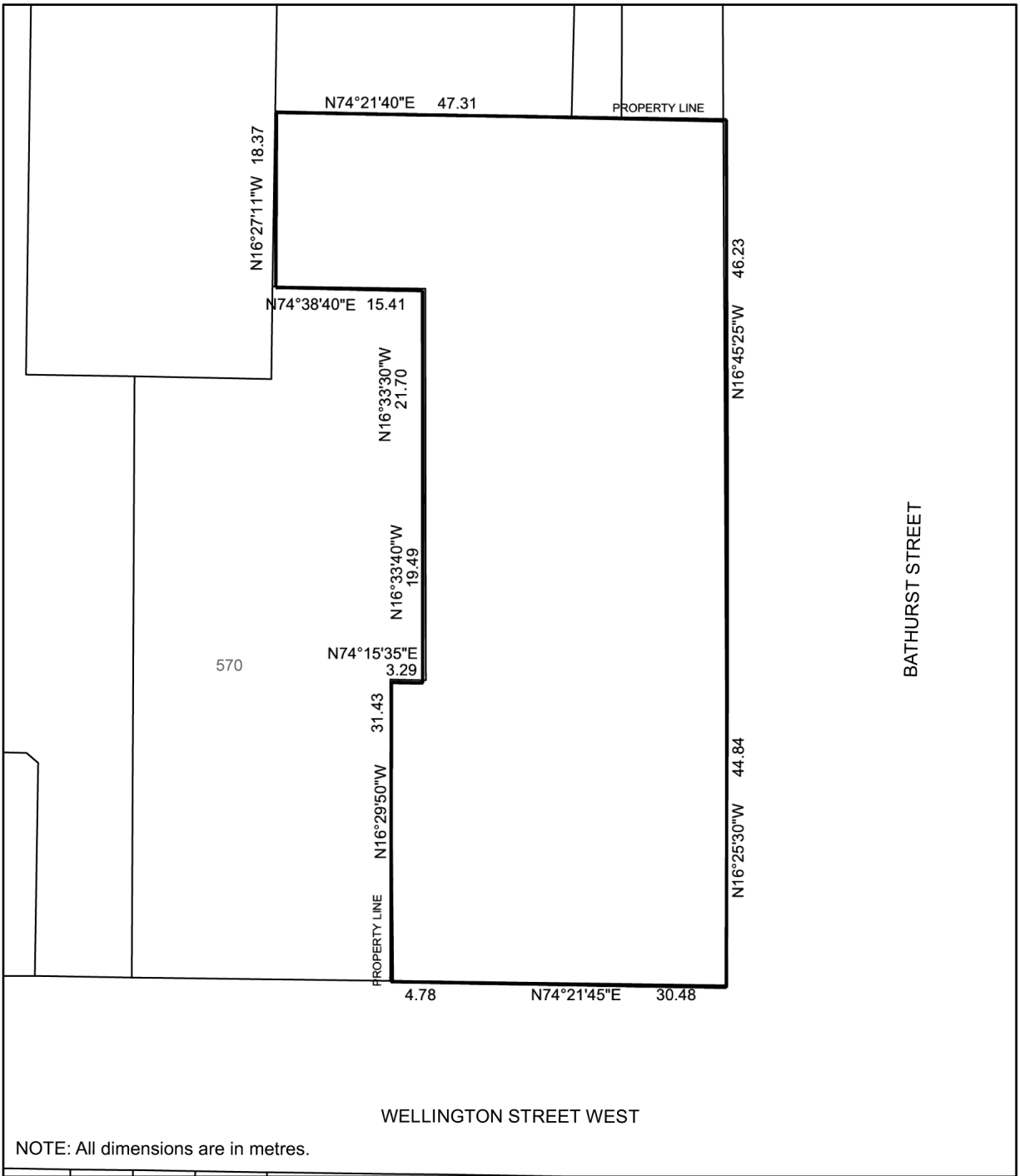
9. Despite any existing or future severance, partition or division of the lands shown on Diagram 1 of By-law 53-2021, the provisions of this By-law and By-law 569-2013, shall apply to the whole of the lands as one **lot** as if no severance, partition or division had occurred.
10. Section 37 Provisions
- (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 of By-law 53-2021 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 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 February 5, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
Interim City Clerk

(Seal of the City)

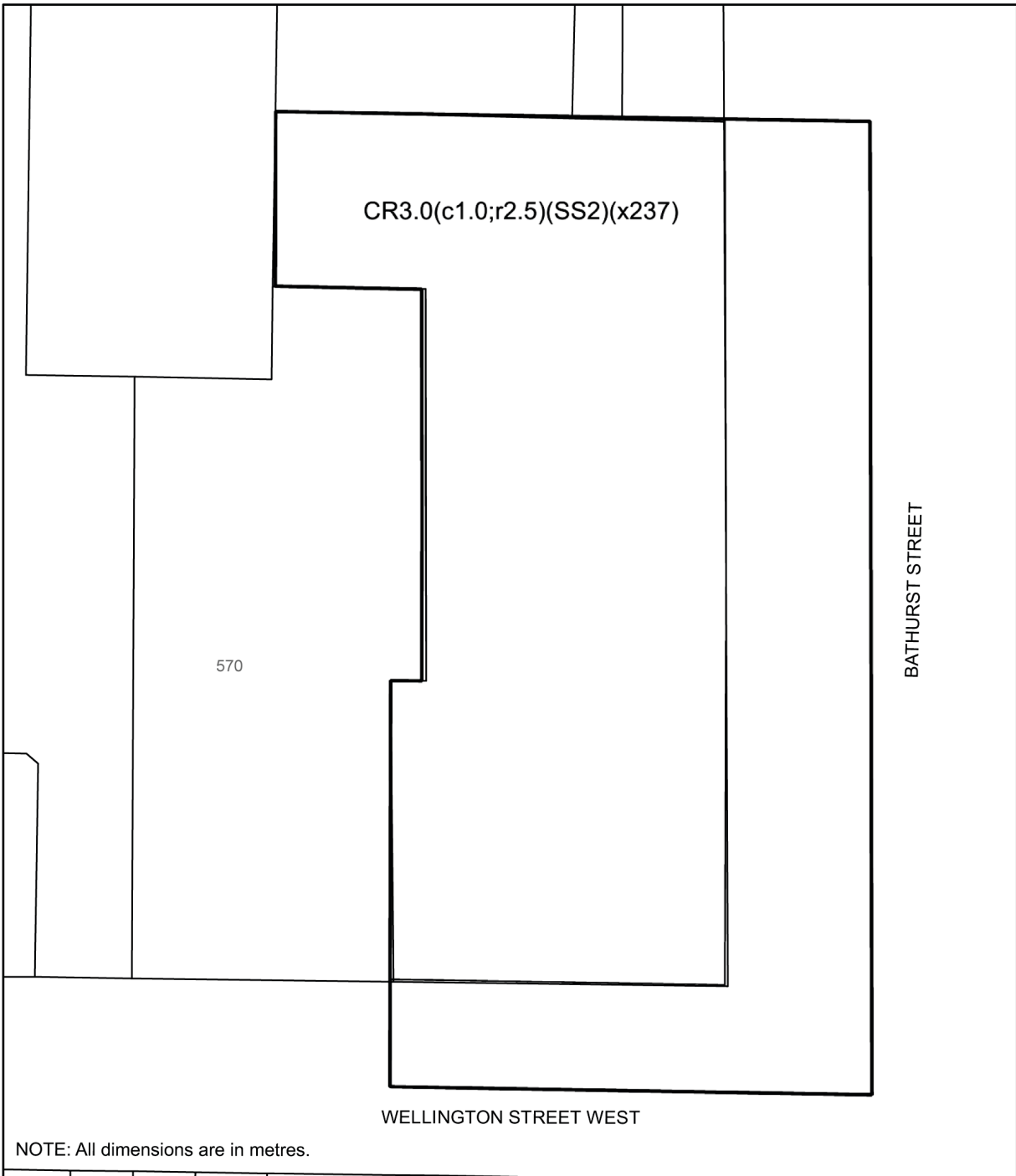


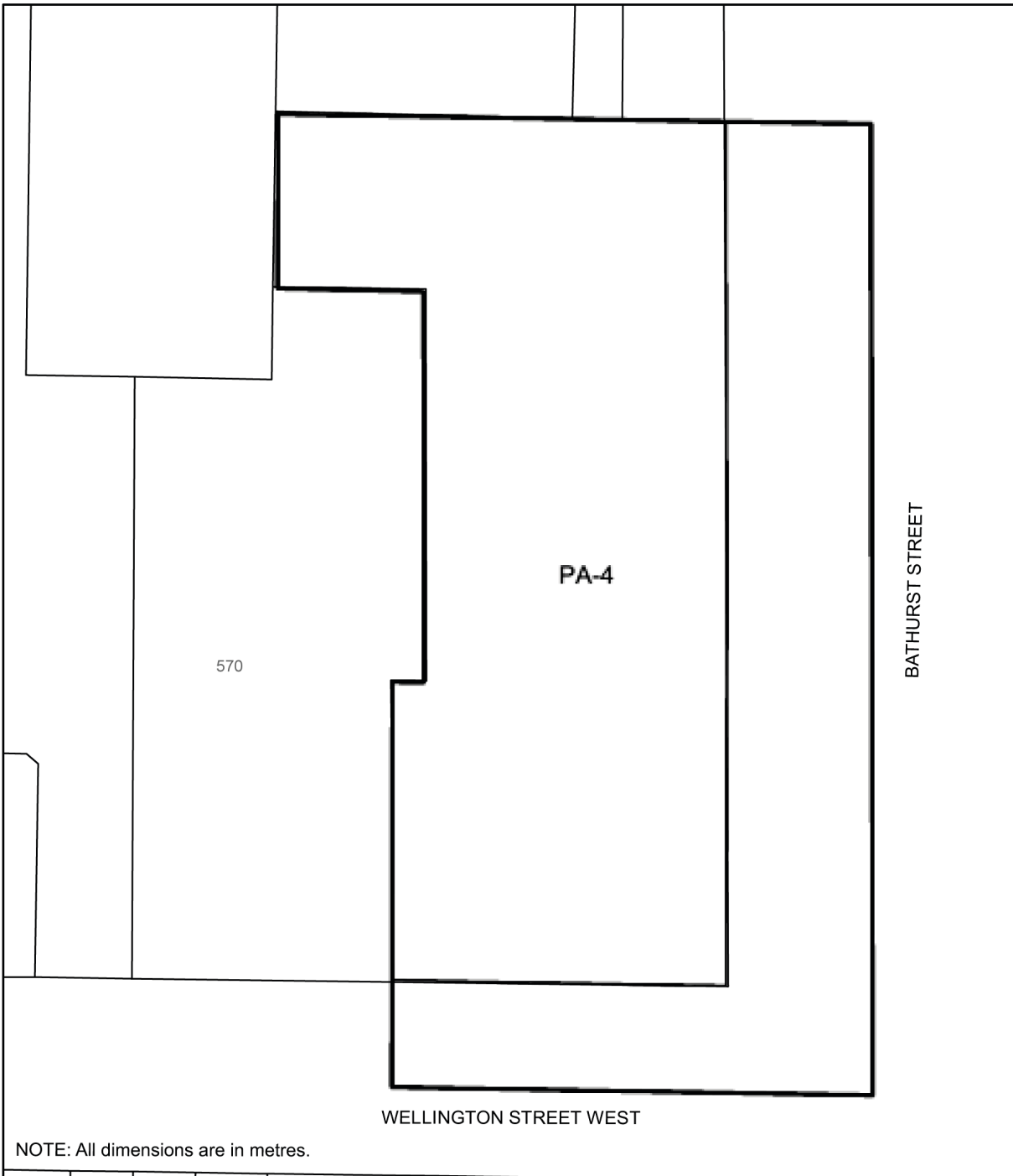
Toronto
 Diagram 1

64-86 Bathurst Street

File # 18 176812 STE 19 OZ







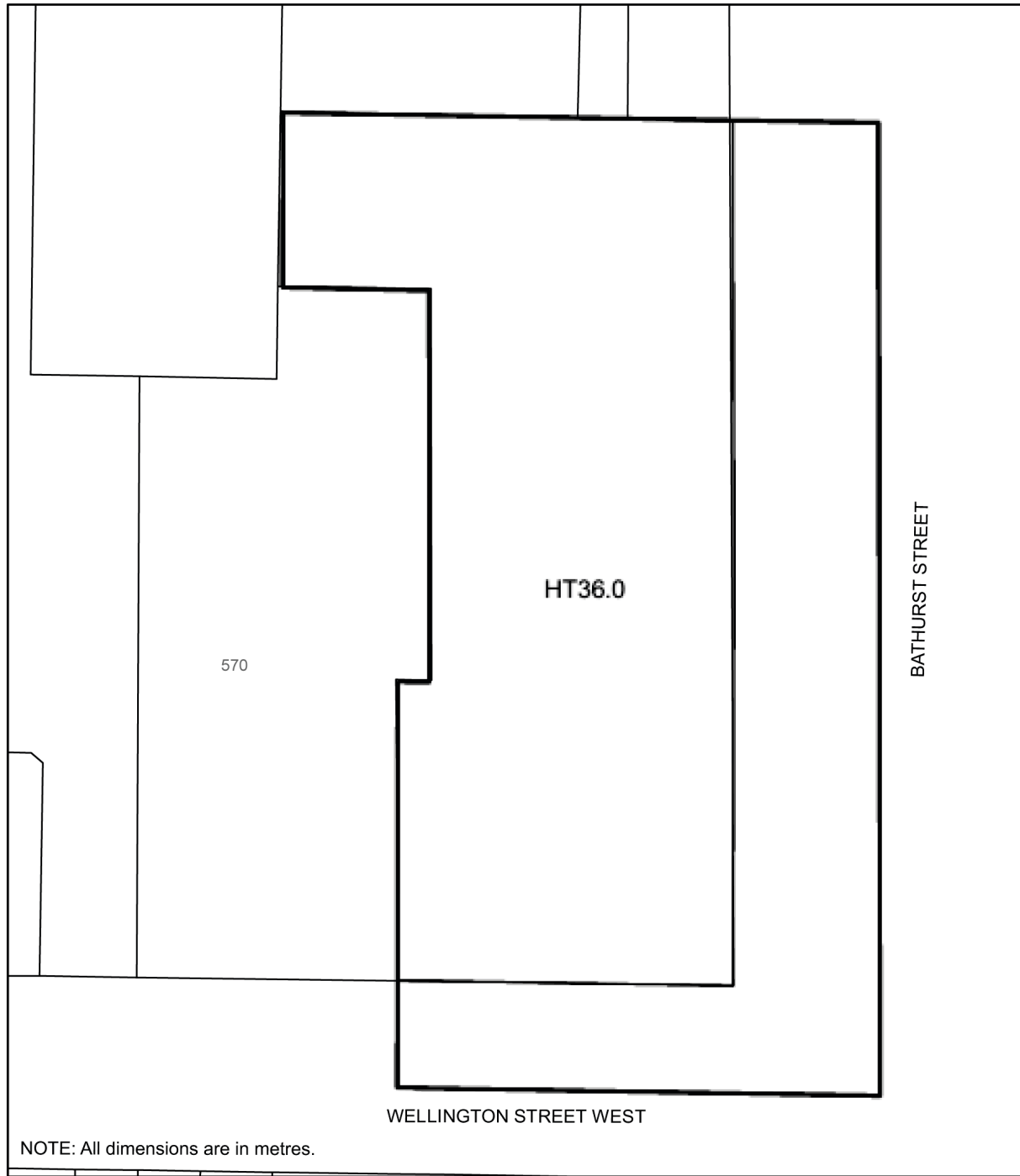
NOTE: All dimensions are in metres.

 **TORONTO**
Diagram 3

64-86 Bathurst Street

File # 18 176812 STE 19 0Z





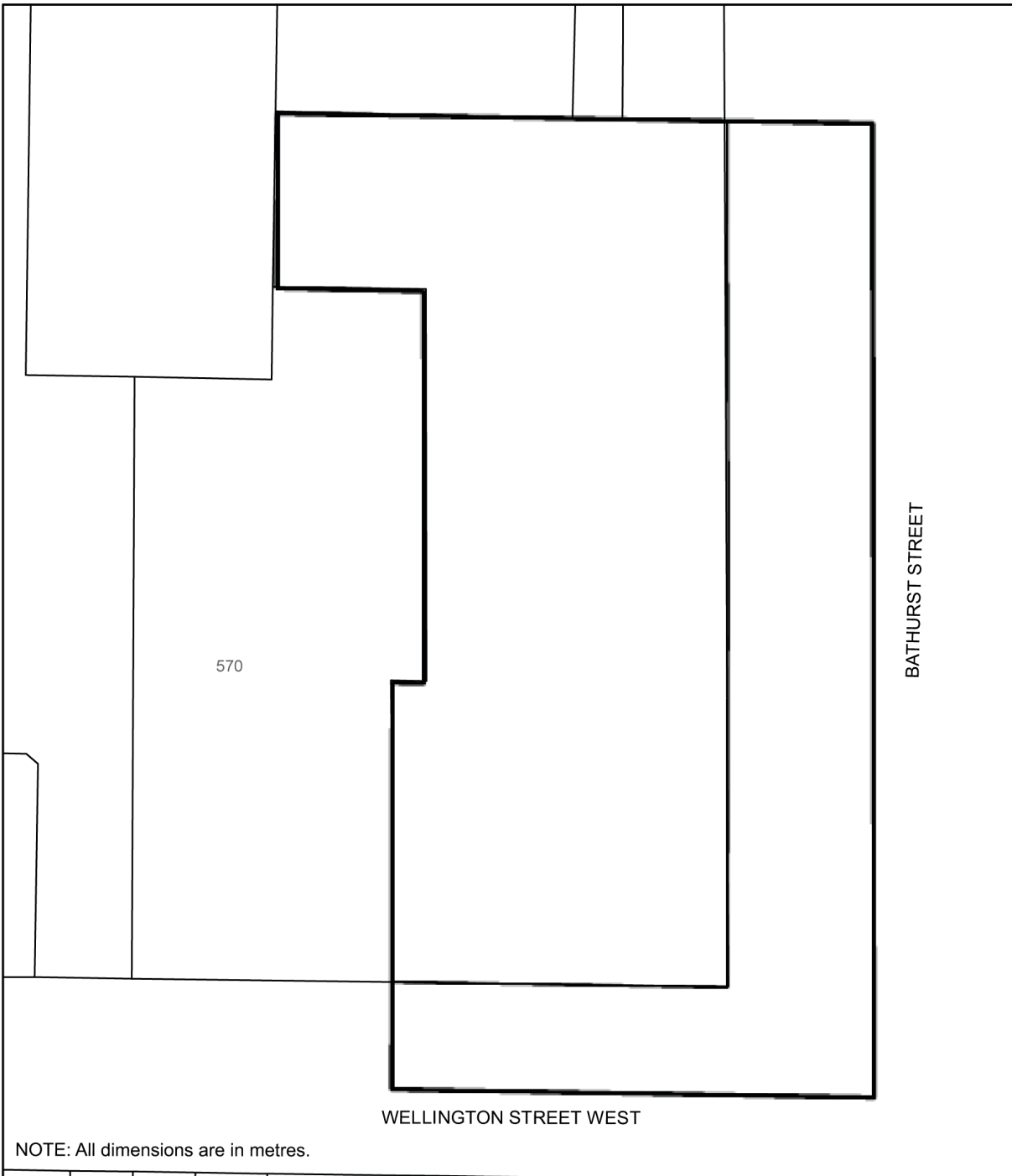
NOTE: All dimensions are in metres.

 **TORONTO**
Diagram 4

64-86 Bathurst Street

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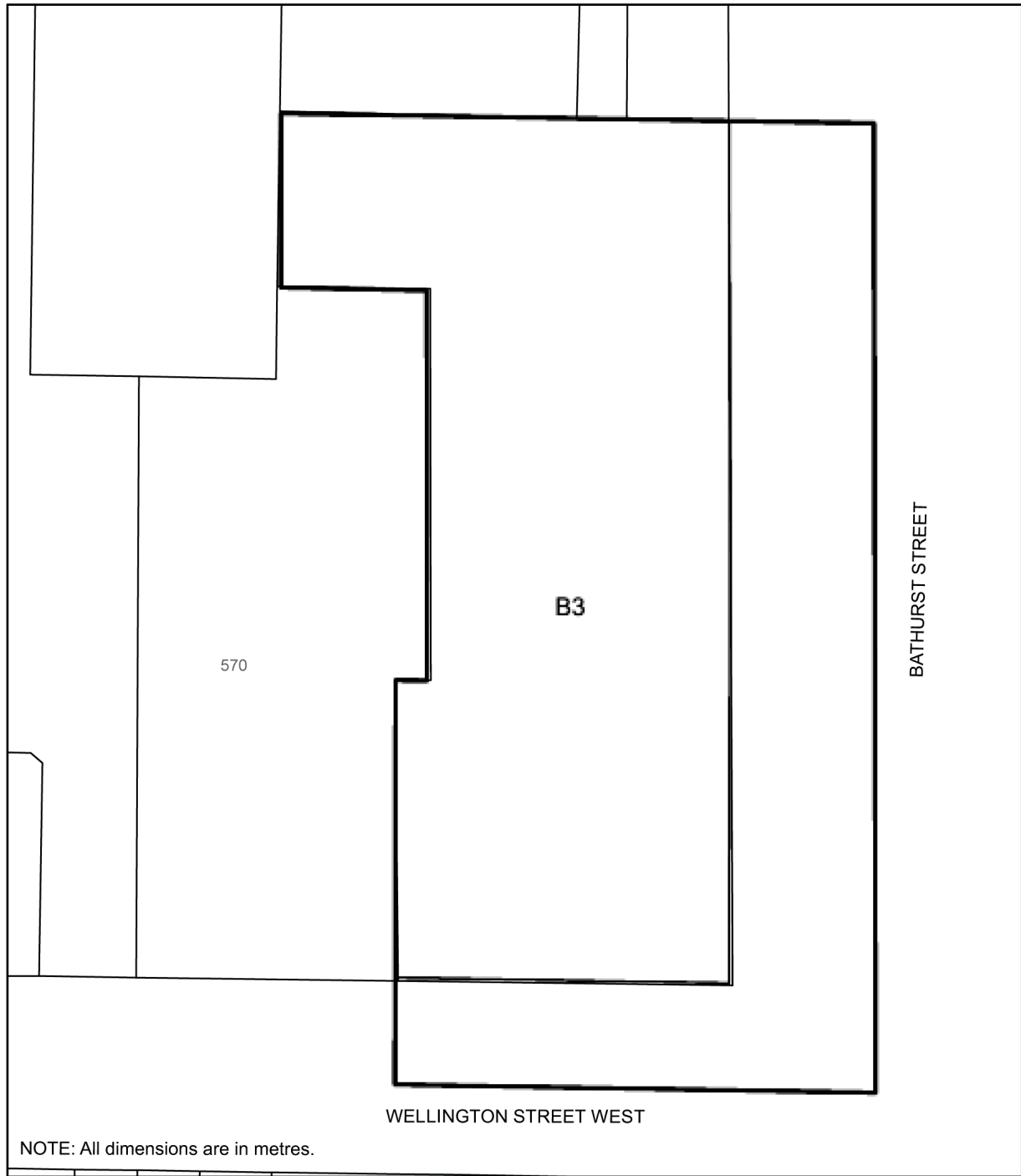




 **TORONTO**
Diagram 5

64-86 Bathurst Street

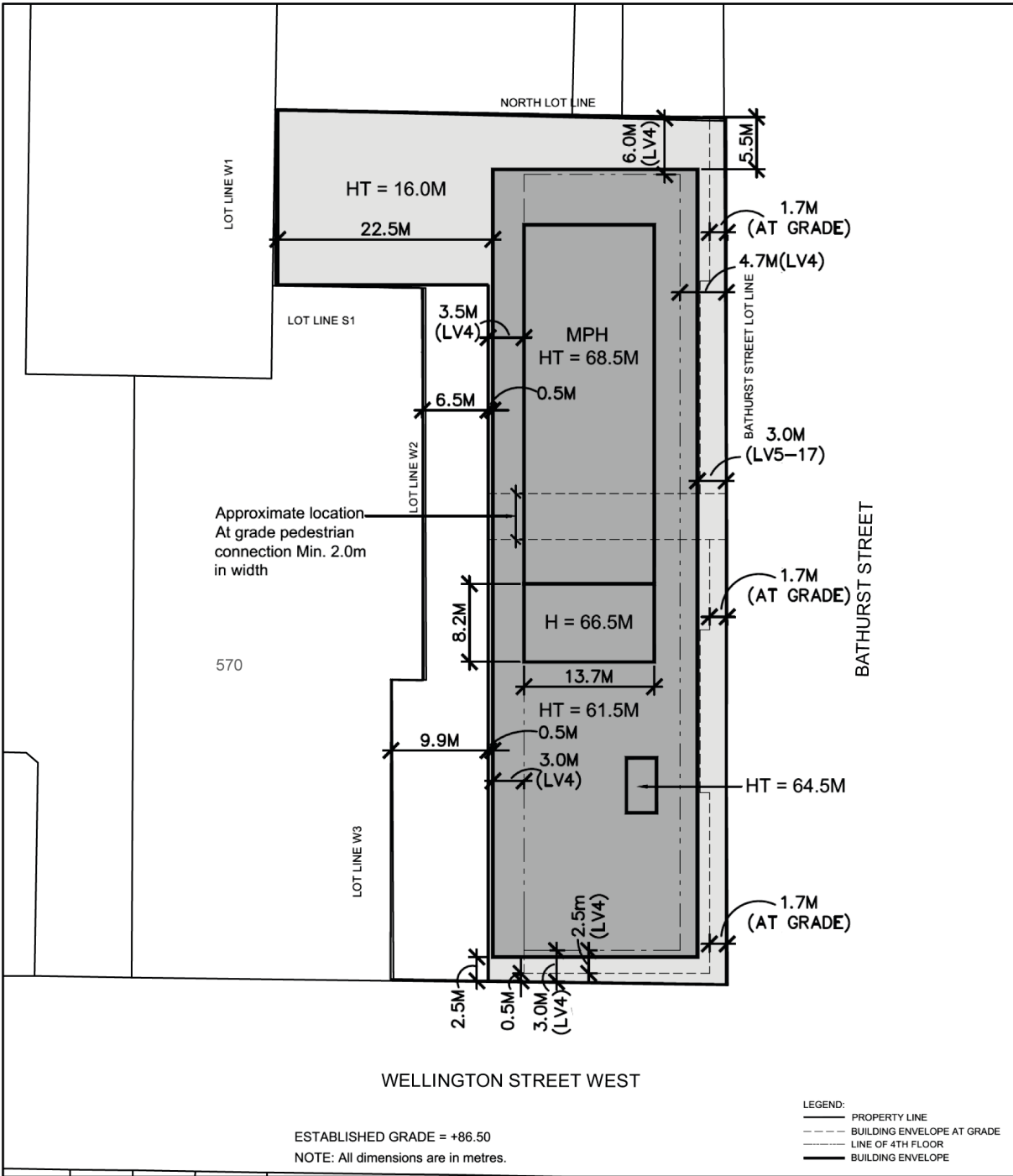
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 **TORONTO**
Diagram 6

64-86 Bathurst Street

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64-86 Bathurst Street

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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 3 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 the issuance of the first above-grade building permit, a cash contribution of \$265,000 towards the provision of new rental housing units, to be directed to the Capital Revolving Fund for Affordable Housing, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
2. Prior to the issuance of the first above-grade building permit, a cash contribution of \$265,000 towards the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 10, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
3. Prior to the issuance of first above-grade building permit, a cash contribution of \$1,060,000 towards community services and facilities in the vicinity of the site, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
4. Prior to the issuance of the first above-grade building permit, a cash contribution of \$1,060,000 towards streetscape and/or public realm improvements in the vicinity of the site, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
5. All cash contributions referred to in Schedule A, sections 1 to 4 shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of registration of the Section 37 Agreement to the date the payment is made;
6. In the event the contributions referred to in Schedule A, sections 1 to 4 have not been used for the intended purposes within three (3) years of the By-laws 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, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 10;
7. Submission, and thereafter implementation, of a construction management plan by the owner of 64-86 Bathurst Street to address such matters as wind, noise, dust and street closures during construction. Such plan to be to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the ward Councillor and shall be completed prior to final Site Plan Approval.

Rental Housing Demolition and Replacement

8. The owner shall provide and maintain 8 replacement rental dwelling units, comprising 4 two-bedroom units and 4 three-bedroom units, on the subject site for a period of at least 20 years beginning from the date that each such replacement dwelling unit is first occupied and as generally shown on the plans submitted to the City Planning dated February 6, 2020; any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning.
9. The owner shall provide and maintain at least 2 two-bedroom and 1 three-bedroom replacement rental dwelling units at affordable rents and at least 2 two-bedroom 1 three-bedroom replacement rental dwelling unit at mid-range rents for a period of at least 10 years, beginning from the date that each replacement rental dwelling unit is first occupied; the 2 remaining three-bedroom replacement rental dwelling units will have unrestricted rents.
10. The owner shall provide all 8 replacement rental dwelling units with a balcony or terrace.
11. The owner shall provide all 8 replacement rental dwelling units with ensuite laundry and central air conditioning.
12. The owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities on the site at no extra charge; access and use of these amenities shall be on the same terms and conditions as any other building resident.
13. The owner shall provide tenants of replacement rental dwelling units with access to all bicycle parking, car parking, visitor parking and storage lockers on the same terms and conditions as any other building resident.
14. The owner shall provide tenant relocation and assistance to all eligible tenants, including the right to return to a replacement rental dwelling unit, to the satisfaction of the Chief Planner and Executive Director, City Planning.