

Authority: Toronto and East York Community Council Item 27.5,  
as adopted by City of Toronto Council on September 30 and October 1, 2009  
Enacted by Council: October 1, 2009

## CITY OF TORONTO

### BY-LAW No. 912-2009

**To amend Zoning By-law No. 831-80 and Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands municipally known as 399 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*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted in this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 831-80 and By-law No. 438-86, as amended, shall continue to apply to the *lot*.
4. By-law No. 831-80 being a by-law to amend By-law No. 20623 respecting the lands occupied by Toronto Western Hospital, is hereby amended to read as follows:
  - (1) Section 2(2) be amended to read: the total non-residential gross floor area of all buildings and additions to existing buildings does not exceed 110,890 square metres.
  - (2) Section 2(3) be amended to read: motor vehicle parking facilities are provided and maintained to at least the extent of 556 parking spaces, a minimum of 200 such spaces being provided on the lot and the remainder of such spaces being provided within 300 metres of the lot.

5. None of the provisions of Section 2 with respect to the definition of *grade*, Sections 4(2)(a), 6(3) Part I 1, of By-law No. 438-86, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing or and other matters relating to buildings and structures and to prohibit certain uses of land and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall apply to prevent the erection and use of a building or buildings pursuant to By-law 831-80, provided:
- (1) the total *non-residential gross floor area* of the building or buildings erected on the *lot* shall not exceed 110,890 square metres;
  - (2) no person shall erect or use a building or structure on Parcel A as shown on Map 1 attached, having a greater *height* in metres than those *heights* shown on Map 2 hereof, exclusive of mechanical equipment, rooftop structures and equipment permitted by Sections 5(3) and 5(4) of this By-law;
  - (3) mechanical equipment, stair towers, elevator shafts, communication equipment, generators or other power, heating, cooling, or ventilating equipment or window washing equipment on the roof of any building or fences, walls or structures enclosing such elements, are permitted provided the maximum *height* of the top of such elements or enclosures is no higher than the sum of 18.3 metres and the *height* on Map 2;
  - (4) roof-top chimney stacks, vents and air intakes are permitted and are excluded for the purposes of determining maximum *height*; and
  - (5) the *height* of all buildings and structures located on Parcel A that are existing at the date of enactment of this By-law shall continue to be permitted following the date of enactment of this By-law, notwithstanding the provisions of Sections 5(2) and 5(3) above.
6. For the purposes of this By-law:
- (a) “*grade*” for the purposes of determining *height* pursuant to Sections 5(2) and (3) of this By-law means 102.3 metres Canadian Geodetic Datum;
  - (b) “*height*” shall mean the vertical distance between *grade* and the highest point of the building or structure on the *lot*;
  - (c) each word or expression that is italicized in this By-law shall have the same meaning as such word or expression as defined in By-law No. 438-86, as amended, unless otherwise defined in Section 3 of By-law No. 831-80 or as otherwise defined herein.
7. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall continue to apply to the whole of the *lot* as if no severance, partition, or division occurred.

- 8.** Building permit issuance with respect to the lands to which this By-law applies shall be dependant upon satisfaction of the provisions of this By-law and the Section 37 Agreement referred to in Section 1.

ENACTED AND PASSED this 1st day of October, A.D. 2009.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

## Appendix "1"

## Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City with conditions providing for indexing escalating of the financial contributions, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- (a) provide public art having a minimum value of \$25,000 to be located on a publicly accessible portion of the lot, or in Bellevue Square Park, to the satisfaction of the Chief Planner and Executive Director of City Planning;
- (b) incorporate in the construction of the building, and maintain exterior building and landscape materials satisfactory to the Chief Planner and Executive Director of City Planning;
- (c) provide detailed 1:50 elevations of the building podium level to the satisfaction of the Chief Planner and Executive Director of City Planning;
- (d) provide and maintain trees and a continuous soil trench within the Leonard Street road allowance to the satisfaction of the Director of Urban Forestry;
- (e) provide and maintain an irrigation system for the proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer for all new trees in the public rights-of-way, satisfactory to the Executive Director, Technical Services and the General Manager, Parks, Forestry and Recreation;
- (f) provide the City with documentation as to LEED certification of the development and the project documentation materials that will provide information on the LEED certification;
- (g) build in conformity with the Green Development Standard Checklist received by the Chief Planner and Executive Director of City Planning Division on December 29, 2008;
- (h) prior to final Site Plan Approval, submit to the Executive Director, Technical Services for review and acceptance, a site servicing review to demonstrate how this site will be serviced and whether the existing municipal infrastructure is adequate;
- (i) pay for and construct any improvements to the existing watermain system should the results of a fire hydrant flow test conclude that it needs to be upgraded to provide the proposed development with adequate flow and pressure;

- (j) pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure are required to support this development; and
- (k) agree to include landscaping details for the area at the southeast intersection of Leonard Avenue and Nassau Street in the Site Plan Approval Application.



