

Authority: Toronto and East York Community Council Item 11.5,
as adopted by City of Toronto Council on November 29, 30 and
December 1, 2011
Enacted by Council: December 1, 2011

CITY OF TORONTO

BY-LAW No. 1359-2011

To amend General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands municipally known as 783 Bathurst Street.

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law No. 438-86 pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2011 as 783 Bathurst Street; and

WHEREAS the Council of the City of Toronto has provided adequate information to the public and has conducted at least one public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law 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 or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86 of the former City of Toronto, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

By-law No. 438-86, the General Zoning By-law of the former City of Toronto, as amended, is further amended as follows:

1. This By-law applies to the lands delineated by a heavy line and identified as 783 Bathurst Street as shown on Map 1 attached to and forming part of this By-law.

2. Pursuant to Section 37 of the *Planning Act*, the heights of development permitted by 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 site of the facilities, services and matters set out in Section 5 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
3. Upon execution and registration of an agreement or agreements with the owner of the site pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Section 5 hereof, the site 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 requirement.
4. None of the provisions of Section 2(1) with respect to "*grade*", "*height*" and "*lot*", and Sections 4(2)(a), 4(5)(b), 4(10)(a), 4(12), 4(13)(a)(b)(c), 8(3) Part I 1 and 3, 8(3) Part II 1(a), 8(3) Part VIII 1, 8(3) Part XI 1 and 12(2)228 of By-law No. 438-86 of the former City of Toronto, 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 a *mixed-use building* on the *lot*, provided that:
 - (a) the *lot* on which the *mixed-use building* is located comprises at least the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) the total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* does not exceed 15,400 square metres, provided:
 - (i) the *residential gross floor area* does not exceed 14,550 square metres; and
 - (ii) the *non-residential gross floor area* does not exceed 850 square metres;
 - (c) a *club*, *place of amusement*, and *place of assembly* shall not be permitted on the *lot* and one *restaurant* shall be permitted on the *lot* having a maximum *non-residential gross floor area* of 200 m²;
 - (d) the *mixed-use building*, including all mechanical equipment, stair enclosures and elevator overruns, is located wholly within the areas delineated by heavy lines and the *height* limits specified by the numbers following the symbol "H" as shown on Map 2, attached and forming part of this By-law, with the following exceptions:
 - (i) balconies provided they extend no more than 2.0 metres from the walls to which they are attached with the exception of the third floor east-facing units directly adjacent to the six townhouse units which may have balconies which extend a maximum of 0.3 metres, including balcony railings, from the walls to which they are attached;

- (ii) canopies, stairs, fences, landscape features, guard-rails, retaining walls, wheel chair ramps, terrace and balcony railings and dividers, lightning rods, elements of a green roof, window washing equipment, solar panels, solar hot water heaters, exhaust flues, makeup air units, emergency generator, garbage chute overrun, parapets, cornices, balustrades, mullions, light fixtures, awnings, ornamental elements and eaves provided they extend no more than 2.0 metres; and
 - (iii) for the portion of the building located closest to Bathurst Street having a height limit of 26.90 metres on Map 2, up to 80% of the west-facing building façade within that area may have a height of 26.90 metres, and the balance may have a height of 23.75 metres.
- (e) a minimum of 44 *parking spaces* shall be provided on the *lot* for residents and a minimum of 12 *parking spaces* shall be provided on the *lot* for visitors. No *parking spaces* shall be required for the non-residential uses on the *lot*;
- (f) a minimum of 407 square metres of indoor *residential amenity space* shall be provided in a multi-purpose room or rooms located on the first level closest to grade, and the floor area devoted to indoor *residential amenity space* shall be excluded from the calculation of *residential gross floor area*;
- (g) a minimum of 90 square metres of outdoor *residential amenity space* shall be provided on the *lot* in a location adjoining or directly accessible from the indoor *residential amenity space*;
- (h) *bicycle parking spaces-occupant* and *bicycle parking spaces-visitor* shall be provided as follows:
 - (i) a minimum of 0.8 bicycle parking spaces – occupant per dwelling unit; and
 - (ii) a minimum of 0.2 bicycle parking spaces – visitor per dwelling unit.
- (i) *bicycle parking spaces – visitor* shall be located only on the first level below grade or the first level closest to grade; and, shall be reserved at all times for visitors to the building and designated by means of clearly visible signs as being for the exclusive use of visitors to the building in such areas;
- (j) the *bicycle parking spaces* required in Section 4(f) of this By-law may be provided in a *stacked bicycle parking space*; and
- (k) "*stacked bicycle parking space*" means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both bicycle parking spaces.

5. The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense 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 Chief Planner and Executive Director, City Planning Division and the City Solicitor and such agreement(s) shall be registered against title to the *lot* as outlined in heavy lines on Map 1 to the satisfaction of the City Solicitor to secure the following facilities, services or matters:
- (a) The *owner* of the *lot* shall pay the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) to the City of Toronto as a contribution towards community improvements in Ward 20, of which 10% will be payable prior to the enactment of the Bills and the remainder will be payable prior to the issuance of the first above-grade building permit. The initial 10% shall be for public housing improvements in Ward 20 and the remainder will be for community improvements in Ward 20 within the vicinity of the site, which may include parks and public realm improvements. Such payment shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
 - (b) At least 10% of the total number of units provided on the *lot* shall be provided as three-bedroom *dwelling units*, bedroom to be defined as a habitable room which meets the requirements of the Ontario Building Code.
 - (c) Prior to the issuance of the first above-grade building permit, the *owner* of the *lot* shall pay for and construct or provide sufficient financial securities for any improvements to the municipal infrastructure in connection with the Functional Servicing and Stormwater Management Report, to be accepted by the Executive Director, Technical Services, should it be determined that improvements to such infrastructure is required to support this development.
6. Despite any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
7. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:
- (i) "*grade*" shall mean 113.2 metres Canadian Geodetic Datum;
 - (ii) "*height*" shall mean, the vertical distance between *grade* and the highest point of the structure, except for those elements otherwise expressly prescribed in this By-law; and
 - (iii) "*lot*" shall mean the parcel of land outlined by heavy lines on Map 1 and known municipally as 783 Bathurst Street in the year 2011.

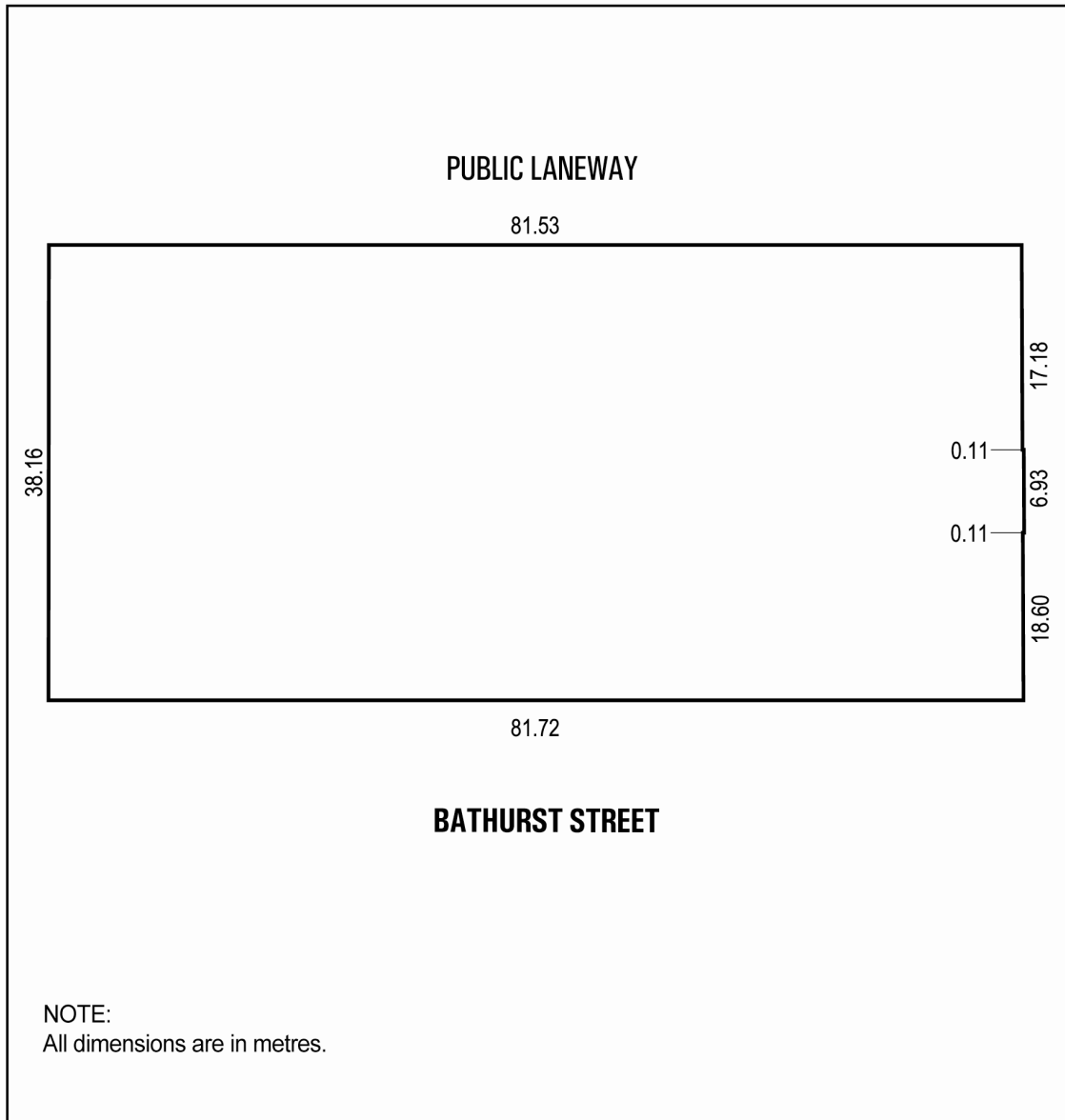
- 8.** Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

ENACTED AND PASSED this 1st day of December, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Map 2