

CITY OF TORONTO

BY-LAW No. 734-2014(OMB)

To amend the former City of York By-law No. 1-83, as amended, with respect to the lands municipally known as 1486 Bathurst Street.

Whereas the owner applied for a zoning by-law amendment for the development of the lands subject to this by-law and appealed that application to the Ontario Municipal Board pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13; and

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a municipality, and the Ontario Municipal Board on appeal, 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 and that will be permitted in return for the provision of such facilities, services and 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 voluntarily 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 No. 1-83, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto; and

By-law No. 1-83, of the former City of York, is further amended by the Ontario Municipal Board as follows:

1. That Section 6 of Zoning By-law No. 1-83, as amended, of the former City of York, be further amended by adding a new Subsection (89) as follows:

Lands - 1486 Bathurst Street

"(89) MAP 15

By changing the area shown on District Map 15 known as 1486 Bathurst Street, more particularly as shown on Schedule A to By-law No. 734-2014(OMB), from RM2 - Residential Multiple Zone to MCR - Main Street Commercial/Residential Zone and Section 16 (449)."

2. That Section 16 of Zoning By-law 1-83, as amended, of the former City of York, be further amended by adding a new subsection (449) as follows:

"(449) Lands -1486 Bathurst Street

Notwithstanding the provisions of Sections 2(73), being the definition of parking space, 3.2, 3.47, 10.2 and Section 12 of this By-law, the lands municipally known as 1486 Bathurst Street as shown on Schedule A to By-law No. 734-2014(OMB) and to this Subsection may be used for the following purposes:

- Apartment House
- Home Occupation
- Retail Store
- Office
- Restaurant; restaurant licensed; take-out eating establishment; bake-shop
- Recreational use
- Residential use existing as of the date of the approval of this By-law
- Any use accessory to any of the foregoing uses

Provided that the following provisions are complied with:

- a) The maximum *height* of any building or structure, or portion thereof, shall not exceed the *height* limits in metres specified by the numbers following the letter "H" as shown on Schedule B to By-law No. 734-2014(OMB), except for the following:
 - i) any mechanical penthouse or mechanical roof top unit, structures for noise attenuation, outside or open air recreation, ornamental elements, and safety or wind protection purposes in addition to the *height* exemptions listed in Section 3.7.1 of this By-law, provided that the maximum *height* of the top of such element or enclosure is no higher than the sum of 5.5 metres plus the *height* limit otherwise applicable as shown on Schedule B to By-law No. 734-2014(OMB); and
 - ii) any curbs, parapets, terrace and balcony guard rails and dividers, planters, railings, decorative screens, flues, vents and window washing equipment including those located on the roof of the building, provided that the maximum *height* of the top of such elements is no higher than the sum of 1.8 metres plus the *height* limit otherwise applicable as shown on Schedule B to By-law No. 734-2014(OMB);
- b) No portion of the building or structure erected or used above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines as shown on Schedule B to By-law No. 734-2014(OMB), with the exception of the following:
 - i) Rooftop architectural features, canopies, awnings, building cornices, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures, wheelchair ramps, underground garage ramps, fences, retaining walls and landscape features; and

- ii) Balconies and guard rails may extend a maximum of 2.0 metres beyond the heavy lines shown on Schedule B to By-law No. 734-2014(OMB) as measured perpendicular to the exterior walls of the building, provided that above the 6th floor they are no closer than 3.2 metres from the east lot line, 7.3 metres from the west lot line and 0.7 metres from the north lot line and the south lot line;
- c) The maximum *gross floor area* shall be 8,640 square metres;
- d) The maximum residential *gross floor area* shall be 8,510 square metres;
- e) The maximum non residential *gross floor area* shall be 130 square metres;
- f) A minimum of 77 *parking spaces* shall be provided, of which:
 - i) a minimum of 75 *parking spaces* shall be provided for residents; and
 - ii) a minimum of 2 *parking spaces* shall be provided as car-share spaces;
- g) A *parking space* shall be subject to the following conditions:
 - i) a *parking space* shall have a minimum width of 2.6 metres and a minimum length of 5.6 metres; and
 - ii) where a *parking space* is limited by a wall or other permanent obstruction on one side, the minimum width of the *parking space* is increased to 2.7 metres and, where the obstruction occurs on both sides of the *parking space*, the minimum width of the *parking space* is increased to 3 metres;
- h) One *Type G loading space* shall be provided and maintained on the *lot*;
- i) *Amenity space* of not less than 4 square metres per dwelling unit shall be provided;
- j) The aggregate unobstructed transparent glazed area shall not exceed thirty five percent (35%) of the vertical wall area identified as "wall area with restricted glazing" as shown on Schedule B to By-law No. 734-2014(OMB);
- k) The minimum setback of any window parallel to the north lot line or the south lot line shall be 2.2 m from the said lot lines;
- l) For the purpose of this subsection (449) , each word or expression that is italicized shall have the same meaning as such terms have for the purposes of By-law No. 1-83, as amended, except for the following:

"*amenity space*" means indoor or outdoor space on a *lot* that is communal and available for use by the occupants of the building on the *lot* for recreational and social activities;

"*car-share*" means the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such *car-share* motor vehicles to be made available to at least the occupants of the building for short term rental, including hourly rental. *Car-share* organizations may require that the *car-share* motor vehicles 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;

"*car-share parking space*" means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes;

"*grade*" means *158.75 metres Canadian Geodetic Datum*;

"*height*" means the vertical distance between *grade* and the highest point of the building or structure on the *lot*;

"*owner*" means the owner of the lands municipally known as 1486 Bathurst Street as shown on Schedule A to By-law No. 734-2014(OMB);

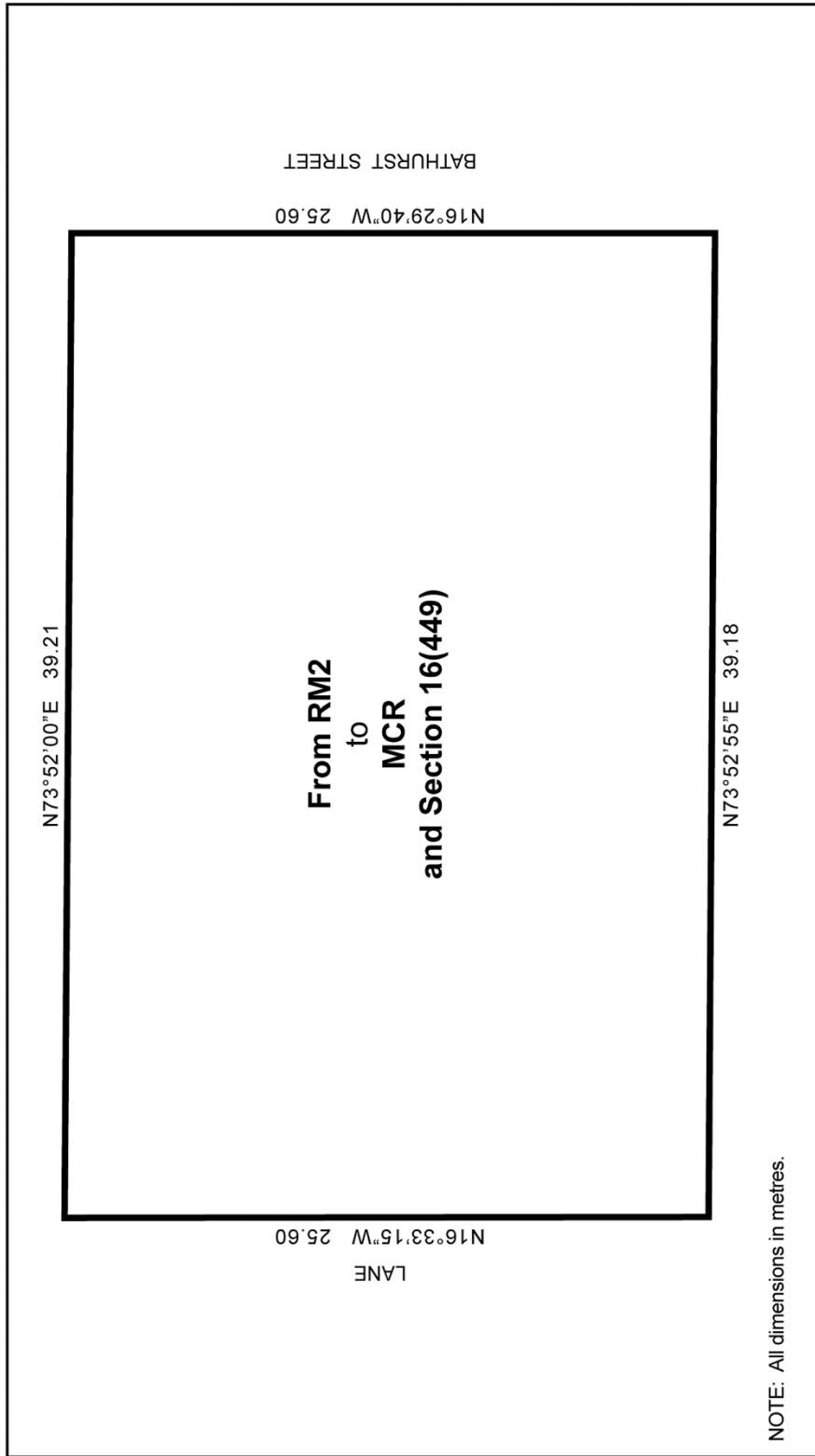
"*parking space*" means an area used for parking or storing a motor vehicle;

"*Type G loading space*" means an area used for the loading or unloading of goods or commodities from a vehicle and having a minimum length of 13.0 metres, a minimum width of 4.0 metres and a minimum vertical clearance of 6.1 metres;

- m) Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in density of development is permitted beyond that otherwise permitted on the *lot* in return for the provision by the owner, at the owner's expense, of the following facilities, services and matters 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 *lot* to the satisfaction of the City Solicitor:
- i) a voluntary cash contribution to the City in the amount of \$30,000.00 payable within 30 days of the issuance of the Board Order for the zoning by-law amendment and prior to issuance of a building permit for any building or structure on the *lot* to be allocated toward the construction of Bike Share Toronto bicycle space in the vicinity of the lands subject to this subsection (449); and
 - ii) a voluntary cash contribution to the City in the amount of \$200,000.00 payable within 30 days of the issuance of the Board Order for the zoning by-law amendment and prior to issuance of a building permit for any building or structure on the *lot* to be allocated toward improvements to the Wychwood Public Library and/or for St. Clair West streetscape improvements within 3 blocks of the lands subject to this subsection(449) at the discretion of the Chief Planner and Executive Director, City Planning;

- n) Where paragraph m) above 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; and
 - o) The owner shall not use, or permit the use of, a building or structure erected with an increase in density permitted pursuant to this subsection (449) unless all provisions of paragraph m) above are satisfied."
3. Despite any existing or future consent, severance, partition or division of the lands subject to this By-law, the provisions of this By-law shall apply as if no consent, severance, partition or division occurred.
4. Except as amended in this By-law, all the other provisions of By-law No. 1-83, as amended, shall apply to the lands subject to this By-law.
5. Within the lands subject to this By-law, no person shall use any land, building or structure or erect 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.

PURSUANT TO THE DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD
ISSUED JULY 2, 2014 IN BOARD FILE NO. PL130463.



Toronto City Planning
Schedule A

1486 Bathurst Street

File # 12 293366 0Z



Not to Scale
06/12/2014

