

**CITY OF TORONTO**

**BY-LAW No. 1076-2014(OMB)**

**To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 3180 Bathurst Street.**

Whereas the Ontario Municipal Board pursuant to its Order No. PL100941, dated January 31, 2012, upon hearing the appeal of Dell Park Cooperative Development Housing Corporation, under Section 34 (11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend the former municipality of North York Zoning By-law;

The Ontario Municipal Board orders:

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedule 1 of this By-law.
2. Section 64.26-1 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

**64.26-1 (11) C4 (11)**

**DEFINITIONS:**

- (a) For the purposes of this exception:
  - (i) "apartment house dwelling" means, in addition to dwelling units having access only from an internal corridor system, ground level dwelling units having access directly from the outside or from an internal corridor system or any combination thereof;
  - (ii) "established grade" means the geodetic elevation of 181.65 metres above sea level;
  - (iii) "bicycle parking space" means an area used for the purpose of parking or storing a bicycle;
  - (iv) "amenity space" shall include indoor or outdoor space on a lot that is:
    - a. ancillary to the main use; and
    - b. communal and available for use by the occupants of a building on the lot, or the general public, or both, for recreational or social activities;
  - (v) "religious organization" means an association of persons that is registered as a charitable organization under Province of Ontario legislation and is

organized for the advancement of religion and for the conduct of religious worship, services or rites;

- (vi) "car share parking space" means a dedicated parking space for a car-sharing service; and
- (vii) "landscaping" means trees, decorative stonework, retaining walls, walkways, or other landscape architectural elements. Driveways and areas for loading, parking or storing vehicles are not landscaping.

### **PERMITTED USES:**

- (b) The only permitted uses are:

#### **RESIDENTIAL:**

An apartment house dwelling and uses accessory thereto including amenity space

#### **NON-RESIDENTIAL:**

Business and professional offices  
Banks and financial institutions  
Fitness centre  
Retail store  
Personal service shop  
Day nursery

For the purpose of this exception, a personal service shop includes a mikvah. A mikvah is a public ritual bath operated by a religious organization.

All non-residential uses shall be restricted to the ground floor or below grade floors of a building or structure.

#### **INSTITUTIONAL:**

Place of Worship

### **EXCEPTION REGULATIONS:**

#### **Residential Dwelling Units:**

- (c) A maximum of 349 dwelling units are permitted.
- (d) The apartment house dwelling will provide a minimum of 18 dwelling units with four or more bedrooms or a minimum of 10 percent of the dwelling units will be built as convertible units that may initially contain fewer than four bedrooms, provided that such units retain the ability to be converted to contain four or more bedrooms through relatively minor changes to internal wall configurations.

**Size of Residential Units:**

- (e) For the purposes of this exception, no minimum or maximum size of residential units is prescribed.

**Gross Floor Area:**

- (f) The gross floor area of the apartment house dwelling shall not exceed 28,377 square metres which is to include a minimum gross floor area of 126 square metres for non-residential uses with direct pedestrian access to a public street.
- (g) The gross floor area of the place of worship shall not exceed 2,000 square metres.

**Floor Space Index:**

- (h) The maximum permitted Floor Space Index on the lot, notwithstanding any future severances, partitions or divisions of land, shall be 4.22.

**Yard Setbacks:**

- (i) The minimum yard setbacks for buildings and structures above established grade shall be as shown on Schedule C4(11) with the exception of accessory structures associated with a day nursery which may project into the yard setbacks provided (a) the accessory structures are not located within 13.5 metres of the Bathurst Street property line or the "Limit of Asbury and West United Church Site (AkGu-81) and 10m Site Buffer" on Schedule C4(11) and (b) the accessory structures do not exceed a height of 1.2 metres.
- (j) Notwithstanding (i) above, the following elements of a building may project into the required yard setbacks as follows:
  - (i) architectural features, such as cornices, window sills, belt courses or other similar architectural features, may project a maximum of 1.0 metre; and
  - (ii) a canopy, with or without structural support, may project a maximum of 4.5 metres.
- (k) Notwithstanding (i) above, a balcony may project a maximum of 1.5 metres from the main wall.
- (l) Notwithstanding (i) above, the minimum yard setbacks for parking structures and structures associated thereto below established grade shall be 0 metre from the south property line, 0.8 metre from the west property line and 3 metres from the east property line.

**Building Height:**

- (m) The height of buildings or structures shall not exceed the maximum building heights in meters above established grade as shown on Schedule C4(11), with the exception of the following:
  - (i) enclosures for rooftop mechanical and elevator equipment may exceed the maximum building height shown on Schedule C4(11) by a maximum of 4.4 metres if such enclosures are located within the areas shown as 'Mechanical Penthouse' on Schedule C4(11);
  - (ii) stair enclosures providing access to the roof of the building may exceed the maximum building height shown on Schedule C4(11) by a maximum of 2.65 metres;
  - (iii) roof top trellises, parapet walls/screens used for wind protection and outdoor recreational and landscape features may exceed the maximum building height shown on Schedule C4(11); and
  - (iv) a bell tower which is used as an ornament or to house mechanical equipment for a place of worship may exceed the maximum building height shown on Schedule C4(11).

**Parking Regulations:**

- (n) A minimum of 78 parking spaces are required for the place of worship, day nursery, 126 square metres of non-residential gross floor area and residential visitor parking.
- (o) A minimum of 5 car share parking spaces are required.
- (p) Residential parking will be provided at the following minimum parking rates per unit:
  - (i) Bachelor - 0.45 spaces per unit;
  - (ii) 1-Bedroom - 0.49 spaces per unit;
  - (iii) 2-Bedroom - 0.69 spaces per unit; and
  - (iv) 3+ Bedrooms - 0.74 spaces per unit.
- (q) A minimum of 261 bicycle parking spaces are required of which a minimum of 50 spaces will be allocated for visitors. A minimum of 28 bicycle parking spaces will be located at grade. The remainder of required bicycle parking spaces which are not located at grade or allocated for visitors will be allocated for long-term bicycle parking for occupants or tenants. For the purposes of this by-law, any area used for the provision of the required bicycle parking located below grade shall be excluded from the calculation of gross floor area.

- (r) A bicycle parking space must have the following dimensions:
  - (i) if located in a horizontal position (on the ground):
    - a. minimum length of 1.8 metres;
    - b. minimum width of 0.6 metres;
    - c. minimum vertical clearance from the ground of 1.9 metres; and
  - (ii) if located in a vertical position (on the wall):
    - a. minimum length or vertical clearance of 1.9 metres;
    - b. minimum width of 0.6 metres;
    - c. minimum horizontal clearance from the wall of 1.2 metres.
- (s) Not more than 50 percent of bicycle parking spaces will be provided as vertical parking.
- (t) A long-term bicycle parking space for a dwelling unit in the apartment house dwelling will not be provided within a dwelling unit, on a balcony or in a storage locker and shall be located in a secure enclosed bicycle parking area.

**Driveways:**

- (u) The two-way driveway leading to the loading and servicing area shall have a minimum width of 5.2 metres. The two-way driveway leading to the parking areas located below established grade shall have a minimum width of 6 metres.

**Amenity Space:**

- (v) A minimum of 446 square metres of common indoor amenity space shall be provided.
- (w) A minimum of 547 square metres of common outdoor amenity space, of which 110 square metres must be provided in a location adjoining or directly accessible from common indoor amenity space, shall be provided.

**Landscaping:**

- (x) No landscape strip is required along the rear property line.

**Archeological Resource:**

- (y) Buildings and structures are not permitted within the area identified as "Limit of Asbury and West United Church Site (AkGu-81) and 10m Site Buffer" on Schedule "C4(11)". This area has been identified as a significant archaeological resource and shall be maintained as a landscaped open space area.

**Solar Energy Device:**

- (z) Photovoltaic solar energy devices or thermal solar energy devices are permitted on the apartment house dwelling provided that the device is set back to all of the minimum setback requirements and no part of the device is more than 2 metres higher than the maximum height permitted excluding any other permitted encroachments into the height limit.

**INCREASED HEIGHT AND DENSITY:****SECTION 37**

- (aa) Pursuant to Section 37 of the *Planning Act* and subject to compliance with provisions of this By-law, the increase in height and density of development on the land is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's sole expense on the terms set out in the agreement pursuant to Section 37 of the *Planning Act* described in clause 3 below:
  - 1) Prior to the issuance of an above grade building permit, the owner shall:
    - (a) provide to the City a cash contribution or certified cheque for \$100,000 which is to be used for capital upgrades to the Barbara Frum Library; and
    - (b)
      - i. provide to the City a certified cheque in the amount of one half percent (0.5%) of the value of the gross construction costs of the development, to the satisfaction of the Chief Planner, and Executive Director, for the City's capital budget for Public Art programs; or
      - ii. submit to the City a Public Art Plan, approved by City Council, to provide and maintain public works pursuant to the City's Percent for Public Art Program to be located on publicly accessible portions of the site or on City owned land, to a value not less than 0.5 percent of the gross construction costs of the mixed use commercial residential building to be erected on the site.
  - 2) The cash amount identified in (a) above shall be indexed annually in accordance with the Residential Construction Price Index for the Toronto

CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.

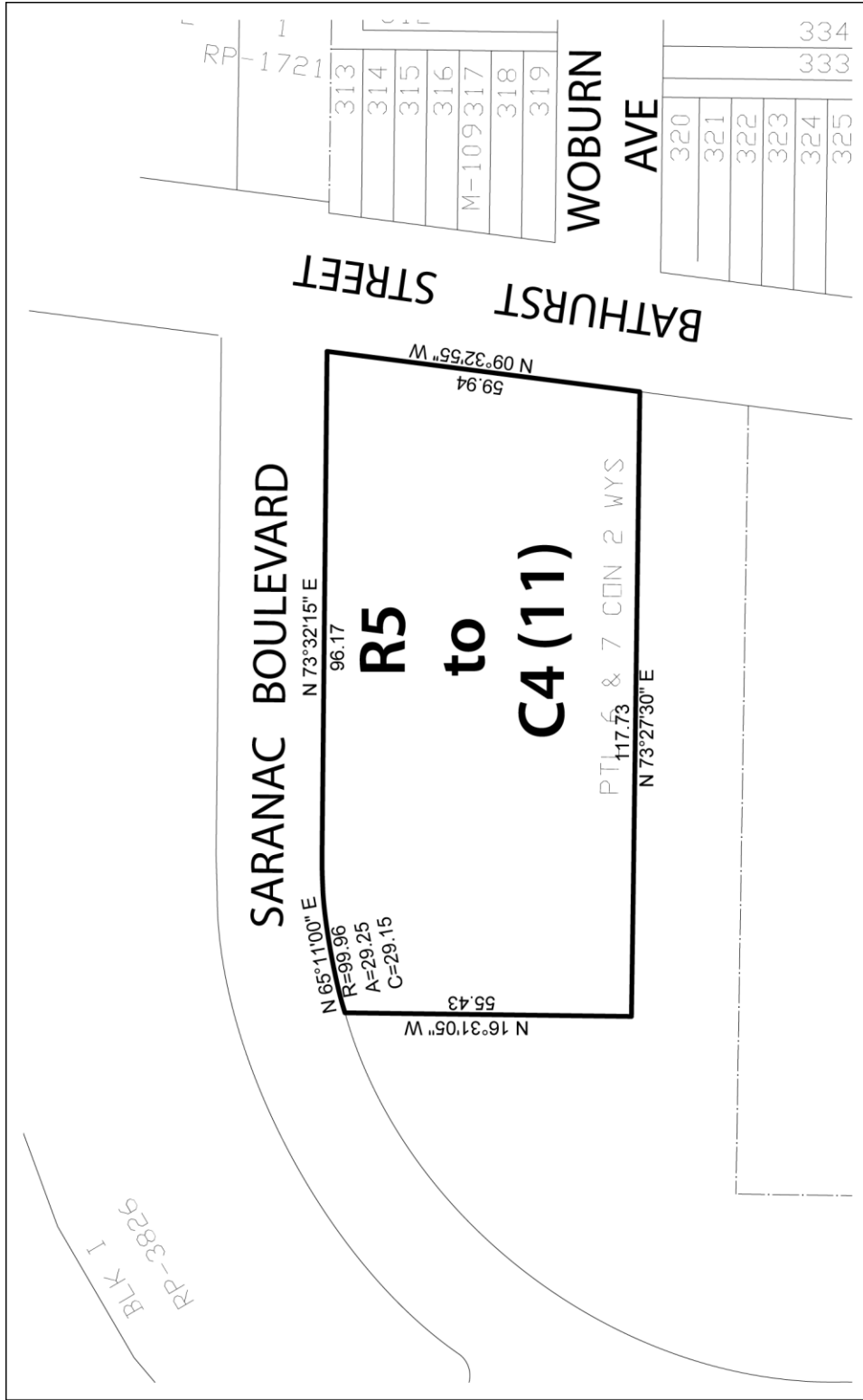
- 3) The Owner shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which shall be registered on title to the land by the City to secure:
  - (a) matters provided for in 1) above;
  - (b) a relocation strategy accommodating the Arpi Nursery School currently located in the existing building at 3180 Bathurst Street, to the satisfaction of the Chief Planner and Executive Director;
  - (c) the protection of the part of the land that has been identified as an archaeological site by the Province of Ontario, identified as the "Limit of Asbury and West United Church Site (AkGu-81) and 10m Site Buffer";
  - (d) the Owner's obligation to enter into a Heritage Easement Agreement with the City for the protection and long term maintenance of the 1958 Sanctuary Building to the satisfaction of the Manager, Heritage Preservation Services, the Chief Planner, and the City Solicitor; and
  - (e) the Owners's obligation to provide at its sole cost, a TTC monthly Metropass for each new residential condominium unit in the proposed 13-storey residential building on the site for twelve months.

## **DIVISION OF LANDS**

- (bb) Notwithstanding any severance, partition or division of the lands shown on Schedule C4(11), the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition or division had occurred.
3. Section 64.26-1 of By-law No. 7625 is amended by adding Schedule C4(11) attached to this By-law.
4. Within the lands shown on Schedule C4(11) attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
  - (a) any 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 ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD  
ISSUED JANUARY 31, 2012 IN BOARD FILE NO. PL100941.



## Schedule 1

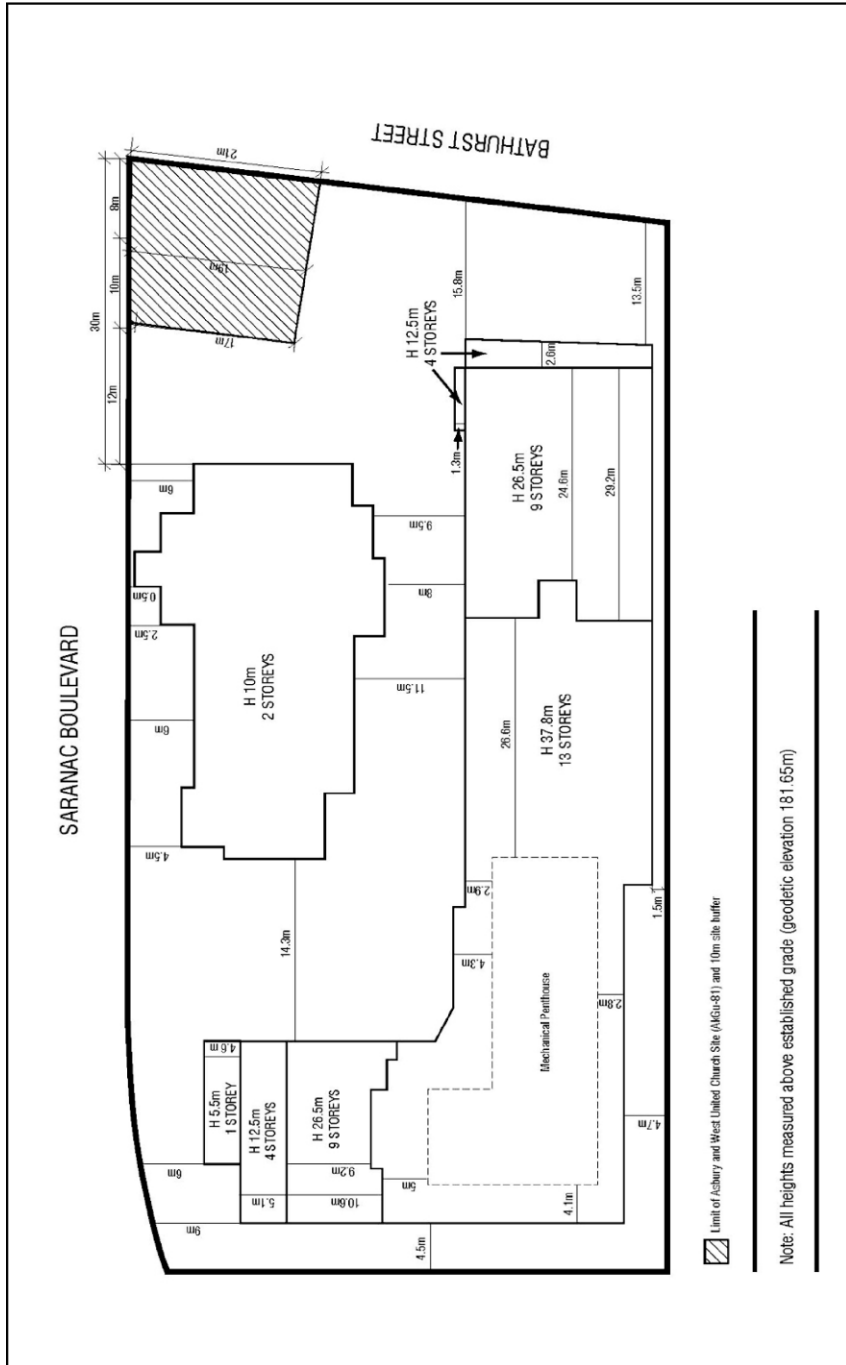
Part of Lots 6 & 7, Concession 2, West of Yonge Street and Part of Block G, Registered Plan 3826, City of Toronto.  
 Surveyor information from Plan of Survey dated March 16, 2006 by I.M. Pastushak Ltd

Date: 12/21/2010

File # 09\_169984



Not to Scale



**Schedule C4 (11)**

## From Applicant's Drawings

File # 09 169984

Date: 12/21/2010

Approved by: Cassidy Ritz



Not to Scale