

Authority: Local Planning Appeal Tribunal Decision
issued on December 3, 2018 and Order issued March 24,
2020 in File PL171449

CITY OF TORONTO

BY-LAW 363-2020(LPAT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known in the year 2017 as 3636 Bathurst Street.

Whereas the Local Planning Appeal Tribunal (LPAT), by way of a Decision issued December 3, 2018 and an Order issued on March 24, 2020 in LPAT File PL171449, determined to amend the former City of North York Zoning By-law 7625, as amended, with respect to lands known municipally, in the year 2017, as 3636 Bathurst Street; and

Whereas the Official Plan for the City of Toronto contains such 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 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 or matter 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 7625, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Local Planning Appeal Tribunal orders:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York are hereby amended in accordance with Schedules 1 and RM6(244) attached to this By-law.
2. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding the following subsection:

64.20-A (244) RM6(244)

DEFINITIONS**APARTMENT HOUSE DWELLING**

- (a) For the purpose of this exception, "Apartment House Dwelling" means a building containing more than four (4) dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof.

ESTABLISHED GRADE

- (b) For purpose of this exception, "Established Grade" means the geodetic elevation of 183.70 metres for Building "A" taken from Bathurst Street and the geodetic elevation of 183.96 metres for Building "B" taken from Bathurst Street.

BUILDINGS "A" and "B"

- (c) For the purpose of this exception, Buildings "A" and "B" are those buildings shown on Schedule RM6(244).

GROSS FLOOR AREA

- (d) For the purpose of this exception, "Gross Floor Area" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level.

RECREATIONAL AMENITY AREA

- (e) For the purpose of this exception, "Recreational Amenity Area" means an area that is communal and available to all occupants of a building or a group of buildings within a zone for social and recreational purposes including indoor or outdoor space.

SMALL CAR PARKING SPACE

- (f) For the purposes of this exception, "Small Car Parking Space" means a parking space having a minimum unobstructed area of 2.5 metres wide by 5.6 metres long which is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle.

TYPE "G" LOADING SPACE

- (g) For the purposes of this exception, "Type 'G' loading space" means an area used for the loading or unloading of goods or commodities from a vehicle, with the following dimensions:
- i. minimum length of 13.0 metres;
 - ii. minimum width of 4.0 metres; and

- iii. minimum vertical clearance of 6.1 metres.

PERMITTED USES

- (h) The only permitted uses are:
 - i. Apartment house dwellings, and accessory uses thereto including private recreational amenity areas; and
 - ii. All commercial uses permitted in a "C1" - General Commercial zone.

USE QUALIFICATIONS

- (i) Outdoor private recreational amenity areas may be located on rooftop terraces.
- (j) All permitted commercial uses must be located on the ground floor only.

EXCEPTION REGULATIONS

LOT AREA

- (k) The provisions of Section 20-A.2.1 (Lot Area) do not apply. The Lot Areas of the lands identified on Schedule 1 is 13,301.34 square metres.

LOT COVERAGE

- (l) The provisions of Section 20-A.2.2 (Lot Coverage) do not apply.

LOT FRONTAGE

- (m) The provisions of Section 20-A.2.3 (Street and Lot Frontage) do not apply. The lot frontage of the lands identified on Schedule RM6(244) is shown on Schedule 1.

YARD SETBACKS

- (n) The minimum yard setbacks for buildings and structures above established grade are shown on Schedule RM6(244).
- (o) The minimum yard setbacks shown on Schedule RM6(244) does not apply to balconies, canopies, eaves, cornices, lighting fixtures, fences, safety railings, trellises, balustrades, chimneys, vents, wheelchair ramps, retaining walls, landscape features, ornamental structures, walkways, stairs, covered stairs and/or stair enclosures associated with an entrance or exit from an underground parking garage, stair landings, decks, planters, public art features, underground garage ramps and associated structures, parapets and safety or wind protection.
- (p) The minimum yard setbacks for structures below finished grade is 0 metres.

DISTANCE BETWEEN BUILDINGS

- (q) The provisions of Section 20-A.2.4.1 for distance between buildings and/or portions of buildings forming courts do not apply.

GROSS FLOOR AREA

- (r) The maximum permitted residential gross floor area is 45,850 square metres.
- (s) The maximum permitted non-residential gross floor area is 700 square metres.

HEIGHT

- (t) Notwithstanding Section 20-A.2.6 (Building Height) of By-law 7625, on the lands identified on Schedule 1, the maximum number of storeys above established grade and the maximum building height in metres for all buildings is shown on Schedule RM6(244). The number of storeys and measurement of building height excludes:
- (u) canopies, trellises, green roof elements and associated lighting, aircraft warning lights, window washing equipment, railings, outdoor pavilions, cabanas, and mechanical equipment and associated structures and screening extending to a maximum of 3.5 metres;
- i. Mechanical penthouses extending to a maximum of 5.5 metres; and
 - ii. Parapets extending to a maximum of 1.0 metres.

LANDSCAPING

- (v) The provisions of Section 15.8 (Landscaping) do not apply.

NUMBER OF DWELLING UNITS

- (w) The maximum number of dwelling units is 497.

RECREATIONAL AMENITY AREA

- (x) A minimum of 2.0 square metres of indoor recreational amenity area per dwelling unit must be provided.
- (y) A minimum of 2.0 square metres of outdoor recreational amenity area per dwelling unit must be provided.

DISTANCE BETWEEN BUILDINGS

- (z) The provisions of Section 20-A.2.4.1 for distance between buildings and/or portions of buildings forming courts do not apply.

PARKING REQUIREMENTS

- (aa) Provide residential parking in accordance with the following minimum requirements:
- i. Residential:
- | | |
|--------------------|-------------------------------|
| Bachelor | 0.3 spaces per dwelling unit |
| 1-Bedroom | 0.5 spaces per dwelling unit |
| 2-Bedroom | 0.8 spaces per dwelling unit |
| 3 or more Bedrooms | 0.95 space per dwelling unit |
| Visitors | 0.15 spaces per dwelling unit |
- (bb) Provide 1.0 commercial/retail spaces per 100 square metres of gross floor area for non-residential uses.
- (cc) A maximum of 213 parking spaces provided on the lot may be small car parking spaces.

BICYCLE PARKING

- (dd) In Building A and B, a minimum of 0.75 bicycle parking spaces must be provided for each dwelling unit, allocated as 0.68 "long-term" bicycle parking space per dwelling unit and 0.07 "short-term" bicycle parking space per dwelling unit.

LOADING

- (ee) Notwithstanding Sections 6A(16)(a)(iv) and 6A(16)(c)(i) (Loading Requirements) of By-law 7625 do not apply and loading must be provided as follows:
- i. A minimum of two Type 'G' loading spaces must be provided on the lot, of which, 1 Type 'G' loading space must be provided for Building "A" and 1 Type 'G' loading space must be provided for Building "B".

LAND DIVISION

- (ff) Notwithstanding any severance, partition or division of the lands shown on Schedule RM6(244), the regulations of this exception must continue to apply to the whole of the said lands as if no severance, partition or division had occurred.

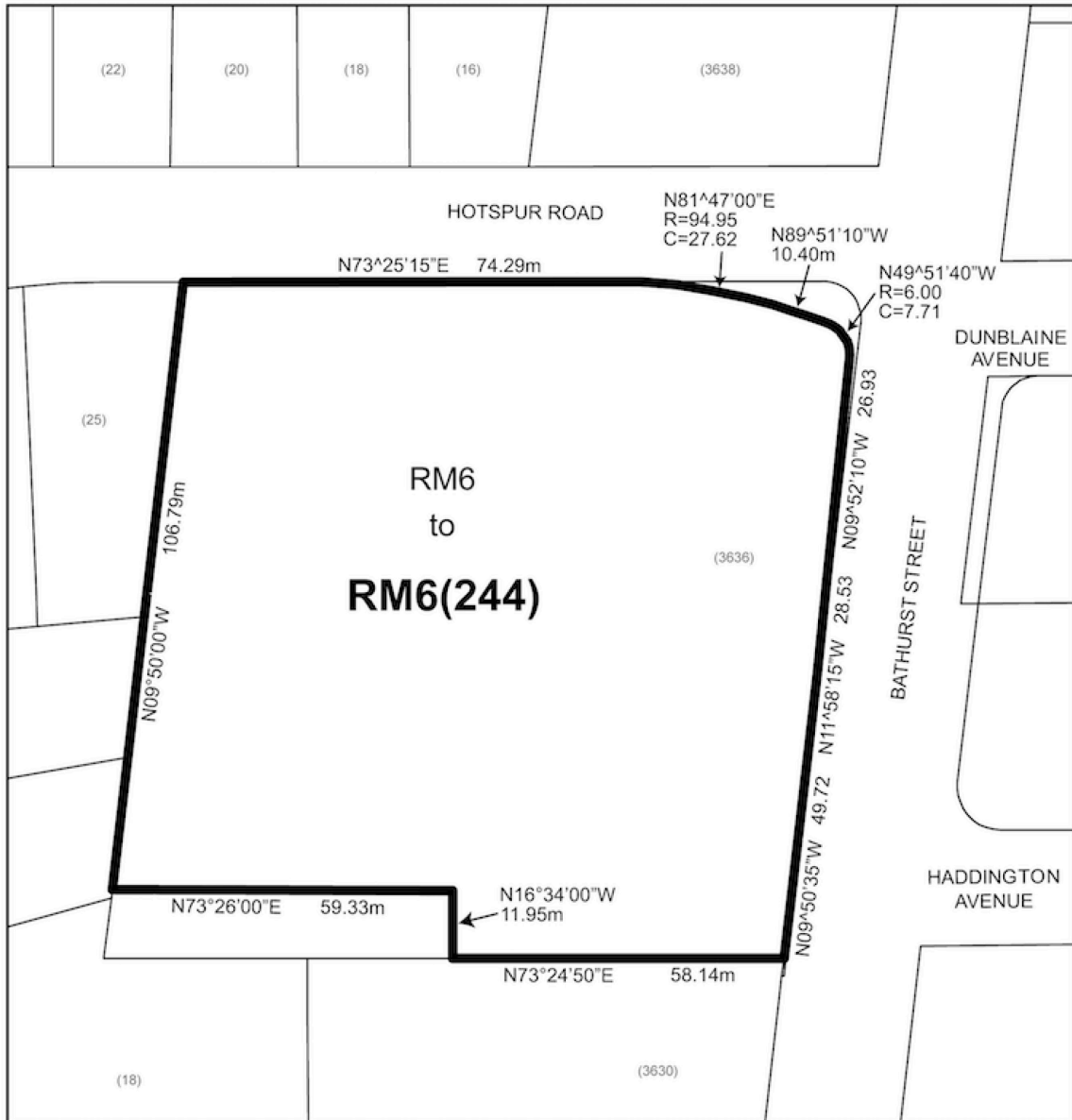
SECTION 37 – INCREASED HEIGHT/DENSITY

- (gg) Pursuant to Section 37 of the Planning Act and subject to compliance with the provisions of this By-law, the increase in height and density of development on the lands is permitted in return for the election by the owner to provide the following facilities, services and matters to the City at the owner's sole expense, in accordance with an agreement or agreements, in a form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor and

such agreement(s) must be registered against title to the lands as outlined in heavy lines on Schedule 1 to secure the facilities, services or matters in Appendix 1 to this By-law:

3. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding Schedules 1 and RM6(244) attached to this By-law.
4. Within the lands shown on Schedule 1 attached to this By-law and zoned RM6(244), no person may 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) 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.


Local Planning Appeal Tribunal Decision issued on December 3, 2018 and Order issued March 24, 2020 in File PL171449.

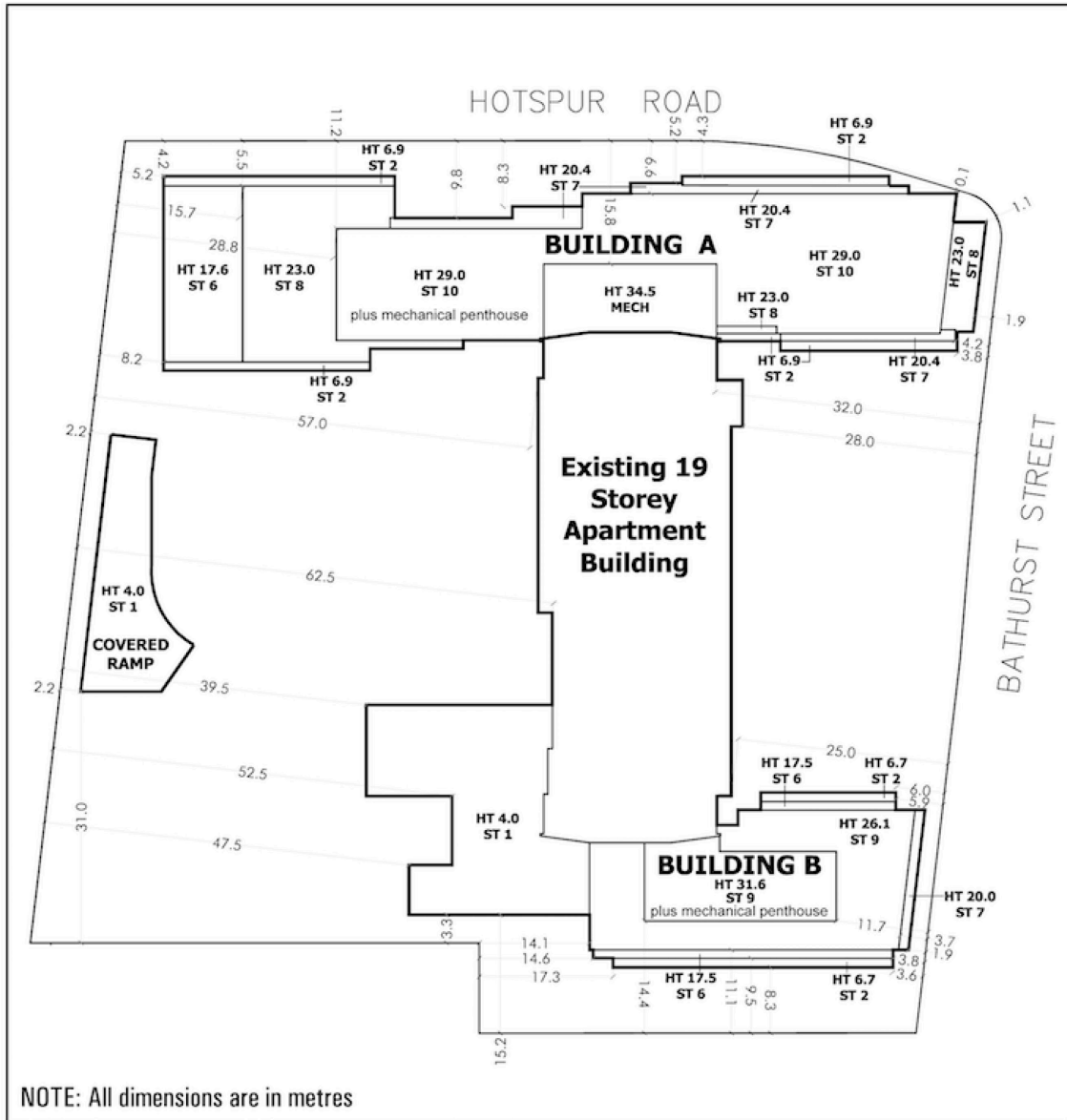


 **TORONTO**
Schedule 1

3636 Bathurst Street

File # 11 330299 NNY 15 0Z



Former North York By-Law 7625
Not to Scale
01/29/2019



 **TORONTO**
Schedule RM6(244)

3636 Bathurst Street

File # 11 330299 NNY 15 0Z


Former North York By-Law 7625
Not to Scale
01/29/2019

APPENDIX 1
Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the Owner of the lands at their expense to the City in accordance with one or more agreements pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1. Prior to issuance of the first above grade building permit for the north or south building additions, the Owner shall provide a certified cheque in the amount of \$150,000.00 to construct a Kids Stop at Barbara Frum Library;
2. Prior to issuance of the first above grade building permit for the north or south building additions, the Owner shall provide a certified cheque in the amount of \$300,000.00 to construct a Media, Music and Communications Hub at Barbara Frum Library;
3. Prior to issuance of the first above grade building permit for the north or south building additions, the Owner shall provide a certified cheque in the amount of \$350,000.00 to be allocated improvements to Baycrest Park as identified through the design process/in consultation with the community.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

4. Prior to issuance of the first above grade building permit for the north or south building additions, the Owner shall provide \$200,000.00 by cash or Letter of Credit (the "Balcony Security") to be secured as a vehicle of convenience to be used to provide improvements to the existing rental building for new balcony railings and façade improvements with the understanding that the applicant will cover any additional costs over and above the \$200,000.00 to complete the balcony improvements. The required new balcony railings and façade improvements shall be completed prior to occupancy of the north addition and upon completion, the Balcony Security shall be returned to the Owner;
5. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee;
6. The Owner covenants and agrees to maintain and secure the rental tenure of the 179 rental dwelling units to be retained in the existing rental apartment building municipally known as 3636 Bathurst Street for a period of at least 20 years commencing from the date that the Zoning By-law Amendment comes into full force and effect. None of the rental dwelling units to be retained in the existing rental apartment building municipally known as 3636 Bathurst Street shall be registered as a condominium, no application may be submitted for condominium approval or for any such conversion to

- non-rental housing purposes, or for demolition without providing for replacement rental dwelling units during the 20 year period;
7. The Owner covenants and agrees to maintain and secure the rental tenure of the 40 rental dwelling units to be reconfigured and renovated in the existing rental apartment building municipally known as 3636 Bathurst Street for a period of at least 20 years commencing from the date that each such unit is re-occupied by a returning tenant or new tenant. None of the rental dwelling units to be reconfigured and renovated in the existing rental apartment building municipally known as 3636 Bathurst Street shall be registered as a condominium, no application may be submitted for condominium approval or for any such conversion to non-rental housing purposes, or for demolition without providing for replacement rental dwelling units during the 20 year period. The 40 rental dwelling units to be reconfigured and renovated shall be provided in accordance with the Architectural Plans dated November 23, 2018 any revisions to such plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
 8. The Owner covenants and agrees to construct, maintain and secure the rental tenure of the 68 new market rental dwelling units located in the south addition to the existing rental apartment building municipally known as 3636 Bathurst Street for a period of at least 20 years commencing from the date that each such unit is occupied by a first tenant. None of the new market rental dwelling units in the south addition to the existing rental apartment building municipally known as 3636 Bathurst Street shall be registered as a condominium, no application may be submitted for condominium approval or for any such conversion to non-rental housing purposes, or for demolition without providing for replacement rental dwelling units during the 20 year period;
 9. The Owner covenants and agrees to construct, maintain and secure the rental tenure of the 6 replacement rental dwelling units located in the south addition to the existing rental apartment building municipally known as 3636 Bathurst Street for a period of at least 20 years commencing from the date that each such unit is occupied by a returning tenant or first tenant. None of the replacement rental dwelling units in the south addition to the existing rental apartment building municipally known as 3636 Bathurst Street shall be registered as a condominium, no application may be submitted for condominium approval or for any such conversion to non-rental housing purposes, or for demolition without providing for replacement rental dwelling units during the 20 years period. The 6 replacement rental dwelling units shall be provided in accordance with the Architectural Plans dated August 30, 2017 and November 23, 2018, any revisions to such plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
 10. The Owner shall provide at least 2 one-bedroom replacement rental dwelling units at affordable rents and an additional 1 one-bedroom and 3 two-bedroom replacement rental dwelling units at mid-range rents for a period of at least ten years commencing from the date that each such replacement rental dwelling unit is first occupied;
 11. The Owner covenants and agrees to provide in suite laundry and air conditioning in each of the 6 replacement rental dwelling units;

12. The Owner covenants and agrees to provide the following parking facilities to existing and future tenants of the retained, reconfigured and renovated, replacement and new market rental dwelling units in the existing rental building and the south addition:
- a. Upon completion of the proposed north and south additions, one hundred and sixty-one (161) tenant parking spaces, shall be made available to all existing and future tenants of the existing rental units and reconfigured and renovated rental units. Any of the one hundred and sixty-one (161) tenant parking spaces not rented by such tenants may be leased by the Owner on a short term basis to an interested party with the understanding that such a lease may be terminated on thirty (30) days' notice to accommodate a request for a vehicle parking space made by a rental tenant of such rental units.
 - b. Upon completion of the proposed south and north additions, all existing and future tenants shall have access to seven (7) accessible parking spaces and two (2) electric vehicle parking spaces.
 - c. Upon completion of the proposed north and south additions, thirty-four (34) visitor parking spaces shall be provided to all existing and future tenants on the same terms and conditions as residents of the north addition; and
 - d. All bicycle parking spaces provided on the lands shall be made available to all existing and future tenants on the same terms and conditions as residents of the north addition.
13. The Owner shall undertake the following needed building improvements and renovations to existing rental building at no extra cost to the tenants. These building improvements and renovations shall include, but not be limited to, at least the following:
- a. Prior to the issuance of the first above grade building permit for the south addition, the Owner shall renovate the existing laundry room in accordance with the Laundry Room Plans dated September 9, 2016. All revisions to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning. The renovated laundry room shall include at least 13 washers; 15 dryers; 2 folding tables; a wash basin; TV; seating area; and improved ventilation;
 - b. Prior to occupancy of the south addition, the Owner shall construct an Indoor Amenity Centre and renovate the existing Lobby Lounge as illustrated on the Floor Plans dated January 29, 2016 and Capital Improvement Plans dated August 15, 2016 respectively. All revisions to these Plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning. The proposed Indoor Amenity Centre and Lobby Lounge will include a new indoor pool and hot tub; men's and women's change rooms and showers; saunas; social lounge area/multi-purpose room; health studio and fitness room; renovated meeting room; and renovated reading/internet lounge;

- c. Prior to the issuance of the first above grade building permit for the south addition, the Owner shall install roof anchors on the existing rental building for the purpose of window cleaning and inspect all suite windows and patio doors, rectifying any known deficiencies;
 - d. Prior to occupancy of the south addition, the Owner shall upgrade the existing intercom system and renovate the existing hall corridors, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - e. Upon completion of the north addition, the Owner shall provide outdoor amenities and facilities which include, but are not limited to, patio tables, landscaping, turf playing field, rain garden, outdoor seating; bicycle racks and outdoor pavilion as generally illustrated in the August 9, 2016 Landscape Plans submitted by the applicant. All revisions to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
14. Prior to the issuance of the shoring and excavation permit for the south addition, the Owner shall develop, in consultation with the Tenant Association at 3636 Bathurst Street, a Tenant Communication Plan and Construction Mitigation Strategy to the satisfaction of the Chief Planner and Executive Director, City Planning;
15. Prior to the issuance of the shoring and excavation permit for the north addition, the Owner shall revise, in consultation with the Tenant Association at 3636 Bathurst Street, the Tenant Communication Plan and Construction Mitigation Strategy referenced in no. 14 above to the satisfaction of the Chief Planner and Executive Director, City Planning;
16. The Owner covenants and agrees to provide Tenant Relocation and Assistance to all eligible tenants residing in the existing rental dwelling units to be demolished or reconfigured and renovated, including the right to return, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and
17. The Owner shall be required to enter into a financially secured agreement for the construction of the required improvement to the 14.2m 375mm sewer south of Clyde Avenue and Haddington Avenue, as described in the revised Functional Servicing Report, Stormwater Management Report and Geotechnical/Hydrogeological Reports.