

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 364-2020(LPAT)

To amend Zoning By-law No. 569-2013, 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, upon hearing an appeal under Section 34(11) of the Planning Act R.S.O 1990, c. P.13, as amended, deems it advisable to amend By-law 569-2013, as amended, for the City of Toronto with respect to Lands known municipally known 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, authorize increases in 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 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 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 on the aforesaid lands by By-law 569-2013, 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;

By-law 569-2013 is amended by the Local Planning Appeal Tribunal as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands municipally known in the year 2017 as 3636 Bathurst Street, to the Zoning By-law

Map in Section 990.10 and applying the following zone label to these lands:
RAC (d1.0)(x 161) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands municipally known in the year 2017 as 3636 Bathurst Street, to the Policy Areas Overlay Map in Section 995.10.1, and applying the Policy Overlay label of PA 4 to these lands, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by the adding the lands municipally known in the year 2017 as 3636 Bathurst Street, to the Lot Coverage Overlay Map in Section 995.30.1, and applying the Lot Coverage label of 41.3 percent to these lands, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.7.10 Exception Number 161 so that it reads:

Exception RAC 161

The lands, or a portion thereof as noted below, are subject to the following Site-Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 3636 Bathurst Street, if the requirements of Section 7 and Schedule A of By-law 364-2020(LPAT) are complied with, a building may be erected and used if it is in compliance with the following:
- (B) The **lot** consists of the lands shown on Diagram 1 attached to By-law 364-2020(LPAT);
- (C) For the purpose of this exception, **Buildings "A"** and **"B"** are those **buildings** labelled **Building "A"** and **Building "B"** on Diagram 5 of By-law 364-2020(LPAT);
- (D) For the **buildings** identified on Diagram 5 of By-law 364-2020(LPAT), **building** height is measured from:
 - (i) the Canadian Geodetic Datum elevation of 183.70 metres for **Building "A"**; and
 - (ii) the Canadian Geodetic Datum elevation of 183.96 metres for **Building "B"**.
- (E) Despite regulation 15.20.40.50(1)(B) and (C) outdoor **amenity space** may be located on rooftop terraces.
- (F) The maximum number of **dwelling units** permitted is 497.

- (G) The cumulative **gross floor area** of all **buildings** and **structures** on the **lot** must not exceed 45,850 square metres, of which a maximum of 700 square metres may be for non-residential uses;
- (H) Despite Clause 15.10.40.10 of By-law 569-2013, no portion of any **building** or **structure** erected or used above ground on the **lot** may exceed the height in metres and in **storeys** specified by the numbers following the symbols "HT" and "ST" as shown on Diagram 5 of By-law 364-2020(LPAT);
- (I) Despite (H) the following elements of a **building** are permitted to exceed the maximum height limits as follows:
- (i) 3.5 metres for 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;
 - (ii) 5.5 metres for mechanical penthouses; and
 - (iii) 1.0 metres for parapets.
- (J) No portion of any **building** or **structure** erected or used above ground may be located closer to a **lot line** than the distances shown on Diagram 5 of By-law 364-2020(LPAT);
- (K) Despite regulation (J) above, the following elements of a **building** are permitted to encroach into the required **building setback** shown on Diagram 5 of By-law 364-2020(LPAT) as follows:
- (i) 1.5 metres for balconies, canopies, eaves, cornices, lighting fixtures, fences, safety railings, trellises, balustrades, barrier free ramps, exhaust and air intake vents, retaining walls, ornamental structures, stairs, stair enclosures associated with access to underground parking garage, stair landings, decks, planters, street and landscaping furniture, and underground garage ramps;
 - (ii) 2.0 metres for retaining walls and / or decorative landscaping walls; and
 - (iii) Despite (i) above, **building setbacks** do not apply below ground.
- (L) A minimum of 45 percent of the area of the **lot** must be used for **landscaping**, of which 28 percent must be **soft landscaping**;
- (M) Despite Table 200.5.10.1(1), **parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of 0.3 **parking spaces** for each bachelor **dwelling unit**;

- (ii) a minimum of 0.5 **parking spaces** for each 1-bedroom **dwelling unit**;
 - (iii) a minimum of 0.8 **parking spaces** for each 2-bedroom **dwelling unit**;
 - (iv) a minimum of 0.95 **parking spaces** for **dwelling units** with 3-bedrooms or greater;
 - (v) a minimum of 0.15 **parking spaces** for each **dwelling unit** for the use of residential visitors; and
 - (vi) a minimum of 1.0 **parking spaces** for each 100 square metres of non-residential gross floor area.
- (N) A maximum of 213 of the required **parking spaces** on the **lot** may have a minimum unobstructed width of 2.5 metres;
- (O) **Bicycle parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of 0.68 long-term **bicycle parking spaces** for each **dwelling unit** within **Buildings "A" and "B"** and the replacement **dwelling units** in the existing **building**, as identified on Diagram 5 of By-law 364-2020(LPAT); and
 - (ii) a minimum of 0.07 short-term **bicycle parking spaces** for each **dwelling unit** within **Buildings "A" and "B"** and the replacement **dwelling units** in the existing **building** identified on Diagram 5 of By-law 364-2020(LPAT).
- (P) A minimum of two Type "G" **loading spaces** must be provided on the **lot**, of which:
- (i) 1 Type "G" **loading space** must be in **Building "A"** identified on Diagram 5 of By-law 364-2020(LPAT); and
 - (ii) 1 Type "G" **loading space** must be in **Building "B"** identified on Diagram 5 of By-law 364-2020(LPAT).
- (Q) Despite any severance, partition or division of the **lot** shown on Diagram 1, the regulations of this exception continue to apply to the whole of the **lot** as if no severance, partition or division occurred.

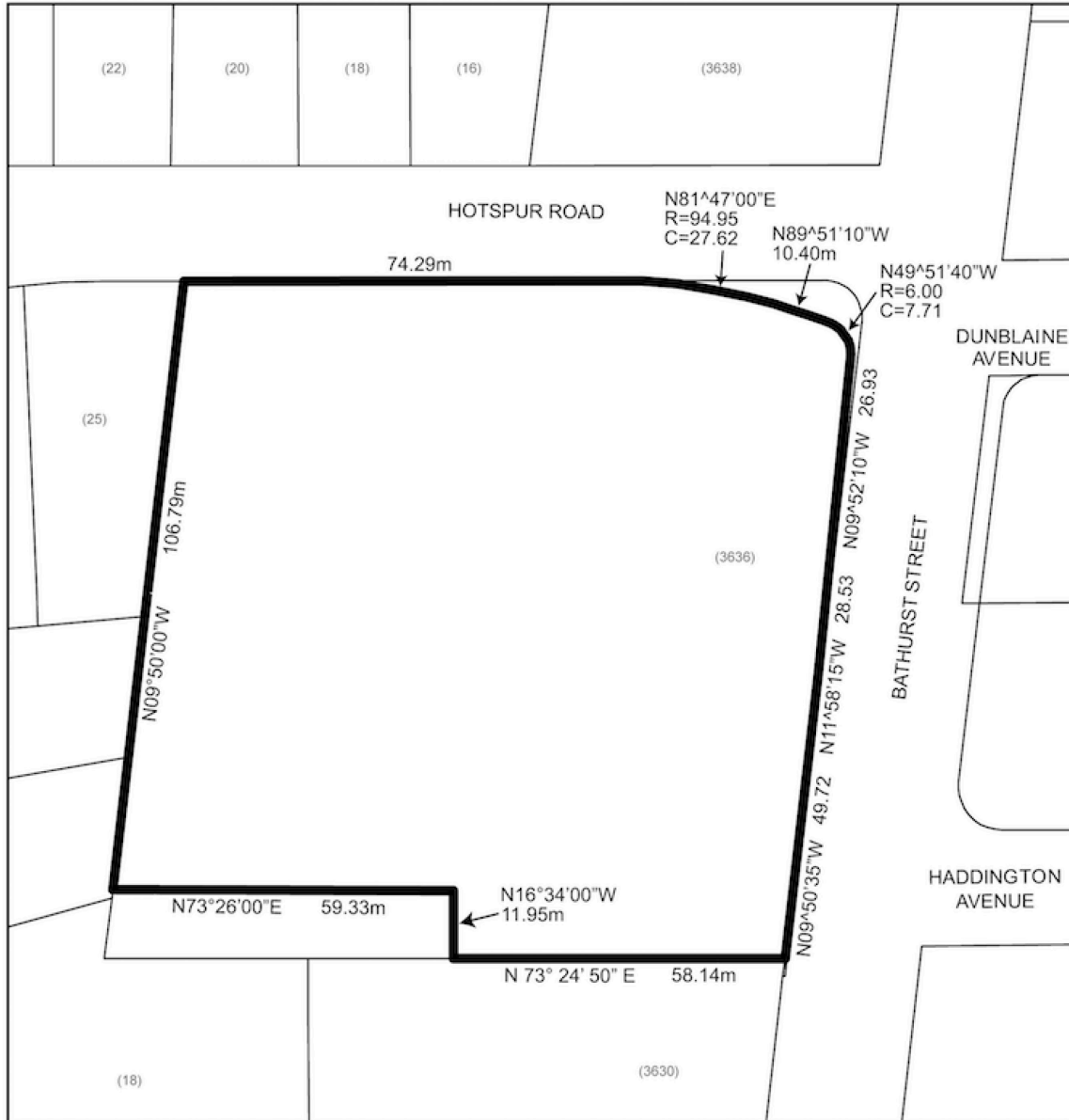
Prevailing By-laws and Prevailing Sections:

- (A) Schedule 'D' Airport Hazard Map from City of North York Zoning By-Law 7625.

7. Section 37 Provisions

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on 3636 Bathurst Street shown on Diagram 1 of By-law 364-2020(LPAT) in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and 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 3636 Bathurst Street shown on Diagram 1 of By-law 364-2020(LPAT), to the satisfaction of the City Solicitor;
- (B) Where Schedule A of By-law 364-2020(LPAT) 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
- (C) The owner must not use, or permit the use of, a **building** or **structure** erected with an increase in height and density pursuant to By-law 364-2020(LPAT) unless the provisions of Schedule A of By-law 364-2020(LPAT) are satisfied.


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

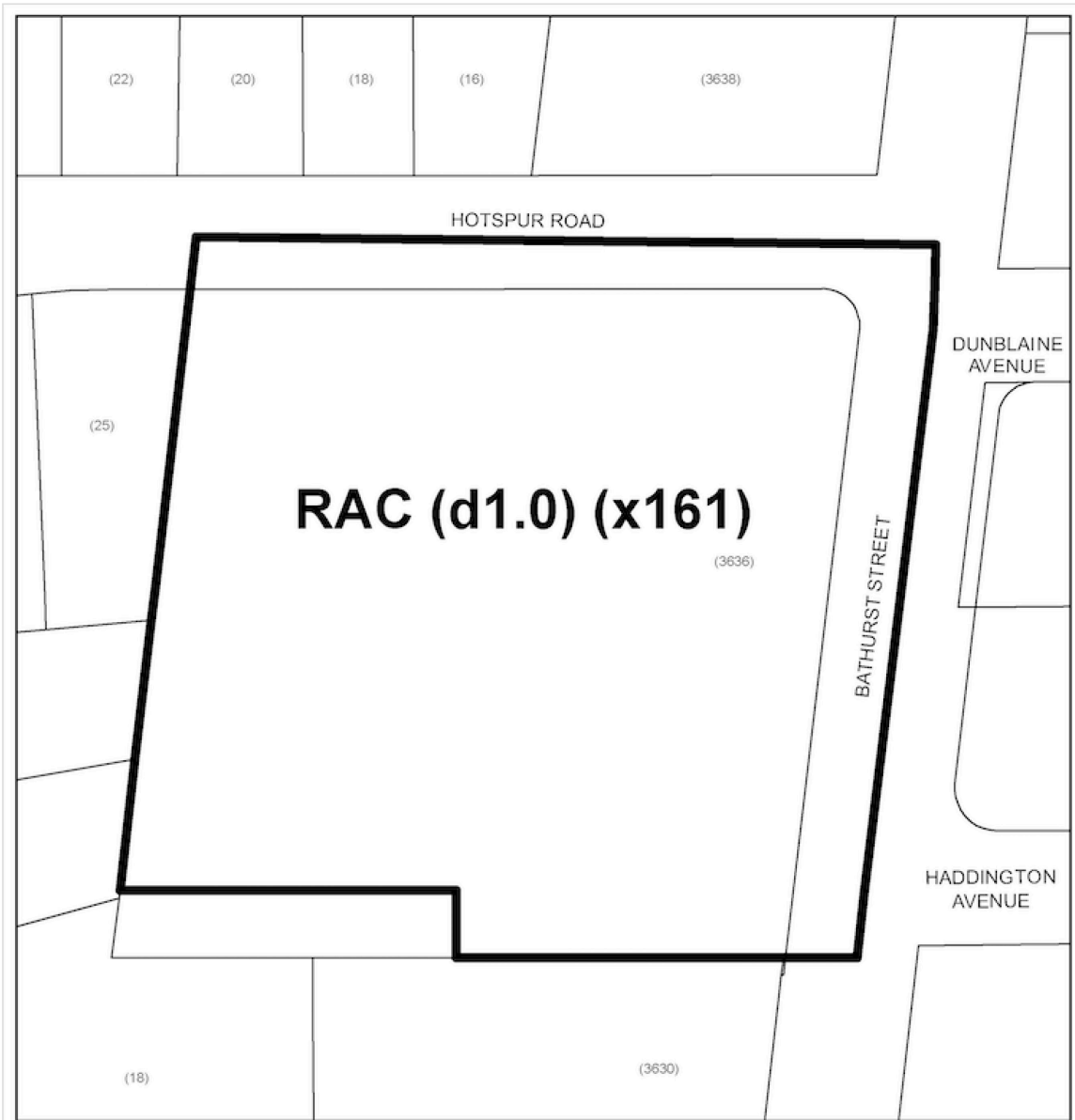


 **TORONTO**
Diagram 1

3636 Bathurst Street

File # 11 330299 NNY 15 0Z



City of Toronto By-Law 569-2013
Not to Scale
01/29/2019

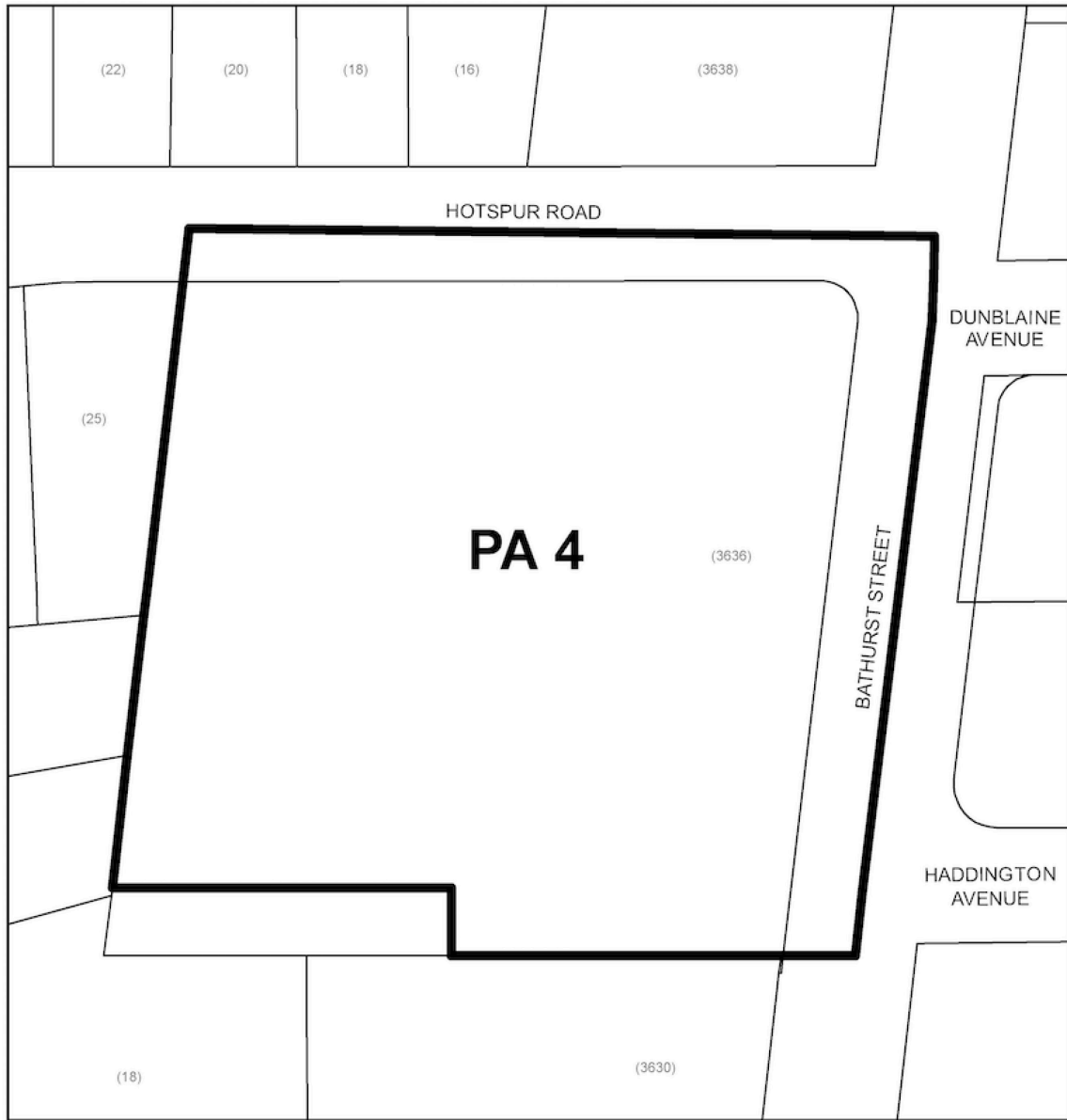


 **TORONTO**
Diagram 2

3636 Bathurst Street

File # 11 330299 NNY 15 0Z



City of Toronto By-Law 569-2013
Not to Scale
01/29/2019

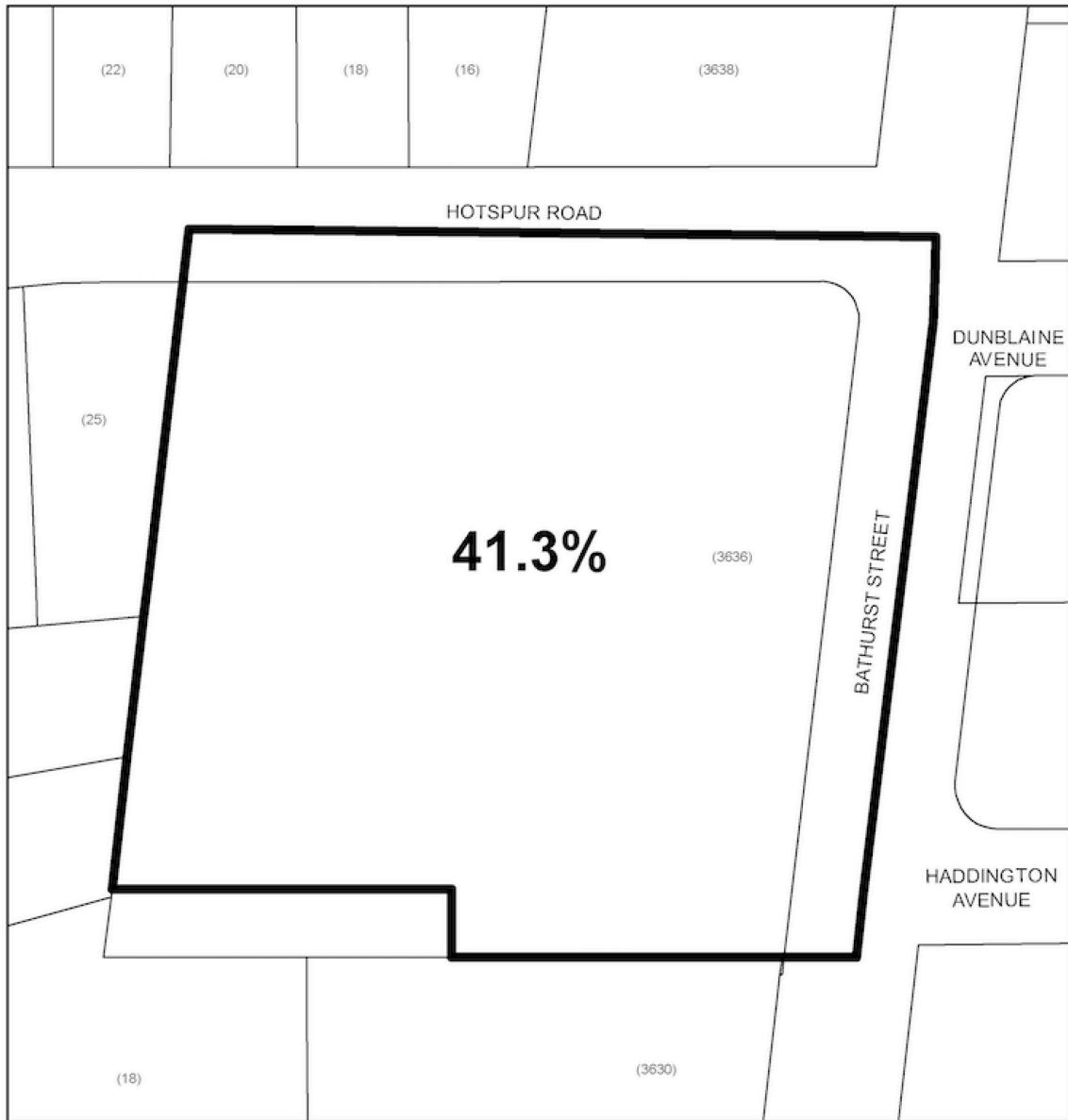


 **TORONTO**
Diagram 3

3636 Bathurst Street

File # 11 330299 NNY 15 0Z


City of Toronto By-Law 569-2013
Not to Scale
11/29/2018



 **TORONTO**
Diagram 4

3636 Bathurst Street

File # 11 330299 NNY 15 0Z



City of Toronto By-Law 569-2013
Not to Scale
01/29/2019

SCHEDULE A
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; and
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.
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.