

Authority: North York Community Council Item NY12.1,
as adopted by City of Toronto Council on January 29, 2020

CITY OF TORONTO

BY-LAW 635-2020

To amend former City of Toronto Zoning By-law 438-86, as amended, respecting the lands municipally known in the year 2020 as 1408, 1410, 1412, 1414, 1416 and 1420 Bayview Avenue.

Whereas authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas pursuant to Section 39 of the Planning Act, the council of a Municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and/or 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 increases in height and density permitted beyond that otherwise permitted on the aforesaid lands is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of the land and the City of Toronto (hereinafter referred to as the "City"); and

Whereas the Council of the City has required the *owner* of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted by this By-law;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the Planning Act, the density of development permitted by this By-law is permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the lot of the facilities, services and matters set out in Schedule A, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act.
2. Upon execution and registration of an agreement or agreements between the City and the owner of the lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Schedule A, the lot 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, such building may not be erected or used until the owner of the lot has satisfied the said requirements.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of By-law 438-86 shall continue to apply on the lot.
5. The lands shown on Map 1 of this by-law shall be rezoned from R4 Z1.0 to MCR T4.05 C0.10 R3.95.
6. District Map 51K-313 contained in Appendix "A" of By-law 438-86, as amended, is further amended by re-designating the land outlined by heavy lines on Map 1 attached to this By-law to "MCR" district.
7. Height and Minimum Lot Frontage Map 51K-313 contained in Appendix "B" of By-law 438-86, as amended, is further amended in accordance with Map 2 forming part of this By-law.
8. None of the provisions of Section 2(1) – Definitions with respect to the definitions of the terms *grade*, *gross floor area*, *height*, and *lot* and Sections 4(2)(a), 4(3), 4(4)(b), 4(12), 4(13)(c) and (d), 4(16), 8(3) Part I, 8(3) Part II 1, 2 and 4, Section 12(2) 118 and Section 12(2) 119 of the aforementioned Zoning By-law 438-86, as amended, shall apply to prevent the erection of a *mixed-use building* on the lands known municipally in the year 2020 as 1408, 1410, 1412, 1414, 1416 and 1420 Bayview Avenue for a *mixed-use building* on the lot, provided that:
 - a. The *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;

- b. The permitted maximum *gross floor area* of a *mixed-use building* is 6,350 square metres, subject to the following:
 - i. The permitted maximum *residential gross floor area* on the lot is 6,200 square metres; and
 - ii. The permitted maximum *non-residential gross floor area* on the lot is 150 square metres;
- c. A total of 13 rental replacement *dwelling units* shall be provided on the *lot* pursuant to the conditions in Schedule A;
- d. At least 25 percent of all *dwelling units* erected or used on the lot shall have two or more *bedrooms* and at least 10 percent of all *dwelling units* erected or used on the *lot* shall have three or more *bedrooms*;
- e. The height of any building or structure, as measured from an established grade of 147.25 metres Canadian Geodetic Datum, shall not exceed the maximum height in metres specified by the numbers following the symbol "H" on Map 2, attached to and forming part of this by-law, with the exception of the following:
 - i. Elevator overruns, access ladder, architectural features, balustrades, chimney and flue stacks, communications equipment, cooling towers, mechanical elements, doors, eaves, elements of a green roof including green roof servicing enclosures, guard rails, insulation and roof surface materials, landscaping features, light fixtures, lightning rods, parapets, railings and dividers, roof drainage, roof hatch, screens, trellises, vents and air intakes, wind protection elements, and window washing equipment having a maximum height of the sum of 3.0 metres and the applicable height limit shown on Map 2;
- f. No portion of any *building* or *structure* erected on the *lot* shall be located otherwise than wholly within the heavy lines identified on Map 2 attached to and forming part of this by-law, with the exception of the following:
 - i. Cornices, light fixtures, awnings, ornamental elements, cladding, parapets, landscape features, trellises, eaves, window sills, ventilation shafts, guardrails, railings, stairs, stair enclosures, doors, wheel chair ramps, planters, canopies, underground garage ramps and architectural feature walls;
- g. *Residential amenity space* shall be provided on the lot in accordance with the following:
 - i. A minimum of 2.0 square metres per unit of indoor *amenity space* must be provided; and

- ii. A minimum of 1.25 square metres per unit of outdoor *amenity space* must be provided;
 - h. Notwithstanding Section 4(16) of By-law 438-86, an apartment building having a residential gross floor area in excess of 2,800 square metres is not required to have a driveway that serves an entrance to the building and which allows vehicles to travel in one continuous motion;
 - i. *Parking spaces* on the *lot* must be provided and maintained on the *lot* at a minimum rate of:
 - i. 0.7 spaces per bachelor *dwelling unit*;
 - ii. 0.80 spaces per one-bedroom *dwelling unit*;
 - iii. 0.90 spaces per two-bedroom *dwelling unit*;
 - iv. 1.10 spaces per three-bedroom *dwelling unit*;
 - v. 0.15 spaces per *dwelling unit* for residential visitors; and
 - vi. zero (0) *spaces* will be required for non-residential uses

If the calculation of the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number;
 - j. Notwithstanding Section 4(17) (e) of By-law 438-86, a maximum of 15 percent of the parking spaces provided may be obstructed that otherwise comply with the minimum dimensions of a parking space as set out in Section 4(17)(a) of By-law 438-86;
 - k. A minimum of 65 *bicycle parking spaces* shall be provided and maintained on the lot, of which:
 - i. A minimum of 58 shall be *bicycle parking spaces - occupant*; and
 - ii. A minimum of 7 shall be *bicycle parking spaces - visitor*;
 - l. A minimum of one *loading space – Type "G"* shall be provided and maintained on the *lot*;
9. None of the provisions of Zoning By-law 438-86, as amended, or this By-law shall apply to prevent a *temporary sales office* on the lot.
10. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law 438-86, as amended, with the exception of the following:

- a. "*car share*" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing car organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization;
 - b. "*car-share parking space*" means a *parking space* that is reserved and actively used for car-sharing;
 - c. "*grade*" means 147.25 metres Canadian Geodetic Datum;
 - d. "*gross floor area*" means the sum of the total area of each floor level of a mixed-use building, above and below the ground, measured from the exterior of the main wall of each floor level. The *gross floor area* of a *mixed-use building* is reduced by the area in the building used for:
 - i. Parking, loading and bicycle parking areas below-ground;
 - ii. Required *loading spaces* at the ground level and required *bicycle parking spaces* at or above-ground;
 - iii. Storage, electrical, utility, mechanical and ventilation rooms above or below-ground;
 - iv. Hallways, elevator shafts and elevator vestibules above or below-ground;
 - v. Shower and change facilities required by this By-law for required bicycle parking spaces;
 - vi. *Residential amenity space* required by this By-law;
 - v. Garbage shafts;
 - vi. Mechanical penthouse; and
 - vii. Exit stairwells in the building.
 - e. "*height*" means the vertical distance between *grade* and the highest point of the roof of any building on the *lot*, except for those elements prescribed by this By-law;
 - f. "*lot*" shall refer to those lands delineated by a heavy black line on Map 1, attached to and forming part of this By-law;
- 11.** Notwithstanding any severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.

- 12.** Within the lands shown on Map 1, 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. 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.

Enacted and passed on July 29, 2020.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

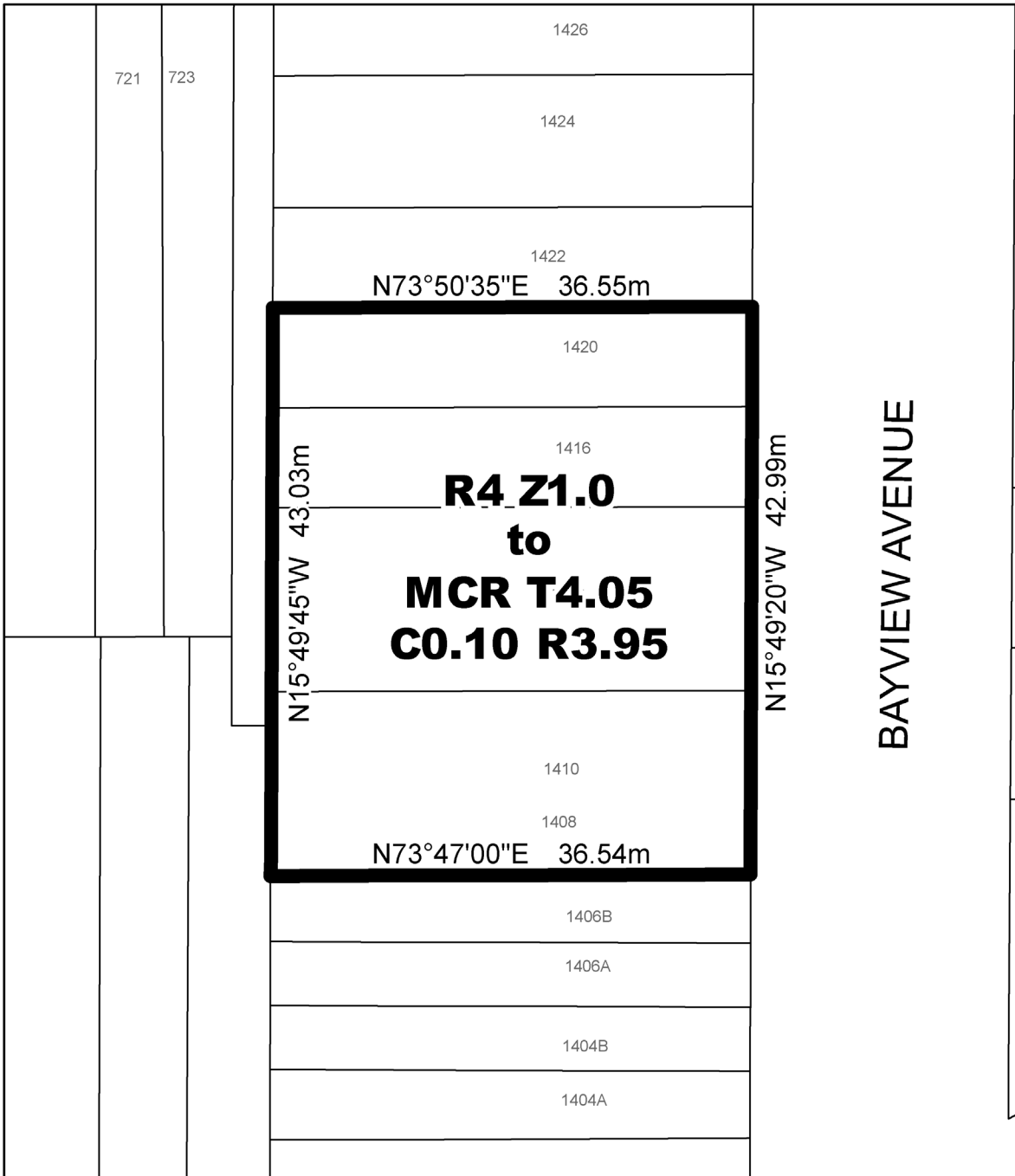
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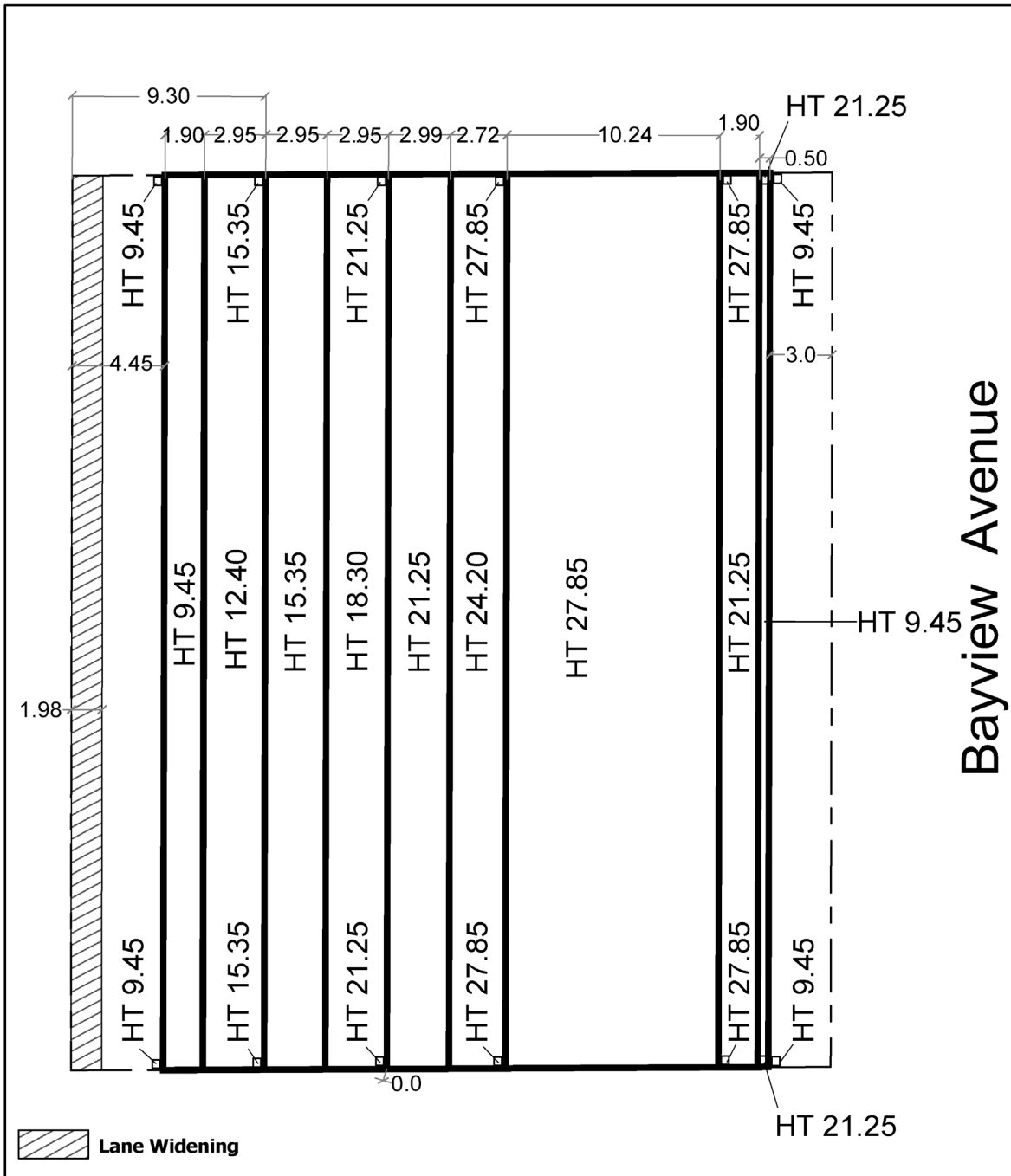
SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out herein are 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 City with conditions providing for indexing escalation of all financial contributions from the passage of the zoning by-law, no credit for development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement whereby the owner shall agree as follows:

- (1) The owner shall provide the following to support the development of the lands:
 - i. The owner shall provide and maintain not less than 13 replacement rental dwelling units, comprised of 2 one-bedroom units, 9 two-bedroom units, 1 three-bedroom unit and 1 four-bedroom unit within the proposed mixed-use building on the subject site for a period of at least 20 years, beginning from the date that each replacement rental units is first occupied, and as generally shown on the plans submitted to the City Planning Division dated October 21, 2019. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - ii. The owner shall provide and maintain not less than 2 one-bedroom and 2 two-bedroom replacement rental dwelling units at affordable rents and not less than 6 two-bedroom and 1 three-bedroom replacement rental dwelling units at mid-range rents for a period of at least 10 years, beginning from the date that each replacement rental units is first occupied.
 - iii. The owner shall provide ensuite laundry in each replacement rental dwelling unit at no additional cost to tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - iv. The owner shall provide 5 vehicle parking spaces to tenants of the replacement rental dwelling units, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - v. The owner shall provide 4 storage lockers to tenants of the replacement rental dwelling units, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - vi. The owner shall provide tenants of the replacement rental dwelling units access to all indoor and outdoor amenities in the proposed mixed-use building on the same terms and conditions as the occupants of the remainder of the building.
 - vii. The owner shall provide tenants of the replacement rental dwelling units with access to both vehicle parking spaces and bicycle parking spaces on the same basis as the occupants of the remainder of the building.

- viii. The owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental buildings, including an extended notice period, financial compensation beyond the minimum requirements set out in the Residential Tenancies Act, and the right to return to a replacement rental dwelling unit for all of the eligible tenants (the "Tenant Relocation and Assistance Plan"), all of which shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
- ix. The owner shall provide tenant relocation and assistance to all post application tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
- x. 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, as further amended by City Council from time to time.
- xi. The owner shall erect a sign to the Toronto District School Board's specifications and satisfaction prior to issuance of any building permit.





1408, 1410, 1414, 1416 & 1420 Bayview Avenue

File # 19 120011 NNY 15 0Z