

Authority: MM28.19, moved by Councillor Mike Colle, seconded by Councillor Jaye Robinson, as adopted by City of Toronto Council on February 2, 3 and 5, 2021

CITY OF TORONTO

BY-LAW 76-2021

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 2788 Bathurst Street and 515 Glencairn Avenue.

Whereas Council of the City of Toronto has the authority to pursuant to 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 the Official Plan for the City of Toronto contains 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 and 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 the height or density of development, the 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 569-2013 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; 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 in the by-law;

The Council of the City of Toronto enacts:

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 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR1.0 (c1.0; r1.0) SS2 (x280) and OR as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number [x280] so that it reads:

Exception CR 280

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 2788 Bathurst Street and 515 Glencairn Avenue, if the requirements of Section 5 and Schedule A of By-law 76-2021 are complied with, the erection or use of a **building, structure**, addition or enlargement is permitted in compliance with (B) to (R) below;
- (B) Despite regulation 40.5.40.10 (1) and (2), the height of a building or structure on the lands is measured as the vertical distance between Canadian Geodetic Datum elevation 177.7 metres and the highest point of the **building or structure**;
- (C) Despite clause 40.5.40.10(6), the height of a pool and pool enclosure may exceed the maximum height for that building by 2.5 metres;
- (D) Despite clause 40.10.20.40, a townhouse is a permitted building type;
- (E) Despite 40.10.20.100 (4), a hotel room or suite may be located in the same storey as a dwelling unit;
- (F) Despite regulation 40.10.30.40 and the lot Coverage Overlay Map in Section 995.30.10, the maximum lot coverage is 81 percent;
- (G) Despite regulation 40.10.40.1(1), residential use portions may be permitted on the first storey of a mixed use building if the dwelling units have direct access to a street which is not a major street on the Policy Areas Overlay Map;
- (H) Despite regulation 40.10.40.10 (2), the permitted maximum height of a building or structure is the height in metres specified by the numbers following the symbol "HT" on Diagram 3 of By-law 76-2021;
- (I) Despite regulation 40.10.40.10(7), the permitted maximum number of storeys is not limited by this regulation;

- (J) Despite regulation 40.10.40.10 (5), the required minimum height of first storey does not apply to residential uses or hotel suites and the minimum height of all other non-residential uses is 4 metres;
- (K) Despite regulation 40.10.40.40 (1), the maximum gross floor area of all buildings and structures is 26,500 square metres of which:
- (i) The required minimum gross floor area for non-residential uses is 2,500 square metres and the permitted maximum gross floor area for non-residential uses is 4,000 square metres;
- (L) Despite clause 5.10.40.70(2) and 40.10.40.70, the minimum required building setbacks above and below ground are as shown in metres on Diagram 3 of By-law 76-2021;
- (M) There are no minimum yard setbacks for underground parking structures including the roof and walkway structure above;
- (N) Despite clause 40.10.100.10(1)(C), and 40.10.90.40(3)(B), a maximum of two vehicle accesses are permitted;
- (O) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, parking spaces must be provided and maintained in accordance with the following:
- (i) a minimum rate of 0.8 for each one bedroom dwelling unit;
 - (ii) a minimum rate of 0.9 for each two bedroom dwelling unit;
 - (iii) a minimum rate of 1.1 for each three bedroom dwelling unit;
 - (iv) a minimum rate of 0.15 space for each dwelling units for visitors;
 - (v) for all non-residential uses, other than a hotel, parking spaces must be provided at a minimum rate of 1.0 for each 100 square metres of gross floor area;
 - (vi) for a hotel, parking spaces must be provided at a minimum rate of 0.2 parking spaces per 100 square metres of gross floor area; and
 - (vii) maximum parking rates do not apply.
- (P) Parking spaces for non-residential uses may be combined with visitor parking spaces required for dwelling units;
- (Q) Despite 220.5.10.1, loading spaces must be provided and maintained on the lot as follows:
- (i) A minimum of one (1) type "G" loading space; and

- (ii) A minimum of one (1) type "B" loading space.
- (R) An office or retail store used as a temporary rental and/or sales office for the purposes of the marketing and sale or lease of units located or to be located on the lot, shall be exempt from all development standards and regulations in this exception and in By-law 569-2013.

Prevailing By-laws and Prevailing Sections: (None Apply)

5. 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 the lands shown on Diagram 1 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 the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law 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.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on February 18, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
Interim City Clerk

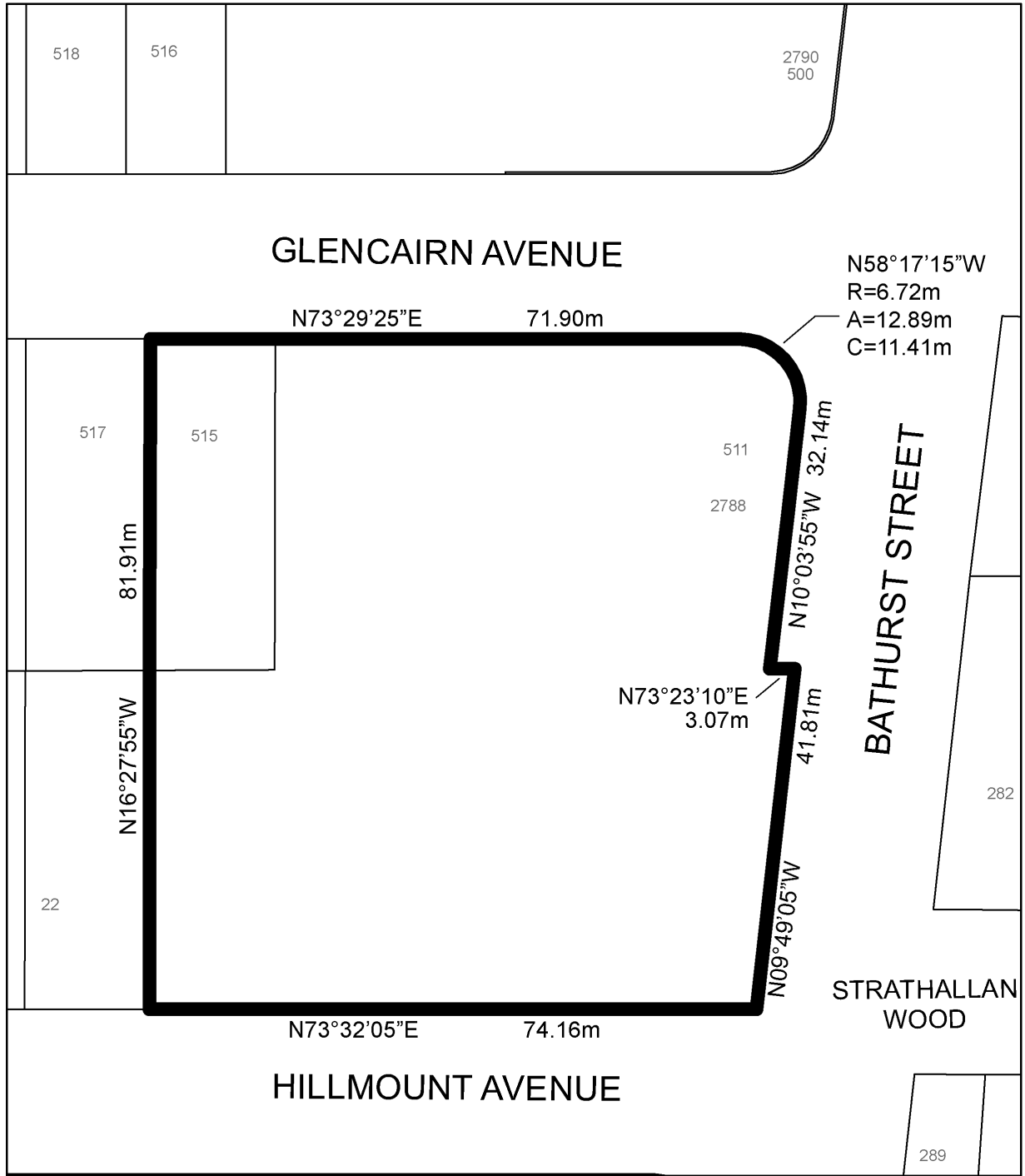
(Seal of the City)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Schedule 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (1) Prior to issuance of a foundation permit the owner shall pay to the City a cash contribution of \$1,300,000.00, with such amount to be indexed upwardly in accordance with the Statistics Canada Apartment Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
- (2) The amounts secured in (1) above will be used towards the following community benefits:
 - (i) the expansion and/or improvements to local parks within the Ward to the satisfaction of the General Manager, Parks, Forestry and Recreation and in consultation with the local Councillor; and
 - (ii) streetscaping and public realm improvements nearby the site, (Better Bathurst) within the Ward in accordance with the Streetscape Manual to the satisfaction of the Chief Planner and Executive Director, City Planning and in consultation with the local Councillor; and/or
 - (iii) on site parkland dedication of 687.35 square metres in excess of the required parkland dedication to be conveyed to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- (3) The owner shall provide the following to support the development of the lands;
 - (a) Prior to the issuance of the first above-grade building permit, the owner shall make arrangements to convey parkland dedication to the satisfaction of the General Manager, Parks, Forestry and Recreation.
 - (b) The owner shall be required to secure the design and construction, and provide financial securities for, at no cost to the City, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report and Stormwater Management Report and Hydrological Review, and related engineering reports ("Engineering Reports"), to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports;
 - (c) A cash contribution of \$50,000.00 (the value of one station) to the expansion of the City's bike share program within the Ward; and

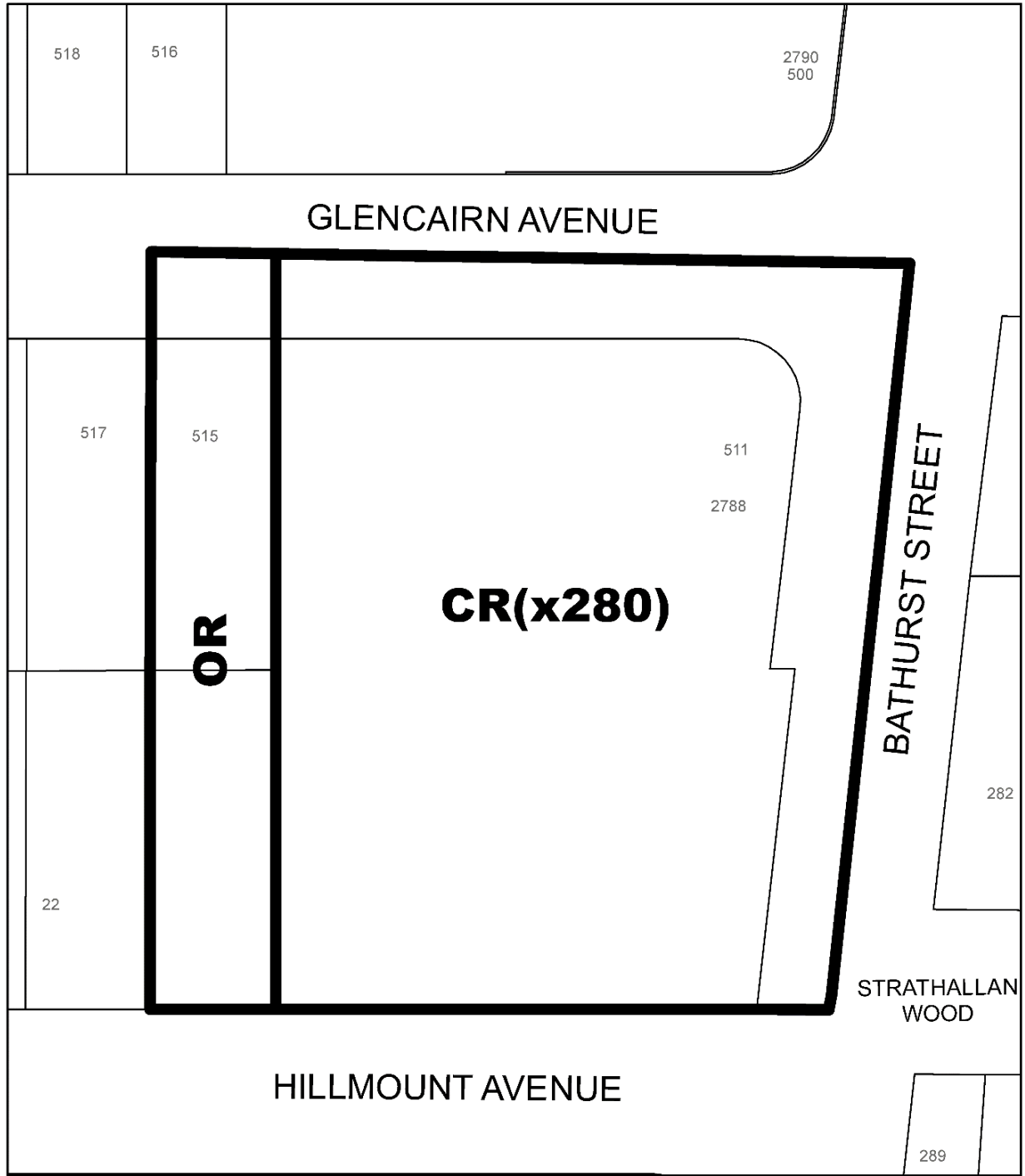
- (d) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.
- (4) In the event the cash contribution(s) referred to in Section (1) has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- (5) The owner agrees to design and construct the above base park improvements to the new park for a development charge credit against Parks and Recreation component of the Development Charges By-law to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the owner of installing the above base park improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.



TORONTO
 Diagram 1

2788 Bathurst Street & 515 Glencairn Avenue

File # 18 153780 NNY 15 0Z



 **TORONTO**
Diagram 2

2788 Bathurst Street & 515 Glencairn Avenue

File # 18 153780 NNY 15 0Z

