

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 77-2021**

**To amend former City of North York Zoning By-law 7625, as amended, with respect to lands municipally known in the year 2021 as 2788 Bathurst Street and 515 Glencairn 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 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, 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;

The Council of the City of Toronto enacts:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York, as amended, are amended in accordance with Schedule 1 and Schedule C1(151) attached to this By-law.
2. Section 64.23 of By-law 7625 of the former City of North York as amended, is amended by adding the following:

**64.23(151) C1(151)**

**DEFINITIONS**

- (A) For the purpose of this exception the following definitions will apply:
- (i) "amenity space" shall mean indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities.
  - (ii) "apartment house dwelling" shall mean a building containing more than four (4) dwelling units each unit having access only from an internal corridor system except that ground related dwelling units may have access from an internal corridor system and directly from outside.
  - (iii) "building height" shall mean the vertical distance measured in metres between established grade and the highest point of the building, exclusive of all accessory components such as but not limited to, mechanical penthouses, elevator overruns and associated enclosures, cornices, canopies, balconies, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, safety railings, stairs, stair enclosures, bollards, wheel chair ramps, vents, stacks, fences, wind or privacy screens, landscape elements (including green roofs), terraces, thermal insulation and roof ballast, skylights, flues, access roof hatch, outdoor furniture, chimneys, ramp enclosures, structures on the roof used for outside or open air recreation (including pools and pool decks), sukkahs, decorative or architectural features, heating, cooling or ventilating equipment or a fence, wall or structure enclosing such elements.
  - (iv) "established grade" shall mean Canadian Geodetic Datum of 177.7 metres.
  - (v) "gross floor area" shall mean the area of all floors in a building, above or below grade, measured from the outside exterior walls but excluding:
    - (a) parking, loading and bicycle parking located below grade;
    - (b) required loading spaces at the ground level and required bicycle parking spaces at or above grade;
    - (c) storage rooms, electrical, utility, mechanical and ventilation rooms located below or above grade;
    - (d) indoor amenity space;
    - (e) elevator shafts;
    - (f) garbage shafts;
    - (g) mechanical penthouses; and

- (h) exit stairwells.
- (vi) "lot" shall mean the lands subject to this exception as contained within the heavy lines shown on Schedule 1 to this By-law.
- (vii) "type 'B' loading space" shall mean a loading space having a minimum length of 11.0 metres, a minimum width of 3.5 metres, and a minimum vertical clearance of 4.0 metres.
- (viii) "type 'C' loading space" shall mean a loading space having a minimum length of 6.0 metres, a minimum width of 3.5 metres, and a minimum vertical clearance of 3.0 metres.
- (ix) "type 'G' loading space" shall mean a loading space having a minimum length of 13.0 metres, a minimum width of 4.0 metres and a minimum vertical clearance of 6.1 metres.

#### **PERMITTED USES**

- (B) In addition to the uses permitted in the C1 zone, apartment house dwellings and accessory uses thereto and the following use are also permitted uses on the lot:
  - (i) 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, which shall be exempt from all development standards and regulations in this exception and By-law 7625.

#### **EXCEPTION REGULATIONS**

##### **MAXIMUM GROSS FLOOR AREA**

- (C) The maximum combined residential and non-residential gross floor area on the lot shall not exceed 26,500 square metres.
- (D) The minimum non-residential gross floor area on the lot shall be 2,500 square metres and the maximum non-residential gross floor area on the lot shall not exceed 4,000 square metres.
- (E) The provisions of Section 22.10 (Gross Floor Area) shall not apply.

##### **LOT COVERAGE**

- (F) The provisions of Section 23.2.1 (Lot Coverage) shall not apply.

##### **REQUIREMENTS FOR DWELLINGS IN COMMERCIAL BUILDINGS**

- (G) The provisions of Section 23.2.4 (Requirements for Dwellings in Commercial Buildings) shall not apply.

**BUILDING HEIGHT**

- (H) Building height shall not exceed the height limits in metres above established grade as shown on Schedule C1(151) which forms part of this exception.

**BUILDING ENVELOPE AND YARD SETBACKS**

- (I) Subject to the permitted projections listed below, the minimum yard setbacks, building step backs and separation distances shall be as shown on Schedule C1 (151) which forms part of this exception:
- (i) guardrails, railings, stair enclosures, stairways, wheelchair ramps, porches, patios, privacy screens, lighting fixtures, underground garage ramps, bicycle parking infrastructure, window washing equipment, green roof, landscape elements, and decorative or architectural features, which may project without limitation;
  - (ii) belt courses, cornices, eaves, gutters, pilasters, sills, awnings, bay windows, and trellises which may project a maximum of 1.8 metres;
  - (iii) balconies which may project a maximum of 3.0 metres; and
  - (iv) canopies and awnings which may project a maximum of 2.0 metres.
- (J) There are no minimum yard setbacks for underground parking structures.
- (K) The provisions of Section 23.2.2 (Yard Setbacks) shall not apply.

**PARKING, BICYCLE PARKING AND LOADING**

- (L) Parking and Loading shall be provided on the following basis:
- (i) Notwithstanding Section 6A(2) (Parking Requirements) of By-law 7625, the minimum number of parking spaces shall be calculated in accordance with the following:
    - (a) Residential units:
      - (A) 0.8 space per one bedroom dwelling unit;
      - (B) 0.9 space per two bedroom dwelling unit;
      - (C) 1.1 spaces per three or more bedroom dwelling unit;
    - (b) Residential visitor parking - 0.15 space per dwelling unit;
    - (c) Hotel - 0.2 space per 100 square metres of gross floor area; and

- (d) All other non-residential uses – 1.0 space for each 100 square metres of gross floor area.
- (ii) The provisions of Section 6A(6)(e) and (g) Non-Residential Parking Regulations shall not apply.
- (iii) Parking spaces for non-residential uses may be combined with visitor parking spaces required for dwelling units.
- (iv) Notwithstanding Section 6A(16) Loading Space Requirements a minimum of 1 type 'B' and 1 type 'G' loading space shall be provided for all uses on the lot.
- (v) Bicycle
  - (a) Resident (long term)  
0.90 space per residential unit
  - (b) Visitor (short term)  
0.10 space/unit

#### AMENITY SPACE

- (M) A minimum of 2.0 square metres of outdoor amenity space per residential dwelling unit shall be provided on the lot.
- (N) A minimum of 2.0 square metres of indoor amenity space per residential dwelling unit shall be provided on the lot.

#### SEVERANCE

- (O) Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands as though no severance or division has occurred.

### 3. SECTION 37 AGREEMENT

- (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 Schedule 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 Subsection 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.
4. Within the lands shown on Schedule 1 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) 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 February 18, 2021.

Frances Nunziata,  
Speaker

John D. Elvidge,  
Interim City Clerk

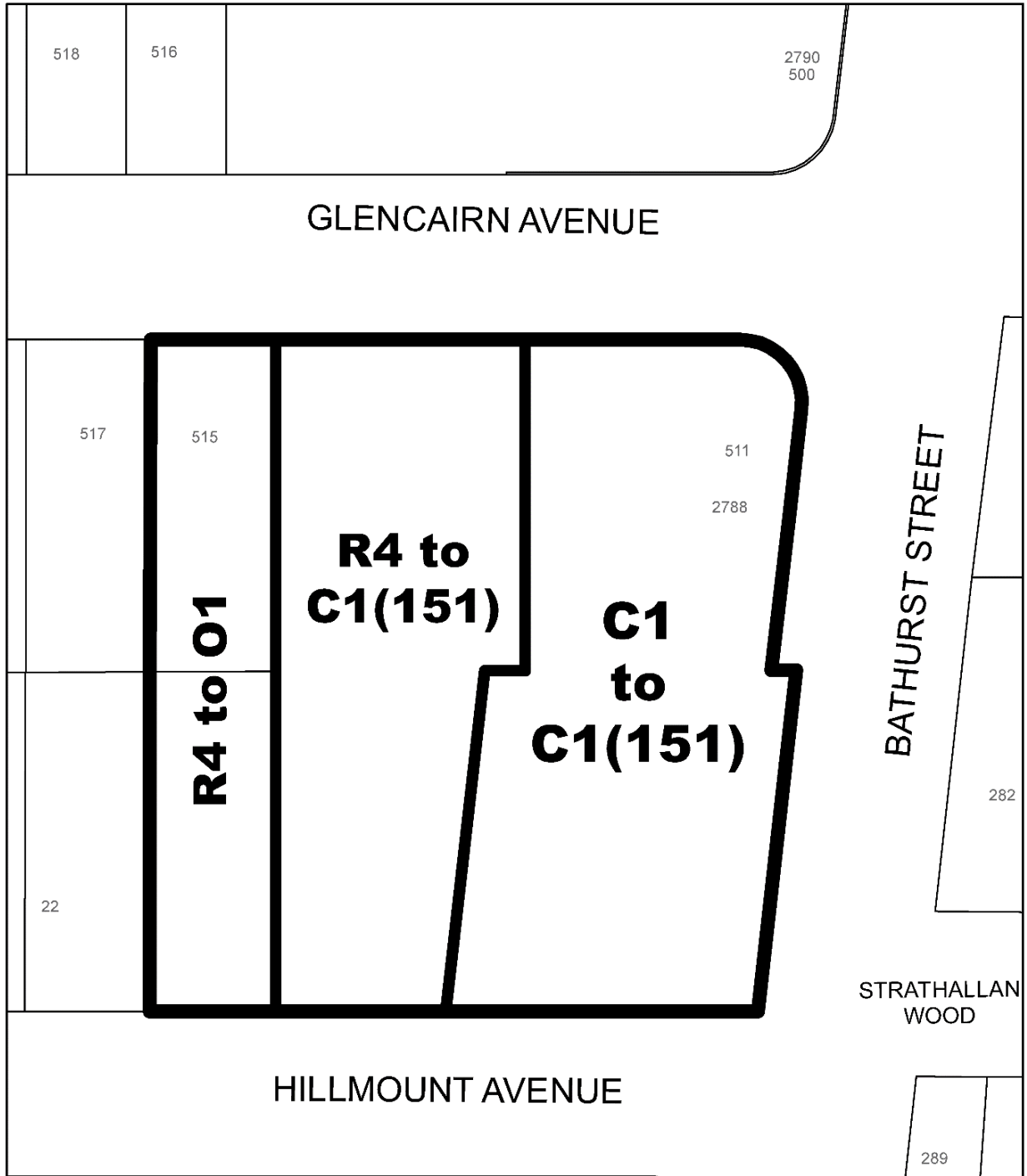
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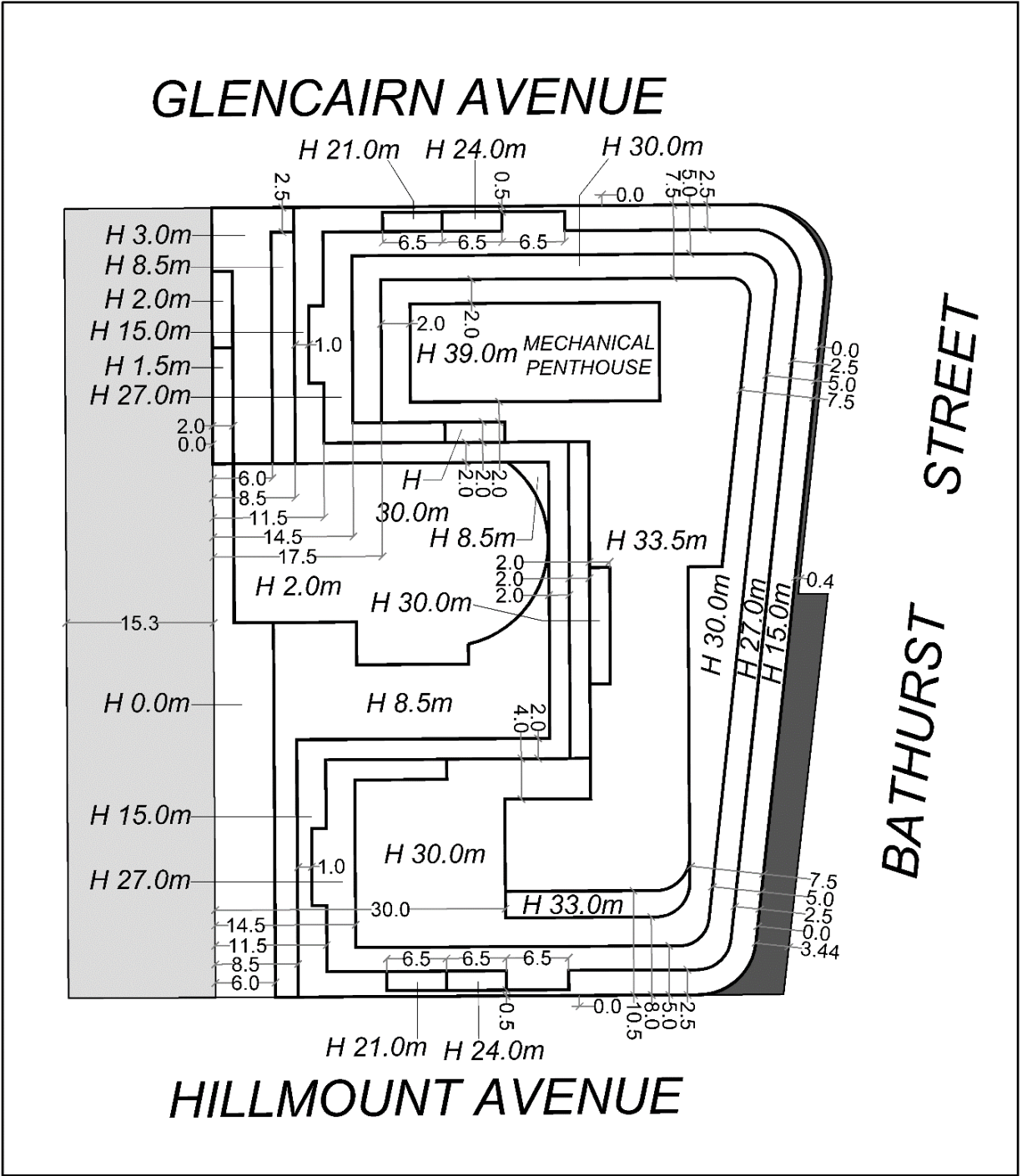
**SCHEDULE A****Section 37 Provisions**

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;
  - (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 of City Planning, in consultation with the local Councilor, 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.





Schedule C1 (151)

2788 Bathurst Street & 515 Glencairn Avenue

File # 18 153780 NNY 15 0Z

- Parkland dedication
- Road widening

\*Building heights measured from Bathurst Street average grade 177.7 CGD



Not to Scale  
 11/24/2020