

Authority: North York Community Council  
Item NY11.3, as adopted by City of Toronto  
Council on December 17 and 18, 2019

## CITY OF TORONTO

### BY-LAW 194-2021

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 3311 Bathurst Street.**

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;

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 Residential Apartment RA (f30.0; a1375; d1.5)(x149), as shown on Diagram 2 attached to this By-law; and

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.7.10 Exception Number 149 so that it reads:

**(149) Exception RA 149**

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

Site Specific Provisions:

- (A) On 3311 Bathurst Street, if the requirements of Section 6 and Schedule A of By-law 194-2021 are complied with, then a **building, structure**, addition or enlargement may be constructed in compliance with (B) to (O) below;
- (B) The permitted maximum height of a **building or structure** is the numerical value in metres following the letters "HT" and the height in **storeys** above ground level specified by the numbers following "ST" as shown on Diagram 3 attached to By-law 194-2021;
- (C) Enclosed areas of the **building** that provide roof access are not considered a **storey** and must not contain any habitable space;
- (D) Despite regulation 15.5.50.10.(1) the requirement for minimum strip of **soft landscaping** along the **lot line** does not apply;
- (E) Despite regulation 15.5.100.1.(2) the requirement for an unobstructed **vehicle** access must be provided between the **street** and the principal pedestrian entrance to the **building** so that a **vehicle** can enter and leave the **lot** while driving forward in one continuous movement does not apply;
- (F) Despite regulation 15.10.30.40(1) the permitted maximum **lot coverage** is 36 per cent;
- (G) Despite regulation 15.10.40.40(1) the permitted maximum floor space index is 1.93;
- (H) Despite regulation 15.10.40.50(1)(A), 40 square metres of indoor **amenity space** located at or above **established grade** must be provided within Building A;
- (I) Despite regulation 15.10.40.50(1)(B), 415 square metres of outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space** of Building A must be provided;
- (J) Despite clause 15.10.40.70, the required minimum **building setbacks** are as shown on Diagram 3 attached to By-law 194-2021;

- (K) Despite regulation 15.10.40.80(2), the minimum above-ground separation distance between the **main walls** of the **buildings** are as shown in metres on Diagram 3 attached to By-law 194-2021;
- (L) Despite clause 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following:
  - i. A minimum of ninety (90) resident **parking spaces**, and
  - ii. A minimum of six (6) visitor **parking spaces**.
- (M) Despite regulations 230.5.10.1(2) and 230.5.10.1(5), a total of 19 **bicycle parking spaces** must be provided on site, including 17 long-term **bicycle parking spaces** and two (2) short-term **bicycle parking spaces**;
- (N) A Private-Owned Publicly Accessible Open Space (POPS) is required to be provided as a walkway which is open and accessible to the public at all times, with a minimum width of 4.0 metres from Brookdale Avenue to Fairlawn Avenue as shown on Diagram 3 attached to By-law 194-2021; and
- (O) The **building** existing on the site known as 3311 Bathurst Street as of March 10, 2021 and labelled as Building A on Diagram 3 of By-law 194-2021 is permitted.

Prevailing By-laws and Prevailing Sections:

- (A) Schedule 'D' Airport hazard Map from City of North York Zoning By-law 7625.
5. Despite any severance, partition of lands shown on Diagram 1, the provisions of this By-law will apply to the whole of the lands as if no severance, partition or division had occurred.
6. Section 37 Provisions
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in density of development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 attached to and forming part of this By-law 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 pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on March 10, 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 density of the proposed development on the lands as shown in Diagram 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:

- A. The owner shall continue to provide and maintain the existing 102 rental dwelling units as rental housing in the existing rental building at 3311 Bathurst Street as rental housing, together with the new and retained associated facilities and amenities of the existing apartment building, for a period of at least 20 years commencing from the date the Zoning By-law amendments come into force and effect, and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- B. The owner shall provide improvements to the existing rental apartment building, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor or his designate, including but not limited to the following:

Prior to the first above-grade building permit:

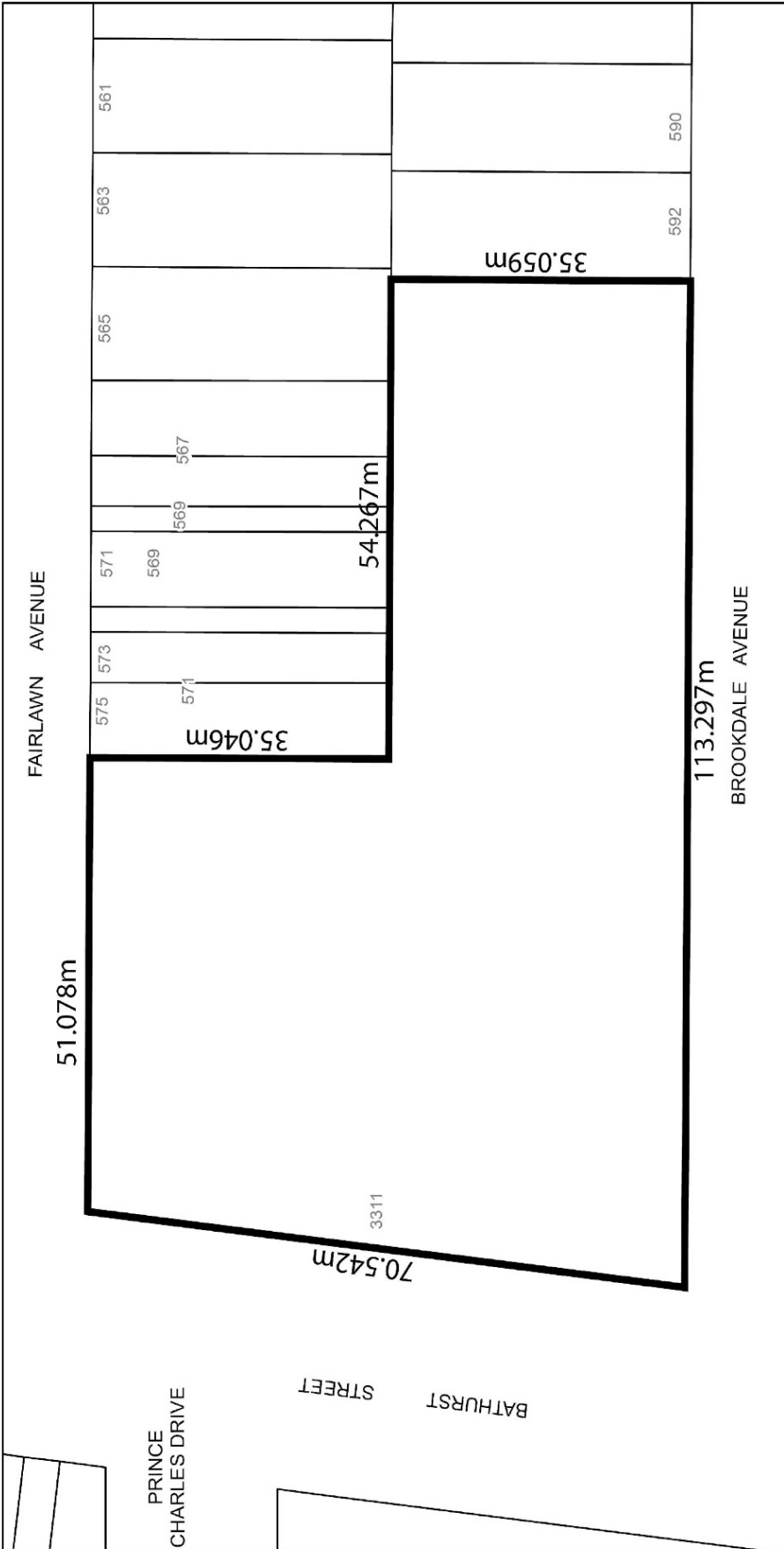
- i. Convert storage space on the first floor of the existing rental building into a new gym; and
- ii. Undertake upgrades to the laundry room on the first floor of the existing rental apartment building.

Prior to the occupancy of any new residential units:

- i. Provide an enhanced landscape area for congregation and construct a new gravel dog run area and a new landscaped outdoor amenity area with a communal outdoor kitchen, outdoor seating areas, and passive green space as illustrated in the Landscape Plans issued on October 4, 2019. Any changes to the proposed dog run area and outdoor amenity area shall be to the satisfaction of the Chief Planner and Executive Director, City Planning; and
  - ii. Provide an easement in favour of the City of Toronto in the form of the Privately Owned Publically Accessible (POPS) space through the site in the form of a north-south 4 metre wide walkway from Brookdale Avenue in the south to Fairlawn Avenue in the north, as illustrated on the Landscape Plans issued on September 16, 2020. Any changes to the proposed POPS space shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
- C. These improvements are to be provided at the sole cost and expense of the owner, without pass-through of costs to tenants of the existing building; access and the use of

these amenities shall be on the same terms and conditions as any other resident in the building;

- D. Prior to Site Plan Approval for the development, the owner shall provide a Construction Mitigation Plan and Tenant Communications Strategy, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- E. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, Version 3.



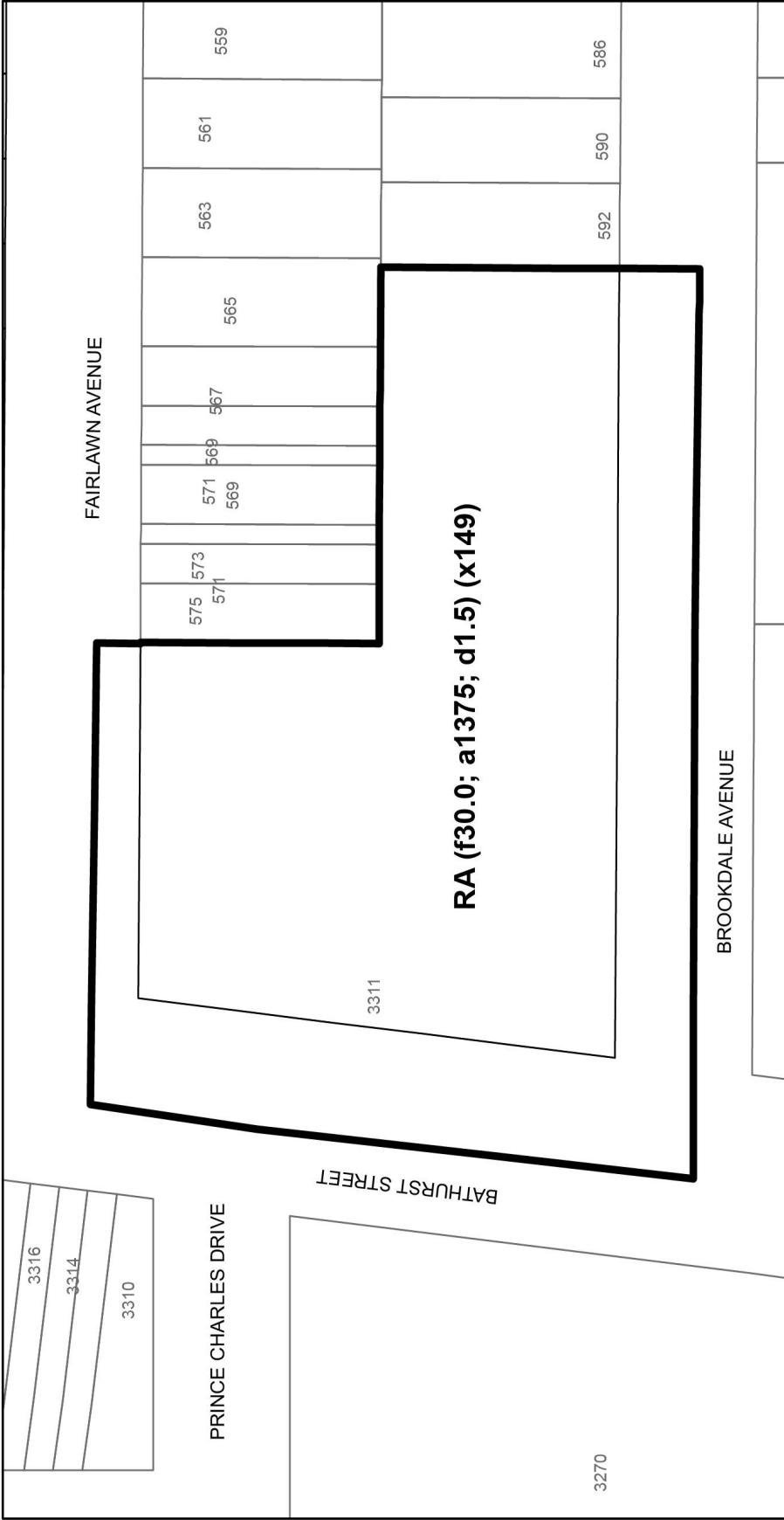
3311 Bathurst Street



File # 18 132442 NNY 16 0Z



City of Toronto By-law 569-2013  
Not to Scale  
12/14/2020



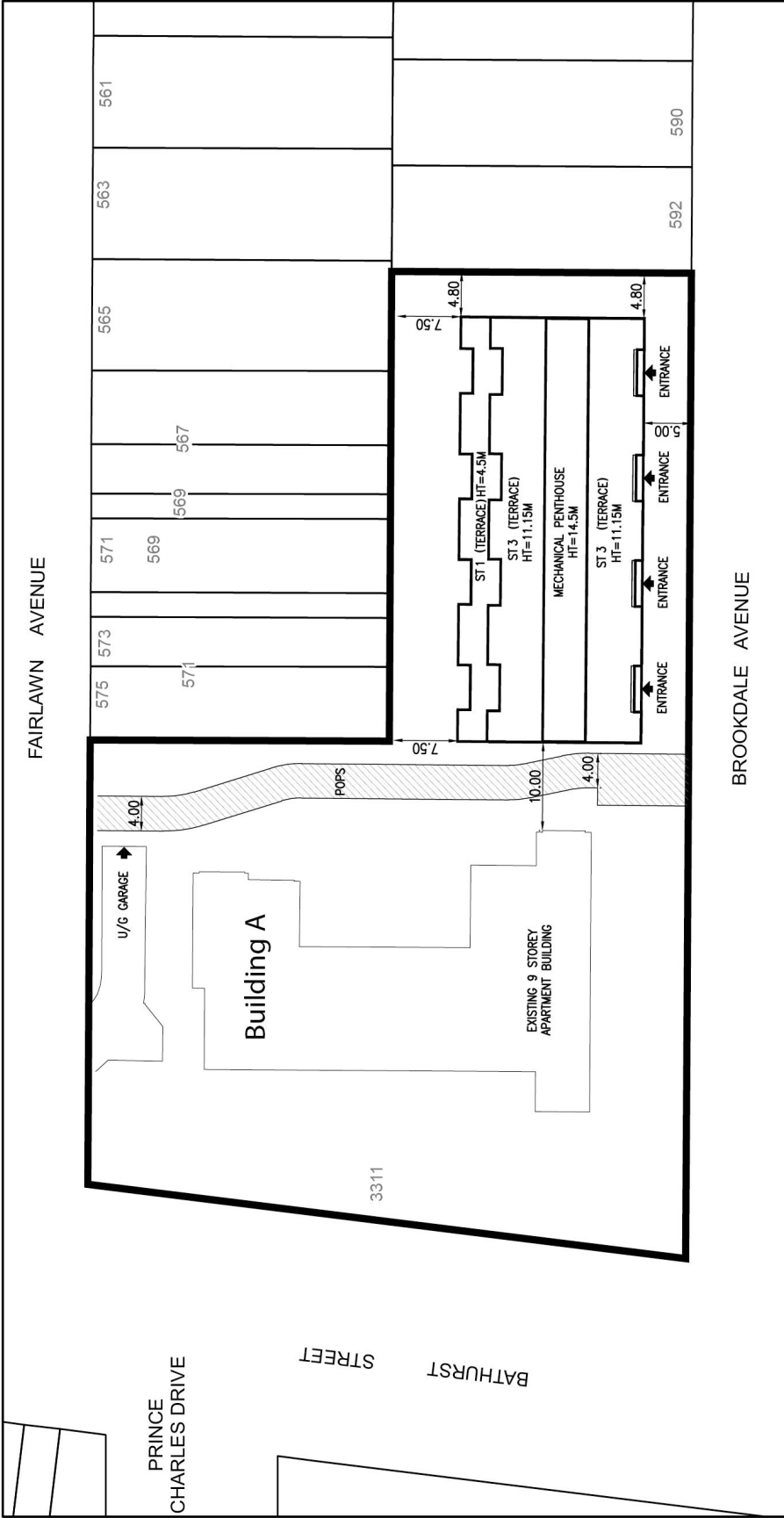
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