

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 195-2021**

**To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known as 3311 Bathurst Street.**

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 of the City of Toronto contains provisions relating to the authorization of increase in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a By-law passed under Section 34 of the Planning Act may authorize increases in the height or density of development beyond that otherwise permitted by the by-law in return of the provision of such facilities, services or matters as are set out in the by-law: and

Whereas pursuant to Section 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services or matters in return of 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 lands, known at the date of enactment of this By-law as 3311 Bathurst Street (the "Lands"), has elected to provide the facilities, services or matters as are set out in this By-law; and

Whereas the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by By-law 7625, as amended, 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 Lands and the City of Toronto;

The Council of the City of Toronto enacts:

1. Schedules "B" and "C" of By-law 7625, are amended in accordance with Schedule 1 of this By-law.
2. Section 64-20-A of By-law 7625 is amended by adding the following subsection:

**"64.20-A (263) RM6(263)**

### **DEFINITIONS**

- (A) For the purpose of this exception, the following definitions will apply:
- (i) "Apartment House Dwelling": shall mean a building containing more than four (4) dwelling units, each having access either from an interior corridor system or direct access at grade, or any combination thereof;
  - (ii) "Bicycle parking" means an area below established grade or at grade that is equipped with bicycle racks or lockers for the purpose of parking and securing bicycles, but is not intended for general storage use;
  - (iii) "Bicycle parking space, long term" means bicycle parking spaces for use by the occupants or tenants of a building;
  - (iv) "Bicycle parking space, short term" means bicycle parking spaces for use by visitors to a building;
  - (v) "Established grade" shall mean 178.35 metres above sea level based on Canadian Geodetic Datum;
  - (vi) "Front lot line" shall mean the lot line that abuts a street on which the existing building or structure faces shall be deemed to be the front lot line, and the other line that abuts a street shall be deemed to be the side lot line. For clarity, the front lot line shall be Bathurst Street;
  - (vii) "Recreational amenity area" shall mean an area that is communal and available to all occupants of a building or a group of buildings within a zone for social and recreational purposes including indoor or outdoor space, playgrounds, exercise or entertainment rooms, and other similar uses;
  - (viii) "Type G loading space" shall mean a loading space that has a minimum length of 13.0 metres, minimum width of 4.0 metres, and a minimum vertical clearance of 6.1 metres; and
  - (ix) "Lands" shall mean the lands zoned RM6(263) on Schedule 1 for the purposes of Section 2.(n) of this exception.

#### **PERMITTED USES**

- (B) On the lands shown on Schedule RM6(263), the only permitted uses are:
- (i) Apartment House dwelling and uses accessory thereto.

#### **EXCEPTION REGULATIONS**

#### **LOT COVERAGE**

- (C) Notwithstanding Section 20-A.2.2, a lot coverage of 36 per cent will be provided.

### **YARD SETBACKS**

- (D) Notwithstanding Section 20-A.2.4, the minimum building setback requirements do not apply to the parts of the building that are below-grade.
- (E) Notwithstanding Section 20-A.2.4(c), the minimum rear yard setback shall be 4.85 metres.

### **GROSS FLOOR AREA**

- (F) Notwithstanding Section 20-A.2.5, the total gross floor area above grade permitted for all uses shall not exceed one hundred eighty-five (185) percent.

### **BUILDING HEIGHT**

- (G) Notwithstanding Section 20-A.2.6, a building of nine (9) storeys and a building of three (3) storeys shall be permitted.

### **PARKING**

- (H) Notwithstanding Section 6A(2)(a), vehicle parking spaces shall be provided as follows:
  - (i) 90 vehicular parking spaces shall be provided on site, of which six (6) shall be provided for visitors to the residential uses;
- (I) Notwithstanding Section 6A(2)(a), a total of 19 bicycle parking spaces shall be provided on site, including 17 long-term bicycle parking spaces and two (2) short-term bicycle parking spaces.

### **LOADING**

- (K) Notwithstanding Section 6A(16), one (1) Type "G" loading spaces shall be required and shall be permitted in the yard abutting the intersection of Bathurst Street and Fairlawn Avenue.
- (L) The required loading space shall have the minimum dimensions of 13.0 metres long by 4.0 metres wide and 6.1 metres high.

### **LAND DIVISION**

- (M) 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.

### **SECTION 37**

- (N) Pursuant to Section 37 of the Planning Act, and subject to compliance with this exception, the increase in height and density of the development beyond that otherwise permitted on the Lands shown on Schedule RM6(263) in return for the provision by the owner, at the owner's expense, of the facilities, services and

matters set out in Schedule A 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;

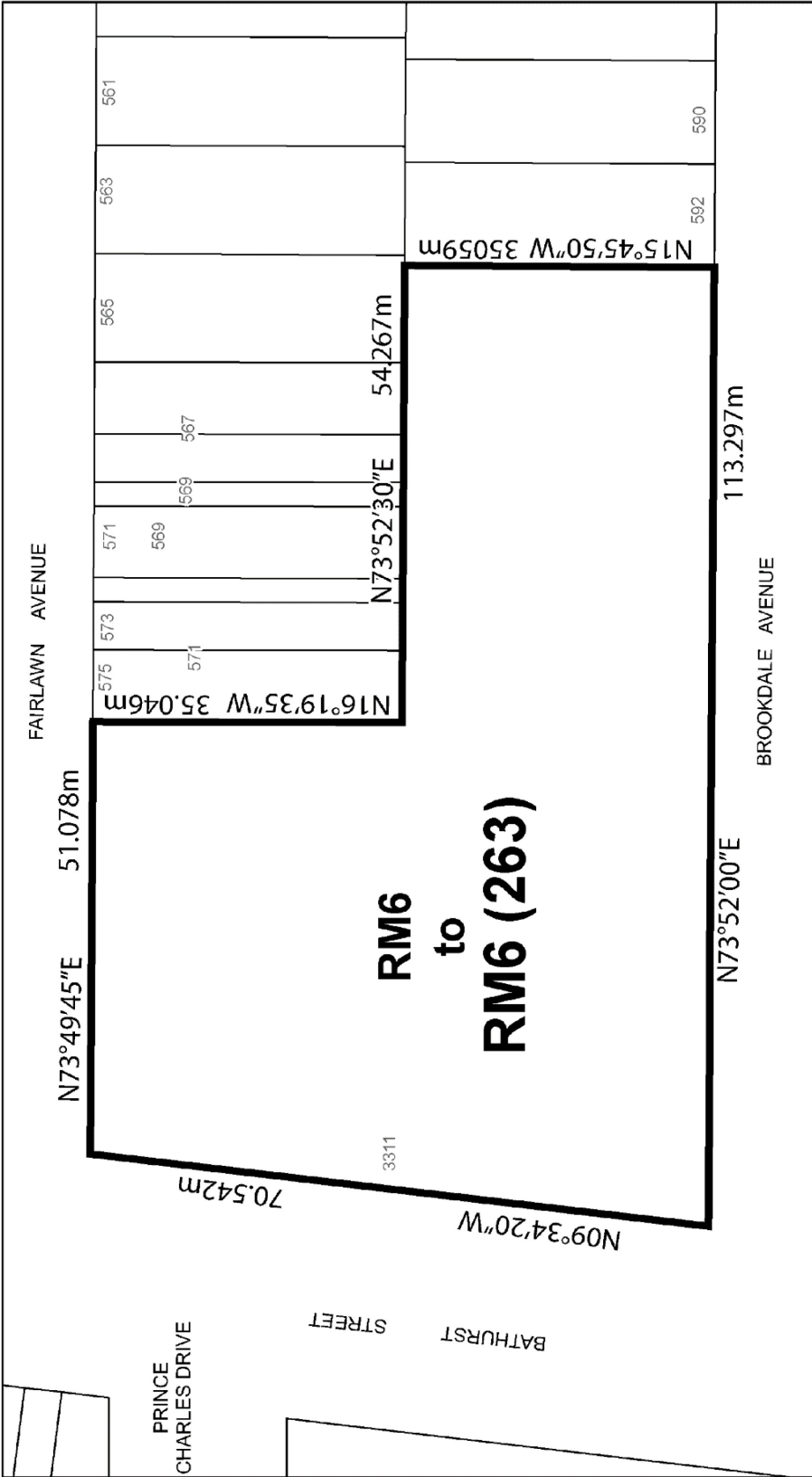
- (O) Where Schedule A requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
  - (P) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this exception unless all provisions of Schedule A are satisfied.
3. 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.
4. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding Schedule 1 and Schedule RM6(263) attached to this By-law.

Enacted and passed on March 10, 2021.

Frances Nunziata,  
Speaker

John D. Elvidge,  
Interim City Clerk

(Seal of the City)

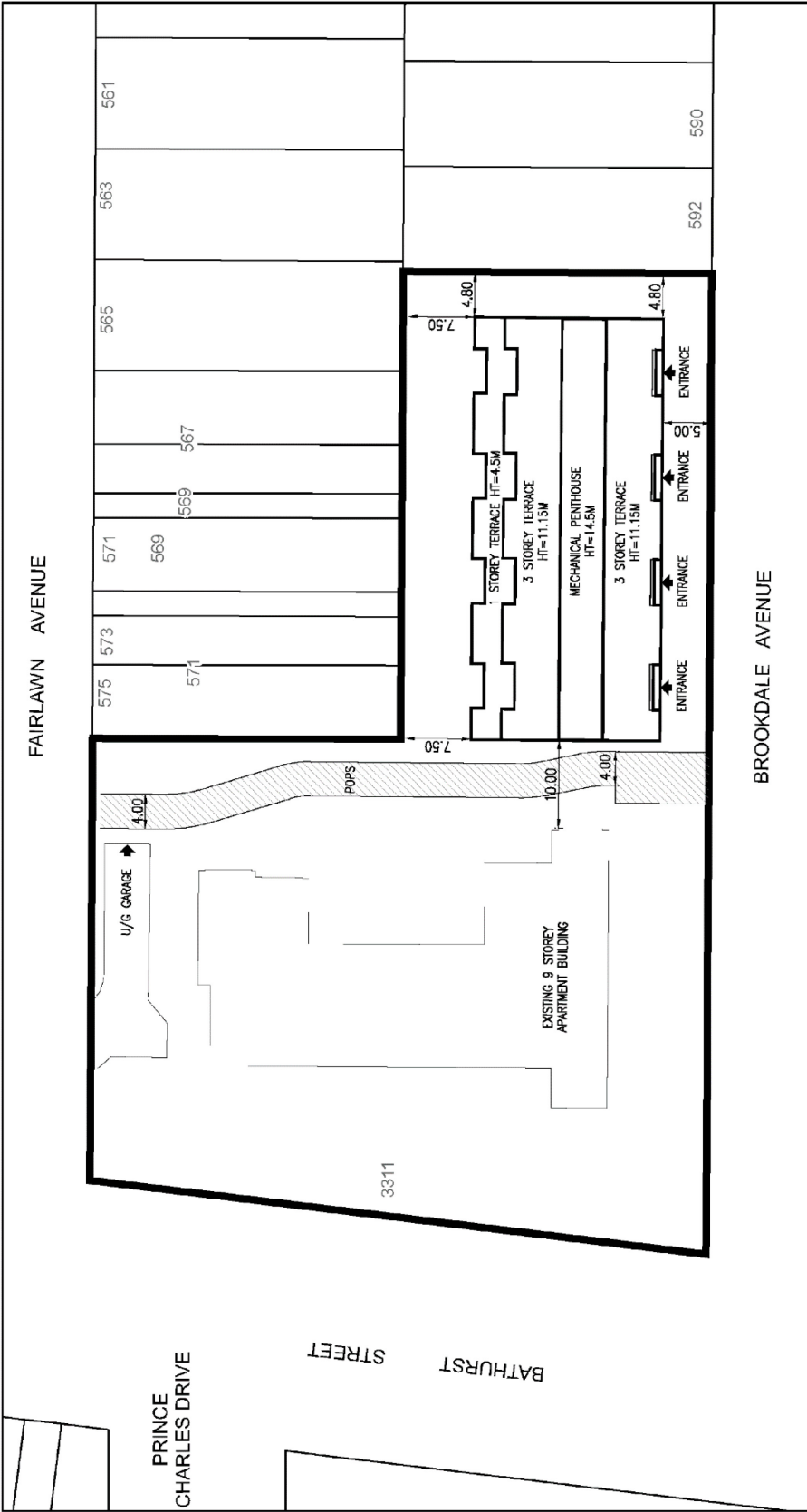


3311 Bathurst Street

File # 18 132442 NNY 16 0Z



Former City of North York By-law 7625  
Not to Scale  
11/01/2019



3311 Bathurst Street



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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 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 Division 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 Division; 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 October 4, 2019. 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.