

Authority: Toronto and East York Community Council
Item TE21.6, as adopted by City of Toronto Council on
December 16, 17 and 18, 2020 and MM35.40, by
Councillor Josh Matlow , seconded by Councillor Mike
Layton, as adopted by City of Toronto Council on July 14, 15
and 16, 2021

CITY OF TORONTO

BY-LAW 688-2021

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 1637, 1639, 1641, 1643 and 1645 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 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 permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 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 land and the City of Toronto (hereinafter referred to as the "City");

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 and forming part of 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 R (u2; d1.0) (x96), as shown on Diagram 2 attached to and forming part of this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 96 so that it reads:

(96) Exception R 96

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

Site Specific Provisions:

- (A) On 1637, 1639, 1641, 1643 and 1645 Bathurst Street, as shown on Diagram 1 of this By-law, if the requirements of Clause 5 and Schedule A of By-law 688-2021 are complied with, an **apartment building** may be constructed or used in compliance with (B) to (U) below;
- (B) For the purpose of this exception, the **lot** comprises the lands outlined by heavy lines on Diagram 1 of By-law 688-2021;
- (C) Regulations 10.5.1.10(3)(D) and 10.10.40.1(3) regarding the maximum number of **dwelling units** permitted on the **lot** does not apply;
- (D) In addition to the uses permitted by Regulation 10.10.20.10(1), **public parking** may be permitted solely for the purpose of car-share **parking spaces**;
- (E) Despite Regulation 10.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 170.65 metres and the elevation of the highest point of the **building** or **structure**;
- (F) Despite Regulation 10.10.40.10(1), the maximum height of any part of a **building** or **structure** is the numerical value, in metres, following the letters "HT" shown on Diagram 3 of By-law 688-2021;
- (G) Despite Regulation 10.5.40.10(3), Clause 10.10.40.10 and Regulation (F) above, the following **building** elements and **structures** are permitted to project vertically above the height limits specified in Diagram 3 of By-law 688-2021:
 - (i) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment, to a maximum of 3.9 metres, except that flues, chimneys, pipes and vents may project an additional 1.0 metres;
 - (ii) **structures** or parts of the **building** used for the functional operation of the **building**, such as enclosed stairwells for roof access, elevator shafts and overruns and water supply facilities, to a maximum of 3.9 metres;

- (iii) **structures** that enclose, screen or cover the elements listed in (i) and (ii) above, to a maximum of 3.9 metres;
 - (iv) wind screens, parapets, fences, guard rails, railings and dividers, pergolas, trellises, balustrades, screens, stairs, roof drainage, window washing equipment, vents, lightning rods, light fixtures, landscaping, planters, and elements of a **green roof**, to a maximum of 3.0 metres;
 - (v) Elements or **structures** on any roof, terrace or patio used for outdoor **amenity space** and for maintenance, safety and wind protection, to a maximum of 3.0 metres;
 - (vi) Terraces, patios, covered walkways and ramps attached to the east **main wall** of the **building**, to a maximum of 5.5 metres; and
 - (vii) Bicycle **parking spaces**, **amenity space**, storage rooms and access to these spaces, to a maximum of 4.0 metres;
- (H) Despite Regulation 10.10.40.30(1), no regulations for **building depth** apply provided the **building** meets the minimum **building setbacks** as shown on Diagram 3 of By-law 688-2021;
- (I) Despite Regulations 10.5.40.40(4)(C) and (E), the **gross floor area** of an **apartment building** is reduced by the area in the **building** used for storage rooms, washrooms not in **dwelling units**, electrical, utility, mechanical and ventilation rooms and all indoor **amenity space**;
- (J) Despite Regulation 10.10.40.40(1), the **gross floor area** shall not exceed 8,700 square metres;
- (K) Despite Regulation 10.10.40.50(1), an **apartment building** with 20 or more **dwelling units** must provide **amenity space** at a minimum rate of 4.0 square metres for each dwelling unit, of which:
- (i) at least 2.0 square metres for each **dwelling unit** is indoor **amenity space**;
 - (ii) at least 40.0 square metres of outdoor **amenity space** is provided in a location adjoining or directly accessible via a hallway from indoor **amenity space**; and
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**;
- (L) Despite Regulation 5.10.40.70(1) and Clause 10.10.40.70, the required minimum **building setbacks** above ground are as identified in metres on Diagram 3 of By-law 688-2021;
- (M) Despite Regulation 5.10.40.70(1), Clause 10.10.40.70 and Regulation (L) above, the following **building** elements and **structures**, above or below-ground, are permitted to encroach into the required minimum **building setbacks** shown in metres on Diagram 3 of By-law 688-2021, subject to the following limitations:

- (i) Landscape planters;
 - (ii) Eaves, cornices, window sills, light fixtures, railings and bollards may extend into a required **building setback** by a maximum of 0.6 metres;
 - (iii) wheelchair ramps, stairs, stair enclosures, covered walkways and ramps, patios, bicycle **parking spaces**, **amenity space**, storage rooms and access to these spaces attached to the east **main wall** of the **building** may extend into a required **building setback** by a maximum of 5.5 metres;
 - (iv) Canopies, awnings or similar structures may extend into a required **building setback** by a maximum of 3.0 metres; and
 - (v) Balconies are permitted to project and may extend into a required **building setback** by a maximum of 2.1 metres;
- (N) Despite Regulation 10.10.40.80(1), no regulations for the separation distance between **main walls** with or without openings on the same **lot** apply provided they meet the minimum **building setbacks** as shown on Diagram 3 of By-law 688-2021;
- (O) Despite Regulation 10.5.50.10(4) and (5), no **landscaping** or **soft landscaping** requirements for a **lot** apply;
- (P) Despite Regulation 10.5.100.1(5), no requirements for an unobstructed **vehicle** access between the **street** and principal pedestrian entrance to the **building** apply;
- (Q) Despite Regulation 200.5.10.1(1), "car-share" **parking spaces** may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) a reduction of 4 resident **parking spaces** will be permitted for each "car-share" **parking space** provided and that the maximum reduction permitted be capped by the application of the following formula:

$$4 \times (\text{Total No. of } \mathbf{dwelling\ units} \div 60), \text{ rounded down to the nearest whole number};$$
- (R) Despite Clause 220.5.10.1, a minimum of one Type "G" **loading space** must be provided on the **lot**;
- (S) Despite Regulation 230.5.1.10(9)(B), required "long-term" **bicycle parking spaces** may be located in a storage room above or below ground and/or a parking garage in a **building** on the **lot**, or a combination thereof;
- (T) For the purposes of this By-law, the words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions, save and except for:

- (i) "Car-share" means the practice where a number of people share the use of one or more automobiles that are owned by a profit or non-profit automobile-sharing organization and where such organization may require that use of automobiles reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the automobile-sharing organization, including the payment of a membership fee that may or may not be refundable; and
 - (ii) "Car-share" **parking space** means a **parking space** that is that is reserved for a motor **vehicle** for car-share purposes; and
- (U) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions: (A) length of 5.6 metres; (B) width of 3.4 metres; and (C) vertical clearance of 2.1 metres.

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 Bylaw, 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 in height pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July 16, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
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 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:

1. The owner shall provide and maintain twenty-seven (27) replacement rental dwelling units on the subject site for a period of at least 20 years beginning from the date that each replacement rental dwelling unit is first occupied and, during which time, no application may be submitted to the City for condominium registration, or for any other conversion to a non-rental housing purpose, or for demolition without providing for replacement during the, at minimum, aforesaid 20 year period; the twenty-seven (27) replacement rental dwelling units shall be comprised of two (2) one-bedroom units, four (4) two-bedroom units, and twenty-one (21) three-bedroom units as generally illustrated in the plans submitted to the City Planning Division dated August 31, 2020. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
2. Of the twenty-seven (27) replacement rental dwelling units required in Item 1 above, the owner shall provide at least two (2) two-bedroom, and two (2) three-bedroom replacement rental dwelling units at "affordable rents", as currently defined in the City's Official Plan, and two (2) one-bedroom, two (2) two-bedroom, and eleven (11) three-bedroom replacement rental dwelling units at "mid-range rents", as currently defined in the City's Official Plan, all for a period of at least 10 years beginning, respectively, from the date of first occupancy of each unit. The rents of the remaining eight (8) replacement rental dwelling units shall be unrestricted;
3. The owner shall provide an acceptable tenant relocation and assistance plan for all Eligible Tenants of the twenty-five (25) existing rental dwelling units proposed to be demolished at 1637, 1639, 1641, 1643 and 1645 Bathurst Street, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents and other assistance to mitigate hardship. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning Division;
4. 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 Division;
5. The owner shall provide tenants of all twenty-seven (27) replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the new residential building at no extra charge. Access to, and use of, these amenities shall be on the same

terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;

6. The owner shall provide ensuite laundry in each replacement rental dwelling unit within the residential building at no additional cost to tenants;
7. The owner shall provide central air conditioning in each replacement rental dwelling unit within the proposed residential building;
8. The owner shall provide and make available for rent at least fifteen (15) vehicle parking spaces to tenants of the replacement rental dwelling units. Such parking spaces shall be made available firstly to returning tenants who previously rented a vehicle parking space, secondly to returning tenants who did not previously rent a vehicle parking space, and thirdly to new tenants of the rental replacement dwelling units;
9. The owner shall provide tenants of the twenty-seven (27) replacement rental dwelling units with access to all bicycle and visitor parking on the same terms and conditions as any other resident of the proposed residential building; and
10. The owner shall make twenty (20) storage lockers available for rent to tenants of the replacement rental dwelling units.



