

Authority: Local Planning Appeal Tribunal Decision issued on January 30, 2019, Ontario Land Tribunal Decision issued on July 27, 2022 and Order issued on August 12, 2022 in File OLT-22-003969 (formerly PL170696)

CITY OF TORONTO

BY-LAW 384-2023(OLT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known in the year 2021 as 2793, 2795-2799 Bathurst Street.

Whereas the Local Planning Appeal Tribunal pursuant to its Decision issued on January 30, 2019, in File OLT-22-003969 (formerly PL170696), upon hearing the appeal of Riverking Development LP under Section 34 of the Planning Act 1990, c. P.13, as amended, and authorized by the Ontario Land Tribunal by way of a Decision issued on July 27, 2022 in file OLT-22-003969, has approved a zoning by-law amendment to By-law 7625 of the former City of North York; 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020., c. 18 ("COVID-19 Economic Recovery Act, 2020") came into force, 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, 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 in Schedule A of this By-law; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 7625 as amended, is permitted in return for the provision of the facilities, services and matters set out in Schedule A of this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Ontario Land Tribunal approves:

1. Schedules B and C of By-law 7625 of the former City of North York are amended in accordance with Schedule 1 of this By-law.

2. Section 64 of By-law 7625 of the former City of North York is amended by adding the following subsection:

64 (154) C1(154)

DEFINITIONS

- (a) APARTMENT DWELLING HOUSE

For the purpose of this exception, "apartment house dwelling" shall include in addition to dwelling units having access only from an internal corridor system, ground level dwelling units having access from both an internal corridor system and directly from the outside.

- (b) BICYCLE PARKING SPACES – RESIDENTIAL/ RETAIL

Bicycle Parking Space means an area used for parking or storing a bicycle.

- (c) ESTABLISHED GRADE

For the purpose of this exception "established grade shall mean the geodetic elevation of 180.5.

- (d) GROSS FLOOR AREA

For the purpose of this exception, "gross floor area" shall mean the aggregate of the areas of each floor measured between the exterior faces of the exterior walls of the building or structure at the level of each floor excluding:

- (i) parking, loading and bicycle parking below-grade;
- (ii) required loading spaces at the ground level and required bicycle parking spaces at or above ground;
- (iii) storage rooms, washrooms, electrical utility, mechanical and ventilation rooms in the basement;
- (iv) amenity area required by this By-law;
- (v) elevator shafts;
- (vi) garbage shafts;
- (vii) mechanical penthouse; and
- (viii) exit stairwells in the building.

(e) GROSS SITE

For the purpose of this exception, "site area" shall mean the having an area of 3,593 square metres.

(f) LOT

The lot comprises at least the lands delineated by heavy lines on Schedule 1, zoned as C1 attached to and forming part of this By-law.

PERMITTED USES

- (g) In addition to all uses permitted in a C1 zone under Section 23(1), outdoor Residential Recreational Amenity Areas may be located on roof top terraces.

EXCEPTION REGULATIONS

(h) GROSS FLOOR AREA

The maximum gross floor area shall not exceed 15,720 square metres.

- (i) A total of 14,800 square metres of residential gross floor area shall be permitted.
- (ii) A total of 920 square metres of non-residential gross floor area shall be permitted.

(i) BUILDING HEIGHT

The maximum building heights shall be regulated in accordance with the following requirements:

- (i) The building height shall not exceed the maximum heights in metres as shown on Schedule 2 excluding mechanical penthouses up to 5.5 metres in height and any eaves, canopies, cornices, lighting fixtures, awnings, fences, and safety railings, architectural features, parapets, trellises, balustrades, window sills, window washing equipment, privacy screens, architectural screens, guardrails, chimneys, vents, stacks, terraces, platforms, transformer vaults, wheelchair ramps, retaining walls, ornamental elements, architectural elements, landscaping elements, paving and insulation, green roof elements, outdoor furniture, roof access hatches, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, underground parking garage ramps and their associated structures, stair landings, planters, and public art features, elevator overruns and elements or structures on the roof of the building used for outside or open air recreation, safety or wind protection purposes.

- (ii) Provision 23.2.4.3 for maximum building height for commercial buildings with dwellings above the first floor shall not apply.

(j) SETBACKS

- (i) Provide building setbacks as shown on Schedule 2 attached to this By-law.
- (ii) Minimum yard setbacks for structures below finished grade shall be 0 metres.

(k) BUILDING ENVELOPE

No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelope identified on Schedule 2. Notwithstanding this requirement, the following projections are permitted:

- (i) Cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, balconies, terraces, eaves, window sills, bay windows, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, retaining walls, screens, site servicing features, awnings and canopies, private laneway may extend beyond the heavy lines shown on Schedule 2.
- (ii) Notwithstanding the foregoing clause, balconies located above the 4th storey on that portion of the north tower façade must have a minimum depth of 1.8 metres. The total length of all balconies is a minimum of 25 percent of the width of the 9th floor for the 5th to 9th floors on the northern façade of the mid-rise as shown on Schedule 2.

(l) AMENITY AREA

Recreational Amenity Area

- (i) A minimum of 2.0 square metres of indoor private recreational amenity area per dwelling unit shall be provided; and
- (ii) A minimum of 2.0 square metres of outdoor private recreational amenity area per dwelling unit shall be provided.

(m) AUTOMOBILE PARKING REQUIREMENTS

Provide parking in accordance with the following minimum requirements within a Mixed-Use Building:

- (i) For residential dwelling unit:
 - a. 1-Bedroom Units 0.8 spaces per unit;

- b. 2-Bedroom Units 0.9 spaces per unit;
 - c. 3+ Bedroom Units 1.1 spaces per unit; and
 - d. Visitor 0.15 spaces per unit.
- (ii) For non-residential uses, 1 parking space per 100 square metres of Gross Floor Area.
 - (iii) All parking spaces shall maintain a minimum width of 2.6 metres and a minimum length of 5.6 metres.
 - (iv) Regulation 6A(3)(i) and (iii) shall not apply.
 - (v) Residential visitor parking spaces can be shared with the non-residential commercial parking spaces.
- (n) BICYCLE PARKING REQUIREMENTS
- (i) Residential occupant bicycle parking spaces shall be provided at a minimum rate of 0.9 long term bicycle spaces per dwelling unit;
 - (ii) Residential visitor bicycle parking spaces shall be provided at a minimum rate of 0.1 per dwelling unit;
 - (iii) Retail long-term bicycle parking shall be provided at grade at a minimum rate of 0.2 spaces per 100 square metres of Gross Floor Area; and
 - (iv) Retail short-term bicycle parking shall be provided at grade at a minimum rate of 0.3 spaces per 100 square metres of Gross Floor Area.
- (o) LOADING SPACE
- For the purpose of this exception, loading space shall mean:
- (i) A minimum of one Type G loading space shall be provided with minimum dimensions of 4.0 metres wide, 13.0 metres long and vertical clearance of 6.1 metres.
- (p) LOT COVERAGE
- (i) Provision 23.2.1 does not apply.
- (q) LOT AREA
- (i) Lot area provision 23.2.4.1 do not apply.

- (r) Floor area of Dwelling Unit
 - (i) Provision 23.2.4.2 for minimum dwelling unit shall not apply.

DIVISION OF LANDS

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.

- 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. TEMPORARY USE

A Temporary Rental Office and associated parking spaces may be permitted on the lot which shall be exempt from all development standards and regulations in former City of North York By-law 7625.

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, 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 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 of this By-law hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force 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 and/or density pursuant to this By-law unless all provisions of Schedule A of this By-law are satisfied.

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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 the issuance of any Building Permit, the owner shall enter into an agreement and the agreement shall be registered on title to the lands to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure facilities, services or matters set out below:
 - (i) Prior to the issuance of the first above grade building permit the Owner shall provide to the City of Toronto \$1,081,723.84 (one million, eighty-one thousand, seven hundred and twenty-three dollars and eighty-four cents) be allocated at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor for local area park improvements in the new Ward 8 and/or public realm improvements along Bathurst Street in the new Ward 8.
 - (ii) The cash contribution will be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the Local Planning Appeal Tribunal decision to the date of payment.
 - (iii) In the event the cash contribution referred to in (i) above 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 Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - (i) Road improvements to Glencairn Avenue to support the proposed development, such as a new eastbound left turn lane into the site.

Schedule 1



